



YOUR REPORT

FROM THE STATE MEDICAL BOARD OF OHIO

WINTER/SPRING 2004

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A WORD FROM THE PRESIDENT

... about office-based surgery

Substantial data have documented that a significant number of surgical procedures have moved from hospitals and ambulatory surgical facilities (ASFs) to physicians' offices. As that trend has accelerated, the surgeries being performed in offices have become more complex and the levels of sedation have become deeper. The fact that offices often lack the types of emergency and rescue capabilities, not to mention additional trained medical personnel, found in hospitals and ASFs, has raised concerns nationwide for patient safety.

The Medical Board had made one of its goals for 2003 the completion of an almost three year project to define standards for surgical and other special procedures performed in physicians' offices. On August 13, 2003, the Board achieved that goal with the adoption of rules governing the practice of office-based surgeries. Those rules become effective on January 1, 2004.

These rules are calibrated to the level of anesthesia used in an office, and they contain requirements for physician eligibility, the qualifications of anesthesia providers, and accreditation requirements, along with other regulations. You will find in this issue an extensive explanation of many of the new responsibilities for practitioners under these rules, along with contact information

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Sexual Boundary Issues: A Physician's Guide

By Lance Talmage, MD
Secretary, State Medical Board of Ohio

Throughout time, "acceptable" human sexual behavior has been defined by religious doctrine and societal norms. Cultures worldwide vary greatly in their attitudes toward sexuality. In the United States, we have dramatically changed our own views over the last half century. Activities that were once seen as proper only for married couples, sealed behind closed doors, are now routinely explored on the evening news and depicted graphically on TV dramas and reality shows. Advertisements feature prominent politicians and sports figures touting a cure for sexual dysfunction. In short, much of our society has accepted that what goes on between two consenting adults is their own personal choice. One would think that these private moments are the last thing upon which the State Medical Board should intrude. But physicians and other health care providers should think again.

Ohio law casts Codes of Professional Ethics, such as those published by the AMA and AOA, as standards to which medical practitioners are expected to adhere in the course of practicing their professions. The American Psychiatric Association has long had an ethical principle prohibiting psychiatrists from having sexual involvement with their patients. More recently, the American Medical Association's Council on Ethical and Judicial Affairs has promulgated opinions proscribing sexual relationships between physicians and not only their patients, but also "key third parties" such as the patient's parent or caregiver. The premise of these opinions is that, by its very nature, the physician-patient relationship cannot be a relationship among equals. Thus,

there cannot be true consent in such a relationship.

A physician who takes on responsibility for a patient's care has unique access to details about the patient's private life that no one else is privileged to know, such as sexual and emotional history, contraceptive status, and physical concerns. A patient may feel comfortable discussing confidential matters with his or her doctor, such as marital discord or other family problems, knowing that the doctor is bound to protect those disclosures. To be sure, making an emotional connection with the patient can enhance the physician's ability to provide appropriate care—so long as the physician avoids crossing the boundary that separates the professional relationship from the personal.

A physician should do no harm in the doctor/patient relationship. That fundamental principle still prevails. The need to make rational, unbiased medical judgments for the benefit of the patient precludes the physician from being the provider of choice for his or her own family members—and that extends to anyone with whom a physician becomes emotionally and/or physically involved. Whenever there is any attraction between two individuals, it is appropriate to totally sever the physician/patient relationship before the personal relationship goes any further. That means that the physician should formally document termination of professional involvement via written notice to the patient, cease prescribing for the individual, stop seeing them in the office or in the hospital, and transfer their care to another physician who does not share call. Even then, a reasonable amount of time should elapse before a dating or sexual relationship is initiated, such that a clear-cut severing of the doctor/patient relationship is apparent.

It is important to note that some sexual or romantic relationships between a physician

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Office-Based Surgery Rules

New Medical Board rules set standards for in-office surgical procedures based on the level of sedation used.

On August 13, 2003, the Board adopted a series of rules governing the practice of surgery in physicians' offices, capping a process that had taken nearly three years to complete. It was a process in which numerous hearings and meetings were held to bring together dozens of interested parties and to provide a forum for multiple points of view. The Board's office-based surgery rules, found in chapter 4731-25 of the Administrative Code, represent a distillation of those multiple, sometimes competing, points of view. This article is meant to help you understand these rules, but it is highly recommended that you read the rule language yourself to more fully understand your obligations under the new rules.

The rules were adopted with an effective date of January 1, 2004. The reason for the four-plus month extension of the effective date was to give parties affected by the rules additional time to prepare their practices for the new requirements. Some specific requirements in the rules have extended compliance dates because they relate to processes that may require additional time to complete. Those specific deadlines will be discussed below.

In general, the Board's office-based surgery rules are calibrated to the level of sedation used in the office. The deeper the sedation used, the greater the requirements. In an office that does procedures only under local anesthesia or minimal sedation/anoxiolysis, the office-based surgery rules do not apply. Offices that use moderate sedation/analgesia or anesthesia services must meet certain standards.

4731-25-01 contains the definitions of terms used in the chapter. Of particular importance are the definitions of the various degrees of sedation, which are based on the American Society of Anesthesiologists' definitions. The definition of "tumescent local anesthesia" in paragraph (N) emerged from extended conversations between the Board and a number of physician groups and professional associations, including significant input from the American Academy of Dermatology. The inclusion of the definition represents the Board's recognition of the evidence pointing to different levels of risk from liposuction done under tumescent local anesthesia and liposuction procedures done under deeper levels of sedation. Paragraph (N) defines tumescent local anesthesia as a local anesthesia, exempting, in combination with other rules, offices using only that level of sedation from the accreditation requirements of 4731-25-07.

4731-25-02 contains certain general provisions that apply across the chapter. Paragraph (A) defines who is authorized to provide anesthesia in an office setting, limiting those persons to physicians or podiatric physicians licensed pursuant to chapter 4731. of the Revised Code, and certified registered nurse anesthetists (CRNAs) licensed pursuant to chapter 4723. of the Revised Code. Paragraph (F) further indicates that a registered nurse, licensed pursuant to chapter 4723. of the Revised Code, may practice within his or her scope, even if that includes some administration or monitoring of moderate sedation in an office setting.

In addition, paragraph (E) explains that if sedation or anesthesia is being administered by a CRNA, the supervising physician remains responsible for the actions of the CRNA. It also indicates that if a physician anesthe-

siologist is providing the sedation or anesthesia, the operating physician is not considered to have supervised the provision of anesthesia. Paragraph (H) uses the American Society of Anesthesiologists' physical status classification system to limit the types of patients on whom a physician may perform surgery in an office setting (they are limited to patients who have a P1 or P2 classification). Regarding the practice of podiatric physicians, the rule echoes the requirements of the Revised Code that prohibit a podiatric physician from performing surgery on a patient in an office setting using general anesthesia, regardless of who is administering the anesthesia. And finally, rule 4731-25-02, in paragraph (G), specifically exempts tumescent liposuction from the bulk of the chapter 25 rules, except that it makes clear that physicians performing only tumescent liposuction in their offices are still subject to the specific regulations on liposuction found in rule 4731-25-05.

Rules 4731-25-03 and 4731-25-04 set certain standards for surgery in the office setting with the difference between the two being that 25-03 is specific to offices in which the deepest level of sedation used is moderate sedation/analgesia, and 25-04 applies to offices using deep sedation and general anesthesia.

Paragraph (A) of both rules deals with the qualifications of the physician performing the surgery and requires that the physician demonstrate the ability to perform the procedures being done in the office in conformance with minimal standards of care of similar practitioners as required by statute. A physician may demonstrate such competence by being privileged by an accredited hospital or licensed ambulatory surgical facility (ASF), by being board-certified in a specialty in which the procedure being performed is within the usual course of practice or by having completed a residency in a specialty in which the procedure is considered to be within the usual course of practice. If the office falls under rule 25-03, meaning that it uses nothing deeper

than moderate sedation/analgesia, the physician may also demonstrate competence in the procedure by completion of didactic training in the procedure as outlined in the rule. In addition, the physician must have recent training in emergency rescue (ACLS/ATLS) and is responsible for ensuring that any assisting personnel are competent to administer the level of sedation used in the office and to manage emergency situations.

In addition, the operating physician, regardless of the title or qualifications of the person administering the anesthesia, must demonstrate competence in the level of sedation being used in the office, and may do so in one of a number of ways. For moderate sedation/analgesia, the physician must hold privileges to administer moderate sedation from an accredited hospital or a licensed ASF or the physician must have completed 5 hours of category 1 continuing medical education (CME) in the current biennial license registration period or the immediately preceding period. That language is intended to require the physician to continue to update the CME credits on a regular basis. For physicians using deep sedation or general anesthesia, the requirement is for 20 hours of category 1 CME related to provision of that level of sedation. The CME requirements are phased so that physicians have six months (180 days) from the effective date of the rules to earn the necessary CME credits. What that means is that physicians performing surgery in an office setting must have earned the appropriate CME credits by July 1, 2004.

Paragraph (B) of both rules outlines who is permitted to administer and monitor anesthesia in an office setting. Rule 25-03 indicates that for offices using only moderate sedation/analgesia, a physician with hospital privileges in moderate sedation, a CRNA or a registered nurse may administer and monitor anesthesia, with a limitation that an RN shall only administer specifically prescribed doses of drugs and that the operating physician must

remain continuously present. For offices using anesthesia services, rule 4731-25-04 indicates that only a physician who holds privileges in anesthesia services or who has completed a residency program and is practicing as an anesthesiologist or by a CRNA.

In addition, there are requirements that an operating physician not perform more than one operation at a time; that, for the provision of moderate sedation/analgesia, there may be a phased induction in which the operating physician first administers the sedation and then the RN may monitor the patient while

the operating physician performs the procedure; and that, for general anesthesia, the office must be equipped to manage malignant hyperthermia.

The liposuction rule is 4731-25-05. The Board believed that the increasing frequency of liposuction procedures, combined with the invasiveness of the procedure, warranted a rule specific to that practice. In addition to explicitly tying this rule to the requirements of 4731-25-03 and 4731-25-04, the rule also

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BOUNDARIES (cont.)

and former patient may forever be taboo due to the nature of the pre-existing professional involvement. The AMA's Ethical Opinion 8.14, Sexual Misconduct in the Practice of Medicine, declares sexual or romantic relationships with former patients to be "... unethical if the physician uses or exploits trust, knowledge, emotions, or influence derived from the previous professional relationship."

What about situations in which the patient seeks romantic and/or sexual involvement with a physician who doesn't feel a mutual attraction? Or what if a patient seeks to manipulate the physician through the intimacy of the physician-patient relationship, with the hope of receiving preferential treatment or gaining access to drugs? Again, the physician must be conscious of boundaries, communicate those boundaries clearly to the patient, and arrange for on-going, appropriate care by another physician if the patient's attachment interferes with the provision of proper care. It is incumbent upon the physician to avoid even the appearance of impropriety. As one who plays a powerful role in the patient's life, the physician must avoid behavior that can be misinterpreted,

and must explicitly communicate to the patient that the physician's function is exclusively to provide legitimate medical care.

Complaints against physicians and other health care providers for alleged sexual boundary violations make up about 1% to 2% of the 3000+ complaints filed with the Ohio Medical Board in an average year. Some complaints charge the practitioner with inappropriate touching during an examination or making suggestive remarks. Others reveal sexual activity after the personal relationship has been terminated, a spouse has discovered the liaison, or a colleague notes unusual, suggestive behavior between the physician and the patient. Sometimes sexual improprieties come to light when law enforcement agencies track prescriptions written for known "doctor shoppers" who are trading sex for drugs. Inevitably, verified boundary violations—even those borne out of simple human frailty and lapses in judgment—yield personal shame, family humiliation, and loss of professional standing, in addition to any sanction the Medical Board may deem it appropriate to impose.

Lance A. Talmage, M.D.

SURGERY (cont.)

limits the total aspirate in a single liposuction session to 4,500 milliliters, limits the cannula size to 4.5 milliliters, limits the concentrations of lidocaine (0.1 per cent, with the total dosage of lidocaine not to exceed 50 milligrams per kilogram of patient body weight) and epinephrine (1.5:1,000,000, with the total dosage not to exceed 50 micrograms per kilogram of patient body weight) in solution injected into the patient and requires additional personnel to monitor the patient if the liposuction is to exceed 100 milliliters. In addition, the rule prohibits performance of liposuction in conjunction with any other surgical procedures in the office, except that small, localized liposuction that is routinely part of the other procedure may still be performed.

Finally, 4731-25-07 requires accreditation of offices using moderate sedation/analgesia or anesthesia services (at this time, 4731-25-06,

the adverse events reporting rule, is tabled). 25-07 gives the office eighteen months from the effective date of the rule to apply for accreditation, and three years from the effective date to have received accreditation. That means that offices using moderate sedation/analgesia or anesthesia services must have applied for accreditation by July 1, 2005, and received accreditation by January 1, 2007. The rule lists a number of accrediting agencies that have been reviewed by the Board and pre-approved for their office accreditation programs.

There is still greater detail in the rules themselves. This is an attempt to explain many of the most pertinent provisions of the rules, but if you perform surgical procedures in your office, you should review the rule language carefully to ensure that you are aware of your obligations beginning January 1, 2004. ♦

The people listed below should be your points of contact for the various accrediting agencies identified in rule 4731-25-07. Each person has agreed to accept correspondence by any means listed with their names (mail, fax, phone, or e-mail). Each agency also has a great deal of information about their accreditation programs on their websites.

AAAHC

Adrian Hochstadt, Director of Public Affairs
Accreditation Association for Ambulatory Health Care
3201 Old Glenview Road
Wilmette, IL 60091
Phone: (847) 853-6072 Fax: (847) 853-9028
E-Mail: adrianh@aaahc.org <http://www.aaahc.org>

JCAHO

Mike Dye, Associate Director Business Development
Office Based Surgery Accreditation
Joint Commission for the Accreditation of Health Care
Organizations
One Renaissance Boulevard
Oakbrook Terrace, IL 60181
Phone: (630) 792-5259 Fax: (630) 792-4259
E-Mail: mdye@jcaho.org
<http://www.jcaho.org/accredited+organizations/office+based+surgery/index.htm>

AAAASF

Theresa Hummel-Griffin, Director of Accreditation
The American Association for Accreditation of
Ambulatory Surgery Facilities
5101 Washington Street, Suite 2F
Gurnee, IL 60031
Phone: 847-775-1970 Fax: 847-775-1985
E-mail: info@aaaasf.org
<http://www.aaaasf.org>

AOA/HFAP

Healthcare Facilities Accreditation Program
American Osteopathic Association
142 E. Ontario Street
Chicago, IL 60611

George A. Reuther
Director
Phone: (312) 202-8060

Anne Titzer
HFAP Manager
Phone: (312) 202-8062

Gifts to Physicians

Patients should be confident that they are receiving their physicians' best care, uninfluenced by the interest of third parties. Patients trust that personal or financial benefits will not influence medical decisions regarding the care they receive.

With this premise in mind, under Ohio law, a licensee may be subject to investigation and possible disciplinary action for failure to abide by the ethical guidelines of any provision of a code of ethics of the American Medical Association (AMA), American Osteopathic Association (AOA), and American Podiatric Medical Association (APMA). The AMA adopted ethical guidelines of the Council on Ethical and Judicial Affairs (CEJA) to prevent inappropriate gift-giving practices. The *Guidelines on Gifts to Physicians from Industry* later appeared in its Code of Medical Ethics, CEJA Ethical Opinion 8.061, which follows, in pertinent part:

1. Any gifts accepted by physicians individually should primarily entail a benefit to patients and should not be of substantial value. Accordingly, textbooks, modest meals, and other gifts are appropriate if they serve a genuine educational function. Cash payments should not be accepted
2. Individual gifts of minimal value are permissible as long as the gifts are related to the physician's work (e.g., pens and notepads).
3. The Council on Ethical and Judicial Affairs defines a legitimate "conference" or "meeting" as any activity, held at an appropriate location, where (a) the gathering is primarily dedicated, in both time and effort, to promoting objective scientific and educational activities and discourse (one or more educational presentation(s) should be the highlight of the gathering), and (b) the main incentive for bringing attendees together is to further their knowledge on the topic(s) being presented. An appropriate disclosure of financial support or conflict of interest should be made.
4. Subsidies to underwrite the costs of continuing medical education conferences or professional meetings can contribute to the improvement of patient care and therefore are permissible. Since the giving of a subsidy directly to a physician by a company's representative may create a relationship that could influence the use of the company's products, any subsidy should be accepted by the conference's sponsor, who in turn can use the money to reduce the conference's registration fee. Payments to defray the costs of a conference should not be accepted directly from the company by the physicians attending the conference.
5. Subsidies from industry should not be accepted directly or indirectly to pay for the costs of travel, lodging, or other personal expenses of physicians attending conferences or meetings, nor should subsidies be accepted to compensate for physicians' time. Subsidies for hospitality should not be accepted outside of modest meals or social events held as a part of a conference or meeting. It is appropriate for faculty at

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GIFTS (cont.)

conferences or meetings to accept reasonable honoraria and to accept reimbursement for reasonable travel, lodging, and meal expenses. It is also appropriate for consultants who provide genuine services to receive reasonable compensation and to accept reimbursement for reasonable travel, lodging, and meal expenses. Token consulting or advisory arrangements cannot be used to justify the compensation of physicians for their time or their travel, lodging, and other out-of-pocket expenses.

