



# YOUR REPORT

FROM THE STATE MEDICAL BOARD OF OHIO

SUMMER 1995

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## A WORD FROM THE PRESIDENT

It is indeed my great honor to serve as President of the State Medical Board of Ohio during 1995. Several of the Board's activities are highlighted in this issue of **Your Report**, including three new position papers addressing breast, pelvic and papanicolau examinations, non-invasive vascular testing, and scheduled drug therapy for chronic benign pain. Continuing comment is invited.

A new rule regarding "Standards for Surgery" went into effect on May 4, 1995. The text of the rule is included in this issue. The disciplinary actions taken by the Board between September 1994 and May 1995 are also featured.

I'd also like to extend to you an invitation to attend any of the meetings of the Board so that you can observe, first hand, the Board's deliberations of disciplinary and policy issues. All meetings are held in a conference room on the 19th floor of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio. A calendar of meeting dates is included in this issue.

Anand G. Garg, M.D., Ph.D.  
President

**1-800-554-7717**

The Medical Board implemented a new 800 number service for complaints in January 1995. Those calling 800-554-7717 can find out the types of practitioners regulated by the Medical Board. Information about the Board's complaint process, and a complaint form, are sent by the Public Inquiries staff to those callers providing their name and mailing address on voice mail.

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## "You Really Need a Lawyer"

by Charles D. Stienecker, M.D., Vice President

Doctors may choose to represent themselves due to cost, consummate self-confidence (i.e., "all the Board needs to hear is the truth from me (your side) and this matter will be cleared up"), suspicion of lawyers, or--worst of all--arrogance. But they will find that they are playing on a different field, under different rules, and are rank amateurs when it comes to defending themselves. They frequently miss opportunities and nuances and vagaries of the law which would allow them to much better present their side of an issue.

The Board does not undertake disciplinary actions capriciously. There has been substantiated allegation, priority assessment, preliminary investigation, expert input, and evaluation by the Board's Secretary and Supervising Member, staff, and the State Attorney General's Office before a citation is ever issued to a licensee. At this point, there is an adversarial relationship, and it is far beyond and quite unlike being called on the carpet in a department meeting of your peers, or before the utilization review committee at the hospital. Before you will come for judgment by physician peers again, there may be depositions, a public hearing, witness testimony, and so forth, all prescribed by administrative law. The people you will face are bright young lawyers who are very conscientious about what they do. Physicians often complain that "those people at the Medical Board don't know anything about medicine." But they are very good at investigation, evidence, and testimony, and *that* is their part of the process. *Your* attorney can see to it that the medical circumstances, evidence, and testimony in your best interest, is included in the package that will go to the physicians and consumer advocates on the Board for judgment. Here, finally, you are getting a peer evaluation, but the Board is hearing opposing argument too.

The day your case comes up, the Ohio Board permits you to address the members for five minutes. While, in the official parlance, you cannot "retry the case,"

you or your attorney can have your "say in court." Attorneys have used this opportunity to reiterate a list of objections to the hearing examiner's findings, in anticipation of going on to appeal an adverse finding. Some physicians use this opportunity to launch a diatribe against the Board, their accusers, or the system in general. While, after months of frustration, it probably make them feel better for having said it, it frequently portrays their character in its worst light and is not beneficial to the deliberation. Most effective is the licensee who uses this time to "sell" him or herself to the Board, addressing those issues which best show character, fitness to practice, and the unusual circumstances of the situation. Remember that the Board Members want to be fair, and are directed to make judgments based on just (but not only) those points.

If, early on, before you are formally cited by the Board for an infraction of a statute, during the complaint or investigation stage, you come to the realization that "they gotcha," the evidence is irrefutable, and you would like to avoid this lengthy and expensive hearing process, then you might consider a consent agreement, wherein you negotiate a contract with the Medical Board which ensures and protects the State's interests, and may preserve your privilege to practice, albeit with some constraints. It is rather like a negotiated plea, and you need an attorney from the start to protect your interest and explain it to you. These are frequently used with impaired practitioners, and in that instance, you are not at your best to negotiate for yourself.

My final argument for this admonition to "get a lawyer" is that you deserve to treat yourself as you would treat any of your patients. When you are in over your head, and out of your field of expertise, get a consultant.

### CALENDAR - BOARD MEETING DATES

August 9 & 10, 1995  
September 6 & 7, 1995  
October 11 & 12, 1995  
November 8 & 9, 1995  
December 6 & 7, 1995

Wednesday meetings begin at 2 p.m.  
Thursday meetings begin at 8:30 a.m.

## **WRITTEN PRESCRIPTIONS FOR CONTROLLED SUBSTANCES**

An article in the Fall 1994 issue of "Your Report" highlighted the new requirements for written prescriptions that went into effect July 1, 1994 (Rule 4729-5-13, Ohio Administrative Code). This information was additionally distributed to all prescribers in May 1994 by the State Board of Pharmacy as Compliance Bulletin 94-002.

It has been brought to the attention of the Medical Board that numerous practitioners remain non-compliant with these new regulations as they relate to prescriptions for controlled substances. Among other things, the above mentioned rule requires outpatient prescriptions for controlled substances to meet both of the following requirements:

- 1) A single prescription form can contain only one prescription.
- 2) The quantity must be written both numerically and alphabetically.

Issuing prescriptions for controlled substances other than in compliance with this rule will create questions as to the legality of those prescriptions, and could lead to administrative sanctions or other legal difficulties. At a minimum, the practice may result in unnecessary inconvenience to your patients.

The Medical Board encourages your efforts to ensure that all of your prescriptions for controlled substances comply with this rule.

### ***STATE MEDICAL BOARD OF OHIO POSITION PAPER***

#### **Breast, Pelvic and Papanicolau Examinations**

Adopted January 11, 1995

The State Medical Board of Ohio reaffirms its position of 1983 that a breast or pelvic examination for the purpose of diagnosing disease and initiating treatment, or to diagnose a physiologic state or condition, constitutes the practice of medicine, irrespective of remuneration.

The authority for performing or instructing breast examination may be delegated to a nurse, physician's assistant or students in training under the supervision of a licensed physician. Additionally, breast examination and instruction in self-examination may be done by mammography radiologic technicians to validate and ensure focus of the technical component under the direction of a radiologist.

A licensed physician may delegate specific technical components of the pelvic examination to nurses or physician's assistants if within their scope

of practice, such as obtaining papanicolau smears, non-operative materials for infectious disease examination and obstetric evaluation, or gynecologic evaluation, including bimanual examination, of abnormality without diagnosis.

Colposcopy and colposcopic staining techniques to diagnose cervical disease should be done only by physicians.

Pelvic examination to monitor the conduct and progression of labor in emergency situations is felt to be a basic human activity and not subject to risk under Chapter 4731. of the Ohio Revised Code.

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## **STATE MEDICAL BOARD OF OHIO POSITION PAPER**

### **Non-Invasive Vascular Testing**

Adopted May 10, 1995

Concern has been raised about the overutilization of non-invasive vascular testing and the performance and interpretation of such testing by persons who are not qualified by training and experience or by persons who are acting outside their legal scope of practice.

It is beyond cavil that all licensed professionals must, first of all, confine their activities to those within the legal limitations of their scope of practice. Within that scope of practice, they must further limit their activities to those for which they have sufficient training and expertise to enable them to practice in compliance with minimal standards of care. Additionally, in this era of rapidly escalating health care costs, it is incumbent upon practitioners to guard against providing unnecessary or duplicative testing or other services. It is simply not appropriate for any practitioner to use non-invasive vascular testing as a routine screening device.

It must be acknowledged that not every doctor of medicine, doctor of osteopathic medicine and doctor of podiatric medicine is trained to perform and interpret the results of non-invasive vascular testing. All persons licensed by this Board must meet and conform to minimal standards of care or risk disciplinary action pursuant to Section 4731.22(B)(6) of the Revised Code. Physicians who undertake to perform services not within their usual area of practice or for which they have not received adequate training risk violating the applicable standard of care.<sup>1</sup>

The existence of vascular problems may, to a great degree, be detected by a careful history and thorough clinical examination. If a vascular problem is detected or suspected, non-invasive vascular testing may be appropriate. It is often in the best interests of the patient needing vascular testing to be referred to a vascular laboratory so that the tests will be interpreted by a physician fully trained and skilled in that area of practice.<sup>2</sup> Not only will this result in a more skilled interpretation, but it also will reduce the likelihood that the testing will be repeated if further referral to a specialist is required.

