

# Contents

## Minutes of the May 9-10, 2012 Meeting of The State Medical Board of Ohio

<b>Subject</b>	<b>Page Number</b>
Approval of April 11-12, 2012 Minutes.....	20,639
Executive Session.....	20,639
Approval of Applicants for Licensure.....	20,640
Reports and Recommendations	
William B. Cullen, M.D.....	20,641
Proposed Findings and Proposed Orders	
Jonathan D. Ingram, M.D.....	20,645
Lloyd Stanley Naramore, D.O.....	20,647
Findings, Orders, and Journal Entries	
Olivia di Khetaa, M.T.....	20,648
Kirk Thomas Schumaker, M.T.....	20,649
Clifton Dale Turner, D.P.M.....	20,650
Sobia Yaqub, M.D.....	20,650
Venkataramanaiah Pulivarthi, M.D.....	20,651
Meera Sachdeva, M.D.....	20,652
Citations, Proposed Denials, Dismissals, Orders of Summary Suspension & Notices of Immediate Suspension	
Henry Kurtis Biggs, D.O.....	20,653
Jerome David Homish, D.O.....	20,653
Raymond L. Mathis, D.O.....	20,654
Gerald K. Perelman, D.P.M.....	20,654
Aladdin Zafar Syed, M.D.....	20,655
Robert Davis Williams, M.D.....	20,655
Ratification of Settlement Agreements	
Dennis J. Foote, D.P.M.....	20,656
Kimberly Marie Nemeth, D.O.....	20,656
Paul Henry Goodman, D.O.....	20,657
Brian D. Hesler, M.D.....	20,657
Thomas L. Haynes, M.D.....	20,657
Gregory Gene Johnson, M.D.....	20,658
H. Charles Miller, M.D.....	20,658
James Edward Breidenstein, D.O.....	20,659
Anureet Gill, M.D.....	20,660
William Popovich, M.D.....	20,660
Timothy Allen Scroggins, M.D.....	20,670

Reinstatement Requests	
Howard C. Larky, D.O.....	20,660
Dawn Zacharias, M.D.....	20,661
Probationary Appearances	
David C. Ernst, M.D.....	20,661
Peter Gerhard Kunze, M.D.....	20,662
Brian Francis Lane, M.D.....	20,663
Matthew Proctor Noyes, M.D.....	20,663
Brianna Kelly Smith, M.T.....	20,664
Paul P. Chu, M.D.....	20,664
Paul D. Lopreato, P.A.....	20,665
Genevieve A. Salvaggio, M.T.....	20,666
Jean S. Choy-Zannoni, M.D.....	20,667
Probation and Reinstatement Consent Agenda.....	20,670
Administrative Report.....	20,672
Maintenance of Licensure.....	20,674
Reports by Assigned Committees	
<i>Ad Hoc</i> Budget Review Committee.....	20,675
Report on FSMB Annual Meeting 2012.....	20,676
Physician Participation in “Deal of the Day” Offers.....	20,676
Fiscal Report.....	20,677
Licensure Update.....	20,677
Treatment Provider Application	
Healthcare Venture Partners.....	20,678
Legislative Updates.....	20,678
Proposed Response Concerning Podiatrists’ Role in Medication Reconciliation.....	20,681
Review of Special Services Applications	
Dermatology and Skin Care Associates.....	20,681
Encore Dermatology.....	20,681
Miami Valley Plastic Surgery.....	20,682
Ghulam Idrees, M.D.....	20,682
Blanchard Valley Medical Associates.....	20,682
NCBTMB Examination Update.....	20,682

May 9, 2012

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**MINUTES****THE STATE MEDICAL BOARD OF OHIO****May 9, 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; Lance A. Talmage, M.D., Acting Supervising Member; Dalsukh Madia, M.D.; W. Frank Hairston; Marchelle L. Suppan, M.D.; Kris Ramprasad, M.D.; Mark A. Bechtel, M.D.; and Donald R. Kenney, Sr. The following member did not attend the meeting: Laurie O. Elsass.

Also present were: Richard A. Whitehouse, Executive Director; Kimberly C. Anderson, Assistant Executive Director; Sara Vollmer, Assistant Executive Director; Susan Loe, Assistant Executive Director, Program Management and Operations; Sallie J. Debolt, General Counsel; Joan K. Wehrle, Education & Outreach Program Manager; 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 and Melinda Snyder, Assistant Attorneys General; Patricia Davidson, Chief Hearing Examiner; Gregory 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. Madia moved to approve the draft minutes of the April 11-12, 2012, Board meeting, as written. 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. Mr. Hairston seconded the motion.** A vote was taken:

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

Mr. Kenney - aye  
Dr. Ramprasad - 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, Ms. Loe, Ms. Debolt, Ms. Wehrle; Ms. Marshall, the Enforcement Attorneys, the Assistant Attorneys General, 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 limited practitioner applicants listed in Exhibit "C," the acupuncturist applicants listed in Exhibit "D," the anesthesiologist assistant applicants listed in Exhibit "E," and to grant Certificates of Good Standing to the limited branch schools listed in Exhibit "F." Mr. Hairston seconded the motion. A vote was taken:**

ROLL CALL:

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

The motion carried.

#### REPORTS AND RECOMMENDATIONS

Dr. Mahajan announced that the Board would now consider the Report and Recommendation, 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 record; the Findings of Fact, Conclusions of Law, Proposed Orders, and any objections filed in the matter of William B. Cullen, M.D.

Dr. Suppan exited the meeting at this time

A roll call was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye
	Dr. Bechtel	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Dr. Ramprasad	- 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. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye
	Dr. Bechtel	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Dr. Ramprasad	- 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 this matter. In the matter before the Board today, Dr. Strafford and Dr. Talmage served as Secretary and 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.

WILLIAM B. CULLEN, M.D., Case No. 12-CRF-010

Dr. Mahajan directed the Board's attention to the matter of William B. Cullen, M.D. He advised that no objections were filed. Mr. Porter was the Hearing Examiner.

Dr. Mahajan continued that a request to address the Board has been timely filed on behalf of Dr. Cullen.

Five minutes would be allowed for that address.

Dr. Cullen acknowledged his failure to adequately document his patients' needs for chronic opiate pain management. Dr. Cullen stated that he tried to the best of his ability to do a good job and perform thorough patient examinations. Dr. Cullen stated that he did pill counts on every patient, checked the Ohio Automated Rx Reporting System (OARRS), performed urine drug screens, and made sure his patients had objective physical findings that were consistent with their physical examination. However, Dr. Cullen admitted that he failed to meet the minimal standards of care.