6. Scholarships or other special funds to permit medical students, residents, and fellows to attend carefully selected educational conferences may be permissible as long as the selection of students, residents, or fellows who will receive the funds is made by the academic or training institution. Carefully selected educational conferences are generally defined as the major educational, scientific, or policy-making meetings of national, regional, or specialty medical associations.
7. No gifts should be accepted if there are strings attached. For example, physicians should not accept gifts if they are given in relation to the physician's prescribing practices. In addition, when companies underwrite medical conferences or lectures other than their own, responsibility for and control over the selection of content, faculty, educational methods, and materials should belong to the organizers of the conferences or lectures.

The AMA is further speaking to the issue via a series of one-hour educational modules covering the ethics of gifts to physicians. The modules may be found at www.ama-assn.org/go/ethicalgifts. The AOA has adopted a policy statement, *Guidelines on Gifts to Physicians*, which may be found at <http://www.aoa-net.org/AOAGeneral/position1001.pdf>. Also, the Medical Board has prescribing information in the Frequently Asked Questions section of its website: <http://www.med.ohio.gov>. ♦

Use and Delegation of Lasers

Procedures using lasers, cosmetic procedures in particular, are being performed with increasing frequency. Moreover, it has come to the attention of the Board that there may well be a great deal of misunderstanding and misinformation regarding the question of who may apply lasers to the human body in Ohio. Specifically, the Board has been receiving reports of non-licensed persons purchasing laser equipment with assurances from salespersons that Ohio law allows the cosmetic use of lasers without a license; or of physicians deciding to permit office staff and other persons without legal authority to use the lasers “under

the physician's license.” Both practices are violations of the Medical Practices Act.

The application of light based medical devices, including lasers, is clearly and explicitly regulated in the State of Ohio. Rule 4731-18-02 of the Administrative Code states in paragraph (B): “The application of light based medical devices to the human body is the practice of medicine and surgery, osteopathic medicine and surgery and podiatric medicine and surgery.” Section 4731.41 of the Ohio Revised Code says that it is illegal to practice medicine without a license. Therefore, it is

illegal to use a laser in Ohio without a license granting specific authority to do so.

There are provisions in Ohio law for non-physicians to use lasers, and those delegation provisions are also explicit and clear. Rule 4731-18-03 of the Administrative Code controls the delegation of the use of light-based medical devices. Physicians should not fall into the trap of thinking that the general delegation authority granted to them under 4731.053 of the Revised Code and Chapter 4731-23 of the Administrative Code in any way overrides the specific delegatory language of rule 4731-18-03. Paragraph (C) of rule 4731-18-02, in fact, states that a physician may not delegate the use of light based medical devices except as explicitly authorized in 4731-18-03 and 4731-18-04.

The specific language of 4731-18-03 controls, and indicates that there are only four classes of persons to whom a physician is permitted to delegate the application of light based medical devices, including lasers. All of them must hold a current license in Ohio, and all of them must be supervised by the delegating physician:

1. Cosmetic Therapist, licensed under Chapter 4731. of the Revised Code;
2. Physician Assistant, registered under Chapter 4730. of the Revised Code;
3. Licensed Practical Nurse, licensed under Chapter 4723. of the Revised Code;
4. Registered Nurse, licensed under Chapter 4723. of the Revised Code.

There is a general requirement that the physician ensure that the person to whom he or she is delegating has proper training to safely use the laser, and in the case of a Cosmetic Therapist (CT), the requirement is that the CT complete a 50-hour course in the use of lasers for hair removal. CT's are further limited to using the laser only for hair removal. The delegating physician must also provide supervision. If the delegation is to a CT, the

supervision may be off-site, but for the PA, LPN and RN, supervision must be on-site.

Paragraph (A) of 4731-18-03 makes additional demands of the physician seeking to delegate the use of a laser: specifically, there must be a physician/patient relationship. The physician must see and evaluate each patient and prescribe the application of the laser. The physician is further responsible for maintenance of patient records for the treatments.

There appears to be a tendency on the part of some physicians to see the application of a laser as a minor procedure with wide margins for patient safety, yet there have been numerous stories in the popular press—and some specific cases brought to the attention of this Board—about patients suffering burns and other serious injuries from lasers. Lasers are medical devices, which, if improperly applied, can cause serious and permanent injury. Ohio law has declared that their use is within the purview of the licensed physician or one of a small number of other licensed health care professionals, who have received proper training, acting under the supervision of a licensed physician. ♦

DO WE KNOW WHERE YOU ARE?

UPDATE YOUR ADDRESS ON-LINE:
www.med.ohio.gov

State law requires you to . . .

- notify the Medical Board of a change of address within 30 days
- provide both residence & principle practice addresses when you renew your license

State Medical Board of Ohio Joins Ohio KePRO in Sponsoring Nation's First Web-based Patient Safety Site

The State Medical Board of Ohio encourages you to join a special introduction of the Agency for Healthcare Research and Quality's (AHRQ) Web M&M, the nation's first patient safety and health care resource and journal designed for physicians. You'll find Web M&M on line at www.webmm.ahrq.gov.

The statewide introduction will be presented as a free Web-Ex Conference Call. Carolyn M. Clancy, M.D., Director of AHRQ, and Lucian Leape, M.D., Adjunct Professor of Health Policy, Harvard School of Public Health, will give opening remarks. Dr. Clancy is a practicing internist and a highly distinguished patient safety expert. Under Dr. Clancy, AHRQ is focusing its efforts on rebuilding the health care delivery system in order to close the gap between what physicians know is the best care for their patients and what our system routinely delivers.

Dr. Leape, an internationally renowned patient safety pioneer, has played a central role in raising the national consciousness regarding health care errors. Dr. Leape believes that health care errors harm 1 of 25 patients in the nation's hospitals and can be reduced by 90% over the next decade if the health care system shifts its focus from punishing individuals to redesigning its systems.

Robert Wachter, M.D., Professor and Associate Chairman, Department of Medicine, University of California at San Francisco (UCSF), and editor of Web M&M, will lead a tour of the site.

The Web M&M site seeks to better prepare physicians to take a proactive role in changing our health care system. Physicians, owing to their ability to think in terms of "systems," are

well-suited to help reshape our health care culture and infrastructure to significantly enhance patient safety and outcomes.

The first step in changing the health care system is to recognize that health care errors are systems issues. The morbidity and mortality cases highlighted on the Web M&M site each month will help physicians recognize that most errors are not the result of sloppy, poorly informed or malicious physicians, but rather functions of overly complicated processes of care with an inadequate focus on error proofing. The Web M&M site features a case-based approach that emphasizes changes such as teamwork training, checklists, and computerization of medical records and prescriptions, which can be made in health care systems.

Each month, five cases are published in various specialties including internal medicine, surgery/anesthesia, obstetrics/gynecology, pediatrics, psychiatry, radiology, and emergency medicine. Physicians submit cases to the Web M&M site anonymously. The most interesting cases are posted on the site, accompanied by short, evidence-based commentaries by the nation's top experts in patient safety. One case each month is expanded into an interactive learning module—the "Spotlight Case."

Physicians can earn free Category I Continuing Medical Education (CME) credits by successfully completing questions related to the Spotlight Case.

The Web M&M site launch is being co-sponsored by Ohio KePRO, the Medicare Quality Improvement Organization for Ohio, the Ohio Hospital Association, State of Ohio

Medical Board, the Ohio Department of Health, the Ohio Patient Safety Discussion Forum, the Ohio Patient Safety Institute, the Ohio Osteopathic Association, the Academy of Medicine of Cleveland/Northern Ohio Medical Association, and the Cincinnati Medical Association.

See the box below for information on how to register for the free statewide introduction. ♦

Free Statewide Introduction to AHRQ Web M&M

Register Now:

"The first Web-Ex Conference Call is on
January 7, 2004, at 12:00 PM EST.

Special Introduction by:

Lucian Leape, MD

Adjunct Professor, Harvard School of
Public Health
Institute of Medicine Quality of Health
Care in American Committee

OR

"The second Web-Ex Conference Call is
on January 8, 2004, at 1:00 PM EST.

Special Introduction by:

Carolyn Clancy, MD

Director, Agency for Healthcare and
Quality (AHRQ)

"To register for either call, please visit:
<https://ifmcevents.webex.com>

If you are unable to participate in the
Web-Ex Conference Call, the
presentation will be available on Ohio
KePRO's Web site: www.ohiokepro.com
after January 19, 2004

Call for Baseline Abbreviation Data

The Patient Safety Discussion Forum (PSDF) is collecting baseline data from Ohio physicians about medication orders as part of its *Ohioans First* initiative to eliminate five dangerous medical abbreviations. PSDF is a collaboration of Ohio health care leaders committed to identifying and promoting safeguards within health care systems.

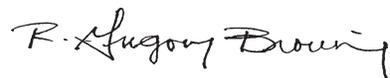
The first goal of the PSDF, the elimination by 2005 of five frequently misread abbreviations, rolled out in March 2003 with the launch of the *Ohioans First* website and distribution of a "toolkit" to promote use of alternative abbreviations and to educate staff.

Collection of baseline data began in August 2003. A baseline survey, located at www.ohioansfirst.org/survey/, allows for the anonymous submission of data about medication orders. Please take a few moments to complete the survey and share your expertise. ♦

PRESIDENT (cont.)

for four of the major accrediting agencies with office surgery accreditation programs, and information on how to find the full text of the rules on the Board's website.

During the process of adopting these rules, the Board heard testimony from dozens of physicians, associations and members of the public, and not everyone agreed with all of the requirements. But the Board is confident that all of the medical professionals impacted by the rules join in the spirit in which the rules were promulgated: a spirit of commitment to providing patient care in the safest manner possible.



R. Gregory Browning, President

STATE MEDICAL BOARD OF OHIO

DISCIPLINARY ACTIONS

June 2003 - November 2003

NOTE: Licensure status updates, including any court appeal actions related to Medical Board Orders, are available by clicking on the *LICENSEE PROFILE AND STATUS* link on the Board's website: www.med.ohio.gov

AHMED, Ashfaq Taj (MD #35-073182) - Springfield
Board Order - Permanent revocation of medical license stayed subject to indefinite suspension for at least 90 days; conditions for reinstatement, and subsequent probationary terms, conditions, and limitations for at least five years established. Based on doctor having made false, fraudulent, deceptive or misleading statements to his residency program director, the American Board of Internal Medicine, and the Board pertaining to his completion of residency training, rescission of his certificate of completion of residency, and subsequent termination from residency. Order effective 7/1/03.

ALLEN, Mark L. (MD #35-063078) - Chagrin Falls
Pre-hearing Suspension - Pursuant to §4731.22(G), O.R.C., medical license summarily suspended 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 alcohol; and that doctor's continued practice presents a danger of immediate and serious harm to the public. Notice mailed 11/13/03; suspension effective upon service of notice on 11/17/03. **Court Action** - Notice of appeal of Board's 11/12/03 Order of summary suspension filed by doctor with Franklin County Court of Common Pleas on 11/21/03.

BAJAJ, Anil K. (MD #35-071601) - Parsippany, NJ
Board Order - Medical license permanently revoked based on doctor having been found guilty of one felony count of Gross Sexual Imposition and one felony count of Sexual Battery. Order effective 6/12/03.

BAROFF, David Miles (MD #35-052149) - Girard
Board Order - Medical license permanently revoked based on doctor having engaged in sexual conduct with four specified patients. (Journal Entry - no hearing requested) Order effective 8/14/03.

BENSON, Robert Malcolm (MD #35-037331) - Canton
Consent Agreement - Medical license permanently limited and restricted to require doctor to be accompanied by a chaperone at all times when interacting with a patient and/or a patient's family members, except in cases of life

threatening emergency; probationary terms, conditions and limitations imposed, including requirement that doctor maintain ongoing psychiatric therapy and medication management. Based on doctor's admissions that he has received psychiatric care for diagnoses including bipolar disorder and bipolar depression, and that a board-ordered evaluation opined that he had engaged in frequent boundary crossings and infrequent but recurrent boundary violations. Agreement effective 8/13/03; probation to remain in effect for at least five years before any request for termination.

BERNSTEIN, Marc Jeffrey (MD #35-071867) - Beachwood
Board Order - Medical license permanently revoked based on doctor's conviction of one misdemeanor count of Sexual Abuse; and prior action against doctor's license by New York's medical board based upon that conviction and doctor's admission to the underlying facts, which included the issuance of protective orders by the court covering two female patients. Order effective 9/11/03.

BERTANI, Charles (DO #34-002096) - Columbus
Consent Agreement - Doctor reprimanded and permanently prohibited from prescribing, administering or personally furnishing controlled substance anorectic medications or diuretics for weight loss, based on doctor's admission that he violated Board rules pertaining to the utilization of those medications for weight loss purposes. Based on doctor's admission that he engaged in sexual conduct with two patients while they were under his care, medical license suspended for at least 18 months, conditions for reinstatement and subsequent probationary terms, conditions and limitations for at least three years established. Agreement effective 11/12/03.

BIBB, Richard Edward (MD #35-026338) - Cincinnati
Voluntary Surrender - Permanent revocation of medical license authorized by doctor in lieu of formal proceedings pursuant to §4731.22(B)(18), O.R.C., which authorizes the Board to take action based on violation of a Code of Professional Ethics. Effective 7/9/03.

BOLTON, Brett (DO #34-007377) - Ft. Lauderdale, FL/
Columbus
Board Order - Medical license permanently revoked based

on doctor having been convicted in U.S. District Court, Southern District of Florida, of 19 felony counts of misapplying money and funds – each of a value in excess of \$1000 - belonging to a gaming establishment operated by an Indian tribe. Order effective 7/15/03. **Court Action** - Notice of appeal of Board's 7/9/03 permanent revocation Order filed by doctor with Franklin County Court of Common Pleas on or about 7/18/03. By Entry filed 7/18/03, Common Pleas Court temporarily granted doctor's motion for a stay of Board's 7/9/03 permanent revocation Order.

BRADY, Brian T. (MT applicant) - Mentor
Board Order - Application for massage therapy certificate denied based on finding by Board, following applicant's failure to comply with Board-ordered examination, that applicant is unable to practice according to acceptable and prevailing standards of care due to habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice. (Journal Entry). Eff. 7/11/03.

BRIDGES, Michael Howard (MD #35-068312)
- High Point, NC
Board Order - Noting that doctor's Ohio license had been in a lapsed status due to non-payment of fees for more than two years, Board dismissed matter following its determination that doctor had fully cooperated and complied with prior actions against his North Carolina medical license relating to his having been diagnosed with and treated for Bipolar I Disorder. Order effective 9/2/03.

BRIGGS, Jeffrey Allen (MD #35-044176) - Powell
Consent Agreement - Doctor's 5/03 consent agreement modified by addendum to replace required blood alcohol screenings with random weekly saliva screenings, with a blood alcohol screening to be immediately conducted should any saliva screening yield a positive result. Effective 6/11/03.

BRUENING, Frank Raymond (MD #35-032119) - Toledo
Consent Agreement - Medical license indefinitely suspended; interim monitoring conditions and conditions for consideration for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on doctor's admission that he has been diagnosed with major depressive disorder, single episode, in partial remission, and generalized anxiety disorder; and that an evaluating psychiatrist has opined that he is currently unable to practice according to acceptable and prevailing standards of care. Effective 6/11/03.

CALLION, Raleigh Shipp (MD #35-049458) - Gahanna
Board Order - Medical license revoked based on impairment of ability to practice according to acceptable and prevailing standards of care due to habitual or excessive use or abuse of drugs, as evidenced by positive drug screen. (Journal Entry - no hearing requested) Order effective 10/9/03.

CAMPBELL, Scott Michael (MD #35-060794) - Sandusky
Consent Agreement - Probationary terms, conditions and limitations established to monitor practice based on doctor's admission that he was diagnosed and treated for chemical dependency, and that he has been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring requirements are in place. Agreement effective 8/13/03; agreement to remain in effect for at least five years prior to any request for termination.