In addition to the above recommendations, doctors of podiatric medicine have the additional consideration imposed by the statutory definition of podiatry in Section 4731.51 of the Revised Code. This section provides that podiatrists "may treat the local manifestations of systemic diseases as they appear in the hand and foot, but the patient shall be concurrently referred to a doctor of medicine or a doctor of osteopathic medicine and surgery for the treatment of the systemic disease itself." Therefore, if the podiatrist believes that the symptoms observed in the hand or foot are a local manifestation of a systemic disease, the patient must be concurrently referred to a doctor of medicine or a doctor of osteopathic medicine for further diagnosis and treatment of the suspected systemic disease.

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<sup>1</sup> In determining the level of training needed to perform and interpret non-invasive vascular testing, consideration should be given to the eligibility requirements to sit for the certifying examination sponsored by The American Registry of Diagnostic Medical Sonographers or by Cardiovascular Credentialing International.

<sup>2</sup> In determining the standards to be met in non-invasive vascular testing laboratories, consideration should be given to the "Essentials and Standards for Accreditation in Non-Invasive Vascular Testing" of the Intersocietal Commission for the Accreditation of Vascular Laboratories.

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**STATE MEDICAL BOARD OF OHIO  
POSITION PAPER**

**Scheduled Drug Therapy  
Including Narcotics for Chronic Benign Pain**

Adopted June 14, 1995

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**Background**

Managing the patient with chronic benign pain (hereinafter referred to as CBP) is a difficult medical problem. For physicians and health care workers whose goal is to relieve pain and suffering, CBP management can be frustrating and hazardous. For the physician, the risks include failing to control pain, failing to return an individual to a more normal life, and contributing to patient addiction. For the patient, the risk is continued pain and suffering, and drug addiction.

Scheduled drugs, including opiates, can be appropriately used for treatment of CBP. Yet health care providers may be reluctant to prescribe potentially addictive analgesics for chronic pain, fearing that the State Medical Board will prosecute them. No such fear should exist with legitimate use. The State Medical Board of Ohio has developed this position on CBP management to guide both the physician and the patient.

**Definition**

Chronic benign pain (CBP) is defined, for the purposes of this position paper, as long-standing pain not associated with malignancy or acute pain caused by trauma, surgery, infection or other factors. However, these and other pain

sources, such as sprains or twists, may symptomatically persist to become CBP. The intensity will vary from mild to severe disabling pain that may significantly reduce the patient's quality of life.

**Diagnosis**

A diagnosis of CBP is established by a careful and complete history and physical examination, and diagnostic studies.

**Treatment**

There are many effective treatment methods for CBP, including:

- mild analgesics such as caffeine-free acetylsalicylic acid (aspirin) and phenacetin (tylenol)
- nonsteroidal anti-inflammatory compounds
- tricyclic antidepressants
- anticonvulsants
- physical therapy
- manipulative therapy (including osteopathic)
- transcutaneous nerve stimulation (TENS) manipulation therapy
- nerve block
- mild analgesics with caffeine (non-narcotic)
- psychiatric care or psychological counseling
- biofeedback relaxation techniques
- surgical techniques

**Scheduled Drugs**

Some patients are refractory to treatment programs and require scheduled medications, including narcotics, to allow an acceptable quality of life. When narcotic therapy is necessary to control pain, the patient must be carefully managed to reduce the risk of developing an addiction problem and to assure treatment goals are met. The Medical Board has adopted the following guidelines for managing chronic benign pain when it has been determined that narcotics and other scheduled substances are needed for pain control:

1. Diagnosis of CBP should be established through a physical history examination and appropriate diagnostic studies. The examination should include an assessment of pain, physical and psychological function and other medical and psychological problems, as a baseline for medical management, including scheduled drugs.
2. There should be no evidence of previous substance abuse or an addictive personality.
3. There should be documentation that pain cannot be controlled by other treatment methods such as, but not limited to:
  - a. Behavior modification
  - b. Non-narcotic medications
  - c. Physical therapy
  - d. TENS
  - e. Manipulation
  - f. other forms of recognized treatment

See PAIN on page 6

**PAIN (cont.)**

4. An appropriate drug should be chosen that has the fewest side effects and the least chance of causing addiction or tolerance.
5. There should be evidence of informed patient consent with respect to the risks and benefits of the drugs utilized.
6. The medication dosage, the route administered and the amount dispensed should be precisely documented.
7. The patient should be evaluated at regular intervals, at least every four weeks. That review should include:
  - a. An evaluation of the effectiveness of the medication in controlling the patient's pain.
  - b. Verification of the patient's compliance with medical directions.
  - c. Consultation with pain management specialists and other consultants if indicated.
  - d. Follow-up and update of the treatment plan as needed. Continuation or modification of the drug treatment depends on the patient's progress toward the treatment objectives. Without progress, the physician should assess the appropriateness of continued therapy.
8. The physician should keep an accurate and complete clinical record reflecting the items listed above.
9. The treating physician must be licensed in the State of Ohio and obey all state and federal laws concerning the practice of medicine.

**DO WE KNOW WHERE  
YOU ARE?**

**STATE LAW REQUIRES THAT  
YOU NOTIFY THE MEDICAL  
BOARD IN WRITING OF YOUR  
NEW ADDRESS WITHIN 30 DAYS.**

**NEW RULE PROHIBITS  
ITINERANT SURGERY**

A new rule promulgated by the State Medical Board of Ohio prevents the practice of itinerant surgery and codifies a surgeon's obligations with respect to pre- and post-operative patient care. Rule 4731-18-01, Ohio Administrative Code, which became effective on May 4, 1995, ensures that surgeons will not perform surgery without arranging for appropriate follow up for their patients. The text of the new rule appears below.

**4731-18-01 STANDARDS FOR SURGERY**

- (A) The surgeon of record in an operative case shall personally:
- (1) Evaluate the patient sufficiently to formulate an appropriate preoperative diagnosis; and
  - (2) Select the operation to be performed in consultation with the patient or with a person authorized to act on his behalf; and
  - (3) Determine, based on his own evaluation, and, as necessary, on consultation with other physicians involved in the patient's care, that the patient is a fit candidate for the operation to be performed; and
  - (4) Assure that the patient or a person authorized to act on his behalf gives informed consent before the surgery begins; and
  - (5) Comply with division (B)(6) of Section 4731.22 of the Revised Code; and
  - (6) Perform or personally supervise the surgery, except those portions of the surgery, if any, which are performed or supervised by another qualified surgeon with the informed consent of the patient.
- (B) Management of postoperative medical care is the responsibility of the surgeon of record. The surgeon of record shall fulfill this responsibility by:

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- (1) Personally performing the postoperative medical care; or
  - (2) Delegating post-operative medical care to another physician or physicians who are qualified by training and experience to provide the level of care required, provided that the surgeon of record shall remain primarily responsible for the patient's overall care unless the patient and the other physician have agreed in advance to shift that responsibility to the other physician; or
  - (3) Delegating defined aspects of the postoperative medical care to appropriately trained and supervised allied health care personnel in compliance with applicable standards, provided that the surgeon of record shall retain personal responsibility for the quality of the care rendered by personnel who are under his supervision and control. The surgeon of record shall obtain the patient's fully informed consent, or the consent of a person authorized to act on the patient's behalf, in advance of surgery, before delegating aspects of patient care to allied health care personnel under this paragraph. The surgeon of record need not obtain the patient's informed consent for aspects of care to which the patient has already consented, such as consent to treatment and care by hospital personnel under an informed consent form signed upon the patient's admission to the hospital; or
  - (4) Delegating defined aspects of the postoperative medical care to licensees of other health regulatory boards who are licensed to independently provide the scope of practice and the level of care required, provided that the surgeon of record shall remain primarily responsible for the patient's overall care and must examine the patient during the postoperative period.
- (C) This rule shall not be read to transfer any responsibility which currently rests with any other physician, allied health care provider, or institution to the surgeon of record.
  - (D) This rule shall not be read to prohibit or interfere with the appropriate training of medical students and physicians in post-graduate training programs, or other personnel.
  - (E) The provisions of this rule requiring consultation with or obtaining the informed consent of the patient or a person legally authorized to act on his behalf do not apply to the extent they would prevent the performance of surgery or other procedures under emergency circumstances.

