

MINUTES**THE STATE MEDICAL BOARD OF OHIO****January 11, 2012**

Darshan Mahajan, M.D., President, called the meeting to order at 1:00 p.m., in the Administrative Hearing Room, 3rd Floor, the James A. Rhodes State Office Tower, 30 E. Broad St., Columbus, Ohio 43215, with the following members present: Anita Steinbergh, D.O., Vice-President; J. Craig Strafford, M.D., Secretary; Jack C. Amato, M.D., Supervising Member; Lance A. Talmage, M.D.; Dalsukh Madia, M.D.; W. Frank Hairston; Marchelle L. Suppan, D.P.M.; Kris Ramprasad, M.D.; and Laurie O. Elsass.

Also present were: Richard A. Whitehouse, Executive Director; Kimberly C. Anderson, Assistant Executive Director; Sara Vollmer, Assistant Executive Director; William J. Schmidt, Senior Counsel; Sallie J. Debolt, General Counsel; Rebecca J. Marshall, Chief Enforcement Attorney; David P. Katko, Marcie Pastrick, Karen Mortland, Mark Blackmer, Cheryl Pokorny, Daniel Zinsmaster, and Sheldon Safko, Enforcement Attorneys; Kyle Wilcox, Melinda Snyder, Henry Appel, and Heidi Dorn, Assistant Attorneys General; Joan K. Wehrle, Education & Outreach Program Manager; Pat Davidson, Chief Hearing Examiner; Greg Porter, Gretchen Petrucci, and Danielle Blue, Hearing Examiners; Danielle Bickers, Compliance Supervisor; Annette Jones, Compliance Officer; Kay Rieve, Administrative Officer; Nicole Weaver, Chief of Licensure; Barbara Jacobs, Senior Executive Staff Attorney; Jacqueline A. Moore, Public Information Assistant; and Benton Taylor, Executive Assistant to the Executive Director.

MINUTES REVIEW

Dr. Steinbergh stated that she has proposed some minor changes in the language of her comments regarding the case of James E. Lundeen, Sr., M.D. Copies of Dr. Steinbergh's proposed changes were provided to the Board members.

Dr. Steinbergh moved to approve the draft minutes of the December 14-15, 2011, Board meeting, as amended. Mr. Hairston seconded the motion. All members voted aye. The motion carried.

EXECUTIVE SESSION

Dr. Madia moved that the Board declare Executive Session to confer with the Attorney General's representatives on matters of pending or imminent court action. Ms. Elsass seconded the motion. A vote was taken:

ROLL CALL:	Dr. Madia	- aye
	Dr. Talmage	- aye
	Dr. Strafford	- aye
	Dr. Amato	- aye
	Dr. Ramprasad	- aye
	Ms. Elsass	- aye

Mr. Hairston - aye
Dr. Suppan - aye
Dr. Steinbergh - aye
Dr. Mahajan - aye

The motion carried.

Pursuant to Section 121.22(G)(3), Ohio Revised Code, the Board went into executive session, with Mr. Whitehouse, Ms. Anderson, Ms. Vollmer, Mr. Schmidt, Ms. Debolt, Ms. Marshall, the Enforcement Attorneys, the Assistant Attorneys General, Ms. Wehrle, Ms. Bickers, Ms. Jones, Ms. Rieve, Ms. Weaver, Ms. Jacobs, Ms. Moore, and Mr. Taylor in attendance.

The Board returned to public session.

APPLICANTS FOR LICENSURE

Dr. Steinbergh moved to approve for licensure, contingent upon all requested documents being received and approved in accordance with licensure protocols, the physician applicants listed in Exhibit "A" and handout, the physician assistant applicants listed in Exhibit "B," the acupuncturist applicants listed in Exhibit "C," and to approve the results of the December 2011 NBPME Part III Examination and the Massage Therapy Examination, and to certify as passing and license those receiving a score of 75 or greater on their examination, and to certify as failing and deny licensure to those who received a score of less than 75 on the examination. Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:

Dr. Madia - aye
Dr. Talmage - aye
Dr. Strafford - aye
Dr. Amato - aye
Dr. Ramprasad - aye
Ms. Elsass - aye
Mr. Hairston - aye
Dr. Suppan - aye
Dr. Steinbergh - aye
Dr. Mahajan - aye

The motion carried.

REPORTS AND RECOMMENDATIONS

Dr. Mahajan announced that the Board would now consider the Reports and Recommendations, and the Proposed Findings and Proposed Order appearing on its agenda.

Dr. Mahajan asked whether each member of the Board had received, read and considered the hearing

records; the Findings of Fact, Conclusions of Law, Proposed Orders, and any objections filed in the matters of: Margy Temponeras, M.D.; Armando Abel Cortez, M.D.; Stephen August Schemenauer, P.A.; and Dawn Zacharias, M.D. A roll call was taken:

ROLL CALL:	Dr. Madia	- aye
	Dr. Talmage	- aye
	Dr. Strafford	- aye
	Dr. Amato	- aye
	Dr. Ramprasad	- aye
	Ms. Elsass	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye

Dr. Mahajan asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Dr. Madia	- aye
	Dr. Talmage	- aye
	Dr. Strafford	- aye
	Dr. Amato	- aye
	Dr. Ramprasad	- aye
	Ms. Elsass	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye

Dr. Mahajan noted that, in accordance with the provision in section 4731.22(F)(2), Ohio Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters. In the matters before the Board today, Dr. Strafford and Dr. Talmage served as Secretary and Dr. Amato served as Supervising Member.

Dr. Mahajan reminded all parties that no oral motions may be made during these proceedings.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

MARGY TEMPONERAS, M.D., Case No. 11-CRF-066

Dr. Mahajan directed the Board's attention to the matter of Margy Temponeras, M.D. He advised that

objections were filed to Hearing Examiner Blue's Report and Recommendation and were previously distributed to the Board members.

Dr. Mahajan continued that a request to address the Board has been timely filed on behalf of Dr. Temponeras. Five minutes would be allowed for that address.

Dr. Temponeras was represented by her attorney, Bradley Barbin.

Mr. Barbin asked the Board to consider amending the Hearing Examiner's Proposed Order and allow Dr. Temponeras to continue practicing medicine without prescriptive authority. Mr. Barbin stated that as a practical matter, the Drug Enforcement Agency (DEA) will never allow Dr. Temponeras to regain her DEA certificate, and she does not wish to write a prescription ever again.

Dr. Temponeras thanked the Board for allowing her to speak on her own behalf and stated that she did not do so at her hearing on the advice of her attorney.

Dr. Temponeras stated that she had been just a doctor with ordinary patients who had extraordinary disease. Dr. Temponeras stated that her patients had been referred to her by over 200 respected physicians, from highly-respected surgeons to common primary care physicians. Dr. Temponeras stated that her patients were referred to her because she was the regional authority on chronic pain and pain management, and she was happy to be able to participate in their treatment. Dr. Temponeras had not suspected that the referring physicians would abandon her at the first sign of problems or criticism of the practice of pain management, which is prevalent in the media and the country today.

Dr. Temponeras continued that her patients were the working poor who provided essential services to the community. Dr. Temponeras stated that her patients greatly benefited from the treatment she was able to provide through her knowledge, training, and caring. Dr. Temponeras stated because of her treatment, her patients were productive, not a drain on society, and were able to take care of their families. Dr. Temponeras stated that throughout her practice, she was reviewed by the Medical Board and she had made her office, practice, and paperwork available. Dr. Temponeras stated that not only was she passed every year, she was told she was doing a good job and making her patients' lives better.

Dr. Temponeras stated that when she had to discharge a patient, the patient was not given a second chance. Dr. Temponeras stated that she discharged over 1,641 patients, and some patients never even got into the door of her office. Dr. Temponeras estimated that of every 10 patients, perhaps one or two met her very strict criteria for treatment. Dr. Temponeras stated that when a patient was discharged, she also called the police and worked with every level of law enforcement. However, law enforcement ignored Dr. Temponeras' calls and refused to work with her.

Dr. Mahajan asked if the Assistant Attorney General would like to respond. Ms. Snyder stated that she would like to respond.

Ms. Snyder stated that Dr. Temponeras requested and received a hearing in this matter, and was called as a witness by the State. Rather than testify under oath, Dr. Temponeras chose to exercise her right to

protection under the Fifth Amendment of the U.S. Constitution. Ms. Snyder reminded the Board that the statement Dr. Temponeras made to the Board today was not under oath.

Ms. Snyder stated that the DEA immediately suspended Dr. Temponeras' certificate to prescribe controlled substances, which by itself is a violation of statute. Ms. Snyder stated that this matter is currently pending with the DEA and no final decision has been issued, and there is no evidence that any of the allegations set forth in the DEA's Show Cause hearing have been dismissed. Ms. Snyder stated that even if only those allegations which the DEA undeniably acted on are considered, this case is still very serious. Ms. Snyder stated that those allegations, if true, show that Dr. Temponeras was essentially acting as a pharmacy, distributing large amounts of controlled substances without proper DEA registration. Dr. Temponeras allegedly made 3,397 unauthorized distributions of controlled substances, failed to issue proper prescriptions, had record-keeping errors, and failed to keep proper inventory of the receipt of controlled substances. Ms. Snyder stated that these are serious allegations which, by themselves, justify taking action on Dr. Temponeras' license.

Ms. Snyder stated that Dr. Temponeras had an opportunity to present mitigating evidence at her hearing. Ms. Snyder stated that, instead, Dr. Temponeras volunteered evidence that was not mitigating, but rather showed either a disregard for or ignorance of the rules which govern the medical profession. Ms. Snyder stated that the testimony of Patient 3 offers a glimpse of how Dr. Temponeras' practice was operated. Patient 3 testified that not only was he Dr. Temponeras' close personal friend, he was also an unpaid office consultant for her practice, as well as being a patient. Patient 3 had volunteered this information without questioning from the State. Ms. Snyder stated that the testimony of witnesses called by Dr. Temponeras raised many questions that only Dr. Temponeras could answer, but she chose not to testify.

Ms. Snyder opined that the Board should err on the side of caution and assume that the allegations set forth in the DEA's Show Cause order are true while that matter is pending. To do otherwise, Ms. Snyder stated, would jeopardize the safety of Dr. Temponeras' patients. Ms. Snyder stated that the Hearing Examiner crafted a very appropriate recommendation in this case. The Proposed Order would indefinitely suspend Dr. Temponeras' license, and a condition for reinstatement would be that Dr. Temponeras must show proof of an unrestricted certificate to prescribe controlled substances from the DEA. Ms. Snyder stated that the Proposed Order allows Dr. Temponeras the opportunity to have her license reinstated if she prevails in the DEA matter, but removes her from practice in the meantime.

Mr. Barbin stated that he disagreed with Ms. Snyder's statements and requested 30 seconds to respond. Dr. Mahajan denied Mr. Barbin's request.

Dr. Steinbergh moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Margy Temponeras, M.D. Mr. Hairston seconded the motion.

Dr. Mahajan stated that he would now entertain discussion in the above matter.

Dr. Steinbergh stated that the Hearing Examiner's report was thorough and she agreed with the Findings of Fact and Conclusions of Law. Dr. Steinbergh expressed concern about the patient deaths in this case, noting there were probably five and possibly more patients who died of drug overdoses from controlled

substances prescribed or distributed by Dr. Temponeras. Dr. Steinbergh suggested that a permanent revocation of Dr. Temponeras' license may ultimately be in order, but agreed that an indefinite suspension is appropriate while the matter is pending before the DEA. Dr. Steinbergh stated that the Board retains the ability to order a permanent revocation once the DEA has made its determination.

Dr. Steinbergh offered an alternative order in this case which would make the controlled substance prescribing course a condition for reinstatement rather than a probationary condition. The alternative order would also base the date of first declaration of compliance on the date of reinstatement rather than the effective date of the order. Lastly, the alternative order would base Dr. Temponeras' personal appearances on the date of reinstatement rather than the effective date of order.

Dr. Steinbergh moved to amend the Proposed Order to read as follows:

It is hereby ORDERED that:

- A. **SUSPENSION OF CERTIFICATE:** The certificate of Margy Temponeras, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time.
- B. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Temponeras' certificate to practice medicine and surgery until all of the following conditions have been met:
 1. **Application for Reinstatement or Restoration:** Dr. Temponeras shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
 2. **Evidence of Unrestricted DEA Certificate:** At the time she submits her application for reinstatement or restoration, Dr. Temponeras shall provide the Board with acceptable documentation evidencing her full and unrestricted Drug Enforcement Administration [DEA] Certificate of Registration.
 3. **Controlled Substances Prescribing Course(s):** At the time she submits her application for reinstatement or restoration, Dr. Temponeras shall provide acceptable documentation of successful completion of a course or courses dealing with prescribing of controlled substances. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any course(s) taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Temponeras submits the documentation of successful completion of the course(s) dealing with the prescribing of controlled

- substances, she shall also submit to the Board a written report describing the course(s), setting forth what she learned from the course(s), and identifying with specificity how she will apply what she has learned to her practice of medicine in the future.
4. **Additional Evidence of Fitness to Resume Practice:** In the event that Dr. Temponeras has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222 Ohio Revised Code, to require additional evidence of her fitness to resume practice.
- C. **PROBATION:** Upon reinstatement or restoration, Dr. Temponeras' certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:
1. **Obey the Law:** Dr. Temponeras shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.
 2. **Declarations of Compliance:** Dr. Temponeras shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there had been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which Dr. Temponeras' license is reinstated or restored. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
 3. **Evidence of Compliance with the DEA Order/Requirement, If Any:** At the time she submits her declarations of compliance, Dr. Temponeras shall also submit declarations under penalty of Board disciplinary action and/or criminal prosecution stating whether she has complied with all terms, conditions, and limitations imposed by the DEA, if any. Moreover, Dr. Temponeras shall cause to be submitted to the Board copies of any reports that she submits to the DEA whenever and at the same time the DEA requires submission.
 4. **Personal Appearances:** Dr. Temponeras shall appear for an interview before the full Board or its designated representative during the third month following the month in which Dr. Temponeras' license is reinstated or restored, or as otherwise directed by the Board. Dr. Temponeras shall also appear in person upon her request for termination of the probationary period and/or as otherwise directed by the Board.

5. **Required Reporting of Change of Address:** Dr. Temponeras shall notify the Board in writing of any change of address and/or principal practice address within 30 days of change.
 6. **Tolling of Probationary Period While Out of Compliance:** In the event Dr. Temponeras is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.
- D. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Temponeras' certificate will be fully restored.
- E. **VIOLATION OF THE TERMS OF THIS ORDER:** If Dr. Temponeras violates the terms of this Order in any respect, the Board, after giving her notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of her certificate.
- F. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER:**
1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Temponeras shall provide a copy of this Order to all employers or entities with which she is under contract to provide healthcare services (including but not limited to third-party payors), or is receiving training; and the Chief of Staff at each hospital or healthcare center where she has privileges or appointments. Further, Dr. Temponeras shall promptly provide a copy of this Order to all employers or entities with which she contracts in the future to provide healthcare services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or healthcare center where she applies for or obtains privileges or appointments. This requirement shall continue until Dr. Temponeras receives from the Board written notification of the successful completion of her probation.