CHANDRASEKHAR, Subramaniam (MD #35-079201)
- Parkersburg, WV
Board Order - Permanent revocation of medical license stayed, subject to indefinite suspension for at least twelve months; conditions for reinstatement, and subsequent probationary terms, conditions, and limitations for at least five years established. Based on impairment of ability to practice according to acceptable and prevailing standards of care, and violation of conditions of limitation imposed on medical license by 8/02 consent agreement due to alcohol relapse. Order effective 8/25/03.

COHN, Frederick (MD #35-065955) - Albuquerque, NM
Board Order - Medical license permanently revoked based on doctor's plea of guilty in U.S. District court of the Eastern District of Kentucky to felony counts of Attempt and Conspiracy, Laundering of Monetary Instruments, Health Care Fraud, and Criminal Forfeitures. (Journal Entry - no hearing requested) Order mailed 6/12/03; Order effective 6/12/03. **Dismissal** - 9/12/01 citation dismissed as moot following entry on 6/11/03 of permanent revocation Order based on separate (3/12/03) allegations, which doctor did not appeal. Effective 7/10/03.

COLTON, Danny Maurice (MD applicant) – Newtown, OH/
Detroit, MI
Board Order - Application for medical licensure permanently denied based on applicant's failure to furnish satisfactory proof of good moral character, as evidenced by applicant's provision of false and misrepresentative information on insurance benefits forms. (Review and Journal Entry - no hearing requested) Effective 9/11/03.

COVERDALE, David Bradley (MD training certificate #57-005824) - Parma Heights
Board Order - Board shall not consider renewing or reinstating training certificate and shall not consider an application for a new training certificate or for full licensure to practice medicine for at least three years; conditions established for granting such renewal, reinstatement, or application, including a requirement that doctor enter into a written consent agreement with the Board incorporating probationary terms, conditions, and limitations to monitor practice. 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. (Journal Entry – no hearing requested) Effective 8/14/03.

CRAWFORD, Steven Warren (MD #35-067148)
- Portsmouth

Board Order - Permanent revocation of medical license stayed subject to indefinite suspension for at least 18 months, such suspension to be retroactive to 8/14/02, the effective date of doctor's Step I consent agreement with the Board; interim monitoring conditions, conditions for reinstatement, and subsequent probationary terms, conditions, and limitations for at least five years established. Based on doctor having been found eligible for treatment in lieu of conviction for felony counts of Possession of Drugs, Deception to Obtain a Dangerous Drug, and Illegal Processing of Drug Documents; and his provision of false, fraudulent, deceptive or misleading statements in response to interrogatories from the Board. Order effective 6/12/03.

FELTER, Christian Tilen (MD training certificate #57-003026) - Lake Milton

Board Order - Medical license revoked based on violation of conditions of limitation imposed on training certificate due to failure to comply with monitoring conditions; and failure to cooperate with a Medical Board investigation. (Journal Entry – no hearing requested) Effective 8/14/03.

FINLEY, John McLaughlin Jr. (PA #50-000349) - Columbus
Application Withdrawn - Physician assistant's request to withdraw application for restoration of P.A. registration accepted by Board in lieu of further formal investigation related to possible violations of §4730.25(B)(4). O.R.C., based upon P.A.'s admission that his medical records reflect diagnoses of and a history of treatment for a number of psychiatric conditions. Effective 6/12/03.

FLOWERS, Vickie Mae (MT #33-012736) - Cuyahoga Falls
Consent Agreement - Massage therapy certificate granted, subject to probationary terms, conditions and limitations based on massage therapist's admission to past convictions involving dishonesty and Driving While Intoxicated and her admission that, with the exception of a 1993 conviction for violating a curfew ordinance, she has been the subject of no criminal charges since 1987. Agreement effective 11/12/03; agreement to remain in effect for at least two years prior to any request for termination.

FRAGATOS, Peter (MD #35-083165) - Broadview Heights
Consent Agreement - Medical license granted subject to reprimand and probationary terms, conditions and limitations, based on doctor's failure to provide complete and accurate information on his application for Ohio licensure, and on his admissions that he has been diagnosed with and receives treatment for alcohol dependence and bipolar disorder, and that he has been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring requirements are in place. Agreement effective 8/13/03; agreement to remain in effect for at least five years prior to any request for termination.

GLEICH, Lyon Lance (MD #35-066287) - Cincinnati
Medical license suspended for ninety days; subsequent probationary terms, conditions and limitations imposed for at least five years. Based on doctor having pled guilty in 1999 to a misdemeanor count of Disorderly Conduct; his having been found guilty in 10/02 of a misdemeanor count of Public Indecency; and his failure to advise the Board on his license renewal application of his 1999 guilty plea. Order effective 12/1/03.

GOLDSMITH, Mark Edward (MD #35-038474) - Westerville
Consent Agreement - Probationary terms, conditions and limitations stemming from 4/99 consent agreement terminated; doctor reprimanded based upon admitted ethical violations; probationary terms, conditions and limitations imposed based on (1) doctor's admissions that served as the basis for 12/98 consent agreement; (2) subsequent determination that doctor was capable of practicing according to acceptable and prevailing standards of care with appropriate treatment and monitoring; and (3) doctor's admission that he engaged in behavior involving patients under his psychiatric care that constituted inappropriate boundary crossings, created ethical conflicts of interest, and may have compromised quality of care. Agreement effective 9/10/03; agreement to remain in effect for at least ten years prior to any request for termination.

GOSS, Samuel Roger (DPM #36-002048) - Shaker Heights
Board Order - Permanent revocation of medical license stayed, subject to indefinite suspension for at least eighteen months; conditions for reinstatement, and subsequent probationary terms, conditions, and limitations for at least three years established. Based on doctor having been convicted in U.S. District Court, Northern District of Ohio, of felony counts of Soliciting and Receiving Medicare and Medicaid Kickbacks. Order effective 8/25/03.

GRAY, John H. (DO #34-003191) - Lorain
Consent Agreement - Probationary terms, conditions and limitations imposed based on doctor's admissions that he failed to (1) adequately document justification for prescribing Stadol for two patients, (2) comply with requirements for authorizing and completing prescriptions, and (3) fully comply with Board rules related to prescribing controlled substance anorectic drugs. Agreement effective 8/13/03; agreement to remain in effect for at least two years prior to any request for termination.

HAJ-HAMED, Ghassan (MD #35-069745) - Cincinnati
Board Order - Medical license indefinitely suspended based on prior actions against doctor's license by Kentucky's medical board, including an Amended Emergency Order of Suspension and a Final Order upholding that emergency suspension, which actions were based on allegations of improper prescribing of controlled substances, including Vicodin and Oxycontin. (Journal Entry - hearing not timely requested) Order eff. 7/11/03. Order to remain in effect until either (1) issuance of a final action by Ohio Board based on a final resolution of the

pending Kentucky action; or (2) a determination by Ohio Board, following final resolution of the pending Kentucky action, that no further action by Ohio Board is warranted.

Court Action - Notice of appeal of Board's 7/9/03 indefinite suspension Order filed by doctor with Franklin County Court of Common Pleas on or about 7/22/03. Separate notice of appeal of 5/14/03 Order and Entry dismissing 3/12/03 citation filed by doctor with Franklin County Court of Common Pleas on or about 7/22/03.

Consent Agreement - In resolution of pending appeals, medical license reinstated subject to probationary terms, conditions and limitations based on Kentucky medical board's 4/22/03 Amended Emergency Order of Suspension and 5/9/03 Final Order affirming that Amended Emergency Order. Agreement effective 11/14/03; agreement to remain in effect until either (1) issuance of a final action by Ohio Board based on a final resolution of the pending Kentucky action; or (2) a determination by Ohio Board, following final resolution of the pending Kentucky action, that no further action by Ohio Board is warranted.

HANSON, Ryan Paul (MD #35-071364) - Columbus

Board Order - Medical license suspended for thirty days; subsequent probationary terms conditions, and limitations established for at least five years. Based on doctor having been found guilty of one count of Public Indecency, a fourth degree misdemeanor. Order effective 7/13/03.

HAREWOOD, Sandra Kay (MD #35-045538) - Kettering

Consent Agreement - Medical license suspended for at least one year; interim monitoring conditions and conditions for consideration for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on doctor's admissions that her ability to practice according to acceptable and prevailing standards of care is impaired and that she violated conditions of limitation imposed on her license by a 8/14/02 consent agreement due to a relapse on alcohol. Effective 6/11/03.

HASSINK, George V. (MD #35-045682) - Findlay

Consent Agreement - Suspension imposed by 2/03 consent agreement terminated; medical license suspended for at least one year from date doctor enters residential treatment which concludes in his successful completion of that treatment; interim monitoring conditions and conditions for consideration for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on impairment of doctor's ability to practice and his violation of conditions of limitation imposed on his license by 2/03 consent agreement due to chemical dependency relapse. Effective 7/9/03.

HERBST, Robert Jamey (DPM #36-002935) - Cincinnati

Voluntary Surrender - Permanent revocation of podiatric medical license authorized by doctor in lieu of formal

disciplinary proceedings based on his plea of guilty in federal court to two felony counts of making false, fictitious, or fraudulent statements or representations in connection with the delivery of or payment for health care services. Effective 8/13/03.

HOPKIN, Mark Stuart (MD #35-081640) - Columbus

Consent Agreement - Medical license indefinitely suspended; interim monitoring conditions and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on doctor's admission that he has a history of intermittent depression and that, due to that disorder, he is unable to practice according to acceptable and prevailing standards of care at this time. Effective 8/13/03.

HUNTER, Brian John (DO #34-004610) - Poland, OH

Board Order - Permanent revocation of medical license stayed, subject to indefinite suspension for at least eighteen months, such suspension to be retroactive to 2/27/03, the effective date of doctor's interim agreement with the Board; interim monitoring conditions, conditions for reinstatement, and subsequent probationary terms, conditions, and limitations for at least five years established. Based on doctor having been found guilty of one felony count of Medicaid Fraud, the acts underlying which involved doctor's submission of invoices for reimbursement for services which were not, in fact, provided; termination of Medicaid provider agreement by the Ohio Department of Job & Family Services based upon that guilty finding; and on impairment of ability to practice according to acceptable and prevailing standards of care due to alcohol and cocaine dependence, for which doctor sought treatment through a Board-approved provider. Order effective 9/2/03.

ILODI, George H. U. (DPM #36-02268) - Solon

Podiatry license permanently revoked based on doctor having been found guilty in federal court of 3 counts of Conspiracy to Solicit and Receive Medicare and Medicaid Kickbacks, 6 counts of Soliciting and Receiving Medicare and Medicaid Kickbacks, and 21 counts of Health Care Fraud, all felonies. Effective 11/14/03.

JAIN, Vikas Kumar (MD #35-076297) - Newark

Consent Agreement - Suspension of medical license continued for at least 150 days based on doctor having been found guilty of one misdemeanor count of Assault; interim monitoring conditions, conditions for reinstatement, and subsequent probationary terms, conditions and limitations for at least five years established to monitor practice. Determination to reinstate following suspension based on doctor having been deemed capable of practicing according to acceptable and prevailing standards of care, so long as certain treatment and monitoring conditions are in place. Agreement effective 11/12/03; agreement to remain in effect for at least five years following reinstatement prior to any request for termination.

KADER, Ayman M. (MD #35-073825) - Berwick, PA
Board Order - Medical license permanently revoked based on doctor having been found guilty of felony counts of Trafficking in Drugs and Illegal Processing of Drug Documents and, on a separate occasion, of misdemeanor Medicaid Fraud; doctor's failure to provide complete and accurate information on his license renewal application in response to questions about criminal actions and charges; and his failure to advise the Board on his renewal application that his clinical privileges at Twin City Hospital in Dennison, Ohio, had been permanently revoked. Order effective 7/15/03.

KELNER, Paul Evan (MD #35-061460) - Marion
Board Order - Permanent revocation of medical license stayed, subject to suspension for at least five years; interim monitoring conditions, conditions for reinstatement, and subsequent probationary terms, conditions and limitations for at least ten years established. Based on impairment of ability to practice according to acceptable and prevailing standards of care due to habitual or excessive use or abuse of drugs, and violation of conditions of limitation imposed on license by 3/03 consent agreement, as evidenced by positive drug screens. Order effective 10/28/03.

KISER, Donald R. (DO #34-006053) - Parkersburg, WV
Board Order - Medical license suspended for thirty days based on doctor's admission in a West Virginia Board of Osteopathy consent decree that he had documented his completion of specified educational refresher courses on his West Virginia license renewal application when, in fact, he had not attended those courses. Eff. 8/25/03. **Court Action** - Notice of appeal of Board's suspension Order filed by doctor with Franklin County Court of Common Pleas on or about 9/5/03.

LAZARO, Benigno Palafox, Jr. (MD #35-069280) - Warren
Voluntary Surrender - Permanent revocation of medical license authorized by doctor in lieu of formal disciplinary proceedings based upon his having engaged in sexual misconduct with two patients. Effective 7/6/03.

LEVY, David Joseph (MD #35-052773) - Erie, PA
Consent Agreement - Medical license suspended for at least 180 days; interim monitoring conditions and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on doctor's admissions that his ability to practice is impaired due to opioid dependence, for which he sought treatment and entered into a monitoring contract through Pennsylvania's medical society; that he committed acts that would constitute felonies in Ohio, to wit: Deception to Obtain a Dangerous Drug and Illegal Processing of Drug Documents; and that he entered into a consent agreement and Order with Pennsylvania's medical board based on the above conduct. Effective 11/12/03.

LEWIS, Carol Elaine (MD #35-061461) - Cleveland
Consent Agreement - Medical license reinstated subject

to probationary terms, conditions and limitations based on doctor having been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring requirements are in place. Agreement effective 7/9/03; agreement to remain in effect for at least five years prior to any request for termination.

LINN, Robert Francis (DO #34-006798) - Tipp City
Consent Agreement - Probationary terms, conditions and limitations imposed based on doctor's admission that he has been diagnosed with and is receiving treatment for major depression, recurrent, and that his current mental health treatment providers have deemed him capable of practicing according to acceptable and prevailing standards of care, so long as certain treatment and monitoring requirements are in place. Agreement effective 6/11/03; agreement to remain in effect for at least two years prior to any request for termination.

MARTIN, Adam Samuel (MD training certificate #57-06661) - Cleveland Heights
Consent Agreement - Medical training certificate reinstated subject to probationary terms, conditions and limitations based on doctor having been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring requirements are in place. Agreement effective 8/13/03; agreement to remain in effect until doctor has completed at least a five year probationary period.

MCCOY, Terrence Francis (MD #35-058974) - Cincinnati
Board Order - Permanent revocation of medical license stayed subject to indefinite suspension for at least six months; conditions for reinstatement and subsequent probationary terms, conditions, and limitations for at least three years established. Based on doctor's failure to conform to the minimal standard of care and violation of a Code of Professional Ethics by having engaged in sexual contact with a specified patient despite their on-going physician-patient relationship. Order effective 7/30/03.

MCERLEAN, Jeffrey A. (MD #35-070398) - Farmington Hills, MI
Voluntary Surrender - Doctor's permanent voluntary surrender of medical license accepted by Board in resolution of requirements of 12/23/99 Board Order. Doctor ineligible for reinstatement in the future. Eff. 8/27/03.

MEJIA, Juan Carlos (MD #35-077484) - Cincinnati
Consent Agreement - Probationary terms, conditions and limitations imposed based on the emergency suspension and subsequent restoration by Interim Order of doctor's Kentucky medical license; and the suspension of doctor's Indiana license due to Kentucky's emergency suspension order. Agreement effective 6/11/03; agreement to remain in effect until either (1) issuance of a final action by Ohio Board based on a final resolution of the pending Kentucky action; or (2) a determination by Ohio Board, following final

resolution of the pending Kentucky action, that no further action by Ohio Board is warranted.

MIKHAIL, Michael Soliman (MD #35-043221) - Elyria
Medical license suspended for thirty days; subsequent probationary terms, conditions and limitations imposed for at least three years. Based on doctor's improper prescribing controlled substances to a family member over an extended period of time without maintaining medical records to support such prescribing. Effective 12/1/03.

MORRELL, Roger M. (MD applicant) - Lathrup Village, MI
Application Withdrawn - Applicant's request to permanently withdraw application for Ohio medical licensure in lieu of further formal proceedings accepted on behalf of Board, based on applicant's admission to allegations that (1) he was found guilty of 33 felony counts, to wit: Racketeering, Conspiracy to Unlawfully Distribute Schedule III and Schedule IV Controlled Substances, Aiding and Abetting Distribution of Schedule III and IV Controlled Substances, Conspiracy to Commit Mail Fraud, Aiding and Abetting Mail Fraud, and Medicaid Fraud; and (2) there had been prior action taken against his license by Michigan's medical board due to the above criminal convictions. Eff. 11/12/03.