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## STATE MEDICAL BOARD DISCIPLINARY ACTIONS

### *September 1994 - May 1995*

**PLEASE NOTE:** The basis of any of the Medical Board actions listed below will be included if the case was resolved through the administrative hearing process. If the practitioner entered into a consent agreement or voluntarily surrendered his or her license in lieu of formal proceedings, only the Medical Board's final action may appear.

- A -

**AHMED, Tariq** (MD applicant) - Reston, WA  
**Board Order** - Applications for training certificate and medical licensure denied based on insufficient credentials, applicant's failure to advise Ohio Board that he had been terminated from the internal medicine residency program at Good Samaritan Hospital in Cincinnati, Ohio, in December 1989; and prior denial of

application for medical license in Nevada by that state's medical board for failing to admit to termination from residency training program. Effective 1/18/95.

**ANSARI, Inamul Haq** (MD #54069) - Detroit, MI  
**Board Order** - Medical license permanently revoked based on prior action by Michigan Board of Medicine due to doctor's conviction of 38 felony counts of Medicaid Fraud. Effective 11/22/94.

**AYMAT, Fernando** (MD #40773) - Cleveland Heights  
**Board Order** - Medical license revoked; doctor ineligible for licensure in the future. Based on doctor having been found guilty of one felony count of Rape. (Journal Entry - no hearing requested) Effective 1/11/95

(cont.)

- B -

**BAGGOT**, Michael Gerald (MD#17230) - Granite City, IL

**Board Order** - Restoration of Ohio medical licensure denied based on prior action by the Illinois Department of Professional Regulation, which itself had been based on allegations that doctor had prescribed controlled substances for treatment of obesity and depression for non-therapeutic purposes over an extended period of time, and had prescribed Darvocet to a patient leading to the patient's drug dependence and hospitalization; alleged failure to advise the Ohio Medical Board on application for license restoration that his license to prescribe controlled substances had been suspended in Illinois. Effective 5/12/95.

**BARNES**, Sheila A. (DO#4656) - Columbus  
**Board Order** - Revocation, stayed; indefinite suspension, minimum thirty days; conditions for reinstatement; subsequent probation for five years. Based on doctor having been found guilty of endangering children, a felony, commission of which caused physical harm to the child involved. Effective 5/5/95.

**BARTON**, Louis Anthony (MD #51293) - Rome, GA  
**Consent Agreement** - Revocation, stayed; indefinite suspension, minimum one year; conditions for reinstatement; subsequent probation for a minimum of two years. Based on prior action by Georgia Composite State Board of Medical Examiners for engaging in inappropriate sexual contact with two patients who were under his psychiatric care and treatment, including sexual intercourse with one patient; and doctor's subsequent treatment and aftercare through the Behavioral Medicine Institute of Atlanta. Agreement effective 3/9/95; Agreement to remain in effect for a minimum of two years subsequent to reinstatement prior to any request for release from probation.

**BROADNAX**, Stanley Eugene (MD #41294) - Cincinnati

**Pre-hearing Suspension** - Pursuant to Section 3719.121(C), O.R.C., doctor's license suspended effective 11/9/94 based on his having been found guilty of two felony counts of Aggravated Trafficking. Notice mailed 11/10/94.

**Board Order** - Permanent Revocation based on doctor having been found guilty of four felony counts of drug abuse and two felony counts of aggravated trafficking. Effective 4/21/95.

**BROWN**, Clyde D. (MD#43905) - Cincinnati  
**Board Order** - Revocation, stayed; indefinite suspension, minimum six months; conditions for reinstatement; probationary terms, conditions and limitations for a period of at least five years. Based on doctor having been found guilty in U.S. District Court of four felony counts of Mail Fraud and one felony count of Money Laundering. Effective 5/12/95.

**BROWN**, Morris Lamar (MD #38418) - Dayton  
**Court Action** - By Entry filed 8/13/94, Court of Common Pleas granted doctor's request for a stay of Board's 7/13/94 suspension Order.

**BURKERT**, Thomas Scott (MD #68204) - Canfield  
**Consent Agreement** - Application for Ohio medical license granted subject to probationary terms, conditions and limitations based on doctor having been found guilty of Public Indecency, a fourth degree misdemeanor. Agreement effective 3/9/95; Agreement to remain in effect for a minimum of two years prior to any request for termination.

- C -

**CALLION**, Raleigh Shipp (MD #49458) - Columbus  
**Pre-Hearing Suspension** - Pursuant to Section 3719.121(C), O.R.C., doctor's license suspended effective 3/8/95 based on his plea of guilty to one felony count of Deception to Obtain Dangerous Drugs, for which he was granted treatment in lieu of conviction. Notice mailed 3/9/95.

**Consent Agreement** - Immediate suspension imposed on 3/8/95 terminated; probationary terms, conditions and limitations imposed based on doctor's admission that he has suffered from opiate dependence and has abused benzodiazepines, and that he has subsequently received treatment and aftercare through approved providers. Doctor required to immediately surrender D.E.A. certificate; ineligible to reapply without prior Board approval. Agreement effective 3/9/95; Agreement to remain in effect for a minimum of three years prior to any request for termination.

**CASTANEDA**, Candelaria J.M. (MD applicant) - Pepper Pike

**Board Order** - Application for medical licensure denied based on applicant's failure to admit to full-time fellowship in internal medicine/geriatrics at the Cleveland Clinic Foundation from 7/89 to 6/90. Effective 10/19/94.

**CAUGHELL**, Keith Albert (MD #64696) - Windsor, Ontario  
Board Order - Medical license indefinitely suspended; conditions for reinstatement established; certificate to be fully restored upon reinstatement. Based on doctor's failure to advise Board on application for Ohio medical licensure of inquiry and action initiated by the College of Physicians and Surgeons of Ontario. (Journal Entry - hearing not requested in a timely manner) Effective 9/16/94.

**CHAMBERS**, James Joseph (MD #14716) - Fairview Park  
Board Order - Medical license permanently revoked based on doctor's plea of guilty to Possession of a Controlled Substance, a third degree felony. Effective 9/27/94.

**CHAN**, Kwok Wei (MD#44763) - Shrewsbury, MA  
Board Order - Probationary terms, conditions and limitations imposed for at least four years. Based on prior action by Massachusetts Board of Registration in Medicine due to doctor's having engaged in an altercation with another physician in hospital operating room. Effective 4/21/95.

**CHESTANG**, Leo A., Jr. (DPM #2271) - Cleveland  
Board Order - Podiatry license permanently revoked based on doctor having been found guilty of one felony count of Possession of Controlled Substances by knowingly and intentionally acquiring possession of controlled substances (Percodan and Percocet) by misrepresentation, fraud, deception and subterfuge. (Journal Entry - no hearing requested) Effective 10/12/94.

**CLAY**, Steven William (DO #4180) - Jefferson, WI  
Consent Agreement - Application for restoration of Ohio license to practice osteopathic medicine and surgery granted subject to probationary terms, conditions and limitations based on doctor's history of alcohol dependence, cannabis dependence and depression, for which he has received treatment and aftercare; and prior court-ordered probation for Possession of THC as Party to the Crime, which doctor successfully completed, resulting in case being closed without an entry of judgment of conviction. Agreement effective 3/9/95; Agreement to remain in effect for a minimum of two years prior to any request for termination.