In the event that Dr. Temponeras provides any healthcare services or healthcare direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, within 30 days of the effective date of this Order, she shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services. This requirement shall continue until Dr. Temponeras receives from the Board written notification of the successful completion of her probation.

2. **Required Reporting to Other State Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Temponeras shall provide a copy of this Order to the proper licensing authority of any state or jurisdiction in which she currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which she currently holds any license or certificate. Also, Dr. Temponeras shall provide a copy of this Order at the time of application to the proper licensing authority of any state or jurisdiction in which she applies for any professional license or reinstatement/restoration of any professional license. This requirement shall continue until Dr. Temponeras receives from the Board written notification of the successful completion of his probation.

3. **Required Documentation of the Reporting Required by Paragraph G:** Dr. Temponeras shall provide this Board with **one** of the following documents as proof of each required notification within 30 days of the date of each such notification: (a) the return receipt of certified mail within 30 days of receiving that return receipt, (b) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (c) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (d) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

EFFECTIVE DATE OF ORDER: This Order shall become effective immediately upon the mailing of the notification of approval by the Board.

Dr. Madia seconded the motion.

Dr. Mahajan stated that he would now entertain discussion in the above matter.

Dr. Steinbergh noted that Dr. Temponeras has been certified in pain management and accredited by the American Academy of Pain Management, and Dr. Steinbergh was saddened that Dr. Temponeras has to be asked to take a controlled substance prescribing course. Dr. Steinbergh stated that regardless of how many certifications a physician has, the key factor is the decision an individual physician makes on how to apply their prescriptive authority.

A vote was taken on Dr. Steinbergh's motion to amend:

ROLL CALL:	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Dr. Strafford	- abstain
	Dr. Amato	- abstain
	Dr. Ramprasad	- aye

Ms. Elsass	- aye
Mr. Hairston	- aye
Dr. Suppan	- aye
Dr. Steinbergh	- aye
Dr. Mahajan	- aye

The motion to amend carried.

Dr. Steinbergh moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order, as amended, in the matter of Margy Temponeras, M.D. Dr. Madia seconded the motion. A vote was taken:

ROLL CALL:	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Dr. Strafford	- abstain
	Dr. Amato	- abstain
	Dr. Ramprasad	- aye
	Ms. Elsass	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye

The motion to approve carried.

Dr. Ramprasad exited the meeting at this time.

ARMANDO ABEL CORTEZ, M.D., Case No. 11-CRF-071

Dr. Mahajan directed the Board's attention to the matter of Armando Abel Cortez, M.D. He advised that objections were filed and were previously distributed to Board members. Ms. Blue was the Hearing Examiner.

Dr. Mahajan continued that a request to address the Board has been filed on behalf of Dr. Cortez. Five minutes would be allowed for that address.

Dr. Cortez was represented by his attorney, Eric Plinke.

Mr. Plinke stated that Dr. Cortez is unable to attend this meeting due to his physical limitations. Mr. Plinke stated that it is regretful that this case has come before the Board and that Dr. Cortez's practice of more than 30 years may end in this fashion. Mr. Plinke stated that Dr. Cortez suffers from both a disease and an injury from an accident which have left him unable to physically practice medicine. Mr. Plinke stated that Dr. Cortez voluntarily ceased practicing medicine following the manifestation of his disease and the accident.

Mr. Plinke opined that after struggling to craft a Proposed Order that would be fair and reasonable, the Hearing Examiner proposed revocation based on the wording of Section 4731.22, Ohio Revised Code. Mr. Plinke submitted that the Board has more authority than that. Mr. Plinke observed that the Notice of Opportunity for Hearing sent to Dr. Cortez states that one of the penalties that the Board would consider if he were found to be impaired was that the Board would refuse to renew his medical license. Mr. Plinke stated that if the Board chose this course of action rather than revocation, then an order could be issued stating that the Board will refuse any future request to renew Dr. Cortez's license. Mr. Plinke noted that Dr. Cortez's license is currently expired and he cannot practice medicine again without applying for another license, which the Board can refuse to grant. Alternatively, Mr. Plinke stated that the Board could issue an order which deems Dr. Cortez to be retired.

Mr. Plinke opined that, while it may not be stated under Section 4731, Ohio Revised Code, the Board has the authority to issue disciplinary orders based on the hearing record that is before them. Mr. Plinke stated that Dr. Cortez has admitted he is impaired, is no longer practicing medicine, and has had a productive career in which he meaningfully contributed to the practice of medicine in Ohio. Based on that record, Mr. Plinke asked the Board to do what is right.

Dr. Mahajan asked if the Assistant Attorney General would like to respond. Mr. Wilcox stated that he would like to respond.

Mr. Wilcox stated that some attorneys, including Mr. Plinke, argue that the Board can take actions that are outside of statute. Mr. Wilcox disagreed with this notion and opined that to do so would be to ignore the law. Mr. Wilcox supported the Hearing Examiner's Proposed Order. Mr. Wilcox stated that he cannot discuss any negotiations that may or may not have occurred prior to this case coming before the Board, but did say that the Board has a process in cases which involve physical or mental impairment. Mr. Wilcox stated that, for whatever reason, no prior agreement was reached in this case.

Mr. Wilcox stated that Dr. Cortez was summarily suspended in July 2011 and a hearing was held to determine if Dr. Cortez had justification or reason for failing to appear for an evaluation ordered under Section 4731.22(B)(19), Ohio Revised Code. At that hearing, no justification was given. Therefore, by operation of law, Mr. Wilcox stated that Dr. Cortez is impaired in his ability to practice. Mr. Wilcox stated that under Section 4731.22(B), Ohio Revised Code, the Board has the ability "to limit, revoke, or suspend an individual's certificate to practice, refuse to register an individual, refuse to reinstate a certificate, or reprimand or place on probation the holder of the certificate." Mr. Wilcox stated that there is no provision under the law that allows the Board to offer a retirement outside of a previously-negotiated settlement agreement.

Mr. Wilcox acknowledged that this is an unfortunate outcome to this situation, but urged the Board to adopt the Proposed Order of revocation.

Dr. Steinbergh moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Armando Abel Cortez, M.D. Mr. Hairston seconded the motion.

Dr. Mahajan stated that he would now entertain discussion in the above matter.

Dr. Suppan stated that Dr. Cortez practiced as an obstetrician and gynecologist for more than 30 years. In 2006, Dr. Cortez was diagnosed with Parkinson's disease. On his own accord, Dr. Cortez resigned his hospital privileges in 2009. Dr. Suppan noted that Dr. Cortez had taken the initiative to have a scribe do his medical documentation so that his medical records were readable. Dr. Cortez also used a cart for mobility.

Dr. Suppan continued that Dr. Cortez had come from Honduras and had been educated at the University of the West Indies, and had probably worked his whole life to get an education that he considered his prized possession. In November 2010, Dr. Cortez's treating neurologist informed him that it was no longer safe for him to practice clinical medicine. Over the following months, Dr. Cortez apparently had his associates begin to take over his patients. By February 2011, Dr. Cortez was no longer in active practice.

Dr. Suppan stated that in February 2011, the Board issued a letter ordering a neurological examination. In March 2011, Dr. Cortez's counsel notified the Board that Dr. Cortez's sister had passed away and Dr. Cortez would not be able to make the appointment. The appointment was rescheduled, and although Dr. Cortez's counsel received notification of the new date, Dr. Cortez's notice apparently went unclaimed and was unforwardable. Dr. Cortez did not appear for his rescheduled examination. Dr. Suppan noted that Dr. Cortez's automobile accident occurred on March 9, 2011, just before the attorney's call about the death of Dr. Cortez's sister. Dr. Suppan found this sequence of events confusing and opined that there may have been some miscommunication between Dr. Cortez and his attorney. Dr. Suppan expressed difficulty with whether or not Dr. Cortez failed to appear for his evaluation due to circumstances beyond his control.

Dr. Suppan stated that, based on the hearing record, the correct action would be to accept the Hearing Examiner's Proposed Order for revocation.

Dr. Steinbergh agreed with the Hearing Examiner's Findings of Fact and Conclusions of Law. Dr. Steinbergh stated that cases such as this are very difficult. However, Dr. Steinbergh noted that Dr. Cortez continued to practice after he had been advised to stop. Dr. Steinbergh reiterated that Dr. Cortez failed to appear for an evaluation. Dr. Steinbergh agreed with Dr. Suppan that there may have been miscommunication with Dr. Cortez's attorney.

Dr. Steinbergh stated that she is aware of the types of discussion and negotiations that occur prior to a physician being cited. Dr. Steinbergh speculated that Dr. Cortez may not have taken opportunities to agree to something like a permanent surrender of his license prior to this case coming before the Board. Dr. Steinbergh commented that this case seems very similar to that of John Hanyak, M.D., a highly esteemed physician who also suffered from a debilitating medical condition and ultimately had his license revoked. Dr. Steinbergh stated that the Board appreciates the nature of the illness, but there comes a time when a practitioner can no longer practice.

A vote was taken on Dr. Steinbergh's motion to approve:

ROLL CALL: Dr. Madia - aye

Dr. Talmage	- abstain
Dr. Strafford	- abstain
Dr. Amato	- abstain
Ms. Elsass	- aye
Mr. Hairston	- aye
Dr. Suppan	- aye
Dr. Steinbergh	- aye
Dr. Mahajan	- aye

The motion to approve carried.

Dr. Ramprasad returned to the meeting at this time.

STEPHEN AUGUST SCHEMENAUER, P.A., Case No. 11-CRF-075

Dr. Mahajan directed the Board's attention to the matter of Stephen August Schemenauer, P.A. He advised that no objections were filed. Ms. Petrucci was the Hearing Examiner.

Dr. Mahajan continued that a request to address the Board has been filed on behalf of Mr. Schemenauer. Five minutes would be allowed for that address.

Mr. Schemenauer was represented by his attorney, Eric Plinke.

Mr. Plinke stated that Mr. Schemenauer is seeking licensure as a physician assistant in Ohio. Mr. Schemenauer has had out-of-state treatment for impairment and out-of-state disciplinary action. Mr. Plinke stated that at hearing, evidence of Mr. Schemenauer's years of progress through treatment and compliance with his recovery program was presented. Mr. Plinke stated that the only legal issue at the hearing was whether the Board's administrative rules require Mr. Schemenauer to repeat inpatient treatment following his extended period of documented recovery, due to the fact that Mr. Schemenauer's treatment program was not Board-approved. Mr. Plinke opined that the Hearing Examiner accurately analyzed this issue in a manner consistent with the Board's rules and precedent.

Mr. Plinke stated that since the hearing record was closed, Mr. Schemenauer has had his West Virginia license restored and he has resumed practice as a physician assistant in that state.

Mr. Schemenauer stated that when he first submitted his application for licensure in November 2010, he had had one year of sobriety and was working at a medical supply company. Now, Mr. Schemenauer has 28 months of sobriety, has regained his West Virginia license, and is currently working at a family practice in Parkersburg, West Virginia. Mr. Schemenauer stated that he is stable in West Virginia, but his long-term goal is to settle in Cleveland, Ohio, and practice as a physician assistant there. Mr. Schemenauer stated that he has a large support group and a great recovery base in Cleveland.

Mr. Schemenauer continued that he has always felt that being a physician assistant was the best choice for him. Mr. Schemenauer stated that he is able to learn from his experiences and translate them into

compassion and empathy for his patients. Mr. Schemenauer opined that a monitoring program would be helpful in helping him stay sober and keeping him on the right path. Mr. Schemenauer stated that he agrees with the Hearing Examiner's Proposed Order.

Dr. Mahajan asked if the Assistant Attorney General would like to respond. Mr. Wilcox stated that he did not wish to respond.

Dr. Madia moved to approve and confirm Ms. Petrucci's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Stephen August Schemenauer, P.A. Mr. Hairston seconded the motion.

Dr. Mahajan stated that he would now entertain discussion in the above matter.

Dr. Ramprasad stated the Mr. Schemenauer originally applied for licensure in 2008, but withdrew that application due to habitual use of alcohol. Mr. Schemenauer went through a Board-approved recovery program in Atlanta, Georgia, in 2008, but relapsed later that year. Following a second relapse in May 2009, Mr. Schemenauer had another inpatient treatment at a Bowling Green, Kentucky, facility which is not Board-approved. Mr. Schemenauer had a third relapse in September 2009.

Dr. Ramprasad stated that Mr. Schemenauer has fulfilled all of his obligations. Mr. Schemenauer has been evaluated at the Cleveland Clinic and found to be acceptable to resume his work and practice. Dr. Ramprasad also noted that Mr. Schemenauer continues his treatments for depression. Dr. Ramprasad supported the Proposed Order, which grants Mr. Schemenauer's license and places him on probationary terms for a minimum of five years. The probationary terms include drug screens, alcohol screens, and continued psychological and psychiatric treatment.

A vote was taken on Dr. Madia's motion to approve:

ROLL CALL:	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Dr. Strafford	- abstain
	Dr. Amato	- abstain
	Dr. Ramprasad	- aye
	Ms. Elsass	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye

The motion to approve carried.

DAWN M. ZACHARIAS, M.D., Case No. 11-CRF-080

Dr. Mahajan directed the Board's attention to the matter of Dawn M. Zacharias, M.D. He advised that

objections were filed and have been previously distributed to Board members. Ms. Blue was the Hearing Examiner.

Dr. Mahajan continued that a request to address the Board has been filed on behalf of Dr. Zacharias. Five minutes would be allowed for that address.

Dr. Zacharias was represented by her attorney, Elizabeth Collis.

Ms. Collis stated that precedence is the notion of having similar results for similar cases and leads to consistency, reliability, and respect for judicial bodies. Ms. Collis stated that, although the Hearing Examiner did an excellent job outlining the issues of this case, she was shocked by the Hearing Examiner's recommendation of a minimum 180-day suspension of Dr. Zacharias' medical license.

Ms. Collis stated that her objections highlight several recent cases similar to Dr. Zacharias' in which the Board issued a reprimand or, in one case, a 60-day suspension. Ms. Collis anticipated that Ms. Snyder, the Assistant Attorney General, will argue that Dr. Zacharias' case is different from those of Philip Hutchison, D.O., or Melissa Marker, D.O., both of whom received reprimands in the summer of 2011. Ms. Collis stated that the cases of Dr. Hutchison and Dr. Marker are actually more egregious because they repeatedly prescribed controlled substances to a significant other and failed to maintain any medical records. Ms. Collis stated that Roger Princell, M.D., prescribed controlled substances to family members, including medications for weight-loss, and failed to maintain medical records; Dr Princell was issued a reprimand. Lastly, Ms. Collis stated that Robert Barkett, M.D., had a sexual relationship with a patient who testified to the detrimental emotional and physical effects of the relationship; Dr. Barkett received a 60-day suspension.