NGUYEN, Thomas Anh (MD #35-077860)
- New Cumberland, PA

Board Order - Permanent revocation of medical license stayed, subject to indefinite suspension for at least eighteen months, such suspension to be retroactive to 12/16/02, the effective date of doctor's affidavit certifying that he would refrain from practicing medicine in Ohio during the pendency of the Board's action; interim monitoring conditions, conditions for reinstatement, and subsequent probationary terms, conditions, and limitations for at least five years established. Based on impairment of ability to practice according to acceptable and prevailing standards of care due to treatment for diagnoses including benzodiazepine dependency; doctor's plea of guilty to nine counts of Deception to Obtain a Dangerous Drug and five counts of Illegal Processing of Drug Documents, for which he was granted intervention in lieu of conviction; and the denial of doctor's application for medical licensure by Iowa's medical board due to his provision of misleading or untrue information in that application. Order effective 9/11/03.

OTTO, David Robert (MD #35-069223) - Wadsworth
Application Withdrawn - Doctor's request to withdraw pending application for restoration of medical license accepted on behalf of Board in lieu of formal disciplinary proceedings based on doctor's admissions that he has received treatment for diagnoses that include alcohol and opioid dependence, major depression, panic disorder and anxiety; that he received treatment after relapsing by self-administering Fentanyl and Sufentanil that he obtained from a hospital by theft; and that he plead guilty to misdemeanor criminal charges relative to that theft in Kansas in 9/02. Effective 7/9/03.

PADHIAR, Ashok Vishram (MD #35-052511) - Circleville
Consent Agreement - Medical license reinstated subject to probationary terms, conditions and limitations based on doctor having been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring requirements are in place. Agreement effective 6/11/03; agreement to remain in effect for at least five years prior to any request for termination.

PEREZ, Ernesto L. (MD #35-027916) - Columbus
Voluntary Retirement - Doctor's voluntary retirement of medical license accepted in lieu of further evaluation pursuant to §4731.22(B)(19), O.R.C. Doctor ineligible for licensure or reinstatement in the future. Effective 6/26/03.

PIEROTTI, Aldino Louis III (MD applicant)
- Beaver Falls, PA
Application Withdrawn - Applicant's request to permanently withdraw application for Ohio medical licensure in lieu of further formal proceedings accepted on behalf of Board, based on applicant's admission to allegations that he failed to provide complete and accurate information pertaining to actions taken against him relative to and/or his participation in residency programs. Effective 10/22/03.

PORTER, Stephen Randall (MD #35-069802)
- Metamora, IN
Consent Agreement - Medical license reinstated subject to probationary terms, conditions and limitations based on doctor having been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring conditions are in place; doctor reprimanded based upon his admitted false statement to the Board pertaining to past alcohol-related convictions. Agreement effective 9/10/03; agreement to remain in effect for at least six years prior to any request for termination.

RASLAN, Abdulhassib (MD #35-066098) - Broadview Hts
Permanent revocation of medical license stayed, subject to suspension for at least twelve months; conditions for reinstatement and subsequent probationary terms, conditions and limitations for at least five years established. Based on Board's findings that aspects of the doctor's treatment of specified patients failed to conform to minimal standards of care. (Journal Entry - hearing not timely requested) Order effective 11/13/03.

RICE, Janet Lynn (MD applicant) - Akron
Board Order - Application for medical license denied based on findings by Board, following applicant's failure to comply with Board-ordered examinations, that applicant is unable to practice according to acceptable and prevailing standards of care by reason of mental illness, and that her ability to practice is impaired due to habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice. (Journal Entry). Eff. 8/14/03.

SALVAT, Oscar H. (MD #35-074417) - San Diego, CA
Board Order - Medical license permanently revoked based on prior action against doctor's license by Georgia's medical board following findings that doctor's clinical privileges at Moody Air Force Base in Valdosta, Georgia, had been revoked for medical impairment, and that he had a clinical condition resulting from a closed head injury received in a motor vehicle accident; and that he was convicted by general court-martial of criminal conduct consisting of sexual intercourse with a patient on two occasions and soliciting another person to make false statements on his behalf. Order effective 9/11/03.

SCHWACHTER, Marc H. (MD #35-080114) - Chicago, IL
Consent Agreement - Medical license suspended for at least 270 days or until all pending criminal charges in Montgomery County, Ohio, have been resolved, whichever is later; interim monitoring conditions and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on doctor's admissions that he has undertaken treatment through a Board approved provider for chemical dependence, that he has abused alcohol and Adderall, that he prescribed controlled substances to a friend and to a family member on specified occasions without prior examination/evaluation and without maintaining medical records; and that he has been criminally charged in Montgomery County, Ohio, with Illegal Processing of Drug Documents based on alleged acts related to his drug-seeking behavior. Agreement effective 11/12/03.

SHEDLOCK, Marie Therese (PA #50-000789) - Strongsville
Consent Agreement - Certificate to practice as a physician assistant suspended for at least 90 days; interim monitoring conditions and conditions for reinstatement established, including requirement that P.A. enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on P.A.'s history of alcohol dependence and relapse, for which she has sought treatment through a board-approved provider; and on her failure to provide complete and accurate information on certificate renewal application about having been found guilty of driving under the influence of alcohol and/or drugs. Effective 9/10/03.

SHIPPEL, Allan Hendley (MD #35-042499) - Canton, GA
Consent Agreement - Medical license reinstated subject to probationary terms, conditions and limitations based on doctor having been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring requirements are in place. Agreement effective 7/9/03; agreement to remain in effect for at least five years prior to any request for termination.

SINGH, Paramjit (MD #35-066022) - East Liverpool
Board Order - Permanent revocation of medical license

stayed subject to indefinite suspension for at least one year; conditions for reinstatement established. Based on doctor having been found guilty of one felony count of Aggravated Possession of Drugs. Order effective 7/30/03.

SMITH, Suzanne Marie (MT #33-012727) - Columbus
Consent Agreement - Massage therapy certificate granted subject to probationary terms, conditions and limitations based on massage therapist's history of bipolar disorder, psychosis and anxiety disorder; and her having been deemed capable of practicing according to acceptable and prevailing standards of care. Agreement effective 8/13/03; agreement to remain effect for at least two years prior to any request for termination.

SPRICH, William W. (MD #35-044332)
- Belleville, IL/St. Louis, MO
Board Order - Medical license revoked based on prior action against doctor's license by Illinois' medical board following doctor's stipulation that he had failed to notice a mechanical malfunction in a piece of equipment during surgery, and that the patient had suffered non-fatal injuries as a result. (Journal Entry - no hearing requested) Order effective 10/9/03.

SPRUCH, Rezso (MD #35-044530) - Danville, IL/Morelia, MEXICO
Board Order - Medical license permanently revoked based on doctor having pled guilty to and been found guilty in Illinois of two misdemeanor counts of (Attempt) Criminal Sexual Abuse; and prior action against doctor's New York medical license based upon that guilty plea. Order effective 6/12/03.

STANOS, Peter Steven (DO #34-006030) - Dublin
Child Support Default Suspension - Pursuant to determination by Franklin County Child Support Enforcement Agency that doctor is in default under a child support order, medical license immediately suspended until such time as Board receives notice from Franklin County Child Support Enforcement Agency that doctor is no longer determined to be in default. Notice mailed 11/4/03.

STEELE, Jack E. (MD #35-021894) - Dayton, OH/
Summerland Key, FL
Board Order - Medical license permanently revoked based on improper prescribing and failure to conform to minimal standards of care with respect to psychiatric care rendered to two specified patients. Order effective 9/11/03.

TOBIAS, Jonathan (MD #35-078310) - Cincinnati
Board Order - Pursuant to Section 4731.22(H), O.R.C., Board's 3/12/03 suspension Order vacated by Order and Entry of the Board on 5/22/03, following court reversal of the conviction upon which that Order had been based. Doctor's certificate reinstated effective 5/22/03.

TRUSNOVIC, William Daniel (MD #35-066000)-Steubenville
Pre-hearing Suspension - Pursuant to §3719.121(C),

O.R.C, medical license immediately suspended based on doctor's plea of guilty to 16 felony counts each of Illegal Processing of Drug Documents, Possession of Drugs, and Permitting Drug Abuse, for which he was found eligible for intervention in lieu of conviction. Notice mailed 8/14/03. **Voluntary Surrender** - Doctor's permanent voluntary surrender of medical license accepted by Board in lieu of further formal proceedings based on doctor's admission to allegations set forth in Board's 8/13/03 notice of opportunity for hearing, including that he plead guilty to 16 felony counts each of Illegal Processing of Drug Documents, Possession of Drugs, and Permitting Drug Abuse, for which he was found eligible for intervention in lieu of conviction. Effective 11/12/03.

VIDYASAGAR, Maiyorr Sitaram (MD #35-059957)
- Port Clinton

Consent Agreement - Doctor reprimanded based on prior action against his license by Nevada's medical board due to doctor's falsification of his renewal application in that state; and prior action by Michigan's medical board based on Nevada's action and on doctor's failure to timely inform the Michigan board of same. Effective 10/8/03.

VINSON, David Jr. (MD #35-058761) - Chicago, IL

Board Order - Medical license permanently revoked based on failure to conform to minimal standards of care with respect to surgical procedures performed on ten specified patients. Order mailed 6/12/03; Order effective 6/12/03. **Court Action** - Notice of appeal of Board's 6/11/03 permanent revocation Order filed by doctor with Franklin County Court of Common Pleas on or about 6/27/03.

WINTER, Virginia Kathleen (MD #35-050157)
- Scappoose, OR

Board Order - Permanent revocation of medical license stayed, subject to suspension for at least 180 days, such time to be calculated from 5/14/03, the date of Board's notice of immediate suspension and opportunity for hearing; interim monitoring conditions, conditions for reinstatement and subsequent probationary terms, conditions and limitations for at least five years established. Based on doctor's plea of guilty to one felony count of Theft, for which she was found eligible for treatment in lieu of conviction. The acts underlying doctor's guilty plea involved her ordering of 5200 dosage units of alprazolam in 2002 for her own use. Order effective 10/10/03.

WORRELL, Bruce S. (DO #34-002776) - Cincinnati

Consent Agreement - Medical license reinstated subject to probationary terms, conditions and limitations based on doctor having been deemed capable of practicing according to acceptable and prevailing standards of care, so long as certain treatment and monitoring conditions are in place. Agreement effective 9/10/03; agreement to remain in effect for at least five years prior to any request for termination.

YUN, Mary Mei-Ling (MD #35-072128) - Cincinnati

Consent Agreement - Medical license reinstated subject

to probationary terms, conditions and limitations based on doctor having been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring requirements are in place. Agreement effective 7/9/03; agreement to remain in effect for at least ten years prior to any request for termination.

ZERVOS, Skevos Michael (MD #35-025315) - Youngstown
Voluntary Surrender - Permanent revocation of medical license authorized by doctor in lieu of formal disciplinary proceedings based on his plea of guilty to 30 counts of Attempted Trafficking in Drugs, all first degree misdemeanors. Effective 9/1/03.

Continuing Medical Education

SNYDER, Charles William (MD #35-071606) - Granville
Consent Agreement - Doctor reprimanded; subject to mandatory CME audits for three biennial registration periods; \$5000 fine imposed. Based on doctor's admission that he certified on license renewal application that he had completed required CME hours when, in fact, those hours had not been timely completed. (Remaining hours have since been completed.) Effective 6/11/03.

Court Action Update

ADAMSON, Wallace Cobner (MD #35-049575) - Delaware
Court Action - By Decision filed on 8/11/03 and documented by Entry filed on 8/26/03, Franklin County Court of Common Pleas affirmed Board's 12/11/02 permanent revocation Order in part, reversed it in part, and ordered that the partial reversal did not support remanding appeal back to Board for further consideration of any modification of penalty. **Court Action** - Notice of appeal to Tenth District Court of Appeals filed by doctor 9/19/03.

AUBRECHT, John R. (MT #33-005350) - Newburgh Hts.
Court Action - By Decision filed 11/6/03, Franklin County Court of Common Pleas granted Board's motion to dismiss massage therapist's appeal based on his failure to exhaust administrative remedies. Entry to be filed.

EL-MAHDY, Amir Hamid (MD #35-051158) - Warren
Court Action - By Decision and Entry filed 6/23/03, Franklin County Court of Common Pleas affirmed Board's 12/11/02 indefinite suspension Order.

FRENZ, John Allen (MD #35-030978) - Brandon, MS
Court Action - By Decision filed 8/5/03, Franklin County Court of Common Pleas affirmed Board's 12/11/02 revocation Order. Entry filed 8/18/03.

GIPE, Dannie K., Jr. (MD applicant) - Lakewood
Court Action - By Opinion and Judgment Entry filed on 7/31/03, Tenth District Court of Appeals affirmed Court of

Common Pleas decision upholding Board's 2/13/02 Order permanently denying medical licensure.

GUIDI, Claude Bernard (MD #35-064995) - Tampa, FL
Court Action - Notice of appeal of Board's 5/14/03 permanent revocation Order filed by doctor with Franklin County Court of Common Pleas on or about 6/20/03. **Court Action** - By Decision and Entry filed 9/17/03, Franklin County Court of Common Pleas granted doctor's motion for a stay of Board's 5/14/03 permanent revocation Order.

HILL, Sam (DO #34-003607) - Hillsboro
Court Action - Notice of appeal of Board's 5/14/03 suspension Order filed by doctor with Franklin County Court of Common Pleas on or about 6/19/03.

MOORE, John Pease III (MD #35-069259) - Bellbrook
Court Action - Notice of appeal of Board's 5/14/03 suspension Order filed by doctor with Franklin County Court of Common Pleas on or about 6/19/03. By Order and Entry filed 6/24/03, Franklin County Court of Common Pleas granted doctor's motion for a stay of Board's suspension Order during the pendency of this appeal.

PACHUDA, Nicholas Michael (DPM #36-002865) - Sandusky
Court Action - By Decision filed on 7/1/03, Franklin County Court of Common Pleas affirmed Board's 11/13/02 indefinite suspension Order. Entry filed 9/16/03.

ROSS, Michael Reiff (MD #35-064760) - Towson, MD
Court Action - By Decision filed 9/2/03 and documented by Entry filed 9/17/03, Franklin County Court of Common Pleas reversed Medical Board's 8/14/02 revocation Order and remanded case to Board to reconsider its sanction in a manner consistent with Court's decision. **Court Action** - Notice of appeal to Tenth District Court of Appeals filed

on behalf of Medical Board on 9/29/03. On 10/7/03, Common Pleas Court filed an Order granting Board's motion for a stay of Court's 9/17/03 Judgment Entry that had reversed and remanded this matter to the Board.

ROSSITER, Lawrence J. (DO #34-001933) - Alliance
Court Action - By Decision filed 5/20/03, Franklin County Court of Common Pleas affirmed Board's 8/14/02 suspension Order. Entry filed 6/3/03. **Court Action** - Notice of appeal to Tenth District Court of Appeals filed by doctor on 6/27/03.

ROYDER, Clayton H. (DO #34-004352) - Columbus
Court Action - By Decision filed 7/15/03 and documented by Entry filed 7/24/02, Franklin County Court of Common Pleas granted Medical Board's motion to vacate 5/23/03 stay order and denied doctor's motion for clarification of that stay order. Allowing 30 days for doctor to close practice, as provided in original Board Order, permanent revocation Order effective 8/24/03.

STASCHAK, Michael Carmen (MD applicant) - Pittsburgh, PA
Court Action - By Decision filed 7/9/03 and documented by Judgment Entry filed on 7/16/03, Franklin County Court of Common Pleas affirmed Board's 12/11/02 Order permanently denying medical licensure. **Court Action** - Notice of appeal to Tenth District Court of Appeals filed by doctor on or about 8/8/03.

WEINER, Ned Elton (MD #35-077474) - University Heights
Court Action - Notice of appeal of Board's 5/14/03 permanent revocation Order filed by doctor with Franklin County Court of Common Pleas on or about 5/29/03. By Decision filed on 11/12/03, Franklin County Court of Common Pleas affirmed Board's 5/14/03 permanent revocation Order. Entry to be filed.

STATE OF OHIO
THE STATE MEDICAL BOARD
77 South High Street, 17th Floor
Columbus, Ohio 43215-6127



YOUR REPORT

FROM THE STATE MEDICAL BOARD OF OHIO

SUMMER/FALL 2004

The State Medical Board

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A WORD FROM THE PRESIDENT

...about on-line license renewal

Tired of paperwork? Then CAVU is for you! Beginning this fall, Medical Board licensees will have the option of renewing their credentials on-line, via the Board's new CAVU computer system. Medical boards who have test-driven CAVU's on-line renewal component have found that it speeds up the process significantly, permitting licensees to instantly submit required information and Board staff to process incoming materials promptly. Ohio licensees whose last names begin with "C" or "D" will inaugurate the program when they receive their renewal applications by mail in early-October.