Dr. Cullen commended the Board for the work it has done to eliminate pill mills in Ohio. However, Dr. Cullen stated that the Board has not done an adequate job of addressing the treatment of addicts. Dr. Cullen noted that he himself is an opiate addict who has been clean for three-and-a-half years, and so he feels a special kinship with addicts. Dr. Cullen stated that, based on his experience in Columbus, the mortality rate has not decreased since the pill mill legislation of 2011. Dr. Cullen stated that, in fact, the problem has gotten worse because addicts have switched to heroin, which is cheap and plentiful. Dr. Cullen opined that more attention should be paid to the treatment aspect of Ohio's addiction problem. Dr. Cullen stated that the manufacturer of Suboxone personally told Dr. Cullen that his clinic in Columbus had the greatest rate of recovery than they had seen in central Ohio. Dr. Cullen credited this to his own experience with 12-step recovery programs and thanked the Board for encouraging him in his recovery. Dr. Cullen noted that in November 2011 he began serving as medical director of a treatment facility for indigent patients in Akron.

Dr. Cullen hoped that the Board would find the Proposed Order of permanent revocation to be an extreme punishment and perhaps consider an alternative sanction. Dr. Cullen stated that he has been a model probationer with the Board. Dr. Cullen stated that since November 2008, he has attended over 650 12-Step meetings and has had over 130 urine drug screens, all of which were negative.

Dr. Cullen expressed gratitude to the Board and to Ms. Bickers for being a strong proponent of the 12-Step program, which Dr. Cullen feels has given him strength and inner peace. Dr. Cullen stated that if the Board chooses to revoke his medical license, then his life will simply go in another direction. However, Dr. Cullen hoped that the Board will choose an alternative.

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

Mr. Wilcox opined that the Hearing Examiner's Report and Recommendation does a good job of summarizing this case. Mr. Wilcox agreed with the Hearing Examiner's conclusion that Dr. Cullen violated the Medical Practices Act, specifically Sections 4731.22(B)(2), (B)(6), and (B)(15), Ohio Revised Code. Mr. Wilcox stated that Dr. Cullen also violated the Board's rules on prescribing controlled substances.

Mr. Wilcox continued that Dr. Cullen made a series of poor choices over the years that led to his practice at Ohio Medical West, which Mr. Wilcox stated was clearly a pill mill. Mr. Wilcox felt that during his hearing, Dr. Cullen attempted to justify his association with Ohio Medical West by saying that the

circumstances of his prior Board actions led him down that path. Mr. Wilcox disagreed with this and stated that the decisions that led Dr. Cullen to that practice were Dr. Cullen's alone. Dr. Cullen also admitted at hearing that he knew that Lester Sadler, the owner of Ohio Medical West, had been indicted in federal court on multiple counts related to drugs, yet he ignored this red flag and continued to work for Mr. Sadler.

Mr. Wilcox stated that Dr. Cullen admitted that 99% of his patients at Ohio Medical West received narcotic medications and that the practice only took cash payments. Mr. Wilcox opined that the 24 patient records reviewed in this case were simply maintained in an attempt to justify the prescribing of narcotic medications. Mr. Wilcox stated that the medical records do not reflect appropriate medical care and were maintained to legitimize what was essentially a pharmacy service. Mr. Wilcox stated that there was no individualized patient care and, for the most part, no alternative treatments besides narcotic medications. Mr. Wilcox stated that there were no attempts to wean patients off these medications, which were essentially the same for every patient.

Mr. Wilcox highlighted Patient 16 as a good example of Dr. Cullen's treatment. Patient 16 came to Dr. Cullen's practice in 2010 and had not received any narcotic medications since 2009. On his first visit to Dr. Cullen, Patient 16 was given Oxycodone and Percocet with no other alternatives offered. Mr. Wilcox noted that Patient 16 was a truck driver. Mr. Wilcox observed that several of Dr. Cullen's patients traveled from Mansfield, Ohio, to Florida to get MRI's, which were then presented to Dr. Cullen and used as a basis for Dr. Cullen's prescribing.

Mr. Wilcox stated that the State's expert witness, Ricardo Buenaventura, M.D., did an excellent job pointing out the deficiencies in Dr. Cullen's practice. Mr. Wilcox agreed with the Hearing Examiner's recommendation of permanent revocation.

**Dr. Madia moved to approve and confirm Mr. Porter's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of William B. Cullen, M.D. Mr. Hairston seconded the motion.**

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

Dr. Madia briefly reviewed Dr. Cullen's career, noting that Dr. Cullen has had no training in pain management. Dr. Madia stated that Dr. Cullen became addicted to Stadol at a time when that medication was thought to be non-addicting. Dr. Cullen eventually entered into a series of consent agreements with the Medical Board in which his medical license was suspended for nine months and then reinstated under probationary terms. During this time, Dr. Cullen was indicted for possessing an illegal drug and was banned from participating in Medicare or Medicaid.

Dr. Madia stated that in February 2010 Dr. Cullen began practicing at Ohio Medical West, a pain clinic. Dr. Madia stated that Dr. Cullen would sometimes see up to 45 patients in a day and opined that such a volume of patients could not have been properly evaluated. Dr. Madia noted that Dr. Cullen was paid a standard daily rate and had no financial incentive to see a very high volume of patients. Dr. Cullen continued to practice at Ohio Medical West even after the owner was indicted in federal court. Dr. Cullen's patients came from a wide geographical area, including out-of-state. Dr. Madia opined that Ohio

Medical West had all the signs of being a pill mill.

In his testimony, Dr. Cullen stated that he had gained experience treating pain by working in an emergency department and by rotating through surgery and orthopedics during his residency. Dr. Madia pointed out that these experiences involved the treatment of acute pain, not chronic pain. Therefore, Dr. Cullen had no particular training in pain medicine. By contrast, Dr. Madia stated that the State's expert witness, Dr. Buenaventura, is very well-qualified in pain management, having completed an anesthesia residency, practiced pain management in the U.S. Air Force, and completed a fellowship in pain management. Dr. Madia noted that Dr. Buenaventura currently practices pain management in Dayton and only 10% to 15% of his patients receive narcotics, compared to Dr. Cullen's testimony that 99% of his patients at Ohio Medical West received narcotics.

Dr. Madia stated that Dr. Cullen did not take proper histories of his patients or perform reasonable evaluations that would meet the medical standard expected of a pain management physician or a family physician. Dr. Madia stated that Dr. Cullen's treatments were very poorly documented and his patients did not receive individualized treatment. All patients received the same medications and the same regimen regardless of the nature of their pain. Although Dr. Cullen had testified that most of his patients came from other pain treatment facilities and required the high dosages that he prescribed due to high tolerance, Dr. Madia noted that some of the patients were not taking narcotics when they first presented to Dr. Cullen yet still received the same high dosages.

Dr. Madia stated that many patients had urine tests there were negative for the medications Dr. Cullen had prescribed or were positive for other medications, indications that the prescribed drugs were being diverted. Dr. Cullen continued to prescribe to these patients. Dr. Madia stated that Dr. Cullen had a duty to either report his suspicions to the authorities or dismiss the patients from his practice.