Ms. Collis stated that Dr. Zacharias issued two prescriptions to Patient 2, a family member, and later treated and prescribed one controlled substance to Patient 1, a significant other. Ms. Collis stated that these medications were medically necessary and no harm came to these patients. Ms. Collis noted that Patient 1 and Patient 2 testified in support of Dr. Zacharias and the Hearing Examiner found that Dr. Zacharias' relationships with these patients were not predatory.

Ms. Collis stated that discipline is appropriate in this case, but opined that a 180-day suspension is not warranted. Ms. Collis urged the Board to issue a sanction similar to the previously-mentioned examples.

Dr. Zacharias stated that throughout her practice and her life, her goal has always been to provide high-quality healthcare to her patients. Dr. Zacharias stated that she is board-certified in allergy and immunology, as well as internal medicine. Dr. Zacharias stated that she works as a full-time allergist, but also works in the emergency department of a local veteran's hospital in order to keep up her medical skills and because she enjoys treating our veterans.

Dr. Zacharias stated that prior to this incident, she honestly believed she could treat family members as long as she treated them the same as any other patient. Dr. Zacharias prescribed a medication to Patient 2 on two occasions in 2007 because he could not see his doctor and refused to go to the emergency department. Dr. Zacharias stated that she examined Patient 2 and prescribed the medication she felt was

appropriate. Dr. Zacharias stated that she also maintained records of the treatment, albeit in the form of brief notes.

Dr. Zacharias continued that she had had a prior relationship with Patient 1 before Patient 1 came to her office to participate in a grass allergy study. Dr. Zacharias stated that Patient 1 went through the regular screening process, was diagnosed with grass allergy, and was accepted into the study because he met the profile. Dr. Zacharias stated that regular records of Patient 1's office visits were maintained and he participated in the study for about seven months. Dr. Zacharias stated that she was not involved with Patient 1 during his participation in the study, but their relationship resumed in August 2009 after he left the study. Dr. Zacharias stated that on one occasion in January 2010, she prescribed Phentermine to Patient 1, finding him to be a good candidate for the medication due to his size and medical condition. Dr. Zacharias stated that she performed a medical examination and recommend that Patient 1 seek treatment with his own doctor. However, Patient 1 was unable to schedule an appointment with his doctor for many weeks. Dr. Zacharias stated that she maintained records of the prescription in Patient 1's office chart and never renewed the prescription.

Dr. Zacharias stated that she takes this matter very seriously. Dr. Zacharias stated that she has learned a lot in the past two years by taking the course *Maintaining Proper Boundaries* at Vanderbilt Medical School and a 37-hour prescribing course at Case Western Reserve University. Dr. Zacharias stated that she now has a much clearer understanding of the boundaries between patients and physicians, as well as the regulations regarding prescribing medications to family members.

Dr. Zacharias stated that she had never intended to violate the Board's rules and understands that sanction is appropriate in her case. Dr. Zacharias urged the Board to refrain from suspending her medical license for six months, noting that no patient was harmed and she has taken remedial steps to ensure that these actions do not repeat themselves.

Dr. Mahajan asked if the Assistant Attorney General would like to respond. Ms. Snyder stated that she would like to respond.

Ms. Snyder stated that, in fact, the prior cases cited by Ms. Collis are different from Ms. Zacharias' case, partly because the latter has a finding of sexual misconduct in addition to improper prescribing. Ms. Snyder stated that Dr. Zacharias was in a physical relationship with Patient 1 before she began treating him. Although the Hearing Examiner found this to be a mitigating factor, Ms. Snyder disagreed and opined that Patient 1 came to Dr. Zacharias' practice because of her. Noting that Patient 1 benefitted from his participation in the study, Ms. Snyder speculated that Patient 1 may have taken advantage of Dr. Zacharias. Ms. Snyder stated that the Board's sexual misconduct rules exist not only to protect patients, but also to protect physicians from being taken advantage of by their patients.

Ms. Snyder believed Dr. Zacharias' testimony given at hearing and that Dr. Zacharias has learned from this experience. However, Ms. Snyder felt that because of the allegations and the findings of four violations, a minimum 180-day suspension is appropriate. Ms. Snyder noted that Dr. Zacharias also stepped outside her specialty to prescribe a weight-loss medication to Patient 1, another sign that Patient 1 may have taken advantage of Dr. Zacharias.

Ms. Snyder stated that the State supports the Hearing Examiner's Report and Recommendation.

Dr. Steinbergh to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Dawn M. Zacharias, M.D. Dr. Madia seconded the motion.

Dr. Mahajan stated that he would now entertain discussion in the above matter.

Dr. Madia briefly reviewed Dr. Zacharias' career and the facts of this case. Dr. Madia stated that Dr. Zacharias had a relationship with Patient 1 which ended prior to Patient 1's participation in a grass allergy study in Dr. Zacharias' practice. Patient 1 participated in the grass allergy study from December 2008 to July 2009. According to Dr. Zacharias' testimony, she resumed her relationship with Patient 1 in August 2009.

In January 2010, Dr. Zacharias wrote a 30-day prescription for Phentermine, a controlled substance, for Patient 1. The reason for the prescription was that Patient 1 was overweight and feared that he may lose his job if he did not lose weight. Dr. Zacharias examined Patient 1 at her home and recorded the examination and the reason for the prescription at her office. Dr. Madia noted that Dr. Zacharias recorded Patient 1's weight, but not his height. Dr. Madia stated that when a weight-loss medication is prescribed, the Board's rules require that the certain things be documented, including whether the patient has tried to lose weight or if the patient has any drug or alcohol abuse problems. Dr. Madia stated that none of these things were recorded. Also, the rules require that such patients be seen every 30 days.

Regarding Patient 2, Dr. Madia stated that Dr. Zacharias prescribed Ambien in April 2007 for seven days due to sleep problems. In October 2007, Dr. Zacharias prescribed Xanax, a controlled substance, to Patient 2; Dr. Zacharias recorded the reason for this prescription as alcohol withdrawal symptoms.

Dr. Madia stated that he agrees with the Hearing Examiner's Findings of Facts and Conclusions of Law. Dr. Madia also agreed with the proposed minimum 180-day suspension of Dr. Zacharias' medical license because that is the minimum suspension for these findings under the Board's disciplinary guidelines. However, Dr. Madia offered an alternative order to require a course on physician/patient boundaries and a course on prescribing controlled substances as conditions for reinstatement or restoration. Dr. Madia stated that if Dr. Zacharias has already taken such courses, she can submit that documentation to the Board.

Dr. Madia moved to amend the Proposed Order to add a course concerning physician/patient boundardies and a course concerning controlled substance prescribing as conditions for reinstement or restoration. Dr. Steinbergh seconded the motion.

Dr. Mahajan stated that he would now entertain discussion in the above matter.

Dr. Steinbergh stated that under the Board's recently-amended disciplinary guidelines, failure to use acceptable methods in selection of medications or other modalities carries a minimum penalty of a 180-day suspension. Sexual misconduct carries a minimum penalty of a one-year suspension, and therefore Dr. Zacharias' Proposed Order is actually below the Board's disciplinary guidelines.

Dr. Steinbergh opined that the Proposed Order, with Dr. Madia's proposed amendment, is appropriate in this case. Dr. Steinbergh agreed that the courses on physician/patient boundaries and controlled substance prescribing, which Dr. Zacharias has apparently already taken, should be added to the Proposed Order so that her successful completion of those courses will be reported to others. Dr. Zacharias will also produce a thorough report on what she learned from the courses and how she will apply this knowledge to her practice.

Dr. Steinbergh agreed that, as an allergist, Dr. Zacharias stepped away from what she knows best when she prescribed controlled substances to Patient 1 and Patient 2. More specifically, Dr. Zacharias prescribed Phentermine without following the Board's dietary prescribing rules. Dr. Steinbergh noted that if the Order is adopted, Dr. Zacharias will be on probation for at least three years following the reinstatement of her license.

Ms. Debolt noted that Dr. Madia's proposed alternative order also stipulates that Dr. Zacharias' dates for declarations of compliance and personal appearances will be based on the date of reinstatement, as opposed to the effective date of the Order. Dr. Madia and Dr. Steinbergh agreed.

A vote was taken on Dr. Madia's motion to amend:

ROLL CALL:	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Dr. Strafford	- abstain
	Dr. Amato	- abstain
	Dr. Ramprasad	- aye
	Ms. Elsass	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- nay
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye

The motion to amend carried.

Dr. Steinbergh moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the consolidated matters of Dawn M. Zacharias, M.D. Dr. Madia seconded the motion.

Dr. Mahajan stated that he would entertain discussion in the above matter.

Dr. Suppan stated that she is struggling with the proposed suspension of a minimum of 180 days. Dr. Suppan stated that Dr. Zacharias has acknowledged her wrong-doing and has taken the initiative to make amends. Dr. Suppan also considered the effects on Dr. Zacharias' patients and the length of time they would have to go without their allergist. Dr. Suppan opined that a minimum 120-day suspension would be more appropriate.

Dr. Suppan moved to amend the order to reduce the minimum length of suspension from 180 days to 120 days; the Proposed Order will read as follows:

It is hereby ORDERED that:

- A. **SUSPENSION OF CERTIFICATE:** The certificate of Dawn M. Zacharias, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than 120 days.
- B. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Zacharias' certificate to practice medicine and surgery until all of the following conditions have been met:
1. **Application for Reinstatement or Restoration:** Dr. Zacharias shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
 2. **Personal/Professional Ethics Course(s):** At the time she submits her application for reinstatement or restoration, Dr. Zacharias shall submit acceptable documentation of successful completion of a course or course dealing with personal/professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any course(s) taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Zacharias submits the documentation of successful completion of the course(s) dealing with personal/professional ethics, she shall also submit to the Board a written report describing the course(s), setting forth what she learned from the course(s), and identifying with specificity how she will apply what she learned to her practice of medicine in the future.

3. **Medical Records Course(s):** At the time she submits her application for reinstatement or restoration, Dr. Zacharias shall submit acceptable documentation of successful completion of a course or courses on maintaining adequate and appropriate medical records. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any course(s) taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Zacharias submits the documentation of successful completion of the course(s) on maintaining adequate and appropriate medical records, she shall also submit to the Board a written report describing the course(s), setting forth what she learned from the course(s), and identifying with specificity how she will apply what she learned to her practice of medicine in the future.

4. **Course Concerning Physician/Patient Boundaries:** At the time she submits her application for reinstatement or restoration, Dr. Zacharias shall provide acceptable documentation of successful completion of a course or courses on maintaining physician/patient boundaries. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any course taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Zacharias submits the documentation of successful completion of the course(s) on maintaining physician/patient boundaries, she shall also submit to the Board a written report describing the course(s), setting forth what she learned from the course(s), and identifying with specificity how she will apply what she has learned to her practice of medicine in the future.

Documentation of successful completion of the October 20-22, 2010 course on “Maintaining Proper Boundaries” at Vanderbilt University Medical Center in Nashville, TN, may be submitted to satisfy this requirement. However, Dr. Zacharias remains subject to the written report requirement as stated above.

5. **Controlled Substances Prescribing Course(s):** At the time she submits her application for reinstatement or restoration, Dr. Zacharias shall provide acceptable documentation of successful completion of a course or courses dealing with the prescribing of controlled substances. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any course taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Zacharias submits the documentation of successful completion of the course(s) on dealing with the prescribing of controlled substances, she shall also submit to the Board a written report describing the course(s), setting forth what she learned from the course(s), and identifying with specificity how she will apply what she has learned to her practice of medicine in the future.

Documentation of successful completion of the December 2010 course on “Intensive Course in Controlled Substance Management” at Case Western Reserve University School of Medicine may be submitted to satisfy this requirement. However, Dr. Zacharias remains subject to the written report requirement as stated above.

6. **Additional Evidence of Fitness to Resume Practice**: In the event that Dr. Zacharias has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222 Ohio Revised Code, to require additional evidence of her fitness to resume practice.
- C. **PROBATION**: Upon reinstatement or restoration, Dr. Zacharias’ certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least three years:
1. **Obey the Law**: Dr. Zacharias shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.
 2. **Declarations of Compliance**: Dr. Zacharias shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there had been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board’s offices on or before the first day of the third month following the month in which Dr. Zacharias’ license is reinstated or restored. Subsequent quarterly declarations must be received in the Board’s offices on or before the first day of every third month.
 3. **Personal Appearances**: Dr. Zacharias shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which Dr. Zacharias’ license is reinstated or restored, or as otherwise directed by the Board. Subsequent personal appearances shall occur every six months thereafter, and/or as otherwise directed by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
 4. **Tolling of Probationary Period While Out of Compliance**: In the event Dr. Zacharias is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.

5. **Required Reporting of Change of Address:** Dr. Zacharias shall notify the Board in writing of any change of residence address and/or principal practice address within 30 days of the change.
- D. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Zacharias' certificate will be fully restored.
- E. **VIOLATION OF THE TERMS OF THIS ORDER:** If Dr. Zacharias violates the terms of this Order in any respect, the Board, after giving her notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of her certificate.
- F. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER:**
1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Zacharias shall provide a copy of this Order to all employers or entities with which she is under contract to provide healthcare services (including but not limited to third-party payors), or is receiving training; and the Chief of Staff at each hospital or healthcare center where she has privileges or appointments. Further, Dr. Zacharias shall promptly provide a copy of this Order to all employers or entities with which she contracts in the future to provide healthcare services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or healthcare center where she applies for or obtains privileges or appointments. This requirement shall continue until Dr. Zacharias receives from the Board written notification of the successful completion of her probation.

In the event that Dr. Zacharias provides any healthcare services or healthcare direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, within 30 days of the effective date of this Order, she shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services. This requirement shall continue until Dr. Zacharias receives from the Board written notification of the successful completion of her probation.
 2. **Required Reporting to Other State Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Zacharias shall provide a copy of this Order to the proper licensing authority of any state or jurisdiction in which she currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which she currently holds any license or certificate. Also, Dr. Zacharias shall provide a

copy of this Order at the time of application to the proper licensing authority of any state or jurisdiction in which she applies for any professional license or reinstatement/restoration of any professional license. This requirement shall continue until Dr. Zacharias receives from the Board written notification of the successful completion of his probation.

3. **Required Documentation of the Reporting Required by Paragraph F:**

Dr. Zacharias shall provide this Board with **one** of the following documents as proof of each required notification within 30 days of the date of each such notification: (a) the return receipt of certified mail within 30 days of receiving that return receipt, (b) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (c) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (d) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

EFFECTIVE DATE OF ORDER: This Order shall become effective immediately upon the mailing of the notification of approval by the Board.

Mr. Hairston seconded the motion.

Dr. Mahajan stated that he will now entertain discussion in the above matter.