Although renewing on-line will be optional initially, the Medical Board is hoping to all but eliminate the traditional paper renewal in the near future. Paper renewal is cumbersome, in part because applicants often forget to fully complete the application form. Currently, Board staff must review each renewal application submitted to ensure that it is properly completed, and then send "incomplete" letters to those licensees who did not fill out the form properly. The on-line system prevents this slow down by blocking the submission of an application until it has been fully filled out.

Fortunately, Ohio is not the first state to implement the CAVU on-line license renewal system, and can learn from the experience

See **PRESIDENT** on page 3

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Minding Our Manners

By Lance Talmage, MD
Secretary, State Medical Board of Ohio

In the new millennium, “bedside manners” have come to be seen as a quaint accessory to the arsenal of technical skills novice practitioners bring to the medical profession. Yet, mastering the low-tech art of listening and communicating with patients can make all the difference between a good practitioner and a better one. This summer’s launch of the mandatory Clinical Skills Exam by the National Board of Medical Examiners speaks volumes about the vital role effective physician-patient communication can and must play in the years ahead in preventing medical errors, deterring mal-practice litigation, and averting complaints to regulatory boards.

As Secretary of the State Medical Board, I see a significant number of complaints that stem not from a deficiency in the quality of care, but from a lack of understanding and the concomitant frustration that could have been resolved or prevented altogether by communicating effectively with patients and their families. A number of recent complaints about the care of nursing home patients come to mind. In my own experience, practitioners generally do a good job with these patients, who may be chronically ill and struggling with multiple health problems. When issues do arise, however, they often stem from poor communication—or lack of communication—between the multitude of people who are, by necessity, involved in the patient’s care.

The decision to place a relative in a skilled nursing facility is fraught with emotion, even when the choice seems obvious. Nearby family members who serve as caregivers, as well as those who are distant geographically, are equally interested in the quality of care the patient is receiving and in changes in the patient’s status. With the added layer of skilled and administrative personnel in a nursing facility, the need to make accurate and timely medical information available is all the more critical to keeping the family engaged. To that end, I would offer the following suggestions to prevent poor bedside manners, rather than the care and comfort of the patient, from becoming the primary concern:

Mastering the low-tech art of listening and communicating with patients can make all the difference between a good practitioner and a better one.

- Keep in mind that nursing staff, rather than the physician, is most likely to communicate directly with the family, and document the care rendered to the patient accordingly. Include the

time of day that notes are recorded, along with sufficient information to adequately convey any changes in treatment or status. This is especially important in preterminal and terminal care.

- Communicate frequently with nursing staff—your eyes and ears—to make sure that the patient does not have emergent problems such as decubiti or other sources of discomfort. Verify that the patient is receiving the proper medication and that no administrations have been missed. Take an extra minute to be sure that your notes clearly convey your intentions about the care to be rendered to the patient.
- Make sure that there is clear, documented understanding on all sides about Do Not Resuscitate decisions and orders.
- After a serious event such as a stroke or an MI, thoroughly explain the probable cause,

result and prognosis to the family, in layman's terms. Explain the impact of delays in examination/treatment or any recognized oversights. Encourage conversation and questions rather than lecturing. Be alert to and clarify any misunderstandings the patient or his/her family members may have.

- Keep lines of communication open by designating a trusted staff person for family to contact in your absence. Expedite communication with family by providing an e-mail address and a fax number. A designated family member can convey information to other family members, making communication less time-consuming.
- Be aware of the requirements of the federal HIPAA regulations and be cognizant of any limitations they impose on your interactions with the patient's family. Ask the patient or his/her Power of Attorney with whom you should or should not be

communicating; avoid being put in the middle by encouraging the patient to inform family members of that decision.

- Use tact. A little can go a long way.

Certainly, it is unrealistic to expect that a practitioner can be responsive to patients and their families 24/7; yet there is nothing wrong with setting that as a goal. Time spent now to clarify concerns and correct misperceptions may well eliminate the need to spend even more time later, in a far less pleasant context, answering interrogatories or responding to questions from a Medical Board investigator. Even in specialty practice, it is our job—our calling—to see the patient as a whole being and to resist practicing in a vacuum. Minding our bedside manners is a first and critical step.



Lance A. Talmage, M.D.
Secretary

PRESIDENT (cont.)

of others. Medical boards in other states have had varying levels of success in encouraging participation in their on-line programs. Boards that send out the usual paper renewal documents along with a statement that on-line renewal is available have seen a very low participation rate. Licensees, familiar paper in hand, opt to renew on paper.

North Carolina's medical board, on the other hand, achieved a 90% participation rate for its on-line program within two renewal periods. This was accomplished by sending each licensee instructions on how to renew on-line, rather than mailing out the traditional paper forms. Any licensee who does not wish to renew on-

line is asked to send in a request for the forms needed to submit a renewal through the mail. The licensee is informed that renewing by mail takes at least two weeks longer than renewing online. The vast majority of licensees has followed the path of least resistance and elected to renew on-line.

In the coming months, Ohio's medical board will be putting the finishing touches on its CAVU renewal system, with the goal of meeting the scheduled October 2004 launch target. The members of your Ohio Medical Board look forward to bringing you this convenient new service.



Anquetette P. Sloan, President

Garg & Albert Receive Leadership Award

Two Ohio Medical Board members have been recognized nationally for their unique, effective regulatory partnership.

Ohio Medical Board Members Raymond J. Albert and Anand G. Garg, M.D., were honored by the Federation of State Medical Boards of the United States at the organization's annual meeting in April 2004, when they were named as co-recipients of the John H. Clark, M.D. Leadership Award. The award recognizes outstanding leadership in the field of medical licensure and discipline, as well as commitment to advancing the public good.

Long-time members of the Ohio Medical Board, Dr. Garg and Mr. Albert were honored for their teamwork as the Ohio Medical Board's Secretary and Supervising Member from

December 1997 through June 2003. This partnership is unique among regulatory boards, as the individuals elected from among their peers on the Board to serve as Secretary and Supervising Member are charged with directing the agency's complaint and investigatory processes. The pairing of a physician and a consumer advocate brought a diverse, yet balanced, perspective to this challenging responsibility. Throughout their working relationship, Dr Garg and Mr. Albert fostered the input of staff to implement many changes in Ohio's investigative processes. The changes resulted in system improvements to significantly reduce backlogs and streamline processing.

Both Dr. Garg and Mr. Albert are past-Presidents of the Ohio Medical Board and have served the Board for many years in other leadership roles.♦

Massage Therapy Advisory Committee Answers Challenge

Medical Board and massage therapy practitioners benefit from the dedicated efforts of the Board's Massage Therapy Advisory Committee.

The Medical Board's Massage Therapy Advisory Committee (MTAC) had been on a two year hiatus of sorts when the Board came calling. The emergence of a significant number of issues related to the state's massage therapy practitioners prompted Board Members Lance Talmage, M.D., and David Buchan, D.P.M., as successive Chairs of the Board's Limited Branch Committee, to issue a challenge to MTAC in early 2002, urging the group to reinvigorate itself, formalize its

procedures, and assist the Board in tackling the issues that had come to light.

Beginning in May of 2002, MTAC formally accepted the challenge of the Limited Branch Committee and began meeting on a nearly monthly basis, reporting periodically to the Limited Branch Committee. The full extent of MTAC members' efforts became apparent at the February 2004 Limited Branch Committee meeting, when members were presented with a summary of MTAC's work since May of 2002. The group had:

- Met 18 of the preceding 21 months, with an average meeting attendance of over 95%.

- Rewritten Ohio Administrative Code (OAC) rules governing examination of massage therapy applicants.
- Rewritten OAC rules concerning massage therapy scope of practice, examination failure, additional training, Preliminary Education certificates, curriculum, instructional staff, probationary status, home study schools and distance education.
- Advised the Board's enforcement staff on clinical and practice parameters of massage therapy.
- Advised the Board's licensure staff on school and student approval procedures and issues.
- Worked extensively with the Board's Examination Evaluation and Preparation Committee, advising on massage therapy exam issues.
- Served as liaison to Ohio Council of Massage Therapy Schools and other non-member schools.
- Served as liaison to the Ohio Chapter of the American Massage Therapy Association.
- Served as liaison to the massage therapy community at large, including listing personal email contact information on the Medical Board's Massage Therapy Subweb. Committee members fielded dozens of questions, providing answers and forwarding issues to Board staff as appropriate.
- Oversaw development and continuing evolution of the Board's Massage Therapy Subweb, which has become a key element in the vastly improving communications between the Board and the massage therapy community.
- Aided the Medical Board's Public Inquiries staff by providing opinions on various practice issues and preparing responses to frequently asked questions for publication on the Board's website and subweb.
- Advised the Ohio Department of Taxation on issues related to the expansion of the state sales tax to cover personal services, including massage.

What is MTAC?

The Massage Therapy Advisory Committee (MTAC) was established by the State Medical Board of Ohio on August 11, 1999 to assist the Board and its Limited Branch and Alternative Medicine Committee as it addresses issues regarding the regulation of the practice of massage therapy and the education, training and licensure of Licensed Massage Therapists in the State of Ohio. With nearly 8,000 licensed LMT's in the State of Ohio, and nearly 2,000 more sitting for the licensure examination each year, massage therapists represent the second largest licensure group under the auspices of the Medical Board, a fact that makes MTAC a critical component of the Board's regulatory scheme.

- Advised the Ohio Bureau of Workers Compensation on massage therapy practice and appropriate billing as part of BWC's effort to formalize reimbursement practices.

Having completed work on a significant number of issues, MTAC members voted in January 2004 to scale back its meeting schedule to quarterly, though committing to always be available as needed should additional issues arise. Board staff and MTAC members continue to correspond regularly; several times each month, Board staff has posed specific questions to MTAC seeking the clinical guidance of the members.

At the February 2004 meeting of the Medical Board, Board members applauded MTAC's accomplishments and commended the group's efforts and dedication. In a letter of appreciation to MTAC members, Board President Anquetette Sloan and Limited

See **MTAC** on page 6

MTAC (cont.)

Branch Committee Chair David Buchan, D.P.M., noted that, "The sheer number of issues addressed and resolved due to the focused efforts of the MTAC members is staggering. The Medical Board's mission is to protect the public through effective regulation of the practice of medicine and its limited branches. The Board's success in this mission, where the practice of massage therapy is concerned, is in large measure due to your commitment and efforts on the Board's behalf... You have helped forge a cordial working relationship between the massage therapy community and the Board; you have helped to set standards of education and practice that should serve as a model for regulation of massage therapy; and you have sacrificed your time and energy in service of the public."♦

The following current and past MTAC members were recognized by the Medical Board:

Mark Melecki, LMT, PT, CFT

(appointed July, 2003)

Dennis Gibbons, LMT

(appointed 1999)

Rick Phillips, LMT

(appointed August, 2003)

**Deborah Thorp Jewett, LMT,
NCBTMB** (appointed April, 2002)

Rick Greely, BA, LMT

(appointed April, 2002)

Ed Denning, MEd, LMT

(1999 through July, 2003)

Diane Sater, LMT

(1999 through June, 2003)

Board Updates Massage Therapy Scope of Practice

After nearly six years of work, the Board has officially updated the massage therapy scope of practice, rule 4731-1-05 of the Administrative Code. It is important to note that the new rule is not meant in any way to expand the massage therapy scope of practice, but rather serves to clarify the long-standing components of the massage therapy scope of practice. Highlights of the changes include the following:

- Throughout the rule, references to "massage" have been updated to "massage therapy" to be consistent with previous changes in statute.
- In paragraph (A), addition of the phrase "manipulation of soft tissue" and removal of the term "passive" from "joint movements. Additional language has also been added to paragraphs (F)(3), (F)(4) and (F)(5) to clearly identify the parameters of the LMT practice, limiting joint manipulations to those consistent with LMT education and training. Paragraph (F)(3) specifically enacts a prohibition on LMTs performing chiropractic,

but the Board did not intend by only listing chiropractic to in any way suggest or authorize massage therapists to perform physical therapy or any other profession not specifically enumerated in the rule.

- In paragraph (B), inclusion of clarification that a massage therapist may educate patients consistent with their evaluation of the patient. MTAC indicated that such advice to patients, within the scope of practice, is clinically valuable but that practitioners had been deterred because of uncertainty regarding their authority.
- New paragraph (C) explicitly protects the title and designation "Massage Therapist" and "LMT," to assist in differentiating limited branch practitioners from other purveyors of massage.
- New paragraph (E) protects the public by requiring display of the certificate to practice.

The newly amended rule, which became effective on May 31, 2004, is reprinted on page 7.♦

Ohio Administrative Code 4731-1-05

Scope of Practice: Massage Therapy

- (A) Massage therapy is the treatment of disorders of the human body by the manipulation of soft tissue through the systematic external application of massage techniques including touch, stroking, friction, vibration, percussion, kneading, stretching, compression, and joint movements within the normal physiologic range of motion; and adjunctive thereto, the external application of water, heat, cold, topical preparations and mechanical devices.
- (B) A massage therapist shall not diagnose a patient's condition. A massage therapist shall evaluate whether the application of massage therapy is advisable. A massage therapist may provide information or education consistent with that evaluation, including referral to an appropriate licensed health care professional, provided that any form of treatment advised by a massage therapist falls within the scope of practice of, and relates directly to a condition that is amenable to treatment by, a massage therapist. In determining whether the application of massage therapy is advisable, a massage therapist shall be limited to taking a written or verbal inquiry, visual inspection including observation of range of motion, touch, and the taking of a pulse, temperature and blood pressure.
- (C) No person shall use the words or letters "massage therapist," "licensed massage therapist," "L.M.T." or any other letters, words, abbreviations, or insignia, indicating or implying that the person is a licensed massage therapist without a valid license under Chapter 4731. of the Revised Code.
- (D) A massage therapist may treat temporomandibular joint dysfunction provided that the patient has been directly referred in writing for such treatment to the massage therapist by a physician currently licensed pursuant to Chapter 4731. of the Revised Code, by a chiropractor currently licensed pursuant to Chapter 4734. of the Revised Code or a dentist currently licensed pursuant to Chapter 4715. of the Revised Code.
- (E) All persons who hold a certificate to practice massage therapy issued pursuant to section 4731.17 of the Revised Code shall prominently display that certificate in the office or place where a major portion of the certificate holder's practice is conducted. If a certificate holder does not have a primary practice location, the certificate holder shall at all times when practicing keep the wallet certificate on the holder's person.
- (F) Massage therapy does not include:
- (1) The application of ultrasound, diathermy, and electrical neuromuscular stimulation or substantially similar modalities;
 - (2) Colonic irrigation;
 - (3) The practice of chiropractic, including the application of a high velocity-low amplitude thrusting force to any articulation of the human body;
 - (4) The use of graded force applied across specific joint surfaces for the purpose of breaking capsular adhesions;
 - (5) The prescription of therapeutic exercise for the purpose of rehabilitation or remediation of a disorder of the human body;
 - (6) The treatment of infectious, contagious or venereal diseases;
 - (7) The prescribing or administering of drugs; and
 - (8) The performing of surgery.
- (G) As used within this rule:
- (1) "External" does not prohibit a massage therapist from performing massage therapy inside the mouth or oral cavity; and
 - (2) "Mechanical devices" means any tool or device which mimics or enhances the actions possible by the hands that is within the scope of practice as defined in section 4731.17 of the Revised Code and this rule.◆

Compassionate Care Task Force Issues Report

Compassionate Care Task Force report addresses issues surrounding the care and treatment of patients suffering from terminal illness or severe chronic pain.

Recognizing the importance of addressing the profound physical, psychosocial, and economic impacts of terminal illness and severe chronic pain, the Ohio General Assembly enacted House Bill 474 in December 2002, creating the Compassionate Care Task Force. The Task Force met monthly from May 2003 through March 2004 for the purpose of studying and making recommendations concerning issues surrounding the treatment and care of persons with terminal illness or severe chronic pain. These recommendations are discussed in a new report from the Compassionate Care Task Force, which can be found currently on the Medical Board's website under "Medical Alerts" at www.med.ohio.gov. The Task Force will continue to meet through March 2005 to address its second responsibility of monitoring and reporting on the implementation of its recommendations.

H.B. 474 delineated a variety of participants for the Compassionate Care Task Force (including 18 physicians) and required the Director of Health or the Director's designee to be the group's chairperson. Task Force members include Medical Board Vice-President Patricia Davidson, M.D., Board Executive Director Tom Dilling, and Board Assistant Executive Director William Schmidt. Mr. Dilling and Mr. Schmidt have also served on the Ohio Pain Advisory Committee to the Director of Health since its inception.