Dr. Madia opined that Dr. Cullen's practice at Ohio Medical West was far below the minimal standards of care. Dr. Madia agreed with the Hearing Examiner's Report and Recommendation and the Proposed Order of permanent revocation.

Dr. Steinbergh commented that the date "May 27, 2011" which appears on Page 15 of the Report and Recommendation should be corrected to "May 27, 2010."

Dr. Steinbergh stated that Dr. Cullen has been on consent agreements with the Medical Board since 2008 and has been exposed to the Board's policies, rules, and the culture of the Board. Dr. Cullen appeared at regular probationary meetings and received input from the Board staff about the kinds of choices he was making. Despite this, Dr. Cullen still chose to practice at Ohio Medical West, which Dr. Steinbergh felt was clearly a pill mill.

Dr. Steinbergh noted Dr. Cullen's testimony that the diagnostic codes listed on his hand-written progress notes were probably written by a non-physician staff member "based on the MRI report that they provided in the records." Dr. Steinbergh was disturbed that Dr. Cullen made medical and prescribing decisions based on a diagnosis made by an unlicensed individual.

Dr. Steinbergh echoed Dr. Madia's concerns regarding the lack of individualized patient care, stating that all patients were essentially treated the same. Dr. Steinbergh also agreed that Dr. Cullen failed to address signs of medication diversion. Dr. Steinbergh agreed with the Hearing Examiner's Report and Recommendation and the Proposed Order of permanent revocation.

Dr. Mahajan commented that medical coding is often done by non-physicians in a medical practice. However, Dr. Mahajan stated that the other evidence in the Hearing Record supported the recommendation of permanent revocation.

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

ROLL CALL:	Dr. Strafford	- abstain
	Mr. Hairston	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye
	Dr. Bechtel	- aye
	Dr. Talmage	- abstain
	Mr. Kenney	- aye
	Dr. Ramprasad	- aye

The motion to approve carried.

Dr. Suppan returned to the meeting at this time.

#### PROPOSED FINDINGS AND PROPOSED ORDERS

##### JONATHAN D. INGRAM, M.D., Case No. 11-CRF-091

Dr. Mahajan directed the Board's attention to the matter of Jonathan D. Ingram, M.D. He advised that the Board issued a Notice of Opportunity for Hearing to Dr. Ingram, and documentation of service was received. There was no request for hearing filed, and more than 30 days have elapsed since the mailing of the Notice. This matter was reviewed by Hearing Examiner Davidson, who prepared Proposed Findings and Proposed Order, and it is now before the Board for final disposition.

**Mr. Hairston moved to find that the allegations as set forth in the September 14, 2011, Notice of Opportunity for Hearing in the matter of Dr. Ingram have been proven to be true by a preponderance of the evidence and to adopt the Amended Proposed Findings and Proposed Order. Dr. Suppan seconded the motion.**

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

Dr. Bechtel stated that in April 2010, Dr. Ingram received notice from the Florida State Medical Board (Florida Board) that he had failed to disclose on his licensure application that he had been on probation

while in medical school. Dr. Bechtel briefly reviewed Dr. Ingram's interactions with the Florida Board and the Florida Board's contention that Dr. Ingram failed to cooperate with its investigation.

Dr. Bechtel continued that beginning in October 2010, the State Medical Board of Ohio sent interrogatories several times by certified mail, and in each instance the mail was unclaimed. In May 2011, the Ohio Board received incomplete answers to the interrogatories. A subpoena summoning Dr. Ingram to an investigative office conference was successfully delivered on the second attempt, but he failed to appear for the conference.

Dr. Bechtel stated that the Proposed Order will suspend Dr. Ingram's Ohio medical license indefinitely and establish terms for reinstatement, including the requirement the he produce evidence that his licenses to practice medicine in other states are unrestricted and that he complete a personal ethics course. Dr. Bechtel stated that he supports the Proposed Order.

Dr. Steinbergh opined that Dr. Ingram's failures to respond or to appear are similar to the actions of an impaired physician. Dr. Steinbergh favored revoking Dr. Ingram's license, thus allowing the Board to re-examine Dr. Ingram's situation if he applies again. Dr. Steinbergh stated that if Dr. Ingram reapplies for licensure in Ohio, she may favor harsher terms and did not want to be necessarily limited to the conditions for reinstatement in the Proposed Order. Dr. Madia agreed.

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

The certificate of Jonathan D. Ingram, M.D., to practice medicine and surgery in the State of Ohio is REVOKED.

**Dr. Madia seconded the motion.**

Dr. Mahajan stated that he would now entertain discussion on the proposed amendment.

Mr. Hairston agreed with Dr. Steinbergh's proposed amendment, stating that revocation will send a stronger message to Dr. Ingram.

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

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

The motion to amend carried.

**Dr. Steinbergh moved to adopt the Amended Proposed Findings and Proposed Order, as amended, in the matter of Jonathan D. Ingram, M.D. Dr. Madia seconded the motion.** A vote was taken:

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

The motion carried.

LLOYD STANLEY NARAMORE, D.O., Case No. 10-CRF-106

Dr. Mahajan directed the Board's attention to the matter of Lloyd Stanley Naramore, D.O. He advised that the Board issued a Notice of Opportunity for Hearing to Dr. Naramore, and documentation of service was received. There was no request for hearing filed, and more than 30 days have elapsed since the mailing of the Notice. This matter was reviewed by Hearing Examiner Blue, who prepared Proposed Findings and Proposed Order, and it is now before the Board for final disposition.

**Dr. Steinbergh moved to find that the allegations as set forth in the August 11, 2010 Notice in the matter of Lloyd Stanley Naramore, D.O., have been proven to be true by a preponderance of the evidence and to adopt Ms. Blue's Proposed Findings and Proposed Order. Mr. Hairston seconded the motion.**

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

Dr. Ramprasad stated that Dr. Naramore entered into a consent agreement with the Board in 2008 due to significant mental illness. Dr. Ramprasad stated that Dr. Naramore has failed to fulfill several conditions of his consent agreement. Specifically, Dr. Naramore failed to appear before the Board's Secretary or representative every three months, failed to undergo psychiatric and psychotherapy sessions, failed to nominate a monitoring physician, and failed to provide documentation that he had furnished a copy of his consent agreement to a mental health provider.

Dr. Ramprasad continued that on November 17, 2009, Dr. Naramore was charged in federal court with one felony count of conspiracy to distribute methadone. In a plea agreement, Dr. Naramore accepted responsibility for prescribing methadone and Percocet in amounts inconsistent with personal use. Dr.

Naramore acknowledged awareness of the high probability that the medications he had prescribed were being distributed illegally. Dr. Ramprasad noted that the amount of methadone distributed by Dr. Naramore was approximately 50,000 40 mg tablets over a 12-month period and gross receipts from the distribution were about \$100,000.00.