**COUTTS**, Michael E. (MT Applicant) - Delaware  
Board Order - Permission granted to take the massage therapist examination in Ohio is granted, provided that he otherwise meets all statutory and regulatory requirements; probationary terms, conditions and limitations for a period of at least two years. Based on applicant's plea of no contest to a charge of drug abuse, a fourth degree felony. Effective 5/12/95.

**CUNNINGHAM**, James Eugene (DO #2628) - East Bank, WV  
Board Order - Application for restoration of Ohio medical license denied based on doctor having been found guilty of one felony count of Mail Fraud, the acts underlying which were committed in the course of practice; exclusion from participation in the Medicare program for five years due to conviction; failure to provide complete information on renewal application concerning Mail Fraud conviction and exclusion from Medicare. (Journal Entry - no hearing requested) Effective 12/7/94.

- D -

**DIBENEDETTO**, Francis W. (DO#2088) - Columbus  
Board Order - Permanent Revocation, stayed; indefinite suspension, minimum one year; conditions for reinstatement; subsequent probation for a period of five years. Based on improper prescribing of controlled substances; permitting non-physician staff members to prescribe controlled substances for weight loss to patients in doctor's absence. Effective 6/5/95.

**DUNCAN**, Cleothus (MD #47119) - Northfield  
Board Order - Indefinite suspension, minimum sixty days; conditions for reinstatement; subsequent probation for three years. Based on prior action by Georgia Medical Board due to doctor's failure to conform to minimal standards of practice; abandonment of controlled substances, dangerous drugs and patient files. Order to run concurrently with 8/12/92 Ohio Board Order, which suspended doctor's Ohio medical license due to his failure to comply with Continuing Medical Education requirements. Effective 2/3/95.  
Court Action - Notice of appeal to Court of Common Pleas filed with Medical Board by doctor on 2/17/95.

- E -

**EASTWAY**, Robert J., Jr. (DO #2367) - London  
Court Action - By Entry dated 11/2/94, Ohio Supreme

Court declined to accept jurisdiction of doctor's appeal.  
**Court Action** - By Agreed Entry rendered 2/8/95 and filed 2/22/95, Court of Common Pleas affirmed Board's 3/11/92 Order except as to the conditions for reinstatement as directed by the Court of Appeals and remanded case to Medical Board for further proceedings consistent with the Court of Appeals' Opinion.

**Board Order** - Revocation, stayed; indefinite suspension, minimum one year; conditions for reinstatement; subsequent probation for a minimum of two years. Based on doctor having obtained controlled substances for his own use by writing prescriptions in the name of employees, and on his failure to comply with the Board's controlled substance rules when prescribing controlled substances to five patients. Effective 5/4/95.

**Court Action** - Notice of Appeal of Board's 4/12/95 Order on Remand filed by doctor in the Court of Common Pleas on 5/5/95. Request for Stay granted on 5/8/95.

**ECONOMO**, Nicholas (MD #24850) - Cleveland

**Court Action** - By Amended Entry filed on 8/24/94, Court of Common Pleas denied doctor's request for stay of Board's 6/15/94 permanent revocation Order.

**Court Action** - By Decision and Entry rendered 12/22/94 and filed on 12/23/94, Court of Common Pleas affirmed Board's 6/15/94 permanent revocation Order.

**ESSIG**, George W. (MD #45376) - Westlake

**Board Order** - Medical license suspended for six (6) months based on doctor having held himself out as being board certified in orthopedic surgery to hospitals and insurance carriers when he was not, in fact, board certified. Suspension effective 11/6/94 to 5/6/95.

**Court Action** - Notice of appeal to Court of Common Pleas filed by doctor with court on 10/11/94 and with Medical Board on 10/12/94. By Entry filed 11/02/94, Court of Common Pleas denied doctor's request for a stay of Board's 9/14/94 suspension Order.

**Court Action** - By Decision rendered 1/27/95 and filed on 1/30/95, Court of Common Pleas affirmed Medical Board's 9/14/94 suspension Order.

- F -

**FARR**, Dennis L. (MD applicant) - Newark, DE

**Board Order** - Application for medical licensure denied based on doctor's failure to advise Ohio Board on application that he had been charged in the State of Delaware with three counts of Unlawful Sexual Penetration and three counts of Unlawful Sexual

Contact; and doctor's failure to advise Ohio Board on application that, following his arrest on the above charges, he had been released on bond on the condition that he have no unsupervised contact with any patients unless the patient waived that condition in writing. Effective 2/10/95.

**FRANCIS-CARVAJAL**, Mireya A. (MD applicant) - Melbourne, FL

**Court Action** - By Entry filed 3/23/95, Court of Common Pleas ordered that appeal be dismissed without prejudice, due to applicant's failure to prosecute the appeal.

**FRONISTA**, George R. (MD #28058) - Dayton

**Voluntary Surrender** - Permanent revocation authorized by doctor in lieu of formal proceedings pursuant to Section 4731.22(B)(6) and Section 4731.22(B)(18), O.R.C., based on doctor's admissions to repeated physical contact with specified patients for other than medical reasons. Effective 9/27/94.

- G -

**GALLO**, Ugo (DO #1452) - Mentor

**Board Order** - Indefinite suspension, minimum ninety days; conditions for reinstatement; subsequent probation for a minimum of five years. Based on doctor's violation of conditions of limitation imposed on license by 6/17/92 Board Order due to failure to submit quarterly declarations of compliance and failure to submit name of monitoring physician within thirty days of reinstatement. Effective 2/10/95.

**GLASS**, Alan Irwin (MD #52493) - Cincinnati

**Board Order** - Indefinite suspension, minimum thirty days; subsequent probation for three biennial registration periods. Based on doctor's failure to comply with Continuing Medical Education requirements. Effective 4/30/95. Reinstated 6/14/95 subject to probation.

**GLAVAN**, Bogomir John (MD #36141) - Pickerington

**Court Action** - By Decision rendered 12/30/94 and filed on 1/3/95, Court of Common Pleas affirmed Board's 11/13/91 Order. Entry filed 2/1/95.

**GOEL**, Vijender Nath (MD #41329) - Cincinnati

**Board Order** - Permanent revocation based on doctor having been found guilty of two counts of Attempted Gross Sexual Imposition (first degree misdemeanors), the underlying acts of which occurred during the course

of medical examinations, were sexual in nature, and were not for treatment or diagnosis; improper touching of and/or remarks to three specified patients during the course of medical examinations; improper prescribing of controlled substances to a specified patient despite doctor's knowledge of the patient's history of alcoholism, drug abuse and overdose, and failure to comply with Medical Board rules concerning utilization of controlled substances for weight loss. Effective 3/13/95.

**GOLDMAN, Douglas S. (CT #3754) - Springfield**  
**Court Action** - By Entry filed 9/2/94, State's motion to terminate stay granted; new stay issued pending appeal subject to requirements that cosmetic therapist remove any signs referring to him as "doctor", replace them with comparable signs declaring that he is not a medical doctor, and provide each patient who visits his office with a written notice stating that he is not a medical doctor, that his license has been revoked, that the revocation is on appeal, and that a stay has been issued pending further order of the Court.

**GOSWAMI, Naba (MD Applicant) - St. Clairsville**  
**Board Order** - Application for training certificate granted, provided that he otherwise meets all statutory and regulatory requirements. Effective 5/5/95.

**GRINSTEAD, Carl Elgin II (MD #28362) - Santa Maria, CA**

**Court Action** - Notice of appeal to Court of Common Pleas filed by doctor on 12/27/94.

**Court Action** - Stay of Board's 12/9/94 suspension Order granted by Court of Common Pleas by Decision and Order filed 3/2/95.

- H -

**HANNA, Maged F. (MD#59057) - Hilliard**  
**Pre-Hearing Suspension** - Pursuant to Section 3719.121(C), O.R.C., doctor's license suspended effective 4/13/95, based on doctor's pleas of guilty to one felony count of Illegal Processing of Drug Documents. Granted Treatment in Lieu of Conviction. Effective 4/13/95.

**HARRISON, Murke Franklin, IV (DO #4058) - Butte, MT**  
**Court Action** - Court of Common Pleas sustained Board's motion to dismiss doctor's appeal. Entry filed 8/19/94.