Dr. Ramprasad agreed with Dr. Suppan's proposed amendment. Dr. Ramprasad stated that this is not a typical sexual relationship case because Dr. Zacharias was not always in a relationship with Patient 1 during his treatment. Dr. Ramprasad also noted that Dr. Zacharias began her relationship with Patient 1 before he became her patient. Dr. Ramprasad stated that this is not a case in which the physician took advantage of a patient. Dr. Ramprasad agreed that Dr. Zacharias should be disciplined for her prescribing behavior, but credited Dr. Zacharias for taking the proper educational courses to correct herself. Dr. Ramprasad opined that Dr. Zacharias is very repentant in this matter.

Dr. Steinbergh opined that concerns of the effects of Dr. Zacharias' suspension on her allergy patients are not valid. Dr. Steinbergh stated that it is Dr. Zacharias' decisions that led to this discipline and it is her responsibility, and that there are other allergists that patients can see. Dr. Steinbergh stated that she did not take this into consideration in her deliberations.

Mr. Hairston spoke in support of Dr. Suppan's proposed amendment and opined that a 120-day suspension is appropriate. Dr. Madia stated that he had supported the minimum 180-day suspension due to the Board's guidelines, but he would agree to the proposed minimum 120-day suspension.

A vote was taken on Dr. Suppan's motion to amend:

ROLL CALL:

Dr. Madia	- aye
Dr. Talmage	- abstain
Dr. Strafford	- abstain
Dr. Amato	- abstain
Dr. Ramprasad	- aye
Ms. Elsass	- aye
Mr. Hairston	- aye
Dr. Suppan	- aye
Dr. Steinbergh	- nay
Dr. Mahajan	- aye

The motion to amend carried.

Dr. Steinbergh moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order, as amended, in the matter of Dawn M. Zacharias, M.D. Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:

Dr. Madia	- aye
Dr. Talmage	- abstain
Dr. Strafford	- abstain
Dr. Amato	- abstain
Dr. Ramprasad	- aye
Ms. Elsass	- aye
Mr. Hairston	- aye
Dr. Suppan	- aye
Dr. Steinbergh	- aye
Dr. Mahajan	- aye

The motion to approve carried.

The Board took a brief recess at 2:20 p.m. and returned at 2:40 p.m. Dr. Talmage was not present when the meeting resumed.

FINDINGS, ORDERS, AND JOURNAL ENTRIES

Dr. Mahajan advised that, in the following matters, the Board issued a Notice of Opportunity for Hearing, and documentation of service was received for each. There were no requests for hearing filed, and more than 30 days have elapsed since the mailing of the Notices. The matters are therefore before the Board for final disposition. Dr. Mahajan stated that these matters are disciplinary in nature, and therefore the Secretary and Supervising Member cannot vote. In these matters, Dr. Strafford and Dr. Talmage served as Secretary and Dr. Amato served as Supervising Member.

ROBERT JOHN MEEK, D.O., Case No. 11-CRF-109

Dr. Steinbergh stated that Dr. Meek is currently under an Emergency Suspension in Florida for multiple violations of the minimal standards of care arising from pill mill issues and very significant over-prescribing, as well as inappropriate assessment of many patients. Dr. Steinbergh stated that the Florida Board of Osteopathic Medicine has not yet issued a final order in that case. Dr. Steinbergh stated that when the final order is issued in Florida, Dr. Meek's order in Ohio may need to be changed accordingly.

Dr. Steinbergh moved to find that the allegations as set forth in the November 9, 2011 Notice in the matter of Robert John Meek, D.O., have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective immediately, revoking Dr. Meek's license to practice osteopathic medicine and surgery in Ohio. Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:	Dr. Madia	- aye
	Dr. Strafford	- abstain
	Dr. Amato	- abstain
	Dr. Ramprasad	- aye
	Ms. Elsass	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye

The motion carried.

RAJ RAMALINGAM RANGARAJ, M.D., Case No. 11-CRF-004

Dr. Suppan stated that this case is based on a Georgia Consent Order which reprimanded Dr. Rangaraj and limited his license to the practice of ophthalmology and oculoplasty. This Consent Order resulted because Dr. Rangaraj, an ophthalmologist, performed a breast augmentation procedure on a patient in what seems to have been an ambulatory care center. The patient experienced a significant complication which Dr. Rangaraj could not manage and she had to be transported to a hospital.

Dr. Suppan moved to find that the allegations as set forth in the January 12, 2011 Notice in the matter of Raj Ramalingam Rangaraj, M.D., have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective immediately, revoking Dr. Rangaraj's license to practice medicine and surgery in Ohio. Dr. Steinbergh seconded the motion. A vote was taken:

ROLL CALL:	Dr. Madia	- aye
	Dr. Strafford	- abstain
	Dr. Amato	- abstain
	Dr. Ramprasad	- aye
	Ms. Elsass	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye

Dr. Mahajan - aye

The motion carried.

MARSHALL BRUCE SILK, D.O., Case No. 11-CRF-113

Dr. Ramprasad stated that Dr. Silk practiced at the South Florida Pain Clinic, where he pre-signed prescriptions for MRI's and CT scans to be given by the staff to individuals Dr. Silk had not seen. In response, the Florida Board of Osteopathic Medicine took action. Dr. Silk was fined \$5,000.00, plus an additional \$2,225.00 for administrative costs, was required to attend a prescribing course, and was permanently restricted from prescribing Schedule II controlled substances.

Dr. Ramprasad moved to find that the allegations as set forth in the November 9, 2011 Notice in the matter of Marshall Bruce Silk, D.O., have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective immediately, revoking Dr. Silk's license to practice osteopathic medicine and surgery in Ohio. Dr. Steinbergh seconded the motion.

Dr. Mahajan stated that he would now entertain discussion in the above matter.

For the benefit of the medical students in attendance, Dr. Steinbergh stated that physicians may not delegate prescriptive authority to those who are unqualified. In Dr. Silk's case, he delegated his authority to his front desk staff.

A vote was taken on Dr. Ramprasad's motion:

ROLL CALL:	Dr. Madia	- aye
	Dr. Strafford	- abstain
	Dr. Amato	- abstain
	Dr. Ramprasad	- aye
	Ms. Elsass	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye

The motion carried.

CITATIONS, PROPOSED DENIALS, DISMISSALS, ORDERS OF SUMMARY SUSPENSION & NOTICES OF IMMEDIATE SUSPENSION

MICHAEL BRUCE GLADSON, M.D. – CITATION LETTER

At this time the Board read and considered the proposed Citation Letter in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

Dr. Steinbergh moved to send the Citation Letter to Dr. Gladson. Dr. Madia seconded the motion.

A vote was taken:

ROLL CALL:	Dr. Madia	- aye
	Dr. Strafford	- abstain
	Dr. Amato	- abstain
	Dr. Ramprasad	- aye
	Ms. Elsass	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye

The motion to send carried.

MEERA SACHDEVA, M.D. - CITATION LETTER

At this time the Board read and considered the proposed Citation Letter in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

Mr. Hairston moved to send the Citation Letter to Dr. Sachdeva. Dr. Steinbergh seconded the motion. A vote was taken:

ROLL CALL:	Dr. Madia	- aye
	Dr. Strafford	- abstain
	Dr. Amato	- abstain
	Dr. Ramprasad	- aye
	Ms. Elsass	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye

The motion to send carried.

Dr. Steinbergh moved to table this topic until Thursday, January 12, for possible additional citations. Mr. Hairston seconded the motion. All members voted aye. The motion carried.

RATIFICATION OF SETTLEMENT AGREEMENTS

CALVIN RICHARD BROWN, M.D. – PERMANENT SURRENDER

Dr. Steinbergh moved to ratify the Proposed Permanent Surrender with Dr. Brown. Dr. Madia

seconded the motion. A vote was taken:

ROLL CALL:	Dr. Madia	- aye
	Dr. Strafford	- abstain
	Dr. Amato	- abstain
	Dr. Ramprasad	- aye
	Ms. Elsass	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye

The motion to ratify carried.

JACKSON L. J. FLANIGAN, M.D. – STEP II CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Proposed Step II Consent Agreement with Dr. Flanigan. Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:	Dr. Madia	- aye
	Dr. Strafford	- abstain
	Dr. Amato	- abstain
	Dr. Ramprasad	- aye
	Ms. Elsass	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye

The motion to ratify carried.

MICHAEL STEVEN GRINBLATT, M.D. – STEP I CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Proposed Step I Consent Agreement with Dr. Grinblatt. Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:	Dr. Madia	- aye
	Dr. Strafford	- abstain
	Dr. Amato	- abstain
	Dr. Ramprasad	- aye
	Ms. Elsass	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye

Dr. Mahajan - aye

The motion to ratify carried.

KIMBERLY MARIE NEMETH, D.O. – STEP I CONSENT AGREEMENT

Dr. Madia moved to ratify the Proposed Step I Consent Agreement with Dr. Nemeth. Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:	Dr. Madia	- aye
	Dr. Strafford	- abstain
	Dr. Amato	- abstain
	Dr. Ramprasad	- aye
	Ms. Elsass	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye

The motion to ratify carried.

LEONARD G. QUALLICH, JR., M.D. – STEP I CONSENT AGREEMENT

Dr. Madia moved to ratify the Proposed Step I Consent Agreement with Dr. Quallich. Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:	Dr. Madia	- aye
	Dr. Strafford	- abstain
	Dr. Amato	- abstain
	Dr. Ramprasad	- aye
	Ms. Elsass	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye

The motion to ratify carried.

Dr. Ramprasad noted that this consent agreement is based on the physician's diagnoses of chronic anxiety disorder, panic disorder, and depression. Dr. Ramprasad asked why those diagnoses constituted a need for the physician to be on a step I consent agreement. Ms. Marshal replied that in this case, a psychiatric evaluation determined that the physician's diagnoses are at such a level that they prevent him from being able to practice.

JEFFREY BRUCE RUBINSTEIN, M.D. – CONSENT AGREEMENT

Dr. Madia moved to ratify the Proposed Consent Agreement with Dr. Rubinstein. Mr. Hairston seconded the motion.

Dr. Mahajan stated that he would now entertain discussion in the above matter.

Dr. Steinbergh stated that the proposed consent agreement does not seem to address the allegation that the physician over-prescribed narcotic pain medicine in both quantity and frequency without supportive documentation. Ms. Dorn replied that that issue was addressed because under the order of the Kentucky Board of Medical Licensure, the physician was required to take a course in prescribing and to have a monitoring physician. Dr. Steinbergh thanked Ms. Dorn for that information.

ROLL CALL:	Dr. Madia	- aye
	Dr. Strafford	- abstain
	Dr. Amato	- abstain
	Dr. Ramprasad	- aye
	Ms. Elsass	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye

The motion to ratify carried.

SHANE R. HANZLIK, M.D. – STEP II CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Proposed Step II Consent Agreement with Dr. Hanzlik. Dr. Madia seconded the motion. A vote was taken:

ROLL CALL:	Dr. Madia	- aye
	Dr. Strafford	- abstain
	Dr. Amato	- abstain
	Dr. Ramprasad	- aye
	Ms. Elsass	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye

The motion to ratify carried.

Dr. Steinbergh moved to table this topic until Thursday, January 12, for possible additional settlement agreements. Mr. Hairston seconded the motion. All members voted aye. The motion

carried.

PROBATIONARY APPEARANCES

SARAH A. STEIN, M.T.

Ms. Stein was making her final appearance before the Board pursuant to her request for release from the terms of her October 12, 2006 Consent Agreement.

Ms. Bickers reviewed Ms. Stein's history with the Board.

Dr. Mahajan asked how things are going for Ms. Stein. Ms. Stein replied that things are very good.

Dr. Steinbergh asked if Ms. Stein is currently working. Ms. Stein answered that she is working at Massage Envy in Hilliard, Ohio, and has also returned to work at her previous position at the Barrel 44 Restaurant. Ms. Stein stated that she also has a 16-month-old daughter.

Dr. Steinbergh asked if Ms. Stein would address the medical students in attendance regarding her troubles with the Board. Ms. Stein stated that she had failed to answer a question honestly on her massage therapy application. Ms. Stein stated that because she chose to answer incorrectly, she had to undergo a 72-hour mental and physical evaluation, at great expense, to prove that she is capable of caring for her clients. Ms. Stein stated that things would have been much easier for her if she had been honest and advised the students to learn from her example. Dr. Steinbergh thanked Ms. Stein for speaking to the students.

Dr. Ramprasad asked Ms. Stein to describe her current educational program in technical studies. Ms. Stein responded that the program is a partnership between Columbus State Community College and Ohio University for students with an associate degree in science or criminal justice to complete a bachelor's degree. The program entailed professional communication skills and management skills. Ms. Stein stated that she has struggled to find time to complete the program due to other obligations, but has almost finished. Ms. Stein hoped to someday own her own business.

Dr. Steinbergh asked if Ms. Stein has had any further problems with drugs or alcohol. Ms. Stein answered that she has had no further problems.

Dr. Steinbergh moved to release Ms. Stein from the terms of her October 12, 2006 Consent Agreement. Dr. Madia seconded the motion. All members voted aye. The motion carried.

JOSEPH G. WERNER, M.D.

Dr. Werner was making his final appearance before the Board pursuant to his request for release from the terms of his January 10, 2007 Consent Agreement.

Ms. Bickers reviewed Dr. Werner history with the Board.

Dr. Madia asked how Dr. Werner is. Dr. Werner replied that he is quite well.

Dr. Madia asked if Dr. Werner is currently practicing anesthesiology. Dr. Werner replied that he is an academic anesthesiologist and practices at the Ohio State University Medical Center, where he supervises Certified Registered Nurse Anesthetists (CRNA's) and residents. Dr. Madia asked if Dr. Werner does anesthesia cases himself. Dr. Werner stated that he usually only supervises, but on rare occasions may do a case personally depending on coverage.

Dr. Madia stated that as an anesthesiologist, Dr. Werner has a great deal of access to narcotics. Dr. Madia noted that Dr. Werner's previous abuse problems have been with alcohol and marijuana. Dr. Madia asked if Dr. Werner has ever abused narcotics. Dr. Werner answered that he has never used narcotics. Dr. Madia asked who handles the narcotics in Dr. Werner's workplace. Dr. Werner responded that the CRNA or resident handles the narcotics. Dr. Werner stated that on the rare occasions that he does a case himself, he handles the narcotics and follows the same procedures as the CRNA's and residents.

Dr. Madia advised Dr. Werner to be very careful in his practice due to his access to narcotics. Dr. Werner agreed.

Dr. Madia moved to release Dr. Werner from the terms of his January 10, 2007 Consent Agreement. Mr. Hairston seconded the motion. All members voted aye. The motion carried.

JANICE ELECTA GREEN DOUGLAS, M.D.

Dr. Douglas was making her initial appearance before the Board pursuant to the terms of the Board's Order of July 13, 2011.