Dr. Ramprasad stated that he supports the Proposed Order of permanent revocation.

Dr. Bechtel commented that methadone abuse and addiction is a leading cause of death in Ohio and across the nation. Dr. Bechtel stated that methadone may possibly be taken off the market in the future. Dr. Mahajan noted that methadone is the cheapest narcotic and is long-lasting, and therefore is a common medication used to wean addiction patients.

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

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

The motion to approve carried.

#### 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 the following matters are not disciplinary in nature, and therefore all Board members may vote.

#### OLIVIA DI KHETAA, M.T., Case No. 12-CRF-028

**Dr. Steinbergh moved to find that the allegations as set forth in the March 20, 2012 Notice in the matter of Olivia di Khetaa, M.T., have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective upon mailing, approving Ms. di Khetaa's application for restoration of her certificate to practice massage therapy, provided she take and pass the Massage and Bodywork Licensing Examination (MBLEx) within one year of March 20, 2012. Mr. Hairston seconded the motion.**

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

Dr. Steinbergh stated that Ms. di Khetaa's massage therapy license lapsed in August 2005 for non-renewal. Ms. di Khetaa submitted an application for restoration in August 2011 and has not practiced massage therapy for more than two years. Dr. Steinbergh supported approving Ms. di Khetaa's application, provided she take and pass the MBLEx within one year of the Notice.

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

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

The motion to approve carried.

KIRK THOMAS SCHUMAKER, M.T., Case No. 12-CRF-031

**Dr. Steinbergh moved to find that the allegations as set forth in the March 20, 2012 Notice in the matter of Kirk Thomas Schumaker, M.T., have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective upon mailing, approving Mr. Schumaker's application for restoration of his certificate to practice massage therapy, provided he take and pass the Massage and Bodywork Licensing Examination (MBLEx) within one year of March 20, 2012. Mr. Hairston seconded the motion.**

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

Mr. Hairston supported the proposal to approve Mr. Schumaker's application for restoration of his massage therapy license, provided that he take and pass the MBLEx within one year of the Notice.

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

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

Dr. Bechtel - aye  
Dr. Talmage - aye  
Mr. Kenney - aye  
Dr. Ramprasad - aye

The motion to approve carried.

CLIFTON DALE TURNER, D.P.M., Case No. 12-CRF-029

**Dr. Madia moved to find that the allegations as set forth in the March 20, 2012 Notice in the matter of Clifton Dale Turner, D.P.M., have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective upon mailing, approving Dr. Turner's application for restoration of his certificate to practice podiatric medicine and surgery, provided both of the following conditions are met: 1) he take and pass Part III of the National Board of Podiatric Medical Examiners (NBPME) examination within one year of March 20, 2012, and 2) he participate in retraining through a preceptorship or mini-residency, to include passage of an examination upon completion. Mr. Hairston seconded the motion.**

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

Dr. Madia stated that Dr. Turner applied for restoration of his license to practice podiatric medicine in June 2011, and has not practiced podiatric medicine for more than two years. Dr. Madia supported approval of Dr. Turner's application, provided he meets the stipulations of the Proposed Order.

Dr. Steinbergh noted that Dr. Turner's name should be corrected from "Clifton Dale Turner, M.D." to "Clifton Dale Turner, D.P.M." on the Proposed Order.

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

ROLL CALL:

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

The motion to approve carried.

SOBIA YAQUB, M.D., Case No. 12-CRF-030

**Dr. Madia moved to find that the allegations as set forth in the March 20, 2012 Notice in the matter of Sobia Yaqub, M.D., have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective upon mailing, approving Dr. Yaqub's application for a license to practice medicine and surgery in Ohio, provided she take and pass the Special Purpose Examination (SPEX) or specialty board recertification examination within one year of March 20, 2012. Dr. Steinbergh seconded the motion.**

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

Dr. Bechtel stated that Dr. Yaqub has not practiced medicine since completing an internal medicine residency in 2008. The Proposed Order will grant Dr. Yaqub's license, provided she pass the SPEX or a specialty board recertification examination.

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

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

The motion to approve carried.

Dr. Mahajan stated that the matters of Dr. Pulivarthi and Dr. Sachdeva are disciplinary in nature. Therefore, the Secretary and Supervising Member cannot vote. In these matters, Dr. Strafford and Dr. Talmage served as Secretary and Supervising Member.

VENKATARAMANAIAH PULIVARTHI, M.D., Case No. 12-CRF-025

Dr. Suppan stated that Dr. Pulivarthi applied for a license to practice medicine and surgery in Ohio in June 2010. Dr. Pulivarthi has been convicted in the U.S. District Court of South Carolina of a felony count of conspiracy to distribute Schedule IV controlled substances. As a result of his conviction, Dr. Pulivarthi's medical license was suspended and South Carolina and revoked in New York, North Carolina, and Tennessee.

Dr. Talmage exited the meeting at this time.

Dr. Suppan noted that in addition to his history of conviction and actions on his medical licenses in other states, Dr. Pulivarthi also failed to pass the Test of English as a Foreign Language (TOEFL), a requirement

for licensure in Ohio. Dr. Suppan opined that Dr. Pulivarthi's application for licensure should be denied.

**Dr. Suppan moved to find that the allegations as set forth in the March 14, 2012 Notice in the matter of Venkataramanaiah Pulivarthi, M.D., have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective immediately, denying Dr. Pulivarthi's application for licensure. Dr. Madia seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye
	Dr. Bechtel	- aye
	Mr. Kenney	- aye
	Dr. Ramprasad	- aye

The motion carried.

Dr. Talmage returned to the meeting at this time.

MEERA SACHDEVA, M.D., Case No. 12-CRF-003

Dr. Steinbergh wished to make a correction to page 328 of the agenda materials, which inadvertently refers to Dr. Sachdeva's name as "Dr. Abdel-Al.

Dr. Steinbergh stated that Dr. Sachdeva surrendered her medical license in Mississippi because she violated the Mississippi Board's rules and regulations pertaining to prescribing, administering, and dispensing medications, assisted an unlicensed person or persons in the practice of medicine, and knowingly and willfully submitted false information on her application for renewal of her Mississippi medicine license. Dr. Sachdeva's surrender acknowledged that if the allegations were proven true, Dr. Sachdeva would be guilty of unprofessional, dishonorable, or unethical conduct likely to deceive, defraud, or harm the public.

Because of the severity of allegations in Dr. Sachdeva's surrender, Dr. Steinbergh favored the permanent revocation of Dr. Sachdeva's license to practice medicine in Ohio.

**Dr. Steinbergh moved to find that the allegations as set forth in the January 11, 2012 Notice in the matter of Meera Sachdeva, M.D., have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective upon mailing, permanently revoking Dr. Sachdeva's license to practice medicine and surgery in Ohio. Mr. Hairston seconded the motion.** A vote was taken:

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

The motion carried.