The Task Force activities began with identification of the many barriers interfering with appropriate care of persons with chronic pain and persons with terminal illness.

Following identification of barriers, three subcommittees worked to (1) identify current needs and resources for pain management and palliative care in Ohio, (2) identify best practices for the care of persons with chronic pain, persons with terminal illnesses, and the family members of these two groups of patients, and (3) develop strategies to improve the pain management and palliative care practices in Ohio.

Some of the barriers to quality of care of persons with chronic pain and persons with terminal illness that served as the framework and rationale for the Task Force recommendations included:

- Healthcare professionals receive insufficient education on the care of persons with pain and persons with terminal illnesses in their basic education programs; many practicing healthcare providers have not updated their knowledge and skills in these areas; and, there is a lack of pain and palliative care specialists throughout the state, but especially in rural areas;
- Fear and misunderstanding of the existing statutes and rules regarding prescribing of opioid medications interfere with appropriate pain and symptom management; and
- Fear of regulatory scrutiny and litigation interfere with providing appropriate care.

Education and understanding are two significant ways to conquer fear. The Medical Board encourages licensees to visit its website and read the report of the Ohio Compassionate Care Task Force, as well as the Medical Board's rules in Chapter 4731-21 of the Ohio Administrative Code (OAC) on prescribing for intractable pain. The hallmarks of the Board's

rules are that physicians who prescribe to a patient with a terminal condition are not subject to disciplinary action by the Board if the treatment is provided pursuant to the requirements of Ohio Revised Code (ORC) Section 2133.11; physicians who treat intractable pain by utilizing prescription drugs, including opiates and other controlled substances, are not subject to disciplinary action by the Board if the treatment is provided in accordance with ORC Section 4731.052 and the rules found in OAC Chapter 4731-21; and there is a recognition that physical dependence and tolerance are normal physiological consequences of extended opioid therapy, and do not, in the absence of other indicators of drug abuse or addiction, require reduction or cessation of opioid therapy. If you read these statutes and rules, you should understand that they are based on sound principles and standards of medical practice that are essential for the safe and competent treatment of pain.

In addition, the Board encourages those physicians who encounter patients with intractable pain in the usual course of their practices to complete continuing medical education related to the treatment of intractable pain, including coursework related to pharmacology, alternative methods of pain management and treatment, and addiction medicine. Accepted standards of care in medical practice require the adequate treatment of pain. The Medical Board urges you to consider assessing pain as the fifth vital sign in your own practice. ♦

Correction/Clarification

Light-based Medical Devices

The Medical Board received a number of inquiries following its publication of an article on the proper delegation of the application of light-based medical devices (“Use and Delegation of Lasers,” *Your Report*, Winter/Spring 2004, pp. 8-9). The article stated that cosmetic therapists are limited in their use of

light-based medical devices to hair removal, but it created the impression that registered nurses, licensed practical nurses and physician assistants could perform other services under physician delegation. That impression is incorrect.

OAC Rule 4731-18-03 clearly states that a physician may delegate the use of a light-based medical device only to cosmetic therapists, registered nurses, licensed practical nurses and physician assistants, and that these non-physicians may not use the light-based medical devices for any purpose other than hair removal. The difference in delegated scope between the cosmetic therapists and the other delegates is that with the proper training, a cosmetic therapist may use a light-based medical device under off-site supervision, but the other delegates require on-site physician supervision at all times when using a light-based medical device.

The Board apologizes for any confusion the previous article may have caused. ♦

DO WE KNOW WHERE YOU ARE?

UPDATE YOUR ADDRESS

**** NEW FEATURE ****

CHOOSE YOUR MAILING ADDRESS

at www.med.ohio.gov

State law requires you to . . .

- notify the Medical Board of a change of address within 30 days
- provide both residence & principle practice addresses when you renew your license

STATE MEDICAL BOARD OF OHIO

DISCIPLINARY ACTIONS

December 2003 - May 2004

AHMED, Azzam Nimer (MD #35-040283) - Moreland Hills
Pre-hearing Suspension - Pursuant to §4731.22(I), O.R.C., medical license automatically suspended effective 2/11/04 based on doctor having been found guilty of two counts of Rape and seven counts of Sexual Battery. **Board Order** - Medical license permanently revoked based on doctor having been found guilty of two counts of Rape, seven counts of Sexual Battery, and eleven counts of Sexual Imposition. (Journal Entry - hearing not timely requested) Effective 4/27/04.

ALLEN, Mark L. (MD #35-063078) - Warrensville Hts.
Board Order - Medical license indefinitely suspended; interim monitoring conditions, conditions for reinstatement, and subsequent probationary terms, conditions, and limitations for at least five years established. Based on impairment of ability to practice according to acceptable and prevailing standards of care due to alcohol dependence. Order effective 1/16/04.
Court Action - Notice of appeal of Board's suspension Order filed by doctor with Franklin County Court of Common Pleas on 1/29/04. Doctor's appeal of Board's 11/12/03 summary suspension Order dismissed with prejudice pursuant to Agreed Entry of Dismissal filed on 2/13/04. By Order and Entry filed 3/19/04, Common Pleas Court granted doctor's motion for a stay of 1/14/04 indefinite suspension Order, subject to interim monitoring conditions.

AUGSPURGER, Richard Roy (MD #35-036028)
- Wheat Ridge, CO
Consent Agreement - Following findings that prior action against doctor's license by Colorado's medical board constituted a violation of Ohio law, Ohio Board found that letter of admonition from Colorado Board adequately addressed doctor's conduct (failure to notify his partner about a patient's hospital admission) and that no further sanction was required. Doctor required to affirmatively notify specified entities of consent agreement for one year. Agreement effective 12/11/03.

BAUTISTA, Marciano David (DO #34-006986)
- La Junta, CO
Consent Agreement - Doctor reprimanded based on prior action against his license by Alaska's medical board, the conduct underlying which involved his having written prescriptions for controlled substances in Alaska after he inadvertently allowed his U.S. DEA Controlled Substance Registration Certificate to expire. Eff. 2/11/04.

BIERER, Craig Lindsay (DO training certificate #58-000448) - Cuyahoga Falls
Consent Agreement - Medical training certificate suspended for at least 90 days; interim monitoring conditions and conditions for reinstatement, renewal or issuance of any other certificate established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on doctor's admitted history of alcohol dependence and relapse. Agreement effective 1/14/03.

BISHOP, Marcia K. (MT #33-008999) - Bucyrus
Pre-hearing Suspension - Pursuant to Section 3719.121(C), O.R.C., massage therapy license immediately suspended based on massage therapist's pleas of guilty to one felony count of Theft of Drugs, and one felony count of Attempted Tampering with Drugs. Notice mailed 12/11/03. **Voluntary Surrender** - Permanent voluntary surrender of certificate authorized by massage therapist in lieu of formal disciplinary proceedings pursuant to Sections 4731.22(B)(9) and (B)(26), O.R.C. Effective 4/1/04.

BRIGHTWELL, Robert Russell (DO #34-003008)
- Hilliard
Pre-hearing Suspension - Pursuant to Section 4731.22(G), O.R.C., medical license summarily suspended 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 due to habitual or excessive use or abuse of alcohol; and that doctor's continued practice presents a danger of immediate and serious harm to the public. Notice mailed 3/11/04; suspension effective upon service of notice on doctor on 3/19/04. **Court Action** - Notice of appeal of Board's summary suspension Order filed by doctor in Franklin County Court of Common Pleas on or about 3/15/04. **Consent Agreement** - Summary suspension Order terminated; medical license indefinitely suspended; interim monitoring conditions and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on impairment of ability to practice according to acceptable and prevailing standards of care due to alcohol dependence. Agreement effective 4/15/04. **Court Action** - By Entry filed on 4/26/04, Franklin County Court of Common Pleas dismissed doctor's appeal of Board's summary

suspension Order with prejudice based on Board's ratification of 4/15/04 consent agreement that terminated summary suspension and made appeal moot.

BRUMFIELD, Daniel H. (MD #35-065317) - Springfield
Consent Agreement - Medical license reinstated subject to probationary terms, conditions and limitations based on doctor having been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring conditions are in place. Agreement effective 1/16/04; agreement to remain in effect for at least five years prior to any request for termination.

CHECK, Lynne Ellen Zegjib (MD #35-033827) - Richfield
Consent Agreement - Doctor reprimanded for failing to cooperate in a Medical Board investigation; probationary terms, conditions and limitations established based on doctor's admissions that her diagnoses include major depression and adjustment disorder, and that an evaluating psychiatrist has opined that she is able to practice medicine according to acceptable and prevailing standards of care based upon the fact that her major depressive disorder is reasonably controlled with treatment. Agreement effective 3/10/04; agreement to remain in effect for a minimum of two years prior to any request for termination.

COBB, Marcus Lillard (MD #35-060320) - Fairfield
Consent Agreement - Doctor reprimanded based on his continued employment and supervision of a physician assistant after the P.A.'s certificate of registration had expired and after doctor's Board-approved Physician Assistant Supervision Agreement with the P.A. had expired. Agreement effective 4/15/04.

DAHLQUIST, Glenda Mae (MD #35-061900) - Dayton
Board Order - Medical license permanently revoked based on inappropriate prescribing and failure to conform to minimal standards of care in the course of treatment of sixteen specified patients. Order effective 3/5/04. **Court Action** - Notice of appeal of Board's permanent revocation Order filed by doctor with Franklin County Court of Common Pleas on 2/13/04. By Order filed 3/3/04, Franklin County Court of Common Pleas stayed Board's permanent revocation Order, subject to requirements that doctor (1) notify all patients of the Board's permanent revocation order, the basis therefor, and the issuance of the court's stay order; and (2) obtain a signed waiver from each patient verifying that they have been so advised and consent to treatment by doctor.

DANIACHEW, Anthony Emmanuel (MD training certificate #57-002448/MD #35-083935) - Bedford Hts.
Consent Agreement - Application for medical license granted, subject to probationary terms, conditions and limitations based on doctor's admission that he has been diagnosed with Generalized Anxiety Disorder that is amenable to treatment. Agreement effective 2/11/04;

agreement to remain in effect for a minimum of five years prior to any request for termination.

DESHMUKH, Minakshi B. (MD #35-070751) - Midland, MI/Indor, INDIA
Board Order - Medical license suspended for at least 180 days; conditions for reinstatement and subsequent probationary terms, conditions and limitations for at least ten years established. Based on action against doctor's license by Michigan's medical board in resolution of previously issued allegations and an order of summary suspension by that state; and on doctor's violation of conditions of limitation imposed on her Ohio medical license by an 8/8/01 consent agreement. Order effective 4/15/04.

DICKSON, Stephen Lynn, Jr. (MD #35-074569) - Newburgh, IN
Consent Agreement - Doctor reprimanded based on prior action against his resident physician registration by Florida's medical board for inappropriately inserting a chest tube into the wrong lung of a specified patient. Effective 3/10/04.

DINTIMAN, Peter Evans (MD #35-048364) - Alliance
Voluntary Surrender - Doctor's voluntary surrender of medical license accepted by Board in lieu of further formal proceedings, based on doctor's admissions to factual allegations set forth in 2/11/04 notice of opportunity for hearing. Doctor ineligible for licensure in the future. Effective 5/11/04.

DIPIETRO, John Joseph (MT #33-006449) - East Canton
Voluntary Surrender - Permanent revocation of certificate to practice massage therapy authorized by massage therapist in lieu of further formal investigation and/or formal disciplinary proceedings based upon his inability to practice due to various medical conditions, including chronic pain. Effective 5/11/04.

ESSA, Yazeed Mansi (MD #35-072322) - Akron
Consent Agreement - Medical license indefinitely suspended; interim monitoring conditions and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on doctor's admission that, following a Board-ordered evaluation, he was determined to be alcohol dependent and impaired in his ability practice according to acceptable and prevailing standards of care due to the habitual or excessive use or abuse of alcohol. Agreement effective 4/15/04. **Consent Agreement** - Medical license reinstated subject to probationary terms, conditions and limitations based on doctor having been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring conditions are in place. Agreement effective 5/12/04; agreement to remain in effect for at least five years prior to any request for termination.

FISCHKELTA, Joseph William (PA #50-001459)
- Springfield
Board Order - Physician assistant's certificate of registration suspended for at least ninety days; interim monitoring conditions, conditions for reinstatement, and subsequent probationary terms, conditions, and limitations for at least three years established. Based on physician assistant having been found guilty in North Carolina of seven misdemeanor counts of Common Law Forgery for forging a physician's signature to prescriptions issued to a false name; and his failure to advise Ohio Medical Board of same on his application for renewal of physician assistant registration. Order effective 2/12/04.

FITZ, Charles Raymond (MD #35-074542)
- Pittsburgh, PA
Board Order - Medical license revoked based on doctor's failure to cooperate with a Medical Board investigation about malpractice awards that were made on his behalf. (Review and Journal Entry - no hearing requested) Order effective 4/15/04.

GAINEY, Michael Shane (MD #35-048972)
- Loveland/Park Hills, KY
Board Order - Medical license suspended for ninety days; subsequent probationary terms, conditions and limitations for at least two years established. Based on doctor's failure to conform to minimal standards of care and violation of Code of Professional Ethics due to his having engaged in oral sex with a patient he had treated in the hospital emergency department. Order eff. 6/5/04.

GELBARD, Steven David (MD #35-052771)
- Coral Springs, FL
Voluntary Surrender - Doctor's permanent voluntary surrender of medical license accepted by Board effective 12/19/03 in lieu of formal disciplinary action based on doctor's violations of 5/12/00 Board Order and on prior action against doctor's license by Florida's medical board. Doctor ineligible for reinstatement in the future.

GERACI, Thomas L. (DPM #36-002265) - Columbus
Pre-hearing Suspension - Pursuant to §3719.121(C), O.R.C., podiatry license immediately suspended based on doctor having been found eligible for intervention in lieu of conviction of seven felony counts of Illegal Processing of Drug Documents and three felony counts of Deception to Obtain Dangerous Drugs. Notice mailed 1/15/04; suspension effective 2/17/04 (notice by publication). **Board Order** - Podiatry license permanently revoked based on doctor's pleas of guilty to ten felony counts, including seven felony counts of Illegal Processing of Drug Documents and three felony counts of Deception to Obtain Dangerous Drugs, for which he was found eligible for intervention in lieu of conviction. (Review and Journal Entry - no hearing requested) Order effective 5/13/04.

GOODEN, Timothy Alwyn (MD #35-048868) - Mentor
Board Order - Medical license suspended for one year; all probationary terms imposed by 2/02 consent agreement shall continue. Based on doctor having engaged in sexual activity with the mother of two of his pediatric patients, in violation of a provision of a code of professional ethics and minimal standards of care. Order effective 3/5/04.

GREER, Steven Franklin (MD training certificate #57-007242) - Cleveland
Consent Agreement - Medical training certificate indefinitely suspended; interim monitoring conditions and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on doctor's admission that, following a Board-ordered evaluation, he was determined to be chemically dependent and impaired in his ability practice according to acceptable and prevailing standards of care due to the habitual or excessive use of alcohol. Agreement effective 4/15/04.

HAJ-HAMED, Ghassan (MD #069745) - Cincinnati
Pre-hearing Suspension - Pursuant to §4731.22(G), O.R.C., medical license summarily suspended based on Board's determination that there is clear and convincing evidence that doctor violated conditions of limitation imposed on his license by 11/14/03 consent agreement; and that doctor's continued practice presents a danger of immediate and serious harm to the public. Notice mailed 4/30/04; suspension effective upon personal service of notice on doctor on 4/30/04.

HELPHENSTINE, James Charles (DO #34-004200) - Miamisburg
Board Order - Permanent revocation of medical license stayed, subject to indefinite suspension for at least twenty-four months; interim monitoring conditions, conditions for restoration, and subsequent probationary terms, conditions, and limitations for at least five years established. Based on impairment of ability to practice according to acceptable and prevailing standards of care, as evidenced by urine screen reflecting the presence of benzodiazepines. Order effective 12/12/03.

HIGHBERGER, W. Andrew (MD #35-056976)
- Marysville
Consent Agreement - 7/02 consent agreement amended to permit doctor to perform operative anesthesia and to add required screenings for Fentanyl. Based on doctor having been deemed capable of practicing operative anesthesia according to acceptable and prevailing standards of care, so long as certain treatment and monitoring requirements are in place. Effective 12/11/03.

HILLMAN, Rodney (PA #50-001265) - Cincinnati
Consent Agreement - Physician assistant certificate restored; P.A. reprimanded and required to affirmatively

notify specified entities of consent agreement for five years. Based on P.A.'s admission that he worked as a P.A. without a current certificate of registration and without a current Board-approved physician assistant supervision agreement from 2/01 through 4/02. Agreement effective 12/11/03.