**HEIGERICK, Glenn Leon (DO #327) - Cincinnati**  
**Voluntary Surrender** - Permanent revocation in lieu of formal proceedings authorized by doctor based on doctor's plea of guilty to one count of Theft, one count of Insurance Fraud, and one count of Prohibitions, all misdemeanors committed in the course of practice. Effective 12/15/94.

**HERMANN, Walter L. (MD #10350) - Portsmouth**  
**Voluntary Surrender** - Permanent revocation authorized by doctor in lieu of further formal proceedings based on allegations that doctor wrote prescriptions in the name of a patient's friend, when that individual was not a patient; that he failed to maintain records of those prescriptions and of prescriptions written in patient's name; and that he made inappropriate remarks of a sexual nature to a patient. Effective 11/9/94.

**HIGHBERGER, W. Andrew (MD #56976) - Marysville**

**Consent Agreement** - Probationary terms, conditions and limitations imposed based on doctor's admissions that he received treatment for chemical dependency, including addiction to alcohol and Nubain, and that he has been in full compliance with aftercare. Agreement effective 9/14/94; Agreement to remain in effect for a minimum of two years prior to any request for termination.

**HILL, Sam (DO#3607) - Lynchburg**  
**Board Order** - Revocation, stayed; indefinite suspension minimum six months; reinstatement requirements; subsequent probation for a period of five years. Based on doctor having written prescriptions for drugs and controlled substances in a patient's name for his own use and for violating the conditions of limitations placed upon his licensure by the Board. Effective 6/5/95.

**Court Action** - Notice of Appeal of Board's 4/12/95 Order filed by the doctor to the Court of Common Pleas on 5/12/95.

**HINDMAN, Ronald Eugene (MD #39582) - Cincinnati**  
**Consent Agreement** - Probationary terms, conditions and limitations imposed based on doctor's history of alcohol dependency, for which he has received treatment and aftercare, and related prior actions by the Medical Licensing Board of Indiana and the Kentucky State Board of Medical Licensure. Agreement effective

10/12/94; Agreement to remain in effect for a minimum of three years prior to any request for termination.

**HUMES, Katherine A. (MD applicant) - Youngstown Consent Agreement** - License to practice medicine and surgery granted; probationary terms, conditions and limitations for a minimum of two years. Based on doctor's admissions of major depression and mixed personality disorder for which she received therapy, and has been fully compliant. Agreement effective 5/11/95.

- J -

**JAIN, Shanti (MD #47513) - Garden City, NY Board Order** - Permanent revocation, stayed; indefinite suspension, minimum one year; conditions for reinstatement; subsequent probation for at least two years upon commencement of practice in Ohio. Based on doctor's suspension and subsequent exclusion from New York State's Medicaid program; conviction of two counts of Offering a False Instrument for Filing, a second degree misdemeanor, based on the doctor's knowing submission of false invoices to the New York Medicaid program; exclusion from the Medicare program by the U.S. Department of Health and Human Services; prior action by New York Board of Professional Medical Conduct based on doctor's admission of guilt to the charge of professional misconduct; failure to advise Ohio Medical Board on application for license renewal of misdemeanor conviction. Effective 2/3/95.

**JOHNSON, Don R. (MD#18889) - Nelsonville Board Order** - Revocation, stayed; indefinite suspension minimum three months; reinstatement requirements; subsequent probation for two years with additional limitations. Based on doctor's improper utilization of controlled substances for weight reduction and failure to comply with Medical Board rules concerning utilization of controlled substances for weight reduction. Effective 6/5/95.

**JONES, Hugh Robert (MD #18118) - Toledo Summary Suspension** - License summarily suspended effective 1/13/95 (date notice received by doctor) based on Board's determination that there is clear and convincing evidence that doctor's ability to practice according to acceptable and prevailing standards of care is impaired because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice, and the Board's determination that the

doctor's continued practice presents a serious harm to the public.

- K -

**KAYE, Larry Carl (DPM #2678) - Mayfield Heights Summary Suspension** - License summarily suspended effective upon receipt of notice by doctor based on Board's determination that there is clear and convincing evidence that doctor's ability to practice according to acceptable and prevailing standards of care is impaired because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability practice, and the Board's determination that the doctor's continued practice presents a danger of immediate and serious harm to the public. Notice mailed 1/12/95. **Consent Agreement** - Podiatry license indefinitely suspended; conditions for reinstatement and subsequent probation for a minimum of five years established. Doctor ineligible to hold or apply for D.E.A. registration without prior Board approval. Based on doctor's admission to impairment of 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 2/8/95; Agreement to remain in effect for a minimum of five years after reinstatement prior to any request for termination.

**KELCH, Benjamin Paul (DO #3749) - Columbus Consent Agreement** - Probationary terms, conditions and limitations imposed based on history of chemical dependency, including habitual use of drugs and alcohol, and relapse, for which doctor has received treatment and ongoing aftercare. Agreement effective 10/12/94; Agreement to remain in effect for a minimum of three years prior to any request for termination.

**KRALIK, Rita Marie (MD #50161) - Mayfield Heights Court Action** - By Opinion rendered on 2/21/95, Court of Appeals reversed Decision of Court of Common Pleas and remanded case to Medical Board for new hearing, with instructions that all evidence relied upon to support conclusion that doctor is unfit to practice must be included in the hearing record. Indefinite suspension to remain in effect. Entry filed 3/3/95.

**KRAMER, Stephen W. (DO #843) - Lyndhurst Pre-hearing Suspension** - Pursuant to Section 3719.121(C), O.R.C., doctor's license suspended effective 12/8/94 based on his plea of guilty to three

felony counts of Trafficking in Drugs. Notice mailed 12/8/94; corrected notice mailed 12/12/94.

**Board Order** - Permanent Revocation of license to practice osteopathic medicine and surgery. Based on doctor's plea of guilty to three felony counts of trafficking in drugs. (Journal Entry - No Hearing Requested) Effective 5/10/95.

**KREMER, Richard M. (MD #29821) - Akron**

**Board Order** - Doctor reprimanded based on his failure to conform to minimal standards of care due to exercise of questionable judgment with respect to treatment rendered to specified patients. Effective 11/3/94.

**Court Action** - Notice of appeal to Court of Common Pleas filed by doctor on 11/16/94.

- L -

**LOWE, Edward Joseph (MD #34355) - Piqua**

**Board Order** - Based on doctor having been found guilty of 25 felony counts of Illegal Processing of Drug Documents, medical license permanently revoked; based on doctor's authorizing a non-medical staff member to dispense controlled substances for weight loss when doctor was out of the country and doctor's excessive and otherwise inappropriate dispensing of controlled substances for weight loss, medical license permanently revoked. (Journal Entry - hearing requests timely filed but subsequently withdrawn) Effective 9/14/94.

- M -

**MAGIER, Steven (DPM #2201) - Oak Park, IL**

**Board Order** - Podiatry license permanently revoked based on misdemeanor conviction (Attempted Grand Larceny in the 4th Degree); submission of false claims and receipt of payment from New York Medicaid program; exclusion from New York Medicaid program and from federal Medicaid program; and suspension of doctor's license by New York's medical board. Effective 9/27/94.

**MATHEW, Varughese P. (DO #1831) - Bethel**

**Court Action** - By Entry filed 8/25/94, Court of Appeals denied doctor's request for stay of Board's 7/25/94 remand Order. Motion for reconsideration of Court of Appeals' 8/25/94 Entry denying stay filed by doctor with Medical Board on 9/1/94. By Entry filed 9/8/94, Court of Appeals dismissed doctor's appeal, noting that appeal should have been filed in Court of Common Pleas.

**MCKINNEY, Robert T. (MT #4296), dba Midwestern College of Massotherapy - Columbus**

**Board Order** - School's Provisional Certificate of Good Standing or Certificate of Good Standing placed on probationary status beginning on date when certificate is issued by the Board and continuing through next two succeeding administrations of massage examination, plus any administrative time it may take Board to determine if college's graduates are demonstrating minimally adequate performance on massage examination. Effective 10/19/94.