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

HENRY KURTIS BIGGS, D.O. – 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. Biggs. Dr. Steinbergh seconded the motion.**  
A vote was taken:

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

The motion to send carried.

JEROME DAVID HOMISH, D.O. - 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. Homish. Dr. Madia seconded the motion.** A vote was taken:

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

The motion to send carried.

RAYMOND L. MATHIS, D.O. – 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. Madia moved to send the Citation Letter to Dr. Mathis. Mr. Hairston seconded the motion. A vote was taken:**

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

The motion carried.

GERALD K. PERELMAN, D.P.M. - 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. Perelman. Mr. Hairston seconded the motion. A vote was taken:**

ROLL CALL:	Dr. Strafford	- abstain
	Mr. Hairston	- aye

Dr. Suppan	- aye
Dr. Steinbergh	- aye
Dr. Mahajan	- aye
Dr. Madia	- aye
Dr. Bechtel	- aye
Dr. Talmage	- abstain
Mr. Kenney	- aye
Dr. Ramprasad	- aye

The motion to send carried.

ALADDIN ZAFAR SYED, 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. Madia moved to send the Citation Letter to Dr. Syed. Mr. Hairston seconded the motion. A vote was taken:**

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

The motion to send carried.

ROBERT DAVIS WILLIAMS, 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. Madia moved to send the Citation Letter to Dr. Williams. Mr. Hairston seconded the motion. A vote was taken:**

ROLL CALL:	Dr. Strafford	- abstain
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye

Dr. Mahajan	- aye
Dr. Madia	- aye
Dr. Bechtel	- aye
Dr. Talmage	- abstain
Mr. Kenney	- aye
Dr. Ramprasad	- aye

The motion to send carried.

#### RATIFICATION OF SETTLEMENT AGREEMENTS

##### DENNIS J. FOOTE, D.P.M. – PERMANENT SURRENDER

**Dr. Steinbergh moved to ratify the Proposed Permanent Surrender with Dr. Foote. Mr. Hairston seconded the motion.** A vote was taken:

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

The motion to ratify carried.

##### KIMBERLY MARIE NEMETH, D.O. – STEP II CONSENT AGREEMENT

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

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

The motion to ratify carried.

PAUL HENRY GOODMAN, D.O. – STEP II CONSENT AGREEMENT

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

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

The motion to ratify carried.

BRIAN D. HESLER, M.D. – STEP II CONSENT AGREEMENT

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

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

The motion to ratify carried.

The Board engaged in a brief discussion of the high rate of relapse among physicians who practice anesthesiology.

THOMAS L. HAYNES, M.D. – PERMANENT SURRENDER

**Dr. Steinbergh moved to ratify the Proposed Permanent Surrender with Dr. Haynes. Dr. Madia seconded the motion.** A vote was taken:

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

The motion to ratify carried.

GREGORY GENE JOHNSON, M.D. – STEP II CONSENT AGREEMENT

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

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

The motion to ratify carried.

Dr. Talmage exited the meeting at this time.

H. CHARLES MILLER, M.D. – VOLUNTARY PERMANENT RETIREMENT

**Dr. Steinbergh moved to ratify the Proposed Voluntary Permanent Retirement with Dr. Miller. Mr. Hairston seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Mr. Hairston	- aye
	Dr. Suppan	- aye

Dr. Steinbergh	- aye
Dr. Mahajan	- aye
Dr. Madia	- aye
Dr. Bechtel	- aye
Mr. Kenney	- aye
Dr. Ramprasad	- aye

The motion to ratify carried.

JAMES EDWARD BREIDENSTEIN, D.O. – STEP II CONSENT AGREEMENT

**Dr. Steinbergh moved to ratify the Proposed Step II Consent Agreement with Dr. Breidenstein. Dr. Madia seconded the motion.**

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

Dr. Ramprasad asked if Dr. Breidenstein's patients will know about his problems. Ms. Marshall replied that the information will be fully available to the public on the Medical Board's website. Dr. Ramprasad asked if the Consent Agreement requires Dr. Breidenstein's female patients to sign a consent form acknowledging that Dr. Breidenstein has entered into a Consent Agreement. Ms. Marshall answered that there is no requirement for a consent form, but there is a requirement that Dr. Breidenstein be accompanied by a chaperone when treating female patients.

Dr. Ramprasad expressed doubt that Dr. Breidenstein's patients will look at the Medical Board's website. The Board engaged in a brief discussion regarding patient consent in cases of this nature. Dr. Steinbergh stated that the proposed Consent Agreement is consistent with previous consent agreements and opined that it does provide protection to the public.

Ms. Marshall stated that the Enforcement Section can try to negotiate a requirement for informed consent in similar cases in the future if that is the Board's desire.

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

ROLL CALL:	Dr. Strafford	- abstain
	Mr. Hairston	- aye
	Dr. Suppan	- abstain
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye
	Dr. Bechtel	- aye
	Mr. Kenney	- abstain
	Dr. Ramprasad	- aye

The motion to ratify carried.

ANUREET GILL, M.D. –STEP I CONSENT AGREEMENT

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

ROLL CALL:	Dr. Strafford	- abstain
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye
	Dr. Bechtel	- aye
	Mr. Kenney	- aye
	Dr. Ramprasad	- aye

The motion to ratify carried.

WILLIAM POPOVICH, M.D. – SUPERSEDING STEP I CONSENT AGREEMENT

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

ROLL CALL:	Dr. Strafford	- abstain
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye
	Dr. Bechtel	- aye
	Mr. Kenney	- aye
	Dr. Ramprasad	- aye

The motion to ratify carried.

**Dr. Steinbergh moved to table this topic until Thursday, May 10, for possible additional settlement agreements. Mr. Hairston seconded the motion.** All members voted aye. The motion carried.

REINSTATEMENT REQUESTSHOWARD C. LARKY, D.O.

**Dr. Steinbergh moved that the request for the reinstatement of the license of Howard C. Larky, D.O., be approved, subject to the probationary terms and conditions as outlined in the November 9,**

**2011 Board Order for a minimum of two years. Mr. Hairston seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- abstain
	Dr. Bechtel	- aye
	Mr. Kenney	- aye
	Dr. Ramprasad	- aye

The motion carried.

DAWN M. ZACHARIAS, M.D.

**Dr. Steinbergh moved that the request for the reinstatement of the license of Dawn M. Zacharias, M.D., be approved, effective May 26, 2012, subject to the probationary terms and conditions as outlined in the January 11, 2012 Board Order for a minimum of three years. Mr. Hairston seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye
	Dr. Bechtel	- aye
	Mr. Kenney	- aye
	Dr. Ramprasad	- aye

The motion carried.