Ms. Bickers reviewed Dr. Douglas' history with the Board.

Dr. Steinbergh stated that it is always a concern when the Board has a long relationship with a practitioner, as is the case with Dr. Douglas. Dr. Steinbergh asked Dr. Douglas to describe her sobriety, her recovery program, and her support. Dr. Steinbergh also asked Dr. Douglas why this time is different from the previous times. Dr. Douglas replied that she has been sober for almost six years and she has an excellent support network in Cleveland. Dr. Douglas stated that she is very active in Alcoholics Anonymous and is involved with helping young women from the inner city who are also in the program, which is somewhat different from her previous recoveries.

Dr. Steinbergh noted that Dr. Douglas is currently suspended and asked about her future plans and goals. Dr. Douglas responded that her expertise has always been research and she is currently doing consultation work with the Morehouse School of Medicine, including work on manuscript development and grant proposals. Dr. Douglas commented that she is enjoying that work. Dr. Douglas also stated that the American Board of Internal Medicine has agreed to let her take their examination to fulfill the Medical Board's requirements, so she is spending time studying for that.

Dr. Steinbergh moved to continue Dr. Douglas under the terms of the Board's Order of July 13,

2011. Mr. Hairston seconded the motion. All members voted aye. The motion carried.

TERRY A. DRAGASH, D.O.

Dr. Dragash was making his initial appearance before the Board pursuant to the terms of his July 13, 2011 Consent Agreement.

Ms. Bickers reviewed Dr. Dragash's history with the Board.

Dr. Madia asked how Dr. Dragash is today. Dr. Dragash replied that he is very fine. Dr. Madia asked how Dr. Dragash is spending it time since his suspension. Dr. Dragash replied that he is attending meetings, helping care for a disabled friend, landscaping outside his house, and is busy raising two Weimaraner puppies. Dr. Dragash stated that he is eager to return to work.

Dr. Madia asked Dr. Dragash to explain what he learned from his experience to the medical students in attendance. Dr. Dragash explained that in January 2011, he was arrested for possession of cocaine. Dr. Dragash stated that at that time he had relationship and financial problems, and he was not a person who ever asked for help because he thought he could always figure things out on his own. Dr. Dragash stated that he used drugs to forget about things and was soon arrested.

Dr. Dragash continued that being arrested made him realize how far away he had gotten from the person he really was. Dr. Dragash stated that spending eight weeks at Shepherd Hill, a rehabilitation center, gave him time to look at himself and think about who he really was. Dr. Dragash stated that his treatment at Shepherd Hill and joining Alcoholics Anonymous have helped him connect with people again.

Dr. Madia thanked Dr. Dragash for addressing the students.

Dr. Madia moved to continue Dr. Dragash under the terms of his July 13, 2011 Consent Agreement. Mr. Hairston seconded the motion. All members voted aye. The motion carried.

Dr. Suppan exited the meeting at this time.

JACKSON L. J. FLANIGAN, M.D.

Dr. Flanigan was making his initial appearance before the Board pursuant to the terms of his October 12, 2011 Consent Agreement.

Ms. Bickers reviewed Dr. Flanigan's history with the Board. Ms. Bickers noted that Dr. Flanigan's Step II Consent Agreement was ratified by the Board earlier today and he will be under probation for a minimum of five years.

Dr. Steinbergh asked Dr. Flanigan to describe his recovery. Dr. Flanigan stated that in November 2008, he completed his five-year agreement with the Ohio Physician's Health Program, but continued to attend meetings. However, Dr. Flanigan started to have difficulty due to problems in his second marriage. Dr.

Flanigan stated that he started to spend more time trying to appease his family and got away from his program. Dr. Flanigan stated that when his marriage ended, he had already gotten away from those who had been supportive of him during his recovery. As a result, Dr. Flanigan began to drink again. Dr. Flanigan went through treatment again in the summer of 2011.

Dr. Steinbergh asked how Dr. Flanigan is feeling today. Dr. Flanigan answered that he feels good.

Dr. Ramprasad asked if Dr. Flanigan's health insurance paid for his inpatient treatments. Dr. Flanigan stated that he did 29 days of treatment, and the first 10 days were covered by insurance. Dr. Flanigan had to pay for the rest of the treatment because he had reached his benefits limit for the year. Dr. Flanigan stated that this was quite expensive.

Dr. Steinbergh asked what plans Dr. Flanigan had now this his license has been reinstated under his Step II Consent Agreement. Dr. Flanigan answered that he plans to ease back into practice and reapply for his hospital privileges.

Dr. Steinbergh moved to continue Dr. Flanigan under the terms of his October 12, 2011 Consent Agreement. Mr. Hairston seconded the motion. All members voted aye. The motion carried.

PHILIP M. GOLDMAN, M.D.

Dr. Goldman was making his initial appearance before the Board pursuant to the terms of his December 14, 2011 Consent Agreement. Dr. Goldman was also requesting approval of Gregory C. Jones, M.D., to serve as the monitoring physician, and determination of the frequency and number of charts to be reviewed.

Ms. Bickers reviewed Dr. Goldman's history with the Board.

Dr. Madia asked how Dr. Goldman is doing. Dr. Goldman replied that he is significantly better than he had been when he first met with the Board several months ago. Dr. Madia asked if Dr. Goldman practices in both an emergency department and an office. Dr. Goldman answered that he worked full-time in the emergency department and does not have an office.

Dr. Madia asked how these events affected Dr. Goldman's privileges and relations with the medical staff. Dr. Goldman replied that the effects were catastrophic, perhaps because the drug he abused was cocaine and perhaps because of his arrogance. Dr. Goldman stated that he had incorrectly assumed that he would be welcomed back to his group with no questions asked after meeting the requirements of his Step I Consent Agreement. However, it was a slow and steady process. Dr. Goldman had to prove to his group that he was capable, safe, and could be trusted. Dr. Goldman continued that working the 12 Steps of Alcoholics Anonymous and listening to the counsel of his sponsor has helped him deal with his challenges. Dr. Goldman stated that he now sponsors others. Dr. Goldman stated that he violated the most sacred trust of a physician by practicing impaired and he is fortunate to have been given a second chance.

Dr. Steinbergh stated that Dr. Goldman has a life-long battle ahead of him and cautioned him to guard against relapse. Dr. Steinbergh asked if Dr. Goldman attends caduceus meetings. Dr. Goldman replied

that instead of caduceus, he attends an aftercare program that includes physicians, attorneys, and airline pilots. Dr. Steinbergh encouraged Dr. Goldman to continue the meetings and commented on the importance of interacting with other physicians in his situation.

Dr. Madia moved to continue Dr. Goldman under the terms of his December 14, 2011 Consent Agreement. Dr. Madia further moved to approve Gregory C. Jones, M.D., to serve as the monitoring physician and that 10 charts per month will be reviewed. Dr. Steinbergh seconded the motion. All members voted aye. The motion carried.

MARTIN R. HOBOWSKY, D.O.

Ms. Bickers stated that Dr. Hobowsky has not yet arrived because he required a breathing treatment due to his chronic obstructive pulmonary disease (COPD). Ms. Bickers stated that Dr. Hobowsky still intends to appear at the meeting.

JEROME D. HOMISH, D.O.

Dr. Homish was making his initial appearance before the Board pursuant to the terms of the Board's Order of September 14, 2011.

Ms. Bickers reviewed Dr. Homish's history with the Board.

Dr. Steinbergh asked how Dr. Homish feels today. Dr. Homish replied that he is doing well.

Dr. Talmage and Dr. Suppan returned to the meeting at this time.

Dr. Steinbergh asked Dr. Homish to address the medical students in attendance regarding his experiences. Dr. Homish recalled that when he was in medical school, there was very little education on alcoholism and addiction as a disease. Dr. Homish stated that addiction is not a moral issue, but is a life-long disease process that must be treated on a regular basis, like hypertension or diabetes. Dr. Homish advised the students to be aware of and help any friends or family members who may have an addiction problem, stating that help is available.

Dr. Steinbergh asked what Dr. Homish is currently doing. Dr. Homish replied that he and his business partner own two auto parts stores which are doing very well. Dr. Steinbergh asked how people react to a physician who runs an auto parts store. Dr. Homish replied that he tells people he is trying to diversify since practicing medicine does not provide the financial security that it once did.

Dr. Steinbergh asked how Dr. Homish envisions his future. Dr. Homish responded that much depends on how successful his stores are. Dr. Homish stated that he is in negotiations to purchase some rental properties in the Athens area. Dr. Homish stated that he also has a great interest in motor sports and motor sports medicine and safety. Dr. Homish has been a member of the International Council of Motor Sports Sciences since 1995 and he may pursue a fellowship in sports medicine.

Dr. Steinbergh asked if Dr. Homish had questions about his Board Order. Dr. Homish replied that he had no questions.

Dr. Steinbergh moved to continue Dr. Homish under the terms of the Board's Order of September 14, 2011. Dr. Madia seconded the motion. All members voted aye. The motion carried.

MARTIN R. HOBOWSKY, D.O.

Dr. Hobowsky was making his initial appearance before the Board pursuant to the terms of his April 14, 2010 Consent Agreement.

Ms. Bickers reviewed Dr. Hobowsky's history with the Board.

Dr. Madia asked how Dr. Hobowsky is. Dr. Hobowsky replied that he is fine.

Dr. Madia asked if Dr. Hobowsky is currently practicing. Dr. Hobowsky answered that he has a family practice, but is not advertising rigorously. Dr. Hobowsky stated that he only has a few patients and does not want to see his previous patients because of the problems that arose at that time. Dr. Hobowsky stated that he chooses his patients very carefully.

Dr. Madia asked how many patients Dr. Hobowsky sees per day. Dr. Hobowsky answered that he may see one patient per week. Dr. Madia asked if seeing only one patient per week even pays the cost of Dr. Hobowsky's malpractice insurance. Dr. Hobowsky stated that he has not reactivated his malpractice insurance.

Dr. Madia asked how Dr. Hobowsky is feeling in relation to his COPD. Dr. Hobowsky responded that he feels good, but cold and wet days like today sometimes affect his breathing.

Dr. Steinbergh encouraged Dr. Hobowsky to consult with Ms. Bickers to ensure he is following the Board's guidelines regarding notifying patients of a lack of malpractice insurance. Dr. Steinbergh speculated that Dr. Hobowsky's practice will slowly grow as people come to realize that he treats legitimate patients.

Dr. Steinbergh asked if Dr. Hobowsky had any questions for the Board. Dr. Hobowsky asked about the possibility of lengthening the time between his personal appearances. Dr. Steinbergh encouraged Dr. Hobowsky to discuss the matter with Ms. Bickers.

Dr. Madia moved to continue Dr. Hobowsky under the terms of his April 14, 2010 Consent Agreement. Mr. Hairston seconded the motion. All members voted aye. The motion carried.

KAVITA A. KANG, D.O.

Dr. Kang was making her initial appearance before the Board pursuant to the terms of her October 12, 2011 Consent Agreement.

Ms. Bickers reviewed Dr. Kang's history with the Board.

Dr. Steinbergh asked how Dr. Kang is today. Dr. Kang replied that she is okay.

Dr. Steinbergh asked what Dr. Kang is currently doing in terms of her recovery. Dr. Kang answered that she attends Alcoholics Anonymous meetings daily and an aftercare meeting weekly. Dr. Kang hoped to have her medical license reinstated soon and is studying to take Step 3 of the United States Medical Licensing Examination. Dr. Kang also stated that she is repairing relationships with her family and friends and is trying to get comfortable with herself as a sober person.

Dr. Steinbergh asked if Dr. Kang is currently seeing a psychiatrist. Dr. Kang replied that she has seen a psychiatrist on an interim basis and will see her Board-approved psychiatrist next week. Dr. Steinbergh asked if Dr. Kang is feeling strong at this time. Dr. Kang replied that she is feeling strong. Dr. Steinbergh asked if Dr. Kang had any questions at this time. Dr. Kang replied that she has no questions.

Dr. Steinbergh asked what Dr. Kang plans to do when her license is reinstated. Dr. Kang responded that her psychiatry residency program has been very supportive and will accept her back when her license is reinstated.

Dr. Ramprasad asked if Dr. Kang is currently on any medications. Dr. Kang answered that she is currently on Effexor, Lamictal, and Geodon.

Dr. Steinbergh moved to continue Dr. Kang under the terms of her October 12, 2011 Consent Agreement. Mr. Hairston seconded the motion. All members voted aye. The motion carried.

SEAN M. KLEPPER, M.D.

Dr. Klepper was making his initial appearance before the Board pursuant to the terms of his July 13, 2011 Consent Agreement.

Ms. Bickers reviewed Dr. Klepper's history with the Board.

Dr. Madia asked Dr. Klepper to explain how he is being monitored in the states of Massachusetts and Tennessee. Dr. Klepper stated that he has been in Massachusetts monitoring program since April 2007 and is in full compliance. Dr. Klepper did a one-year fellow in Tennessee, during which time a monitoring program there served as caretakers of the Massachusetts agreement. Dr. Klepper stated that he is no longer being monitored by the Tennessee program.

Dr. Madia asked where Dr. Klepper is currently practicing. Dr. Klepper replied that he currently practices in Portsmouth, Ohio, as a hospital-based pathologist for a private practice. Dr. Klepper stated that he has been sober for four years and nine months, and his mental health has been stable since his initial diagnosis of an episode of psychosis in 2006.

Dr. Madia asked what medications Dr. Klepper is taking. Dr. Klepper stated that he is on Depakote and Zyprexa.

Dr. Madia moved to continue Dr. Klepper under the terms of his July 13, 2011 Consent Agreement. Dr. Steinbergh seconded the motion. All members voted aye. The motion carried.

ANNA M. MARCINOW, M.D.

Dr. Marcinow was making her initial appearance before the Board pursuant to the terms of her October 12, 2011 Consent Agreement.

Ms. Bickers reviewed Dr. Marcinow's history with the Board.

Dr. Steinbergh noted that Dr. Marcinow is an otolaryngologist and asked what group she is with. Dr. Marcinow replied that she is a resident at Ohio State University Medical Center.

Dr. Steinbergh noted that Dr. Marcinow's medical license is currently suspended and asked what she is currently doing in terms of work and her recovery. Dr. Marcinow answered that she is fortunate enough to be allowed by her residency program to fulfill her six-month research requirement during her suspension. Dr. Steinbergh asked if Dr. Marcinow's research requires a medical degree. Dr. Marcinow replied that it did not require a medical degree. Dr. Steinbergh asked if Dr. Marcinow is involved in clinical care or making clinical decisions. Dr. Marcinow answered that she is not involved in clinical care or decisions. Dr. Steinbergh stressed the importance of Dr. Marcinow refraining from clinical work while her license is suspended. Dr. Marcinow agreed and stated that she and the program have been very careful to make sure she is not involved with any patient care or patient decisions.