**Board Order** - School's application for Certificate of Good Standing denied; Provisional Certificate of Good Standing granted to college in 1991 revoked. Actions based on school's failure to comply with statutory and regulatory requirements. Effective 10/31/94. Order shall not be deemed to disqualify the graduates of a Midwestern School of Massotherapy course of instruction from taking 12/94 licensure exam, provided graduates are otherwise qualified to take the exam at the time Order becomes effective.

**MESSICK, Genevieve Marie (MD #57080) - Columbus**

**Consent Agreement** - Medical license indefinitely suspended; conditions for reinstatement and subsequent probationary terms, conditions and limitations for a minimum of five years established. Doctor ineligible to hold or apply for D.E.A. registration without prior Board approval. Based on doctor's plea of guilty to one count of Illegal Processing of Drug Documents, for which she was found eligible for treatment in lieu of conviction, and doctor's admission that she excessively used and/or abused opiates, benzodiazepines, amphetamines and alcohol, for which she has received treatment and ongoing aftercare. Agreement effective 2/8/95; Agreement to remain in effect for a minimum of five years after reinstatement prior to any request for termination.

**MILLER-CANFIELD, Patricia (MD applicant) - Walton, KY**

**Board Order** - Application for Ohio medical license granted; doctor reprimanded for failure to make proper notifications to Medical Board pertaining to restriction of her training program activities and to an arrest and criminal charge that was subsequently dismissed. Order to be mailed; Order to become effective immediately upon mailing of notification of approval.

**MOONEY, William Patrick (DO#2379) -**  
Silverthorne, CO

**Board Order -** Permanent revocation based on failure to conform to minimal standards of care with respect to treatment and supervision of treatment rendered to seven specified obstetrical patients, resulting in infant injuries and/or death. Effective 4/21/95.

- N -

**NAMEY, John Thomas, Jr. (DO #3406) - Jefferson**  
**Court Action -** By Decision rendered 6/14/94, filed 6/15/94 and documented by Entry filed 8/30/94, Court of Common Pleas dismissed doctor's appeal of Board's 3/9/94 suspension Order due to lack of jurisdiction (notice of appeal had not been timely filed with the Court). Notice of appeal to Court of Appeals filed by doctor on 9/27/94.

**Court Action -** By Entry filed 11/21/94, Court of Common Pleas denied doctor's application for preliminary and permanent injunction; denied doctor's motion to file an appeal instanter; denied doctor's motion to deem his verified complaint as a notice of appeal; granted State's motion to dismiss; and denied doctor's verified complaint.

- P -

**PALMER, William Gregory, III (MD #45998) -**  
Youngstown

**Consent Agreement -** Doctor to immediately retire from the practice of medicine in Ohio; conditions for return to practice established; probationary terms, conditions and limitations to be established by consent agreement or Board Order prior to doctor's resumption of practice in Ohio. Based on doctor's admission that he suffers from alcoholism and a depressive disorder, that he has suffered numerous relapses since initially receiving treatment in 2/93, and that he discontinued the practice of medicine in 3/94. Agreement effective 9/14/94.

**PARKER, Kenneth (DPM #1650) - Akron**  
**Pre-Hearing Suspension -** Pursuant to Section 3719.121(C), O.R.C., doctor's license suspended effective 2/8/95 based on his having been found guilty of one felony count of Aggravated Trafficking and one felony count of Trafficking in Drugs. Notice mailed 2/9/95. [Note: doctor's license lapsed due to failure to renew on 10/1/94.]

**PEH, Keith Hong, a.k.a. Keith Harrison (MD #38577) -**  
Xenia

**Pre-hearing Suspension -** Pursuant to Section 4731.22(F), O.R.C., doctor's license automatically suspended effective 9/14/94 based on doctor having been found guilty of one count of Sexual Battery and one count of Gross Sexual Imposition. Notice mailed 9/15/94.

**Board Order -** Based on having been found guilty of one count of Sexual Battery and one count of Gross Sexual Imposition, both felonies, medical license revoked. Based on doctor having been found guilty of one misdemeanor count of Assault, medical license permanently revoked. (Journal Entry- no hearing requested) Effective 11/9/94.

**PLATT, William James (DO #4801) - Athens**  
**Consent Agreement -** Probationary terms, conditions and limitations imposed based on history of chemical dependency including history of hydrocodone dependence, poly substance abuse and alcoholism, and relapse, for which doctor has received treatment and ongoing aftercare. Agreement effective 10/24/94; Agreement to remain in effect for a minimum of three years prior to any request for termination.

**POGORELEC, Emil E. (DO #2101) -**  
Richmond Heights

**Pre-Hearing Suspension -** Pursuant to Section 3719.121(C), O.R.C., doctor's license suspended effective 3/8/95 based on his plea of guilty to one felony count of Illegal Processing of Drug Documents. Notice mailed 3/9/95.

**PRICE, Phillip Duane (MD #62200) - Hilliard**  
**Pre-Hearing Suspension -** Pursuant to Section 3719.121(C), O.R.C., doctor's license suspended effective 3/8/95 based on his plea of guilty to one felony count of Illegal Processing of Drug Documents, for which he was granted treatment in lieu of conviction. Notice mailed 3/9/95.

**Consent Agreement -** Immediate suspension imposed on 3/8/95 terminated; probationary terms, conditions and limitations imposed based on doctor's admission that he suffered from opiate dependence and has abused marijuana, and that he has subsequently received treatment and aftercare through an approved provider. Doctor required to immediately surrender D.E.A. certificate; ineligible to reapply without prior board approval. Agreement effective 3/9/95; Agreement to remain in effect for a minimum of three years prior to any request for termination.

- R -

**RAM, Padma** (MD applicant) - Muttontown, NY  
**Board Order** - Application for medical licensure denied based on applicant's failure to provide information on licensure application pertaining to prior action by Board of Health of Nassau County, New York, for failing to periodically test radiographic equipment, including mammography machines, and for employing unlicensed radiologic technologist to perform mammography examinations on approximately 225 patients. (Journal Entry - no hearing requested) Effective 10/12/94.

**RAYMUNDO, Emmanuel L.** (MD #33873) - Warren  
**Board Order** - Medical license permanently revoked based on doctor having been found guilty of 11 counts of Illegal Processing of Drug Documents, six counts of Aggravated Trafficking in Drugs, and four counts of Trafficking in Drugs, all felonies. Effective 9/14/94.

**RICHTER, Ronald Joseph** (MD #63175) - Cincinnati  
**Consent Agreement** - Immediate suspension imposed on 5/11/94 terminated; probationary terms, conditions and limitations imposed, including requirement that doctor have all orders and prescriptions for controlled substances countersigned within 72 hours by an authorized physician employed and/or privileged at the same hospital or institution. Agreement effective 9/14/94; Agreement to remain in effect for a minimum of two years prior to any request for termination.

**RODMAN, Harvey M.** (MD#57750) - Cleveland Heights  
**Board Order** - Application for restoration of medical license denied based on acts that served as the basis for prior actions against doctor's license, including practice of medicine in Ohio without a license for approximately 13 years. Effective 4/21/95.  
**Court Action** - Notice of Appeal of Board's 4/12/95 Order filed by the doctor to the Court of Common Pleas on 5/4/95.

**ROMAN, Leonard** (DO #1531) - Warren  
**Voluntary Surrender** - Permanent revocation authorized by doctor in lieu of formal disciplinary proceedings pursuant to Sections 4731.22(B)(3) and (B)(9), O.R.C., based on doctor's plea of guilty to drug law violations. Revocation effective 3/31/95; doctor ineligible to prescribe, order, dispense or administer controlled substances in the State of Ohio effective 3/9/95.

**ROY, Sukumar** (MD #31344) - Maple Heights  
**Court Action** - By Decision and Entry on 2/23/95, Court of Appeals reversed the Decision of the Court of Common Pleas, which had overturned the Medical Board's permanent revocation Order, and remanded case for further proceedings consistent with the Court of Appeals' Decision. By Decision and Entry filed 3/13/95, Court of Common Pleas affirmed Board's 4/14/93 permanent revocation order in accordance with the instructions of the Court of Appeals. Because 4/14/93 Order allowed doctor thirty days to wind down practice, permanent revocation effective 4/13/95.