The Board took a brief recess at 2:45 p.m. and returned at 3:05 p.m. Dr. Talmage returned to the meeting following the break.

PROBATIONARY APPEARANCES

DAVID C. ERNST, M.D.

Dr. Ernst was making his final appearance before the Board pursuant to his request for release from the terms of the Board's Order of February 13, 2009. Ms. Bickers reviewed Dr. Ernst's history with the Board.

Dr. Madia asked Dr. Ernst to describe his current activities. Dr. Ernst responded that he is president of a medical software company and is not currently practicing clinical medicine. Dr. Madia asked how long Dr. Ernst has been out of clinical practice. Dr. Ernst replied that he last practiced clinical medicine three years ago at a homeless shelter clinic. Dr. Ernst explained that under the terms of his Board Order, he was required to be supervised, but there were no other physicians at the clinic to supervise him.

Dr. Madia asked if Dr. Ernst plans to return to clinical practice. Dr. Ernst answered that he would like to return to practicing at the homeless shelter clinic. Dr. Madia asked if Dr. Ernst would feel comfortable practicing medicine after not having done so for three years. Dr. Ernst explained that at his company, he is responsible for medical content and researching the latest care pathways and standards of care for emergency medicine. Dr. Ernst stated that because of this and his Continuing Medical Education, he feels that he has not lost his clinical acumen or his ability to diagnose and treat a patient.

Dr. Steinbergh noted that Dr. Ernst's medical license was reinstated in May 2009 and asked why he did not return to clinical practice at that time. Dr. Ernst replied that his current position in his company requires all of his time. Dr. Ernst further explained that there was no other physician at the homeless shelter clinic to fulfill the supervision requirements of his Board Order.

Dr. Steinbergh asked if Dr. Ernst is currently board certified. Dr. Ernst replied that his board certification in emergency medicine is currently on hold until the restrictions on his license are lifted. Dr. Steinbergh asked if Dr. Ernst intended to be retested and recertified in emergency medicine. Dr. Ernst doubted that he will do that.

Dr. Steinbergh stated that the practice of medicine requires not just academic knowledge, but also the maintenance of technical skills. Dr. Steinbergh encouraged Dr. Ernst to provide himself with more coursework in primary care to reinforce his skills if he intends to return to that type of practice. Dr. Talmage agreed and stated that the Federation of State Medical Boards will soon produce a report addressing physician re-entry to the workplace.

**Dr. Madia moved to release Dr. Ernst from the terms of the Board's Order of February 13, 2009. Dr. Steinbergh seconded the motion.** All members voted aye. The motion carried.

PETER GERHARD KUNZE, M.D.

Dr. Kunze was making his final appearance before the Board pursuant to his request for release from the terms of his August 12, 2010 Consent Agreement. Ms. Bickers reviewed Dr. Kunze's history with the Board.

Dr. Steinbergh asked if Dr. Kunze would feel comfortable addressing the medical students in attendance regarding his situation. Dr. Kunze explained that he was in an anesthesia residency program when he developed syringomyelia. Dr. Kunze decided to quit his residency and he worked in the pharmaceutical industry for about six years. When Dr. Kunze decided to return to medicine in an internal medicine residency, he was unable to obtain a training certificate because he had previously held a full license.

Because he had not maintained his licensure or Continuing Medical Education, Dr. Kunze signed a Consent Agreement which required him to complete one year of training. Dr. Kunze stated that he has now completed one year of his internal medicine residency and intends to finish the rest of the two-year residency.

Dr. Steinbergh stated that Dr. Kunze's story is unusual and illustrates the point that students are sometimes presented with challenges as they go through post-graduate training.

Dr. Talmage asked if Dr. Kunze had difficulty finding a residency that would accept him. Dr. Kunze explained that when a graduate is matched into a program, he or she is funded by the government for the corresponding amount of time. Once that funding is used, it cannot be re-obtained and the physician must be paid through any residency that accepts him or her, which is difficult. As a result, Dr. Kunze did have some difficulty convincing an internal medicine residency to accept him. Dr. Talmage thanked Dr. Kunze for explaining his situation to the medical students.

**Dr. Steinbergh moved to release Dr. Kunze from the terms of his August 12, 2010 Consent Agreement. Mr. Hairston seconded the motion.** All members voted aye. The motion carried.

BRIAN FRANCIS LANE, M.D.

Dr. Lane was making his final appearance before the Board pursuant to his request for release from the terms of the Board's Order of May 11, 2011. Ms. Bickers reviewed Dr. Lane's history with the Board.

Dr. Ramprasad commented that he was impressed by Dr. Lane's written report on his ethics course.

Dr. Steinbergh asked Dr. Lane to share his situation with the medical students in attendance. Dr. Lane explained that he was reprimanded for nondisclosure of past issues related to a DUI approximately 10 years prior. Dr. Lane stated that physicians are held to a higher standard than the rest of society. As a result, physicians are responsible for the truthfulness of their interactions, even when they result from error or sloppy handling of paperwork.

Dr. Steinbergh asked if Dr. Lane has questions about his Board Order. Dr. Lane replied that he has no questions.

**Dr. Steinbergh moved to release Dr. Lane from the terms of the Board's Order of May 11, 2011. Dr. Madia seconded the motion.** All members voted aye. The motion carried.

MATTHEW PROCTOR NOYES, M.D.

Dr. Noyes was making his final appearance before the Board pursuant to his request for release from the terms of his April 8, 2009 Consent Agreement. Ms. Bickers reviewed Dr. Noyes' history with the Board.

Dr. Steinbergh asked if Dr. Noyes is currently practicing medicine in Texas. Dr. Noyes answered that he is going to Texas for a fellowship in shoulder and elbow reconstruction.

Dr. Steinbergh asked Dr. Noyes to discuss the importance of honesty on applications. Dr. Noyes stated that the cover-up is always worse than the crime. Dr. Noyes advised the medical students in attendance that people will often look past your mistakes as long as you are truthful.

Dr. Steinbergh asked if Dr. Noyes had any questions about his Consent Agreement. Dr. Noyes replied that he has no questions.

Dr. Suppan asked how Dr. Noyes plans to find time for himself and for relaxation during his fellowship. Dr. Noyes replied that once he is able to take control of his time, he will be able to have time to himself and enjoy his non-work related activities. Dr. Noyes stated that he will return to Ohio following his residency and has already taken a job near his hometown, so he will surround himself with family and friends. Dr. Suppan stated that even though Dr. Noyes' program will be demanding, it is important that he take time for himself.

**Dr. Steinbergh moved to release Dr. Noyes from the terms of his April 8, 2009 Consent Agreement. Dr. Bechtel seconded the motion.** All members voted aye. The motion carried.

BRIANNA KELLY SMITH, M.T.

Ms. Smith was making her final appearance before the Board pursuant to her request for release from the terms of her March 10, 2010 Consent Agreement. Ms. Bickers reviewed Ms. Smith's history with the Board.