HOLLADAY, Jeffrey Scott (MT #33-011044) - Napoleon
Consent Agreement - Massage therapist reprimanded for failing to advise Board on certificate renewal application that he had been treated for and diagnosed as suffering from drug and alcohol dependency and abuse. Certificate to practice massage therapy indefinitely suspended; interim monitoring conditions and conditions for reinstatement established, including requirement that massage therapist enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice, based on his admitted history of alcohol dependence and marijuana abuse, treatment and relapse. Agreement effective 4/15/04.

HOPKINS, Jordan Eric (MD training certificate #57-005132) - Columbus
Consent Agreement - Medical training certificate indefinitely suspended; interim monitoring conditions and conditions for reinstatement, renewal or issuance of any other certificate established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on doctor's admission that he has been diagnosed as alcohol dependent and has sought treatment through a Board-approved provider. Agreement effective 5/12/04.

JIRKA, Gerard M. (PA applicant) - Avon Lake
Application Withdrawn - Applicant's request to permanently withdraw application for certificate of registration as a physician assistant accepted by the Board in lieu of formal disciplinary proceedings based upon 12/10/03 notice of opportunity for hearing. Effective 2/25/04.

JONES, Jeffrey Thomas (PA #50-001782) - Canton
Pre-hearing Suspension - Pursuant to §3719.121(C), O.R.C., physician assistant's certificate of registration immediately suspended based on his having been found eligible for intervention in lieu of conviction of one felony count of Possession of Drugs (Anabolic Steroids). Notice mailed 2/12/04; suspension effective upon service of notice on physician assistant on 2/17/04.

JONES, Miles James (MD #35-079363)
- Lee's Summit, MO
Board Order - Medical license permanently revoked based on prior actions against doctor's medical licenses in North Dakota, Wisconsin, Missouri, New York, Alabama and Oklahoma, following conclusions by one or more of the medical boards in those states that doctor had prescribed over the Internet without prior patient

examination or establishment of a legitimate physician-patient relationship; and that he had been subject to discipline in other states based on those acts. Order effective 2/12/04. **Court Action** - Notice of appeal of Board's permanent revocation Order filed by doctor with Franklin County Court of Common Pleas on 2/27/04. **Court Action** - Voluntary dismissal of notice of appeal filed on behalf of doctor on 3/24/04 to permit Board to obtain service of notice of permanent revocation Order on doctor.

JOSEY, Willie Leroy (MD #35-055467) - Portsmouth
Board Order - Permanent revocation of medical license stayed, subject to indefinite suspension for at least two years, such suspension to be retroactive to 3/15/02, the date of the previous Board Order that suspended doctor's certificate; interim monitoring conditions, conditions for reinstatement, and subsequent probationary terms, conditions, and limitations for at least ten years established. Based on doctor's plea of guilty to thirteen felony counts of Deception to Obtain a Dangerous Drug, for which he was granted intervention in lieu of conviction. Order effective 2/12/04.

JUNGBLUT, Melanie E. (MD #35-062650) - Norwalk
Consent Agreement - Probationary terms, conditions and limitations imposed to monitor practice based on doctor's admission that she has been diagnosed with and is being treated for mental illness, including intermittent major depression, attention deficit hyperactivity disorder, and bipolar disorder; and on doctor having been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring conditions are in place. Agreement effective 4/15/04; agreement to remain in effect for at least five years prior to any request for termination.

KANNAPIRAN, Kandhasamy (MD #35-048702) Mansfield
Pre-hearing Suspension - Pursuant to Section 4731.22(G), O.R.C., medical license summarily suspended 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 due to habitual or excessive use or abuse of drugs/alcohol; and that doctor's continued practice presents a danger of immediate and serious harm to the public. Notice mailed 2/12/04; suspension effective upon service of notice on doctor on 2/12/04. **Consent Agreement** - Summary suspension Order terminated; medical license suspended for at least ninety days; interim monitoring and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on impairment of ability to practice according to acceptable and prevailing standards of care due to alcohol dependence and possible benzodiazepine abuse/dependence. Agreement effective 5/12/04.

KAREL, Douglas B. (MD #35-071689) - Lima
Consent Agreement - Doctor reprimanded and probationary terms, conditions and limitations established based on doctor's admission that he engaged in behaviors involving several hospital coworkers that constituted inappropriate boundary crossings or otherwise unethical conduct in violation of the AMA's Principles of Medical Ethics, including making inappropriate social comments and offensive humorous remarks. Effective 2/11/04; probation to remain in effect for a minimum of one year prior to any request for modification/termination.

KRALIK, Rita Marie (MD #35-050161) - Gates Mills
Board Order - Application for reinstatement of medical license denied; 4/17/96 indefinite suspension Order terminated and superceded by this Order of indefinite suspension; conditions for reinstatement established. Order entered due to doctor's failure to comply with Board-ordered examination, resulting in Board's finding, pursuant to Section 4731.22(B)(19), O.R.C., that doctor is unable to practice according to acceptable and prevailing standards of care by reason of mental or physical illness. (Journal Entry) Order effective upon successful service of notice on 12/31/03.

KUNKEL, John Fitzgerald (MD #35-076546)
- Santa Rosa, CA
Consent Agreement - Probationary terms, conditions and limitations established based on California Medical Board's issuance of a probationary medical license to doctor in view of doctor's history of treatment for major depressive disorder and bipolar disorder, and recommendation by psychiatrist who evaluated doctor on behalf of Ohio medical board that doctor undergo a period of probation with required treatment and monitoring. Agreement effective 5/12/04; agreement to remain in effect for at least five years prior to any request for termination.

LEON, Alberto A. (MD #35-046211) - Xenia
Pre-hearing Suspension - Pursuant to §3719.121(C), medical license immediately suspended based on doctor's pleas of guilty to four felony counts of Deception to Obtain a Dangerous Drug. Suspension effective upon service of notice on doctor on 4/17/04.

LING, Louis August (MD #35-068329) - Porterville, CA
Board Order - Doctor reprimanded based on prior action against his Alaska medical license following his admission that he had failed to notify the board in a timely manner of a malpractice claim in the amount of \$24,000 that had been paid on his behalf; and on prior action against doctor's California medical license based on the Alaska Board's action. Order effective 4/15/04.

LISS, Richard W. (MD #35-047064) - Columbus
Board Order - Medical license permanently revoked based on doctor's failure to conform to minimal

standards of care and violation of the American Medical Association's Principles of Medical Ethics by engaging in sexual conduct with a patient, failing to maintain complete records of that patient's care, and failing to document specified controlled substance prescriptions he wrote for that patient. Order effective 1/16/04.

LITTLE, Larry John (MD #35-047090) - Columbus
Board Order - Medical license suspended for at least 180 days; conditions for reinstatement and subsequent probationary terms, conditions, and limitations for at least three years established. Based on doctor's improper provision of controlled substances to a family member and to five other specified patients without maintaining adequate medical records to justify such provision, as required by Board rule. Effective 1/16/04.

LUTZ, Gary Ray (DO #34-003249) - Las Vegas, NV
Interim Agreement - Probationary terms that were established by 11/16/98 Board Order to remain in effect; doctor's practice limited such that he will not practice osteopathic medicine and surgery in any form in Ohio. Based on Emergency Order of Summary Suspension of doctor's Nevada license issued by that state's medical board in 2/04. Agreement effective 4/15/04.

MASLYK, Benton Matthew (MT applicant) - Columbus
Board Order - Application for massage therapist licensure granted provided that applicant successfully completes the massage therapy licensing examination, and subject to probationary terms, conditions, and limitations for at least three years. Based upon applicant having been found guilty in 1999 of one misdemeanor count of Corrupting Another with Drugs; and his having been found guilty in 2000 of one felony count of Robbery. Order effective 2/12/04.

MASON, Ulysses G. III (MD #35-036253) - Denver, CO
Voluntary Surrender - Doctor's permanent voluntary surrender of medical license accepted by Board in lieu of formal proceedings based on prior action against doctor's license by Colorado's medical board. Doctor ineligible for licensure in the future. Effective 1/12/04.

MCALLISTER, Mark Stephen (MD #35-072741)
- North Olmsted
Consent Agreement - Medical license suspended for at least one year; interim monitoring conditions and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on impairment of ability to practice according to acceptable and prevailing standards of care due to relapse, violation of conditions of limitation imposed on license by May 2001 consent agreement, and commission of an act that constitutes a felony in this state, to wit: Theft of Drugs. Agreement effective 5/12/03.

MCGINNIS, James Martin (DO #34-005660)
- Wheelersburg

Consent Agreement - Medical license suspended for at least 90 days; interim monitoring conditions and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on doctor's admitted history of alcohol dependence, for which he has sought treatment through a Board-approved provider. Agreement effective 4/15/04.

MCLAUGHLIN, Rosemary W. (MD #35-025953)
- Columbus

Voluntary Surrender - Permanent revocation of medical license authorized by doctor in lieu of formal disciplinary proceedings based on her non-compliance with terms of 10/10/01 Board Order. Effective 2/10/04.

MCLEAN, Conway Thoreau (DPM applicant)
- Brookfield, IL

Board Order - Application for podiatric medical licensure permanently denied based on action against applicant's Iowa license in 1999 following his admission to allegations that he had committed professional incompetence and negligence in performing unindicated and/or negligent and/or excessive and/or premature surgeries on four patients; action against his Illinois license in 2000 based on a finding that his educational loan was in default; action against his Wisconsin license in 2001 based on Iowa's 1999 action; and on applicant's failure to advise the Ohio Medical Board on his 2003 application for licensure that his hospital privileges at Burlington Medical Center (Iowa) had been restricted. (Review and Journal Entry - no hearing requested) Order effective 3/11/04.

MCMAMEE, Brian F. (MD #35-035216) - Cleveland

Board Order - Medical license permanently revoked based on impairment of ability to practice and violation of conditions of limitation imposed on license by 11/02 consent agreement due to relapse on alcohol. Order effective 5/4/04.

MCSURDY, Bruce J. (MD #35-065913)
- North Platte, NE

Board Order - Medical license revoked based on prior action against doctor's license by North Dakota's medical board following conclusions of law that doctor had failed to furnish information requested about his compliance with continuing medical education requirements. (Journal Entry - no hearing requested) Order effective 5/13/04.

MILLER, Lynn Ye (MD #57-006043) - Boardman

Board Order - Medical training certificate permanently revoked based on doctor's provision of false information on her Ohio training certificate application and a St. Elizabeth Health Center (Youngstown, OH) training program application; her admission to officials at St.

Elizabeth that she altered two letters of recommendation in connection with the latter application; and her failure to advise the Medical Board on her training certificate application that she had been placed on probation and had been counseled on several occasions during an undisclosed residency at Wright State University (Dayton, OH). (Review and Journal Entry - no hearing requested) Order effective 4/15/04.

MUNOZ, Cayetano Sanchez (MD #35-033007)
- Lake Havasu, AZ

Voluntary Surrender - Doctor's permanent voluntary surrender of medical license accepted by Board effective 11/27/03 in resolution of requirements of 10/13/00 Board Order, and in lieu of formal disciplinary action based on doctor's violation of that Order and on 8/14/03 disciplinary action by Arizona's medical board. Doctor ineligible for reinstatement in the future.

NICHOLS, Billy Michael (MD #35-057408) - Cincinnati/
Grovetown, GA

Consent Agreement - Doctor reprimanded based on his continued employment and supervision of a physician assistant after the P.A.'s certificate of registration had expired and after doctor's Board-approved Physician Assistant Supervision Agreement with the P.A. had expired. Agreement effective 4/15/04.

NOOR, Sidi Yousseff (MD applicant) - Morristown, PA

Application Withdrawn - Applicant's request to permanently withdraw application for medical license accepted by the Board in lieu of formal disciplinary proceedings based upon applicant's failure to disclose on his Ohio application that he had been the subject of a licensure action in Illinois, as well as of licensure investigations in Massachusetts and South Carolina. Applicant ineligible for licensure in the future. Effective 11/24/03.

PAAT, Erdulfo Paz (MD #35-034225) - North Olmsted

Board Order - Medical license suspended for ninety days; subsequent probationary terms, conditions, and limitations for at least three years established. Based on doctor having been found guilty of one misdemeanor count of Attempted Sexual Imposition, the acts underlying which involved his conduct toward a female patient. Order mailed 3/31/04; Order effective 3/31/04.
Court Action - Notice of appeal of Board's suspension Order filed by doctor on or about 3/16/04 with Franklin County Court of Common Pleas. By Decision and Entry filed on 3/26/04, the Court dismissed doctor's appeal as being premature. Notice of appeal of Board's suspension Order refiled by doctor on or about 4/1/04 with Franklin County Court of Common Pleas. By Order filed 4/1/04, the Court granted doctor's motion for a stay of Board's suspension Order until filing of a final decision or order by Common Pleas Court in the appeal, conditioned upon doctor having a chaperone present in the room with him during all of his examinations of female patients.

PRADA, German Virgilio (MD #35-039814) - Kettering
Board Order - Medical license suspended for at least 180 days; subsequent probationary terms, conditions, and limitations for at least three years established. Based on doctor having been found guilty of one misdemeanor count of Sexual Imposition, the acts underlying which involved his conduct toward a female psychiatric patient. Order effective 3/31/04. **Court Action** - Notice of appeal of Board's indefinite suspension Order filed by doctor with Franklin County Court of Common Pleas on 4/2/04.

PRATT-HARRINGTON, Dale (DO #34-006970) - Athens
Pre-hearing Suspension - Pursuant to Section 4731.22(G), O.R.C., medical license summarily suspended 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 due to habitual or excessive use or abuse of drugs/alcohol; and that doctor's continued practice presents a danger of immediate and serious harm to the public. Suspension effective upon service of notice on doctor on or about 2/17/04.

RAMIREZ, Roque Joel (MD #35-068714) - Mexia, TX
Voluntary Surrender - Doctor's permanent voluntary surrender of medical license accepted by Board in lieu of further formal proceedings based on doctor's admission to prior action against his Texas medical license following conclusions by that state's medical board that he had failed to practice medicine in an acceptable professional manner. Doctor ineligible for licensure in the future. Effective 1/13/04.

REEVES, Robert S., Jr. (MD #35-050586) - Norwalk
Board Order - Permanent revocation of medical license stayed, subject to indefinite suspension for at least 180 days, such suspension to be retroactive to 9/5/03, the date the doctor terminated his employment based on concerns expressed by the Supervising Member of the Board and Board staff; interim monitoring conditions, conditions for reinstatement, and subsequent probationary terms, conditions, and limitations for at least seven years established; license permanently limited in that doctor shall refrain from self-treating and from treating family members except in the event of a life-threatening emergency. Based on doctor's violation of conditions of limitation imposed on license by 5/14/03 consent agreement due to his failure to comply with practice monitoring and psychiatric treatment requirements. Order effective 2/12/04. Doctor's request for reinstatement granted by vote of the Board on 3/10/04, subject to probationary terms, conditions and limitations established by 2/11/04 Board Order.

RICH, Craig Louis (MD #35-064127) - Canton
Pre-hearing Suspension - Pursuant to Section 4731.22(G), O.R.C., medical license summarily suspended 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 due to habitual or excessive use or abuse of drugs/alcohol; and that doctor's continued practice presents a danger of immediate and serious harm to the public. Suspension effective upon service of notice on doctor on 2/14/04.

ROSSLIT, James M., Jr. (DO #34-005558) - Dayton
Consent Agreement - Medical license reinstated subject to probationary terms, conditions and limitations based on doctor having been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring conditions are in place. Agreement effective 3/10/04; agreement to remain in effect for at least five years prior to any request for termination.

RUBIN, Joel H. (DO #34-002084) - Flower Mound, TX
Board Order - Probationary terms, conditions and limitations imposed until doctor submits acceptable documentation that he has completed all requirements imposed by the Texas State Board of Medical Examiners' Medicated Agreed Order, and that doctor holds a full and unrestricted license to practice medicine and surgery in the State of Texas. Based on prior action against doctor's license by Texas' medical board following findings that doctor's emergency room treatment of two specified patients constituted a failure to practice medicine in a professional manner consistent with public health and welfare. Order effective 2/12/04.

SALWITZ, Michael Theodore (MD #35-041110)
- Payson, AZ
Board Order - Medical license limited and restricted to require doctor to refrain from practice in Ohio until specified conditions are satisfied; subsequent probationary terms, conditions and limitations for at least three years established. Based on prior action against doctor's Arizona medical license for his failure to evaluate, diagnose and treat a patient's gastric ulcer, and improperly discharging the patient from the emergency room with deteriorating vital signs. Order effective 5/6/04.