- S -

**SACAY, Emmanuel E.** (MD #30897) - Cincinnati  
**Court Action** - By Decision rendered 10/12/94, Court of Common Pleas affirmed Board's 1/12/94 permanent revocation Order. Entry filed 10/12/94.

**SCHIFF, Robert C.** (MD#47601) - Cincinnati  
**Pre-Hearing Suspension** - Pursuant to section 3719.121(C), O.R.C., doctor's license suspended effective 5/11/95, based on doctor's pleas of guilty to two felony counts of Deception to Obtain Dangerous Drugs. Granted Treatment in Lieu of Conviction. Notice mailed 5/11/95.

**SCHOFIELD (KISLAN), Kira** (MD #67598) - Springfield  
**Consent Agreement** - Medical license granted; probationary terms, conditions and limitations imposed based on doctor's pleas of guilty to two misdemeanor counts of distribution by a practitioner to a drug dependent person and history of chemical dependency, for which she has received treatment and ongoing aftercare. Agreement effective 9/14/94; Agreement to remain in effect for a minimum of two years prior to any request for termination.

**SCHUTTE, Harry A.** (DO #4128) - Fredricktown  
**Board Order** - Indefinite suspension, minimum six months, such time to be calculated from 8/10/94; conditions for reinstatement; subsequent probation for at least five years. Based on impairment of 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. Effective 11/22/94.  
**Pre-Hearing Suspension** - Pursuant to Section 3719.121(C), O.R.C., doctor's license suspended

effective 1/11/95 based on his having pled guilty to five felony counts of Illegal Processing of Drug Documents. Notice mailed 1/13/95. [Note: Suspension imposed by Board's 11/9/94 Order also remains in effect.]

**SHOOK, Scott L.** (MD applicant) - Columbus  
**Board Order** - Application for medical licensure denied based on applicant's plea of guilty to one count of Illegal Processing of Drug Documents, a fourth degree felony; and violation of conditions of limitation imposed on training certificate by Board's 5/13/92 Order, which limited applicant's practice of medicine to the confines of a training program. (Journal Entry - hearing not requested in a timely manner) Effective 11/9/94.

**SHUMRICK, Donald Albert** (MD #29011) - Cincinnati  
**Board Order** - Doctor reprimanded based on his having been found guilty of prescription and dispensing by practitioner, a third degree misdemeanor, due to his having issued a prescription for a Schedule II controlled substance in the name of an individual for whom it was not intended; issuance of controlled substance prescriptions in the name of an individual for whom they were not intended, when the doctor had never met nor examined the individual for whom they were intended. Effective 1/18/95.

**SMITH, Kevin C.** (PA#467) - Brookville  
**Board Order** - Permanent revocation based on failure to comply with conditions and limitations imposed on registration by 5/14/92 Consent Agreement. Effective 4/21/95.  
**Court Action** - Notice of Appeal of Board's 4/12/95 Order filed by the doctor to the Court of Common Pleas on 5/9/95.

**STOUDT, Karl Donald** (MD #48842) - Sharon, PA  
**Board Order** - Permanent revocation, stayed; indefinite suspension, minimum one year; conditions for reinstatement; subsequent probation for three years. Based on prior disciplinary action by Pennsylvania State Board of Medicine due to doctor's having simultaneously maintained professional and sexual relationships with a patient, which activity was determined by Ohio Medical Board to constitute a failure to conform to minimal standards of care and violation of a code of professional ethics. Effective 3/30/95.

**SWANN, Gary Franklin** (DO #4478) - Toledo  
**Board Order** - No further disciplinary action imposed following Board's conclusion that, although doctor failed to conform to minimal standards of care with respect to treatment rendered to three obstetrical patients, he did so at the direction of his supervising physician at a point in his residency training when the procedures performed were beyond his level of competency. Effective 12/20/94.

- T -

**TAYLOR, Grandell Alva** (DPM #1186) - Gallipolis  
**Court Action** - By Decision filed 1/26/95, Court of Common Pleas affirmed Medical Board's 4/13/94 revocation Order. Entry filed 2/9/95.

**TRIPI, Vincent** (DO#919) - Lakeland, FL  
**Board Order** - Permanent Revocation of license to practice osteopathic medicine and surgery. Based on doctor's failure to advise Ohio Medical Board on renewal application of prior action against his license by Florida Board of Osteopathic Medical Examiners; prior actions by Florida Board due to doctor's sexual misconduct with seven patients in the course of practice. Effective 5/12/95.

**TWINE, Rebecca Wright** (MD #39348) - Uniondale, NY  
**Board Order** - Medical license permanently revoked based on revocation of New York medical license due to doctor's having practiced medicine while her ability to practice was impaired by mental disability; failure to disclose on license renewal applications that disciplinary action had been initiated and taken by State of New York. (Journal Entry - no hearing requested) Effective 9/14/94.

- U -

**UY, John Sy** (MD#63844) - Georgetown  
**Board Order** - Revocation, stayed; Indefinite suspension, not less than 30 days; conditions for reinstatement; Probationary terms, conditions and limitations for a period of a least two years. Based on prior action by New York State Board of Professional Medical Conduct, which action was itself based on doctor's application to surrender his New York medical license in which he did not contest allegations of moral unfitness and fraudulently obtaining a medical license;

doctor's alleged failure to disclose on applications for Ohio licensure and renewal that he had knowingly represented on an application for New York Medical licensure that he was an alien lawfully admitted for permanent residence in the United States when, in fact, he was not. **Effective 6/13/95.**

- V -

**VAN BOLDEN**, Vernon (MD #55923) -  
New Orleans, LA

**Board Order** - Medical license permanently revoked based on revocation of Texas medical license by the Texas State Board of Medical Examiners based on its findings and that doctor's actions with respect to care rendered to specified patients constituted "professional failure to practice medicine in an acceptable manner consistent with public health and welfare"; and on revocation of Louisiana medical license by the Louisiana State Board of Medical Examiners based on its findings that doctor committed fraud, deceit, or perjury in obtaining his Louisiana medical license and that his Texas medical license had been revoked. **Effective 1/18/95.**

**Court Action** - Notice of appeal to Court of Common Pleas filed with Medical Board by doctor on 2/1/95.

- W -

**WARGO**, John David (DO #3969) - Uniontown  
**Pre-hearing Suspension** - Pursuant to Section 3719.121(C), O.R.C., doctor's license suspended effective 9/14/94 based on his guilty plea to one felony count of Aggravated Trafficking, one felony count of Illegal Processing of Drug Documents, and one felony count of Forgery, for which offenses he was found eligible for treatment in lieu of conviction. Notice mailed 9/15/94.

**Consent Agreement** - Pre-hearing suspension terminated; probationary terms, conditions and limitations imposed based on doctor's admission that he excessively used and/or abused opiates, benzodiazepines, amphetamines and alcohol; that he received treatment and aftercare through an approved provider. Agreement effective 9/20/94; Agreement to remain in effect for a minimum of two years prior to any request for termination.

**WILLIAMS**, Deborah E. (MD applicant) -  
Bergenfield, NJ

**Board Order** - Application for medical license denied

based on applicant having been found guilty of mail fraud, money laundering and conspiracy to and participation in racketeering; and failure to furnish satisfactory proof of good moral character. **Effective 1/18/95.**

**WILLIAMS**, Oliver K., III (MD #32625) -  
West Worthington

**Court Action** - By Decision rendered 8/18/94 and journalized by Entry filed 9/13/94, Court of Common Pleas affirmed Board's 1/12/94 permanent revocation Order. Stay previously granted by Common Pleas Court revoked pursuant to 9/13/94 Judgment Entry. Notice of appeal to Court of Appeals filed by doctor on 9/30/94.

**WILLIAMS**, Robert Arthur (MD #22129) - Jackson  
**Court Action** - By Decision and Entry filed 2/9/95, Court of Common Pleas affirmed Board's 12/8/93 suspension Order. By Order filed 3/13/95, Court granted stay of suspension Order until 4/3/95. Suspension effective 4/4/95 to 10/4/95.