Dr. Madia asked if Ms. Smith now understands that having a license is a privilege. Ms. Smith replied that she understands that very well. Dr. Steinbergh was pleased that Ms. Smith is communicating with others and encouraging her colleagues regarding their responsibilities to licensure and renewal.

Dr. Steinbergh asked if Ms. Smith has questions about her Consent Agreement. Ms. Smith replied that she has no questions.

**Dr. Madia moved to release Ms. Smith from the terms of her March 10, 2010 Consent Agreement. Mr. Hairston seconded the motion.** All members voted aye. The motion carried.

PAUL P. CHU, M.D.

Dr. Chu was making his initial appearance before the Board pursuant to the terms of his February 8, 2012 Consent Agreement. Ms. Bickers reviewed Dr. Chu's history with the Board.

Dr. Madia noted that Dr. Chu was initially addicted to cocaine, as opposed to an anesthetic drug. Dr. Chu stated that that is correct. Dr. Madia asked if Dr. Chu had relapsed on cocaine or alcohol. Dr. Chu replied that he relapsed on alcohol.

Dr. Madia asked how things are for Dr. Chu currently. Dr. Chu replied that things are going very well; his

recovery is continuing and he is back to work. Dr. Madia asked if Dr. Chu has returned to work as an anesthesiologist. Dr. Chu replied that that is correct. Dr. Madia asked if Dr. Chu is careful with handling the narcotics that anesthesiologists must use every day. Dr. Chu stated that he is careful.

Dr. Chu wished to correct a previous statement. Dr. Chu stated that although he did relapse on alcohol, he had also previously relapsed on cocaine without reporting it. Dr. Chu stated that he was only using alcohol at the time his relapse was discovered.

Dr. Talmage asked if Dr. Chu practiced anesthesiology in a large practice group or a small practice group. Dr. Chu answered that he practices in a small group. Dr. Talmage asked if Dr. Chu's practice performs random waste analysis. Dr. Chu replied that that is part of his Consent Agreement, but his goal when practicing is to only pull what he needs and not have any waste. Dr. Madia questioned how it is possible for an anesthesiologist to not have any waste product. Dr. Madia and Dr. Chu discussed the issue briefly. Dr. Chu explained that for his practice, the medications come in such amounts that avoiding waste is not an issue. Dr. Madia asked what kind of anesthesiology Dr. Chu practices. Dr. Chu replied that he practices general anesthesiology, including a variety of surgical specialties and both inpatient and outpatient procedures.

Dr. Madia advised Dr. Chu to be very careful because another relapse could result in the loss of his medical license. Dr. Chu agreed and stated that he is grateful to be before the Board today. Dr. Steinbergh asked if Dr. Chu understands the stipulations of his Consent Agreement. Dr. Chu answered that he understands his Consent Agreement.

Dr. Steinbergh asked about Dr. Chu's recovery and what he does on a day-to-day basis. Dr. Chu replied that he attends Alcoholics Anonymous meetings three to six times per week, sees his sponsor weekly, and has a large support group. In response to further questions, Dr. Chu stated that he has a wife and two 10-year-old children. Dr. Chu stated that his children are aware of his disease and are very happy that he is in recovery.

**Dr. Madia moved to continue Dr. Chu under the terms of his February 8, 2012 Consent Agreement. Dr. Bechtel seconded the motion.** All members voted aye. The motion carried.

Dr. Chu thanked the Board and stated that the Board saved his life.

PAUL D. LOPREATO, P.A.

Mr. Lopreato was making his initial appearance before the Board pursuant to the terms of his February 8, 2012 Consent Agreement. Ms. Bickers reviewed Mr. Lopreato's history with the Board.

Dr. Steinbergh asked if Mr. Lopreato understands the terms of his Consent Agreement. Mr. Lopreato replied that he understands his Consent Agreement.

Mr. Lopreato stated that he must make amends to the Board. Mr. Lopreato stated that in August 2011, the Board graced him by not suspending his license. Approximately three months later, Mr. Lopreato drank

alcohol, using the excuse of losing a court battle over custody of his children. Mr. Lopreato stated that the Board had given him a second chance, but he screwed it up. Mr. Lopreato stated that his wife has been very supportive and took care of their two children by herself while he was in an Atlanta treatment facility for 90 days.

Mr. Lopreato stated that in his previous recovery, he went through the motions of attending the required Alcoholics Anonymous (AA) meetings but did not call his sponsor or anyone else. Mr. Lopreato stated that he now has a new sponsor and the phone numbers of many of his AA friends.

Dr. Madia noted that Mr. Lopreato had used alcohol, cocaine, and Fentanyl. Dr. Madia asked how Mr. Lopreato obtained Fentanyl. Mr. Lopreato answered that he obtained Fentanyl from his workplace at a pain management clinic. Mr. Lopreato stated that on two occasions he took medication that he was supposed to have given to a patient.

Dr. Talmage asked what the differences were between Mr. Lopreato's 90-day treatment in Atlanta and his previous 28-day treatment in Alabama. Mr. Lopreato replied that Bradford in Alabama was a good program, but MARR in Atlanta emphasized relying on each other as opposed to relying on oneself. Mr. Lopreato stated that after 30 days of intensive therapy at MARR, he continued there while volunteering during the day at a detoxification center. Mr. Lopreato stated that working with the homeless at the detoxification center changed him dramatically.

Dr. Steinbergh asked if Mr. Lopreato had been more prepared psychologically and emotionally during his second recovery and more willing to engage. Mr. Lopreato responded that that was the case.

Dr. Mahajan asked if Mr. Lopreato thought any intervention in his early life could have prevented his problems. Mr. Lopreato answered that things may have been different if he had had parents who were not absent most of the time. Mr. Lopreato stated that he will not blame his problems on his past or play the victim any longer.

**Dr. Steinbergh moved to continue Mr. Lopreato under the terms of his February 8, 2012 Consent Agreement. Dr. Madia seconded the motion.** All members voted aye. The motion carried.

GENEVIEVE A. SALVAGGIO, M.T.

Ms. Salvaggio was making her initial appearance before the Board pursuant to the terms of her December 14, 2011 Consent Agreement. Ms. Bickers reviewed Ms. Salvaggio's history with the Board.

Dr. Madia asked if Ms. Salvaggio now understood the importance of licensure and renewal. Ms. Salvaggio replied that she does understand. Ms. Salvaggio stated that because she had moved and a series of other events, she had failed to renew her massage therapy license and continued to practice after its expiration. Ms. Salvaggio stated that this will never happen again. Dr. Steinbergh hoped that Ms. Salvaggio will share her experience with her colleagues. Ms. Salvaggio stated that she has already done so.