SCHECHTER, John Michael (MD #35-061517) - Solon
Board Order - Medical license permanently revoked based on doctor's treatment of a psychiatric patient; his having engaged in sexual relations with said patient fell below minimal standards of care and violated the AMA Code of Professional Ethics. Order effective 3/12/04.
Court Action - Notice of appeal of Board's 3/10/04 permanent revocation Order filed by doctor in Franklin County Court of Common Pleas on or about 3/15/04.

SEILER, Patricia Anne (MD #35-050364)
- Grand Rapids, MI
Consent Agreement - Doctor reprimanded based on prior action against doctor's license by Michigan's medical board following findings by that board that

doctor's conduct in the treatment of a specified patient constituted negligence. Effective 3/11/04.

SHAHAMAT, Ahmad (MD #35-039134) - Westlake
Board Order - Medical license suspended for at least 90 days; conditions for reinstatement and subsequent probationary terms, conditions and limitations for at least three years established. Based on doctor having been found guilty of one felony count of Worker's Compensation Fraud. Order effective 6/5/04.

SHEDLOCK, Marie Therese (PA #50-000789)
- Middleburg Heights

Consent Agreement - Certificate to practice as a physician assistant reinstated subject to probationary terms, conditions and limitations based on P.A. having been deemed capable of practicing according to acceptable and prevailing standards of care. Agreement effective 1/14/04; agreement to remain in effect for at least five years prior to any request for termination.

SHERMAN, Christopher John (MD #35-054258) - Warren
Pre-hearing Suspension - Pursuant to Section 4731.22(G), O.R.C., medical license summarily suspended 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 due to habitual or excessive use or abuse of drugs/alcohol; and that doctor's continued practice presents a danger of immediate and serious harm to the public. Suspension effective upon service of notice on doctor on 2/14/04.

SHETH, Neel Narendra (MD applicant) - Saline, MI
Application Withdrawn - Applicant's request to permanently withdraw application for medical license accepted by Board in lieu of further formal disciplinary proceedings based on allegations issued by the Board on 12/10/03.

SHIN, Cheung Soo (MD #35-033143) - Middlesboro, KY
Board Order - Medical license revoked based on prior action against doctor's license by Kentucky's medical board following Agreed Findings relative to doctor's inadequate supervision of a physician assistant. (Journal Entry - no hearing requested) Effective 5/13/04.

SIEGEL-SCHAEFER, Luke A. (MT applicant) - Columbus
Board Order - Application for certificate to practice massage therapy granted, provided that applicant successful completes massage therapy licensing examination and subject to probationary terms, conditions and limitations for at least three years. Based on applicant having been found guilty in 1999 of one felony count of Trafficking in Drugs, the acts underlying which involved his having knowingly sold or offered to sell a controlled substance, to wit: mescaline mushrooms. Order effective 4/15/04.

SINGH, Paramjit (MD #35-066022) - East Liverpool
Voluntary Surrender - Permanent revocation of medical license authorized by doctor in lieu of formal disciplinary proceedings based on his plea of guilty to felony drug counts. Effective 1/13/04.

SNYDER, Geoffrey D. (MD #35-068971) - Lewisville
Board Order - Medical license permanently revoked based on doctor having been convicted of one felony count of Importuning, the conduct underlying which involved his soliciting, via the internet, a law enforcement officer posing as a minor to engage in sexual activity; and based upon doctor's failure to advise Board, during processing of his initial application for licensure, that he had been requested to appear at a General Court-Martial to answer charges that ultimately resulted in his dismissal from the United States Army. Order effective 1/16/04. **Court Action** - Notice of appeal of Board's permanent revocation Order filed by doctor with Franklin County Common Pleas Court on 1/16/04. By Order filed on 1/16/04, Court of Common Pleas stayed Board's permanent revocation Order pending the final disposition of doctor's appeal. Upon State's motion for reconsideration, Court of Common Pleas modified its stay of Board's permanent revocation Order on 2/5/04 to require that doctor comply with certain conditions, including that he accept no new patients, continue with psychological counseling, complete sex offender evaluation, not see female patients and patients under the age of eighteen (male or female) except in the presence of another medical professional, maintain a log of third party attendance at any medical visits with female patients and all patients under the age of eighteen, have no access to the internet, and not possess, in any manner, any pornographic materials.

SOUTHERN, Brian Derris (MD training certificate #57-008187) - Cleveland

Pre-hearing Suspension - Pursuant to Section 4731.22(G), O.R.C., medical training certificate summarily suspended 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 due to habitual or excessive use or abuse of drugs/alcohol; and that doctor's continued practice presents a danger of immediate and serious harm to the public. Suspension effective upon service of notice on 2/14/04.

SOUTHIERE, George Armand, Jr. (MD #35-070885)
- Andover, KS

Consent Agreement - Medical license restored, subject to probationary terms, conditions and limitations to monitor practice. Based on prior actions against doctor's licenses in Kansas and New York; history of chemical dependency, treatment and relapse; and doctor having been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring conditions are in place. Agreement effective 5/12/04; agreement to remain in

effect for at least three years prior to any request for termination.

SPEARS, David Paul (DO training certificate #58-001123) - Marietta

Consent Agreement - Medical training certificate suspended for at least 90 days; interim monitoring conditions and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on doctor's admitted history of opiate dependence, treatment and relapse. Agreement effective 4/15/04.

SPRICH, William W. (MD #35-044332) - Belleville, IL
Voluntary Surrender - Doctor's permanent voluntary surrender of medical license accepted by Board in lieu of further formal proceedings and in resolution of doctor's pending appeal before Franklin County Court of Common Pleas of 10/8/03 Board Order. Based on doctor's admission to prior action against his license by Illinois Medical Board following his stipulation that he had failed to notice a mechanical malfunction in a piece of equipment during surgery, and that the patient had suffered non-fatal injuries as a result. Effective 1/28/04.

STEPHENSON, Jeffrey Scott (DO #34-005693)
- South Point

Voluntary Surrender - Permanent revocation of medical license authorized by doctor in lieu of formal disciplinary proceedings based on doctor having been found guilty of multiple felony drug counts and violation of 3/14/02 consent agreement. Effective 2/9/04.

STORROW, Alan B. (MD #35-060445)
- Cincinnati/Villa Hills, KY

Consent Agreement - Medical license reinstated subject to probationary terms, conditions and limitations based on doctor having been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring conditions are in place. Agreement effective 12/11/03; agreement to remain in effect for at least five years prior to any request for termination.

SUBLER, David Edward (MD #35-065191) - Columbus
Consent Agreement - Medical license reinstated subject to probationary terms, conditions and limitations based on doctor having been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring conditions are in place. Agreement effective 12/11/03; agreement to remain in effect for at least five years prior to any request for termination.

TIPPIE, Toby James (PA #50-001990) - Lima
Pre-hearing Suspension - Pursuant to Section 3719.121(C), O.R.C., certificate to practice as a physician assistant immediately suspended based on P.A.'s pleas of guilty to two felony counts of Forgery.

Notice mailed 12/11/03; suspension effective upon service of notice on 12/13/03. **Consent Agreement** - Certificate of registration to practice as a physician assistant suspended for at least 180 days; interim monitoring and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on physician assistant having pled guilty to two felony counts of Forgery, for which he was found eligible for intervention in lieu of conviction; and impairment of ability to practice according to acceptable and prevailing standards of care due to chemical dependency. Agreement effective 5/12/04.

VASIC, Vladimir (MD #35-078402) - Niagra Falls, Ontario, CANADA

Board Order - Medical license permanently revoked based on doctor's failure to provide complete and accurate information on hospital privilege applications pertaining to a prior hospital privileges action; prior action against his medical license in Ontario, Canada; and his having made a false statement regarding the latter to the Ohio Medical Board. Effective 2/25/04.

WALKER, Richard Winston (MD #35-019772)
- Rock Springs, WY

Voluntary Surrender - Doctor's permanent voluntary surrender of medical license accepted by Board, in lieu of formal disciplinary action based on prior action against doctor's license by Wyoming's medical board following that board's receipt of information that doctor was arrested for driving under the influence of alcohol. Doctor ineligible for reinstatement in the future. Effective 12/9/03.

WARREN, Michael Craig (DO #34-008173) - Toledo
Consent Agreement - Medical license suspended for at least 270 days; interim monitoring conditions and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on doctor's admissions that his ability to practice according to acceptable and prevailing standards of care is impaired due to chemical dependency, for which he has sought treatment through a Board approved provider; that he committed acts that constitute felonies in this state, to wit: Deception to Obtain a Dangerous Drug, and/or Illegal Processing of Drug Documents; and that he failed to advise the Board on his licensure application that he was engaged in the illegal use of controlled substances. Agreement effective 5/12/04.

WILLINGHAM, Tamara Deanne (MT #33-011291)
- Perrysburg

Interim Agreement - Pursuant to interim agreement effective 2/26/04, massage therapist agreed not to practice massage therapy in Ohio in any form until allegations contained in 2/11/04 notice of opportunity for

hearing have been fully resolved. **Consent Agreement** - Permanent revocation of certificate to practice massage therapy stayed, subject to suspension for ninety days, such period to be calculated from 2/26/04, the effective date of massage therapist's interim agreement not to practice; probationary terms, conditions and limitation for at least five years established. Based on massage therapist's admission that she was found guilty of one felony count of Aggravated Vehicular Assault. Agreement eff. 5/12/04; agreement to remain in effect for a minimum of five years prior to any request for termination.

WRIGHT, Lance Paul (MD #35-053065) - Lebanon
Voluntary Surrender - Permanent revocation of medical license authorized by doctor in lieu of formal disciplinary proceedings based upon doctor's admission that he engaged in a sexual relationship with a patient. Effective 3/31/04.

YUN, Mary Mei-Ling (MD #35-072128) - Loveland
Pre-hearing Suspension - Pursuant to Section 4731.22(G), O.R.C., medical license summarily suspended based on Board's determination that there is clear and convincing evidence that doctor violated conditions of limitation imposed by 7/03 consent agreement and that her ability to practice according to acceptable and prevailing standards of care is impaired due to mental illness; and that doctor's continued practice presents a danger of immediate and serious harm to the public. Notice Suspension effective upon service of notice on doctor on 12/15/03.

Continuing Medical Education

DOAK, Scott A. (MD #35-063604) - Xenia
Consent Agreement - Doctor reprimanded; subject to mandatory CME audits for three biennial registration periods. Based on doctor's admission that, although he certified on his application for renewal that he had completed the requisite hours of Continuing Medical Education, he had failed to maintain documentation of such completion as required by Board rule. Documentation of completion of additional hours has since been provided. Agreement effective 5/12/04.

ESPINOSA, Emilio Aldo (MD #35-033789)
- Temperance, MI
Board Order - Doctor reprimanded; \$5000 fine imposed; medical license suspended for an indefinite term and conditions for reinstatement established; thereafter, doctor required to document compliance with CME requirements for two additional license registration periods. Based on doctor's failure to comply with Continuing Medical Education requirements. (Review and Journal Entry - no hearing requested) Order effective 4/11/04.

HENDRIXSON, Michael L. (DO #34-006425) - Cincinnati
Consent Agreement - Doctor reprimanded; subject to mandatory CME audits for three biennial registration periods; \$1000 fine imposed. Based on doctor's admission that he certified on license renewal application that he had completed required CME hours when, in fact, those hours had not been timely completed. (Remaining hours have since been completed.) Agreement effective 4/15/04.

Court Action Update

BOLTON, Brett (DO #34-007377) - Ft. Lauderdale, FL
Court Action - By Decision filed on 1/9/04, Franklin County Court of Common Pleas affirmed Board's 7/9/03 permanent revocation Order. Entry filed 2/5/04. Notice of appeal to Tenth District Court of Appeals filed by doctor on 3/5/04. By Journal Entry filed on 4/27/04, Tenth District Court of Appeals dismissed doctor's appeal due to his failure to timely file a brief.

GRAOR, Robert Alan (MD #35-044093) - Beaver Creek
Court Action - By Decision filed 1/7/04, Franklin County Court of Common Pleas affirmed Board's 2/12/03 permanent revocation Order. Entry documenting decision and lifting Court's 4/10/03 stay order filed on 1/22/04. By Decision and Entry filed on 1/20/04, Franklin County Court of Common Pleas overruled doctor's motion to continue stay. By Journal Entry filed on 1/21/04, Tenth District Court of Appeals granted doctor's motion for a stay of Board's permanent revocation Order pending appeal.

GUIDI, Claude Bernard (MD #35-064995) - Tampa, FL
Court Action - By Decision and Order filed on 1/27/04, Franklin County Court of Common Pleas affirmed Board's 5/14/03 Order in part, reversed it in part, and remanded matter to Medical Board for further proceedings in accordance with decision. Notice of appeal to Tenth District Court of Appeals filed by doctor on 2/5/04.

HOSSEINIPOUR, Ahmad (MD #35-066878)
- Youngstown
Court Action - Notice of appeal of Board's 2/11/98 permanent revocation Order filed by doctor with Franklin County Court of Common Pleas on 11/28/03. By Decision filed on 2/17/04 and documented by Entry filed on 2/27/04, Franklin County Court of Common Pleas granted Board's motion to dismiss doctor's appeal due to doctor's failure to file it in a timely manner.

ISTANBOOLY, Faye Fatina (MD #35-060216)
- Chicago, IL
Court Action - By Decision filed 12/5/03, Franklin County Court of Common Pleas affirmed Board's findings, reversed Board's imposition of suspension based on doctor's violation of R.C. 4731.22(A), and

affirmed Board's suspension Order on the basis of doctor's violation of 4731.22(B)(5). Entry filed on 12/22/03 affirming in part, reversing in part, and lifting previously imposed stay order. By Entry filed 1/28/04, Franklin County Court of Common Pleas ordered that its 3/11/03 stay Order shall remain in effect for the duration of any further appeal, provided that such appeal is perfected no later than 1/21/04.

POLITI, Barry J. (MD applicant) - Pittsburgh, PA
Court Action - By Decision and Entry filed on 4/14/04, Franklin County Court of Common Pleas affirmed Board's 4/2/03 Order denying medical licensure.

ROSS, Michael Reiff (MD #35-064760) - Towson, MD
Court Action - By Opinion and Judgment Entry filed on 4/27/04, Tenth District Court of Appeals reversed decision of Franklin County Court of Common Pleas that had overturned Medical Board's revocation Order, and remanded matter to Common Pleas Court for further proceedings consistent with the appellate court's ruling.

ROSSITER, Lawrence J. (DO #34-001933) - Alliance
Court Action - By Decision and Entry filed 1/15/04, Tenth District Court of Appeals affirmed decision of Franklin County Court of Common Pleas, which had upheld Medical Board's 7/10/02 suspension Order.

URBAN, Edward John (DO #34-003523) - Chagrin Falls
Court Action - By Opinion and Entry filed on 1/13/04, Tenth District Court of Appeals affirmed decision of Common Pleas Court, which had upheld Board's 12/12/01 permanent revocation Order. By Journal Entry filed on 1/22/04, Tenth District Court of Appeals denied doctor's motion to continue the stay of Board's permanent revocation Order. By Journal Entry filed 1/28/04, Tenth District Court of Appeals denied doctor's motion for reconsideration of Court's 1/22/04 Journal Entry. Notice of appeal to Ohio Supreme Court filed by doctor on 2/27/04. By Entry filed on 4/14/04, Ohio Supreme Court denied doctor's motion for a stay of Board's permanent revocation Order pending appeal.

Changes to Medical Board Rules

The Medical Board held a public rules hearing on December 22, 2003 to consider rescissions, amendments and new rules in chapters 4731-1 (Limited Branches), 4731-9 (Record of Board Meetings), 4731-12 (Podiatric Licensure), 4731-13 (Hearings), 4731-14 (Pronouncement of Death); 4731-15 (Mandatory Reporting), 4731-17 (HIV and Hepatitis B Virus Exposure Precautions), 4731-19 (Licensees Infected with HIV or HVB: Reporting Requirements and Duty of Care) and 4731-20 (Podiatric Medicine).

Many of the changes to these rules can be considered technical or procedural in nature. However, the Chapter 1 (Limited Branch) rules contain significant substantive changes, and attorneys may also find the changes to the Chapter 13 (Hearing) rules of interest, as they

result in an alteration and streamlining of processes in the disciplinary hearing setting. Two of the podiatric licensure rules (4731-12-03 and 4731-12-04) were changed after public hearing to reflect changes in the examination sequence offered by the National Board of Podiatric Medical Examiners.

These changes, whether considered substantive or procedural/technical, are significant, and the Medical Board encourages its licensees to read carefully each of these new rules to understand his or her continuing legal obligations. The rules can be found on the Board's website on the "Current Rules" page, where they are organized by chapter (www.med.ohio.gov/rules/indexrul.htm), or by calling the Board's Public Inquiries Department. ♦

STATE OF OHIO
THE STATE MEDICAL BOARD
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