Regarding her recovery, Dr. Marcinow stated that she has been working with a sponsor. Dr. Marcinow commented that her sponsor is very aggressive about getting through the steps as quickly as possible, opining that that is what made her (the sponsor's) recovery possible. Dr. Marcinow stated that she and her sponsor are currently working on Step 9 and she has started making her amends. Dr. Marcinow stated that she also attends aftercare meetings and caduceus meetings. In her spare time, Dr. Marcinow has been rediscovering arts and crafts.

Dr. Steinbergh, referring to Dr. Marcinow's comment about going through the steps quickly, stated that sincerity with which one approaches the recovery process is the most important thing for success. Dr. Steinbergh stated that fighting addiction will be a life-long battle and that it is important for Dr. Marcinow to understand the steps, come to terms with them, and believe in them. Dr. Steinbergh stated that the steps are not something that one goes through quickly, but is a day-by-day process. Dr. Steinbergh advised Dr. Marcinow to understand her personal process and use the steps effectively. Dr. Suppan agreed with Dr. Steinbergh and stated that Dr. Marcinow's recovery process is about Dr. Marcinow, not her sponsor. Dr. Marcinow was thankful for this advice and stated that she knows she must work each of the steps every day for the rest of her life.

Dr. Steinbergh moved to continue Dr. Marcinow under the terms of her October 12, 2011 Consent

Agreement. Mr. Hairston seconded the motion. All members voted aye. The motion carried.

JAMES L. REINGLASS, M.D.

Dr. Reinglass was making his initial appearance before the Board pursuant to the terms of the Board's Order of June 8, 2011.

Ms. Bickers reviewed Dr. Reinglass' history with the Board.

Dr. Steinbergh asked what Dr. Reinglass is currently doing. Dr. Reinglass replied that he is following his Board Order and is also looking for employment, which has been hampered due to difficulty in obtaining a Drug Enforcement Agenda (DEA) certificate. Dr. Reinglass stated that he is currently trying to obtain a position in addiction medicine with a VA hospital in Florida, as well as addiction medicine positions in Ohio.

Dr. Steinbergh encouraged Dr. Reinglass in his search for employment and hoped that Florida program will recognize the contribution Dr. Reinglass can make. Dr. Reinglass thanked Dr. Steinbergh and commented that his health is also hindering his efforts; Dr. Reinglass stated that he is in need of a total knee replacement.

Dr. Steinbergh moved to continue Dr. Reinglass under the terms of the Board's Order of June 8, 2011. Dr. Madia seconded the motion. All members voted aye. The motion carried.

APPRECIATION OF DR. SUPPAN'S SERVICE AS BOARD PRESIDENT

Dr. Mahajan stated that the Board greatly appreciates the marvelous job Dr. Suppan did as Board President in the previous year. On behalf of the Board and staff, Mr. Whitehouse presented Dr. Suppan with a plaque of appreciation. Dr. Suppan thanked everyone and stated that she appreciates the fellowship among the Board members and staff.

APPRECIATION OF DR. TALMAGE'S SERVICE AS BOARD SECRETARY

Dr. Mahajan stated that Dr. Talmage recently stepped down as Board Secretary, a position he had held for nine years. Dr. Mahajan thanked Dr. Talmage for his exemplary service, his input, and his wisdom. Dr. Steinbergh agreed that Dr. Talmage has been a very strong secretary and wished him well in his upcoming role as Chair of the Federation of State Medical Boards. Mr. Whitehouse presented Dr. Talmage with a plaque of appreciation.

REMEMBRANCE OF KEVIN BYERS

Dr. Steinbergh wished to take a moment to remember Mr. Kevin Byers, who served as an attorney for many practitioners who appeared before the Board. Mr. Byers was tragically killed over the holiday season. The Board observed a moment of silence.

EXECUTIVE SESSION

Dr. Steinbergh moved that the Board declare Executive Session for discussion of an employee evaluation. Dr. Madia seconded the motion. A vote was taken:

ROLL CALL:	Dr. Madia	- aye
	Dr. Talmage	- aye
	Dr. Strafford	- aye
	Dr. Amato	- aye
	Dr. Ramprasad	- aye
	Ms. Elsass	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye

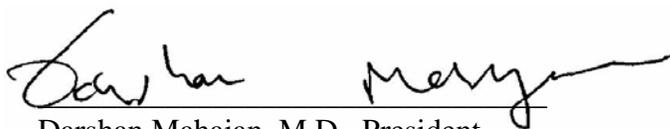
The motion carried.

Pursuant to Section 121.22(G)(3), Ohio Revised Code, the Board went into executive session. While in executive session, Dr. Talmage and Mr. Hairston exited the meeting.

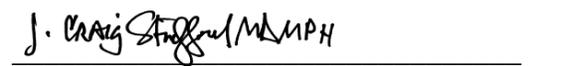
The Board returned to public session.

Thereupon, at 5:32 p.m., the January 11, 2012 session of the State Medical Board of Ohio was adjourned by Dr. Mahajan.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio meeting on January 11, 2012, as approved on February 8, 2012.



Darshan Mahajan, M.D., President



J. Craig Strafford, M.D., M.P.H., Secretary

(SEAL)



MINUTES**THE STATE MEDICAL BOARD OF OHIO****January 12, 2012**

Darshan Mahajan, M.D., President, called the meeting to order at 8:00 a.m., in the Administrative Hearing Room, 3rd Floor, the James A. Rhodes State Office Tower, 30 E. Broad St., Columbus, Ohio 43215, with the following members present: Anita Steinbergh, D.O., Vice-President; J. Craig Strafford, M.D., Secretary; Jack C. Amato, M.D., Supervising Member; Lance A. Talmage, M.D.; Dalsukh Madia, M.D.; W. Frank Hairston; Marchelle L. Suppan, D.P.M.; and Kris Ramprasad, M.D. The following member entered the meeting at a later time: Laurie O. Elsass.

Also present were: Richard Whitehouse, Executive Director; Sallie J. Debolt, General Counsel; Kimberly C. Anderson, Assistant Executive Director; Sara Vollmer, Assistant Executive Director; William J. Schmidt, Senior Counsel; Mike Miller, Program Manager for Policy and Governmental Affairs; Joan K. Wehrle, Education & Outreach Program Manager; Rebecca J. Marshall, Chief Enforcement Attorney; Danielle Bickers, Compliance Supervisor; Annette Jones, Compliance Officer; Barbara Jacobs, Senior Executive Staff Attorney; Kyle Wilcox and Heidi Dorn, Assistant Attorneys General; Kay Rieve, Administrative Officer; Nicole Weaver, Chief of Licensure; Cathy Hacker, Physician Assistant Program Administrator; Patrick Randall, Systems Chief; and Benton Taylor, Executive Assistant to the Executive Director.

PRESENTATION BY NATIONAL CERTIFICATION BOARD FOR THERAPEUTIC MASSAGE AND BODYWORK

Dr. Mahajan welcomed Alexa Zaledonis, L.M.T., Chair of the Board of Directors of the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB), and Lori Ohlmann, Director of Outreach for the NCBTMB.

Ms. Ohlmann stated that the NCBTMB offers two examinations which test for entry-level knowledge, skills, and ability; one examination is for therapeutic massage and the other is for therapeutic massage and bodywork. The examinations are given at eight locations in Ohio by Pearson VUE Professional Testing Centers. Ms. Ohlmann stated that the examinations are also given in 38 other states. Another option, the National Examination for State Licensing (NESL), is used by states which want only a licensing examination without adopting the NCBTMB's educational requirements, standards of practice, or code of ethics.

Dr. Steinbergh asked what the term "bodywork" means. Ms. Zaledonis responded that by the standards of the NCBTMB, the term "bodywork" represents Eastern practices.

Ms. Zaledonis and Ms. Ohlmann thoroughly reviewed several aspects of the NCBTMB's examination development. Ms. Ohlmann explained that the examinations have 160 questions and test-takers have two hours and 40 minutes to complete it. The cost to take the examination for purposes of national certification

is \$225.00, while taking the examination without national certification is \$175.00.

Dr. Suppan asked several questions regarding question development and selection, as well as the scoring process. Ms. Zaledonis explained that examination items are developed by a committee of subject matter experts, and then vetted through form review and pre-testing. Responding to further questions from Dr. Suppan, Ms. Zaledonis stated that there are two different examination forms, both of which change every six months. In this way, those who re-take the test will not receive the exact same test again.

Dr. Steinbergh asked if the NCBTMB has a nationally-recognized psychometrician. Ms. Ohlmann answered that the NCBTMB works with psychometricians from Pearson VUE. Ms. Zaledonis noted that in the period 2006 through 2010, Ohio takers of the NCBTMB had a first-time pass rate of 79%, well above the national average. Responding to questions from Dr. Strafford, Ms. Zaledonis stated that over 900 NCBTMB certificates are currently held in Ohio; although the NCBTMB examination is not currently used as a licensing examination in Ohio, massage therapists in Ohio may take the examination in order to earn national certification.

Ms. Zaledonis and Ms. Ohlmann explained the passing reports and other information that could be shared with the Medical Board following examinations. They also stated that test-takers leave the testing facility knowing if they passed or failed. To help focus the study of those who need to re-take the examination, the test-takers are informed of the areas in which they did poorly.

Dr. Suppan asked how the NCBTMB organization is structured and if it is affiliated with a trade association. Ms. Zaledonis replied that the NCBTMB is a non-profit organization controlled by a nine-member board. Ms. Zaledonis stated that the NCBTMB is unaffiliated with any trade association or other non-profit organization.

Dr. Talmage noted that the Board has been working on choosing a national examination for massage therapist licensure for about five years and asked why the NCBTMB had not been engaged in this process sooner. Ms. Ohlmann acknowledged that when the Board contacted the NCBTMB several years ago on this subject, the organization did not respond properly. Ms. Ohlmann stated that in the past two years, the NCBTMB has been making amends and appropriately pursuing Ohio's adoption of their examination. Ms. Zaledonis agreed and stated that she would not chair the NCBTMB's Board if it were the same organization it had been several years ago.

Ms. Zaledonis reviewed the differences between the NCBTMB examination and the Massage and Bodywork Licensing Examination (MBLEx), including the differences in educational requirements. Ms. Zaledonis stated that biggest difference between the two examinations is that the NCBTMB examination is connected to a pathway to national certification. Ms. Zaledonis stated that those who take the MBLEx and later wish to pursue national certification may be discouraged due to having to pay another fee and take another examination.

Dr. Talmage stated that the standard that has been adopted by medical boards for physician licensure is to have one standardized examination which is comparable throughout the country. Dr. Talmage opined that it would be problematic to have two different examinations for licensure of massage therapists, and thus

require the Board to keep track of two psychometric analyses, two organizations, and two security systems. Dr. Talmage stated that having two such systems would be inconvenient at best and dangerous at worst.

Dr. Ramprasad asked if massage therapists who take the NCBTMB examination in one state have to retake the examination if they move to another state. Ms. Zaledonis replied that some states require retaking the examination, while others do not. Ms. Ohlmann stated that the states contiguous to Ohio all accept the NCBTMB examination and a massage therapist moving from Ohio to one of those states would not have to retake the examination.

Ms. Ohlmann stated that she is working with Ms. Vollmer to develop a process to allow the Board to review the NCBTMB examination and to meet with psychometricians.

Dr. Mahajan thanked Ms. Zaledonis and Ms. Ohlmann for their presentation.

PRESIDENT'S REPORT

Dr. Mahajan stated that he appreciated the extra time and effort expended by the Board and the staff last year to address pressing issues, most particularly the prescription drug abuse issue. Dr. Mahajan stated that different challenges will present themselves in 2012 and expressed confidence that those challenges will be met. Dr. Mahajan stated that the staff is self-motivated and sincere, and the Board appreciates their hard work.

PROBATION AND REINSTATEMENT CONSENT AGENDA

Dr. Mahajan advised that at this time he would like the Board to consider the probationary reports and probationary requests on today's consent agenda. Dr. Mahajan asked whether any Board member wished to consider a probationary report or request separately. Dr. Steinbergh stated that she would like to consider the probationary requests of Mark L. Allen, M.D., and Francis E. Dumont, M.D., separately.

Dr. Steinbergh moved to accept the Compliance staff's Reports of Conferences on December 13 and 14, 2011, with: Denise M. Bachmann, M.T.; Todd S. Carran, M.D.; William M. Cox, M.D.; Elizabeth A. Doriott, D.O.; Gregory G. Duma, M.D.; Peter Fragatos, M.D.; Deborah Lynne Frankowski, M.D.; Wesley F. Hard, M.D.; Matthew R. Harris, D.O.; W. Andrew Highberger, M.D.; James Cameron Johnson, D.O.; James M. Kennen, D.O.; Richard M. Kincaid, M.D.; Alberto Leon, M.D.; Joseph Francis Lydon, Jr., M.D.; Zuhayr T. Madhun, M.D.; Steven Lamont Mallory, Sr., M.T.; Donald C. Mann, M.D.; Mark S. McAllister, M.D.; Patrick K. McGriff, D.O.; Breton Lee Morgan, M.D.; Barbara G. O'Keefe Murrell, M.D.; Jerry G. Purvis, Jr., M.D.; Mark A. Rhodeback, M.T.; Joseph Aloysius Ridgeway, IV, M.D.; Matthew C. Riesen, M.D.; Steven E. Schwartz, P.A.; Joseph Cooper Simone, D.O.; Brianna Kelly Smith, M.T.; Paul Sresthadatta, D.O.; Ernesto C. Tan, M.D.; Kimberly M. Telmanik, P.A.; Toby James Tippie, P.A.; Ross Putman Turner, D.O.; and Chad Winfield Ulmer, M.D.

Dr. Steinbergh further moved to accept the Compliance staff's Reports of Conferences and the Secretary and Supervising Member's recommendations as follows:

- To grant Thomas M. Bender, A.A.'s request for approval with the terms of the August 11, 2010 Board Order while practicing in the state of Florida;
- To grant Aimee V. Chappelow, M.D.'s request for reduction in psychiatric sessions from every two months to once every three months; and approval of John A. Costin, M.D., to serve as the new monitoring physician;
- To grant Elease M. Fulgham, M.T.'s request for approval of an ethics course tailored by Donna F. Homenko, Ph.D.;
- To grant Richard David Greczanik, D.O.'s request for elimination of the controlled substance log requirement;
- To grant Richard W. Hertle, M.D.'s request for reduction of the drug testing requirement from four per month to two per month;
- To grant Howard C. Larky, D.O.'s request for approval of the ethics course tailored specifically for the doctor by Donna F. Homenko, Ph.D., or approval of Case Western Reserve University's course *Medical Ethics, Boundaries, and Professionalism*;
- To grant Dominic J. Maga, D.O.'s request for approval of the ethics course tailored specifically for the doctor by Donna F. Homenko, Ph.D.;
- To grant Douglas S. Moinuddin, M.D.'s request for approval of *Medical Ethics, Boundaries and Professionalism Course*, offered by Case Western Reserve University, to fulfill both the professional and personal ethics course requirements;
- To grant Christopher S. Shaw, M.D.'s request for approval of *Anger Busting*, offered by the Anger Management Training Institute, LLC;
- To grant Andreas Herbert Szokoloczy-Syllaba, D.O.'s request for reduction in appearances from every three months to every six months; and
- To grant Ernesto C. Tan, M.D.'s request for approval of *Intensive Course in Medical Record Keeping with Individual Preceptorships*, administered by Case Western Reserve University, to fulfill the Medical Records Course requirement for reinstatement; and approval of *Conducting Internal Chart Audits* and the *Medicare/Medicaid Agenda Course*, both offered by the Ohio State Medical Association, to fulfill the office management course(s) requirement for reinstatement.

Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Dr. Strafford	- abstain

Dr. Amato	- abstain
Dr. Ramprasad	- aye
Ms. Elsass	- aye
Mr. Hairston	- aye
Dr. Suppan	- aye
Dr. Steinbergh	- aye
Dr. Mahajan	- aye

The motion carried.

MARK L. ALLEN, M.D.

Dr. Steinbergh stated that Dr. Allen is requesting approval of Teodoro A. Luna, M.D., and Deepak Raheja, M.D., to serve as monitoring physicians. Dr. Steinbergh noted that Dr. Allen describes his work with Dr. Luna as part-time work performing physical examinations with no diagnosis, no treatment, and no prescriptions. Dr. Steinbergh opined that this language is not appropriate, stating that physical examinations always include a diagnosis and assessment.

Ms. Bickers stated that she has been informed by Dr. Allen that Dr. Luna is retiring from that location, the Ohio Department of Transportation (ODOT). Ultimately, Dr. Allen will be performing physicals and histories for ODOT and has asked that Dr. Raheja monitor Dr. Allen's charts for both of his work locations. Ms. Bickers stated that Dr. Raheja is a neurologist. Dr. Steinbergh opined that a physician like Dr. Luna would be more appropriate to monitor Dr. Allen's ODOT charts.

Dr. Steinbergh moved to grant Mark L. Allen, M.D.'s request for approval of Deepak Raheja, M.D., to serve as a monitoring physician, and to ask Dr. Allen to submit another physician to monitor his charts from the Ohio Department of Transportation. Dr. Steinbergh further moved that 10 charts be reviewed per month. Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Dr. Strafford	- abstain
	Dr. Amato	- abstain
	Dr. Ramprasad	- aye
	Ms. Elsass	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye

The motion carried.

FRANCIS E. DUMONT, M.D.

Dr. Steinbergh stated that she supports Dr. Dumont's requests and wanted to take this opportunity to discuss the topic of online continuing medical education (CME) courses. Dr. Steinbergh found Dr. Dumont's choices of online CME's appropriate, but opined that the interaction physicians receive with other clinicians, as well as the presenters, at in-person CME's is invaluable.

Dr. Strafford agreed that in a physical class, a practitioner can benefit greatly from being able to ask questions, hear the questions of others, and interact with similarly-situated practitioners. Dr. Strafford also stated that a well-designed online course can educate, train, and evaluate a person satisfactorily. Mr. Hairston agreed that contact with others is beneficial and suggested that the Board consider requiring physicians to complete a certain percentage of their educational requirements in person rather than online. Dr. Ramprasad stated that online courses and courses in person are two very different experiences and agreed with Mr. Hairston's suggestion.

Dr. Steinbergh moved to grant Francis E. Dumont, M.D.'s request for approval of the prescribing and chronic pain management webcasts *Development of Novel Treatment Paradigm: Pain Modulators* offered by the Cleveland Clinic; *Pain Management Series* offered by the AMA; *Prevention of Prescription Drug Misuse and Diversion* offered by the AMA EPoCH; and *Treatment Strategies to Address Prescription Drug Misuse and Abuse* offered by the American Academy of Family Physicians. Dr. Madia seconded the motion. A vote was taken:

ROLL CALL:	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Dr. Strafford	- abstain
	Dr. Amato	- abstain
	Dr. Ramprasad	- aye
	Ms. Elsass	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye

The motion carried.

MAINTENANCE OF LICENSURE

Mr. Whitehouse stated that in late 2010, the Board agreed in concept to support Maintenance of Licensure (MOL). Mr. Whitehouse suggested that following a discussion of MOL, the Board may wish to appoint an *ad hoc* committee to discuss the issue on a regular basis, define what a pilot MOL program would look like in Ohio, perform a readiness assessment for moving forward, study how to integrate such a system into the Board's renewal process, and look for ways to engage Continuing Medical Education (CME) providers. Mr. Whitehouse also stated that the *ad hoc* committee can discuss how best to integrate into the MOL process the approximately 25% of physicians who do not participate in Maintenance of Certification with specialty boards.

In response to Dr. Madia, Mr. Whitehouse explained that the Federation of State Medical Boards (FSMB) has divided the MOL concept into approximately 10 components and is seeking volunteers among the state medical boards to implement these components as an initial pilot program.

Dr. Mahajan stated that the Board should seek input from the Ohio State Medical Association and the Ohio Osteopathic Association. Dr. Mahajan stated that if legislation is required to implement MOL, the Board will need support from many different people and fields.

Dr. Steinbergh agreed with establishing an *ad hoc* committee in order to move forward on MOL and volunteered to serve on the committee. Dr. Steinbergh opined that although physicians may initially be trepidatious regarding MOL, they will come to feel more secure and more comfortable with it.

Dr. Strafford also volunteered to serve on the *ad hoc* committee and stated that he has worked within the American Congress of Obstetricians and Gynecologists (ACOG) to make Maintenance of Certification equal to MOL. Dr. Strafford stated that ACOG is designing accreditation to indicate clinical competence for those who are not board-certified by ACOG, which is very similar to the MOL concept.

Dr. Talmage noted that in Dr. Temponeras' address to the Board Wednesday, she commented that "The Board passed me every year." Dr. Talmage presumed that Dr. Temponeras was referring to the biannual renewal of her medical license and stated that this highlights the public perception that renewal of license is indicative of competence. Dr. Talmage stated that MOL will ensure that a physician is a good practitioner beyond their licensure or reputation in the community. Dr. Steinbergh agreed with Dr. Talmage and stated that it is especially important for primary care physicians to be confident in the competency of physicians to whom they refer patients.

Dr. Ramprasad noted that he has had a healthy skepticism regarding MOL as a possible duplication of the work of the specialty boards. Dr. Ramprasad volunteered to serve on the *ad hoc* committee as well. Dr. Mahajan asked if Ms. Elsass would also serve on the committee to provide a non-physician perspective. Ms. Elsass agreed.

Dr. Mahajan appointed Dr. Steinbergh, Dr. Strafford, Dr. Ramprasad, and Ms. Elsass to serve on the MOL *ad hoc* committee.

RESCISSION AND ADOPTION OF AMENDED AND NEW RULES

Ms. Debolt stated that these new and amended rules have been through the promulgation process and may now be adopted by the Board. Ms. Debolt stated that one of the rules concerns the physician assistant formulary, and the others are limited branch rules related to the changes made by House Bill 153 which allow the Board to license massage therapists without giving its own examination.

Dr. Steinbergh asked Ms. Debolt to briefly explain the proposed amendment to Rule 4731-1-07. Ms. Debolt stated that electrologists who were originally licensed by the Ohio State Board of Cosmetology have a slightly different scope of practice than those who are originally licensed by the Medical Board. The proposed amendment stipulates that those electrologists may not apply certain modalities, such as

systematic friction, until they have completed the course of instruction required of those cosmetic therapists who have always been licensed by the Medical Board.

Dr. Steinbergh moved to approve the Findings and Order adopting amended Rules 4730-2-06, OAC, and its Appendix A, and Rules 4731-1-01, 4731-1-03, 4731-1-05, 4731-1-07, 4731-1-09, 4731-1-10, 4731-1-13, 4731-1-15, 4731-1-17, 4731-1-18, OAC; rescinding Rule 4731-1-14, OAC; and rescinding the current versions and adopting new Rules 4731-1-11, 4731-1-12, and 4731-1-19, OAC. Dr. Steinbergh further moved that the adopted and rescinded rules be filed with an effective date of January 24, 2012. Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:	Dr. Madia	- aye
	Dr. Talmage	- aye
	Dr. Strafford	- aye
	Dr. Amato	- aye
	Dr. Ramprasad	- aye
	Ms. Elsass	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye

The motion carried.

REVISION OF PROPOSED RULE 4731-1-08 AND 4731-1-16, OAC

Ms. Debolt stated that these proposed rules have been revised to reflect comments which were received at a November 18, 2011 public hearing. Specifically, proposed rule 4731-1-08 has been amended to allow cosmetic therapists to submit up to 10 hours of home study course work towards their continuing education requirements. The original proposed rule would have allowed up to 15 hours of home study, and the current rule allows for up to five hours. Proposed rule 4731-1-16, concerning the massage therapy curriculum, is in the process of being amended and is not yet ready to be re-submitted into the rule promulgation process.

Dr. Steinbergh moved to approve the revisions of the proposed Rule 4731-1-08, OAC, as presented. Dr. Steinbergh further moved that the revised rule be re-submitted for purposes of rule promulgation. Ms. Elsass seconded the motion. A vote was taken:

ROLL CALL:	Dr. Madia	- aye
	Dr. Talmage	- aye
	Dr. Strafford	- aye
	Dr. Amato	- aye
	Dr. Ramprasad	- aye
	Ms. Elsass	- aye
	Mr. Hairston	- aye

Dr. Suppan - aye
Dr. Steinbergh - aye
Dr. Mahajan - aye

The motion carried.

PROPOSED AMENDMENT TO RULE 4731-1-12, OAC

Ms. Debolt stated the Joint Commission on Agency Rule Review (JCARR) has agreed to approve this rule adopting the Massage and Bodywork Licensing Examination (MBLEx) as the Board's massage therapy licensing examination, provided that the rule is amended to sunset within one year. Also, an amendment has been included at the suggestion of JCARR which would specify that all licensure applicants must pay a licensure fee after passing the MBLEx, in accordance with statute. Ms. Debolt stated that if the Board approves the amendments, the rule can go to the Common Sense Initiative for review.

Dr. Steinbergh moved to approve draft amended Rule 4731-1-12 for circulation to stakeholders and submission for review by the Common Sense Initiative. Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:

Dr. Madia	- aye
Dr. Talmage	- aye
Dr. Strafford	- aye
Dr. Amato	- aye
Dr. Ramprasad	- aye
Ms. Elsass	- aye
Mr. Hairston	- aye
Dr. Suppan	- aye
Dr. Steinbergh	- aye
Dr. Mahajan	- aye

The motion carried.

ADMINISTRATIVE REPORT

Mr. Whitehouse stated that statistics for the year 2011 are now available and have been distributed to Board members. Mr. Whitehouse highlighted the following:

- Number of licensees: Nearly 65,000
- Number of new licenses issued: 3,387 (most in Board history)
- Number of complaints: 4,469 (most in Board history)
- Number of formal actions and closed cases: 581 (most in Board history)
- Number of disciplinary actions: 217 (most in Board history)

- Number of administrative actions related to licensure eligibility and retirement: 36
- Number of cases disposed by the Hearing Unit: Over 100
- Number of public records requests: 327 requests and 27,627 pages

Mr. Whitehouse credited the staff with these accomplishments and stated that the Board continues to work diligently with the administration, law enforcement, and other agencies on the issue of prescription drug abuse while not discouraging the appropriate treatment of legitimate pain.

REPORTS BY ASSIGNED COMMITTEES

LICENSURE FEES

Mr. Whitehouse stated that licensure fees were discussed in the *ad hoc* committee. Mr. Whitehouse stated that documentation on current licensure and renewal fees for all the Board's licensee groups have been provided to the Board members. Mr. Whitehouse stated that the committee had a good discussion regarding general and operating expenses, as well as the possible recovery of the cost of hearings.

Dr. Suppan exited the meeting at this time.

Mr. Whitehouse stated that the *ad hoc* committee recommends that the Board accept the proposed fee increases, with the following exception: That physician assistant licensure fees be \$300.00 instead of the proposed \$250.00, and physician assistant renewal fees be \$200.00 instead of the proposed \$150.00. If the Board approves the proposal, Mr. Whitehouse asked that the *ad hoc* committee on licensure fees continue to exist as this issue is discussed further within the Board and with outside parties.

Dr. Madia stated that some state medical boards charge physicians for a portion of the cost of an administrative hearing. Dr. Madia noted Dr. Amato's suggestion the Ohio Medical Board also consider such a charge. Dr. Madia stated that the *ad hoc* committee will explore the feasibility of this concept in the coming months. Dr. Steinbergh suggested that the Board should inquire of other state medical boards how their cost-recovery system works and how it affects their budget. Dr. Talmage urged examination of a fining structure for non-disciplinary issues, such as late renewal or failure to display a certificate.

Regarding the cost of an administrative hearing, Dr. Amato stated that the thrust of the discussion was a desire for equity amongst the licensees. Dr. Amato stated that the consensus in the committee was that the physicians were paying a disproportionate share of the Board's overhead costs. Dr. Amato did not think it would be productive to calculate the costs of each hearing, including the services of investigators and attorneys. However, Dr. Amato felt it would be relatively easy to compute the per-day cost of a typical hearing. Dr. Amato stated that this would not completely recoup the cost of the hearing, but it would help the budget and may serve as an incentive for physicians to negotiate consent agreements rather than going through a hearing. Dr. Amato stated that legislative action would probably be required to implement such a system, but opined that it would be easy to defend.

Dr. Ramprasad noted that there is a contingency budgetary plan to fall back on if there is a significant

delay in the proposed licensing fee increase. Mr. Whitehouse stated that, while the staff is always analyzing cost savings and increased efficiencies, the plan would be to not move forward on major equipment purchases and to not backfill most staff vacancies for the foreseeable future. He noted that more serious efforts to cut would inevitably come from the personnel budget, if licensure fees are not increased by the end of the biennium.

Dr. Amato exited the meeting at this time

Dr. Madia stated that it is important to work with the Ohio State Medical Association and the Ohio Osteopathic Association to support the proposed licensure fee increase. Dr. Madia stated that without the support of those organizations, the legislature is unlikely to approve the increase.

Dr. Suppan returned to the meeting at this time.

Dr. Madia moved to adopt the licensure fee increase proposal as presented, with the following exception: Physician assistant licensure fees to be increased to \$300.00, and physician assistant renewal fees to be increased to \$200.00. Dr. Talmage seconded the motion. A vote was taken:

ROLL CALL:	Dr. Madia	- aye
	Dr. Talmage	- aye
	Dr. Strafford	- aye
	Dr. Ramprasad	- aye
	Ms. Elsass	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- abstain
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye

The motion carried.

FSMB ANNUAL MEETING 2012

Ms. Wehrle stated that the 2012 Annual Meeting of the Federation of State Medical Boards (FSMB) will be in April in Fort Worth, Texas. At that meeting, Dr. Talmage will become the Chair of the Federation Board of Directors.