**Court Action** - Journal Entry filed on 4/25/95 dismissing appeal in Court of Appeals.

**WOODFIELD**, Brent (MD#49679) - Rexburg, ID  
**Board Order** - Board ordered to remand the matter to the Hearing Officer for further consideration following the outcome of the Idaho Board's appeal, or following remand and subsequent action by the Idaho Board. **Effective 5/12/95.**

- Y -

**YOUNG**, Steve Shi-Tzu (MD#35727) - Highland Heights

**Board Order** - Indefinite suspension; reinstatement requirements which include at least 24 months of post-graduate training. Based on prior action by the Maine Board of Licensure in Medicine due to doctor's lack of ability and fitness to practice medicine; doctor's failure to indicate on application for hospital privileges and Ohio license renewal application that he had been notified by the Maine Board of its intention to file a complaint and initiate an investigation concerning his fitness and ability to practice medicine; and doctor's failure to indicate on Ohio license renewal application of Order and Decision issued by Maine Board. **Effective 4/21/95.**

**Court Action** - Notice of Appeal filed by doctor in the Court of Common Pleas on or about 4/28/95.

**CONTINUING MEDICAL EDUCATION ACTIONS**

**AULD, Robin (DPM #2608) - Pittsburgh, PA**  
**Board Order** - Indefinite suspension, minimum thirty days; conditions for reinstatement; subsequent probation for three biennial registration periods. Based on doctor's failure to comply with Continuing Medical Education requirements. Effective 11/22/94.

**EVANS, James L., III (MD #48543) - Ft. Thomas, KY**  
**Board Order** - Doctor reprimanded; probation imposed for three biennial registration periods. Based on doctor's failure to timely submit documentation of compliance with Continuing Medical Education requirements. Effective 10/19/94.

**GASPAR, George Anthony (MD #42444) - Middletown**  
**Board Order** - Doctor reprimanded; probationary terms, conditions and limitations imposed for three biennial registration periods based on doctor's failure to timely complete and submit documentation of required Continuing Medical Education. Required hours were completed subsequently. Effective 1/18/95.

**GRINSTEAD, Carl Elgin II (MD #28362) - Santa Maria, CA**  
**Board Order** - Indefinite suspension, minimum thirty days; conditions for reinstatement; subsequent probation for three biennial registration periods. Based on doctor's failure to comply with Continuing Medical Education requirements. Effective 12/13/94.

**HOKE, George Hamlin (MD #15382) - Lorain**  
**Board Order** - Indefinite suspension, minimum thirty days; conditions for reinstatement; subsequent probation for three biennial registration periods. Based on doctor's failure to comply with Continuing Medical Education requirements. Effective 2/10/95.

**MARTIN, Manuel T. (MD #25491) - Pittsburgh, PA**  
**Board Order** - Indefinite suspension, minimum thirty days; conditions for reinstatement; subsequent probation for three biennial registration periods. Based on doctor's failure to comply with Continuing Medical Education requirements. (Journal Entry - no hearing requested) Effective 12/9/94.

**DISCIPLINARY TERMS DEFINED**

**REVOCAION** - Permanent loss of Ohio license to practice medicine or one of its branches

**SUSPENSION** - Licensee may not practice for a specific period of time and/or until specific conditions imposed by the Medical Board are met

**PROBATION** - Licensee's practice is monitored by the Medical Board

**CONSENT AGREEMENT** - Conditions and limitations placed on licensee's practice by mutual agreement with the Medical Board

**VOLUNTARY SURRENDER** - Practitioner surrenders his or her license to practice in lieu of further disciplinary proceedings; may authorize the Board to revoke the practitioner's license

**LIMITATION** - License to practice medicine is restricted in some way; e.g., doctor is prohibited from practicing a certain specialty

**REPRIMAND** - A public admonishment

**COURT-ORDERED STAY** - An order by a court which delays the implementation of the Board's action against a practitioner's license while the practitioner's case is under appeal

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## COADMINISTRATION OF PHENTERMINE AND FENFLURAMINE FOR WEIGHT LOSS

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Many patients have approached their physicians in recent months requesting weight-loss treatment using a combination of phentermine and fenfluramine (Schedule II controlled substances),\* a treatment approach featured in several recent publications and programs in the popular media. Because all phentermine and fenfluramine products are controlled substances, their use is governed by Rule 4731-11-04, Ohio Administrative Code. It is essential for physicians to be familiar with this rule before prescribing these drugs.

The Board adopted Rule 4731-11-04 in 1986 to address a serious and growing substance abuse problem. At the time, U.S. Drug Enforcement Administration (DEA) statistics showed Ohio among the top five states in per capita consumption of schedule II controlled substance stimulants. The Board ultimately adopted a rule banning those drugs for weight reduction. Although numbers were not kept to show levels of distribution of substances in schedules III and IV, the experience of the State Medical Board, the Board of Pharmacy, the DEA, and law enforcement agencies throughout the state was that stimulant drugs such as phentermine, phendimetrazine, and benzphetamine constituted a major diversion and abuse problem. Testimony at the Board's 1986 rules hearing revealed that controlled substance stimulants in schedules III and IV were widely sought "on the streets", and were even diverted

and abused by impaired health-care professionals.

While much evidence in 1986 showed that controlled diet drugs present a serious substance abuse problem, no acceptable studies had been done showing them to be effective at achieving long-term weight loss. In fact, the medical literature showed that patients who lost weight with anorexiants drugs, with or without behavior therapy, later gained the weight back faster than patients who had lost weight using behavior therapy alone.

Based on the available evidence, the State Medical Board adopted Rule 4731-11-04, setting stringent standards for the use of controlled substances to assist in weight reduction. The rule prohibits use of these drugs as a first line of treatment, requires that they be used only in accordance with their FDA approved labeling, prohibits continued use if the patient develops tolerance or stops losing weight, and prohibits their use in the presence of a contraindication, in the treatment of a pregnant patient, or in the treatment of a patient who has a history of or shows a propensity for alcohol or drug abuse. The rule sets other technical requirements, which a physician should learn before prescribing these drugs.

Rule 4731-11-04 has traditionally been viewed as prohibiting coadministration of multiple controlled substances to assist in weight reduction, because

coadministration of two CNS stimulants violates the "recognized contraindication" prohibition of the rule. Fenfluramine, however, is unique in that it is the only controlled substance approved by FDA as a weight loss aid that does not usually act as a CNS stimulant. Thus, its use together with another controlled diet drug does not violate the "recognized contraindication" prohibition, and the State Medical Board has not ruled that a physician may not coadminister fenfluramine and phentermine.

In 1992, Dr. Michael Weintraub, of Rochester, New York, published a study reporting long-term success in achieving and maintaining weight-loss using fenfluramine and phentermine in combination. Almost immediately, the State Medical Board began receiving inquiries from physicians excited over the possibilities this treatment approach offered for their obese patients. The Board has had to caution inquiring physicians that, while the coadministration of fenfluramine and phentermine may not constitute a violation per se, the provisions of Rule 4731-11-04 still apply:

- Either or both drugs can still be used only in accordance with their FDA approved labeling, and the labeling for both still limits use to "a few weeks";
- The rule still requires cessation of treatment using either or both drugs if

(1) the patient develops tolerance or

(2) fails to lose weight over a fourteen day period.

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## MEMORANDUM

TO: All Board Staff

FROM: Lauren Lubow, Case Control Officer

DATE: August 31, 1995

RE: Summer 1995 Issue of *Your Report*

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It has been brought to my attention that the article entitled "Coadministration of Phentermine and Fenfluramine For Weight Loss" in the Summer 1995 issue of *Your Report* contains a typographical error. In the first sentence of the article, phentermine and fenfluramine are identified as Schedule II controlled substances when, in fact, they are classified as Schedule IV medications.

Please be sure to correct this error on any copies of the newsletter you give out and when discussing the article with callers. A correction will be included in the next issue of the newsletter.

cc: Board Members