Ms. Wehrle explained that the FSMB provides a scholarship for travel-related expenses for the Board president or designee, who also serves as the voting delegate at the House of Delegates meeting. The FSMB also provides a scholarship for the travel expenses of the Executive Director. Ms. Wehrle stated that Mr. Whitehouse's expenses will already be covered by the FSMB because he sits on the FSMB Board of Directors, so the Executive Director scholarship is available for another member of the staff. The Executive Committee recommends that Ms. Vollmer receive that scholarship.

Mr. Hairston moved to establish Dr. Mahajan as the Board's voting delegate and presidential

scholarship recipient. Mr. Hairston further moved to establish Ms. Vollmer as the Board's executive staff scholarship recipient. Dr. Steinbergh seconded the motion. A vote was taken:

ROLL CALL:

Dr. Madia	- aye
Dr. Talmage	- aye
Dr. Strafford	- aye
Dr. Ramprasad	- aye
Ms. Elsass	- aye
Mr. Hairston	- aye
Dr. Suppan	- aye
Dr. Steinbergh	- aye
Dr. Mahajan	- aye

The motion carried.

Ms. Wehrle stated that she and Ms. Vollmer will attend the Administrators In Medicine (AIM) meeting which will immediately precede the FSMB meeting. Ms. Wehrle stated that Ms. Vollmer will have a travel scholarship, and the majority of Ms. Wehrle's travel expenses for the AIM meeting will be covered due to her membership on the AIM Board of Directors. Ms. Wehrle asked that the Board provide for the minimal amount of travel expenses related to Ms. Wehrle's attendance at the 2012 FSMB Annual Meeting.

Mr. Hairston moved to approve Ms. Wehrle's travel expenses related to her attendance at the 2012 FSMB Annual Meeting. Dr. Madia seconded the motion. A vote was taken:

ROLL CALL:

Dr. Madia	- aye
Dr. Talmage	- aye
Dr. Strafford	- aye
Dr. Ramprasad	- aye
Ms. Elsass	- aye
Mr. Hairston	- aye
Dr. Suppan	- aye
Dr. Steinbergh	- aye
Dr. Mahajan	- aye

The motion carried.

Mr. Hairston moved to approve the travel of Dr. Steinbergh, Dr. Strafford, Dr. Amato, Dr. Madia, and Dr. Ramprasad to attend the 2012 FSMB Annual Meeting. Dr. Madia seconded the motion. A vote was taken:

ROLL CALL:

Dr. Madia	- aye
Dr. Talmage	- aye
Dr. Strafford	- aye
Dr. Ramprasad	- aye

Ms. Elsass	- aye
Mr. Hairston	- aye
Dr. Suppan	- aye
Dr. Steinbergh	- aye
Dr. Mahajan	- aye

The motion carried.

Ms. Wehrle stated that a meeting of the Midwest Regional Medical Boards will also meet at the end of the FSMB Annual Meeting. Midwest Regional Medical Boards is chaired by Dr. Steinbergh.

LICENSURE UPDATE

Ms. Vollmer stated that she has distributed a licensure update to the Board members on ways to make the licensure process more efficient. Ms. Vollmer stated she will focus on improving the Board's website in January, review possible changes to the recommendation form in February, and review possible changes to the physician application form in March. Throughout this process, Ms. Vollmer will continue a dialogue with the Federation of State Medical Boards on the aspects of licensure related to that organization. Updates will continue to be provided at every Board meeting. Dr. Madia thanked Ms. Vollmer for her efforts to improve and shorten the licensure process.

RESPONSE REGARDING SOMALI PHYSICIANS

Dr. Madia stated that the Group 1 Committee has approved a draft letter responding to the office of Mayor Coleman of Columbus, stating that the Board cannot consider the request to modify licensure standards for Somali physicians.

Dr. Steinbergh moved to approve the committee's recommendation to send the letter. Dr. Madia seconded the motion. A vote was taken:

ROLL CALL:	Dr. Madia	- aye
	Dr. Talmage	- aye
	Dr. Strafford	- aye
	Dr. Ramprasad	- aye
	Ms. Elsass	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye

The motion carried.

LEGISLATIVE REPORT

Cincinnati Children's Hospital Medical Center Proposal: Mr. Miller stated that latest draft of this proposal from Cincinnati Children's Hospital appears to include all the Board's requested changes. Mr. Miller stated that Cincinnati Children's Hospital intends to pursue adding this language to the genetic counselor licensing legislation.

Dr. Steinbergh asked if Dr. Ramprasad found the language of this proposal acceptable. Dr. Ramprasad replied that he finds the current proposal acceptable.

Visiting Medical Faculty Certificates: Mr. Miller stated that the latest proposal for visiting medical faculty certificates does not appear to address concerns raised by the Board, particularly with regard to informed consent and supervision. Mr. Miller stated that different entities wish to use this proposed certificate for different purposes. For example, some entities want certificate holders to be faculty members who primarily teach but do some clinical research; some want certificate holders to have a faculty appointment and primarily do clinical research with very little teaching; and others want certificate holders to do research without a faculty appointment.

Mr. Miller continued that there does not seem to be a high level of support for the current proposal because it allows for unlimited renewal of the certificate. Mr. Miller stated that most organizations feel that after a certain time period, licensure should be required for continued practice. Mr. Miller stated that he will continue to have conversations with the Lieutenant Governor's office and other interested parties.

Dr. Talmage asked if the research referred to in the current proposal refers to clinical research. Mr. Miller stated that the type of research is unclear at this point. Dr. Talmage stated that clinical research would involve patient contact and recruitment, whereas nonclinical research would not even require a license. Mr. Miller agreed and speculated that the intent of the proposal is clinical research. At this point, Mr. Miller saw no reason for the Board to reconsider its stance on renewability, supervision, or informed consent.

Dr. Ramprasad stated that another issue is that some entities want the certificate holders to be able to bill for their services directly. Mr. Miller agreed and stated the different institutions have different positions on the billing issue.

Dr. Madia asked what malpractice insurance the certificate holders will be under. Mr. Miller stated that the issue of malpractice insurance has not yet been broached.

Dr. Madia asked how the Lieutenant Governor's office became involved in this issue. Mr. Miller replied that different entities contacted the Lieutenant Governor's office through the Common Sense Initiative. Mr. Miller stated that he is attempting to educate that office on the Board's licensure requirements.

VISITS TO PHYSICIAN SIMULATION LABORATORIES

Dr. Ramprasad stated that he, Dr. Strafford, Dr. Talmage, and Mr. Miller visited two simulation labs at Riverside Methodist Hospital and Doctor's Hospital last month. Dr. Ramprasad stated that the simulation labs were very well-run and educational. Dr. Ramprasad stated that the labs are extremely advanced and

can simulate many different procedures and surgeries with different kinds of patients. Dr. Ramprasad stated that there is a potential for the Board to utilize such simulation labs for the purposes of physician re-entry to the workplace. Dr. Steinbergh agreed and stated that a similar lab exists at the Ohio University Heritage College of Medicine in Athens, Ohio. Dr. Steinbergh suggested that the Board explore what simulation labs exist in the northern part of Ohio so that different geographical areas can be covered.

Ms. Elsass exited the meeting at this time.

PHYSICIAN ASSISTANT MATTERS

REVIEW OF SPECIAL SERVICES APPLICATIONS

MITCHELL DERMATOLOGY

Dr. Steinbergh stated that this is a request for physician assistants to perform basic excisional surgery for dysplastic nevi basal cell carcinomas that are less than 1 cm. The request proposes 95% on-site supervision and 5% off-site supervision. Dr. Steinbergh stated that the Group 2 Committee had concerns about the locations of the lesions; specifically, it was felt that the head and neck areas should be excluded from the proposal due to concerns of possible disfigurement. Also, the committee felt that the proposal should specify that a physician must see the lesion prior to treatment. Therefore, the committee tabled this topic and has requested a letter of clarification from Mitchell Dermatology.

ALL ABOUT WOMEN HEALTH ASSOCIATES

Dr. Steinbergh stated that All About Women Health Associates has made changes to their proposal, as requested by the Board. The plan would allow the physician assistant to perform colposcopy utilizing 100% on-site supervision. The physician assistant will observe a physician performing 25 procedures, and then a physician will observe the physician assistant performing 25 procedures. The physician will not see the lesion prior to the procedure, but the physician would review all pre-colposcopy pathology reports and determine the need for a colposcopy. The physician will also review all post-colposcopy results and discuss the treatment plan with the physician assistant.

The Group 2 Committee recommended approval of this special services plan.

Dr. Steinbergh moved to approve the special services plan of All About Women Health Associates. Dr. Talmage seconded the motion. All members voted aye. The motion carried.

WESTERVILLE DERMATOLOGY

Dr. Steinbergh stated that Westerville Dermatology has made a number of requests regarding the injection of abobotulinum and onabotulinum. Dr. Steinbergh stated that this request was tabled by the Physician Assistant Policy Committee so that Westerville Dermatology can be asked to update the application.

GALION COMMUNITY HOSPITAL

Dr. Steinbergh stated that the group making this request appears to be an orthopedic group within Galion Community Hospital. The Group 2 Committee tabled this topic in order to ask for clarification as to whether this is a department of the hospital or an independent physician group.

BARRETT & GEISS DERMATOLOGY

Dr. Steinbergh stated that this request has been tabled by the Physician Assistant Policy Committee.

CERTIFICATE TO PRESCRIBE APPLICATION REVIEW

TUMANYA JONES, P.A.-C.

Dr. Steinbergh stated that Ms. Jones is requesting that her Doctorate of Naturopathy for Health Care Professionals be accepted as an alternative to the masters-level program requirement for the provisional certificate to prescribe. Dr. Steinbergh stated that Ms. Jones' degree was received from Clayton College of Natural Health, which is no longer in business. As a result, the committee could not appropriately document the courses Ms. Jones took at that institution. In addition, there is no documentation that the Clayton College of Natural Health was accredited by an appropriate accrediting body.

Dr. Steinbergh stated that the committee members agreed that Ms. Jones' knowledge of herbal-based treatments and other treatments would be particularly helpful in her practice among the Amish community. However, the committee concluded the Ms. Jones' degree is not a masters-equivalent for the purposes of certifying her for prescriptive authority.

Dr. Steinbergh moved to deny Ms. Jones' request that her Doctorate of Naturopathy for Health Care Professionals be deemed clinically relevant, based on the lack of documentation that Clayton College of Natural Health was accredited by a regionally or nationally recognized accrediting body listed by the U.S. Department of Education. Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:	Dr. Madia	- aye
	Dr. Talmage	- aye
	Dr. Strafford	- aye
	Dr. Ramprasad	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye

The motion carried.

REVISED MASSAGE THERAPIST APPLICATION

Ms. Vollmer stated that due to changes in statute, the Board is no longer administering a massage therapy

licensing examination. As a result, changes to the massage therapy license application are required. Ms. Vollmer reviewed the following proposed changes:

- The cover letter of the application will omit references to the date of the next examination offered by the Medical Board.
- The bold and underlined portions of the cover letter have been changed to standard text in order to be more customer-friendly.
- The amount of the filing fee is now listed as \$150.00.
- Applicants are asked to request their score sheets from the Massage and Bodywork Licensing Examination (MBLEx).
- Language related to the preliminary education certificate has been removed.
- Language related to what to do if the applicant applies prior to graduation from a massage therapy school has been removed, since graduation is now required prior to application.
- Applicants are asked to print their name and the date at the bottom of each page of the application.
- A form was added for verification of any out-of-state licenses the applicant may hold.
- A page was added describing the licensure process and addressing questions about the MBLEx.
- Applicants are asked to complete the form in black ink only.
- The physical description and preliminary education certificate information has been removed and replaced with information regarding the applicant's high school diploma or high school equivalency.
- A provision for the written examination has been added, including several blanks in the event that the applicant has taken the MBLEx multiple times.
- The Additional Information questions have been modified so that they relate more to massage therapists than physicians.
- The phrase "Other sexual behavior disorders" has been added to Question #20 in the Additional Information.
- Question #'s 15 through 20 in the Additional Information have been re-ordered and similar questions grouped together.
- In accordance with the Board's rules, the application specifies that applicants are required to have taken

coursework in business and law.

- On the Affidavit page, the word “privileged” has been changed to “confidential” in relation to investigations and other reports.
- The instructions on the Criminal Offense Information Sheet has been simplified and made more specific.

Ms. Vollmer stated that if the Board approves these changes, the new application can be placed on the website no later than Friday.

Mr. Hairston moved to approve the proposed changes to the massage therapist licensure application. Dr. Ramprasad seconded the motion. A vote was taken:

ROLL CALL:	Dr. Madia	- aye
	Dr. Talmage	- aye
	Dr. Strafford	- aye
	Dr. Ramprasad	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye

The motion carried.

MESSAGE THERAPY SCHOOL PASSING PERCENTAGES AND STATISTICS

Dr. Steinbergh stated that the Group 2 Committee reviewed these statistics, and new statistics reflecting massage therapy schools that have closed were provided to Board members this morning.

CORRECTIONS TO THE MINUTES OF NOVEMBER 9, 2011

Mr. Taylor asked the Board to amend the approved minutes of the November 9, 2011 Board meeting due to the inadvertent inclusion of a probationary request. The request had, in fact, been removed from the agenda prior to the November 9 meeting and therefore was not approved by the Board.

Dr. Steinbergh moved to amend the minutes of November 9, 2011, to remove the reference to the probationary request of Elizabeth B. Lottes, D.O. Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:	Dr. Madia	- aye
	Dr. Talmage	- aye
	Dr. Strafford	- aye
	Dr. Ramprasad	- aye
	Mr. Hairston	- aye

Dr. Suppan	- aye
Dr. Steinbergh	- aye
Dr. Mahajan	- aye

The motion carried.

RATIFICATION OF SETTLEMENT AGREEMENTS

ANTHONY HUEBERT LITTLE, M.T. – CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Consent Agreement with Mr. Little. Mr. Hairston seconded the motion. A vote was taken:

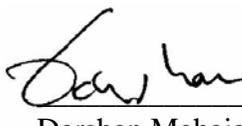
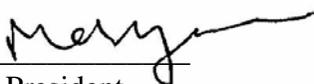
ROLL CALL:

Dr. Madia	- aye
Dr. Talmage	- abstain
Dr. Strafford	- abstain
Dr. Ramprasad	- aye
Mr. Hairston	- aye
Dr. Suppan	- aye
Dr. Steinbergh	- aye
Dr. Mahajan	- aye

The motion carried.

Thereupon at 10:25 a.m., the January 12, 2012, meeting of the State Medical Board of Ohio was duly adjourned by Dr. Mahajan.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio meeting on January 11-12, 2012, as approved on February 8, 2012.

 
 Darshan Mahajan, M.D., President


 J. Craig Strafford, M.D., M.P.H., Secretary