Dr. Talmage asked if there had been any mention during Ms. Salvaggio's training that she would have to

periodically renew her massage therapy license. Ms. Salvaggio could not recall any such instruction at her massage therapy school, but stated she had renewed her license prior to this incident. Ms. Salvaggio stated that she did not get the renewal notice because she had moved and forgot to renew.

**Dr. Madia moved to continue Ms. Salvaggio under the terms of her December 14, 2011 Consent Agreement. Mr. Hairston seconded the motion.** All members voted aye. The motion carried.

JEAN S. CHOY-ZANNONI, M.D.

Dr. Choy-Zannoni was making her initial appearance before the Board pursuant to the terms of her February 8, 2012 Consent Agreement. Dr. Choy-Zannoni expressed concern that her daughter was not present, as she was looking for a parking space. However, Dr. Choy-Zannoni agreed to continue with her appearance. Ms. Bickers reviewed Dr. Choy-Zannoni's history with the Board.

Dr. Steinbergh asked if Dr. Choy-Zannoni understands the terms of her Consent Agreement. Dr. Choy-Zannoni replied that she does understand her Consent Agreement, but wanted to make a correction: The felony of which she was convicted was downgraded from a third-degree felony to a fifth-degree felony. Ms. Bickers stated that this correction has already been addressed by the Enforcement staff. Dr. Choy-Zannoni stated that she did not commit fraud and does not know how to work a fax machine or computer. Dr. Choy-Zannoni commented that she had hired the wrong secretary.

At this time, Dr. Choy-Zannoni's daughter entered the meeting and joined Dr. Choy-Zannoni before the Board.

Dr. Steinbergh asked Dr. Choy-Zannoni to describe her medical practice. Dr. Choy-Zannoni explained that she had been practicing part-time since her husband passed away. Dr. Choy-Zannoni stated that she had practiced family medicine and her patients were mostly middle-aged or older.

Dr. Steinbergh noted that when Dr. Choy-Zannoni applied for renewal of her medical license, she did not answer all the questions correctly. Specifically, Dr. Choy-Zannoni failed to disclose on her application that she had been criminally indicted. Dr. Steinbergh asked if Dr. Choy-Zannoni now had a better understanding of how to properly apply for renewal. Dr. Choy-Zannoni stated that she did not understand Dr. Steinbergh's question. Dr. Choy-Zannoni's daughter stated that she had read the questions to her mother because Dr. Choy-Zannoni cannot operate a computer. Dr. Choy-Zannoni's daughter explained that Dr. Choy-Zannoni had not understood that she was the subject of a criminal investigation. Dr. Steinbergh asked if Dr. Choy-Zannoni had legal counsel at that time. Dr. Choy-Zannoni's daughter replied that Dr. Choy-Zannoni did have legal counsel.

Dr. Talmage asked if Dr. Choy-Zannoni has any medical problems. Dr. Choy-Zannoni replied that she has back pain and used back braces. Dr. Talmage asked if Dr. Choy-Zannoni takes medication. Dr. Choy-Zannoni answered that she sometimes takes aspirin. Dr. Choy-Zannoni's daughter volunteered that she also sometimes takes Aleve.

Dr. Talmage asked how many hours Dr. Choy-Zannoni is able to work per day. Dr. Choy-Zannoni

responded that she sees three to four patients per day, two to three times per week. Dr. Choy-Zannoni stated that she has not seen any patients since January 17, 2012. Dr. Madia asked if Dr. Choy-Zannoni wrote prescriptions when she was practicing. Dr. Choy-Zannoni's daughter restated Dr. Madia's question. Dr. Choy-Zannoni answered that she did prescribe medications if it was indicated.

Dr. Steinbergh asked if Dr. Choy-Zannoni or her daughter had any questions about the Consent Agreement. Dr. Choy-Zannoni replied that she is not a lawyer. Dr. Steinbergh asked if Dr. Choy-Zannoni had an attorney when she signed the Consent Agreement and if the attorney had discussed it with Dr. Choy-Zannoni. Dr. Choy-Zannoni replied that she had had an attorney, but he did not go through the Consent Agreement with her. Dr. Choy-Zannoni's daughter disagreed and stated that Dr. Choy-Zannoni's attorney did go through the Consent Agreement, including the requirement that she take an ethics course. Dr. Choy-Zannoni agreed but stated that the attorney did not tell her where she could take the course. Dr. Choy-Zannoni's daughter stated that the Medical Board had sent a letter explaining where to find a list of acceptable ethics courses on the Board's website. Dr. Steinbergh stated that the list of ethics courses could be provided in hardcopy if that would be easier for Dr. Choy-Zannoni. Dr. Choy-Zannoni's daughter thanked Dr. Steinbergh for her offer.

Dr. Talmage asked if Dr. Choy-Zannoni has a personal physician. Dr. Choy-Zannoni replied that she currently does not have a personal physician, but her last examination was negative for cancer. Dr. Talmage asked if the Consent Agreement requires a physical examination before the reinstatement of Dr. Choy-Zannoni's medical license. Ms. Bickers replied that there is no such requirement.

Dr. Choy-Zannoni's daughter explained that Dr. Choy-Zannoni is very nervous today and that she is strong.

Dr. Madia asked if the Secretary and Supervising Member speak with the practitioner when a consent agreement is being developed. Ms. Marshall replied that that depends on the nature of the violations. Ms. Marshall stated that Dr. Choy-Zannoni's Consent Agreement is strictly related to her conviction. Ms. Marshall stated that the Secretary and Supervising Member did not have a conversation with Dr. Choy-Zannoni prior to approving the Consent Agreement to go before the Board.

**Dr. Steinbergh moved to continue Dr. Choy-Zannoni under the terms of her February 8, 2012 Consent Agreement. Mr. Hairston seconded the motion.** All members voted aye. The motion carried.

Dr. Choy-Zannoni's daughter reiterated that Dr. Choy-Zannoni is scared and nervous today. Dr. Choy-Zannoni's daughter stated that her mother is in good health and they had worked outside her house for four hours yesterday.

The Board engaged in a general discussion of the consent agreement process. Dr. Bechtel asked for clarification on the nature of Dr. Choy-Zannoni's conviction. Ms. Marshall replied that Dr. Choy-Zannoni's conviction was related to Worker's Compensation and telecommunications fraud in the value of more than \$5,000.00 and less than \$100,000.00. Ms. Marshall stated that the telecommunications fraud was due to the fact that the claims were transmitted by computer. Mr. Kenney noted that Dr. Choy-Zannoni does not know how to use a computer. Ms. Marshall stated that as the physician, Dr. Choy-

May 9, 2012

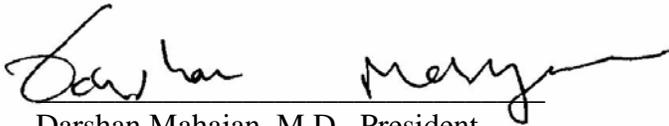
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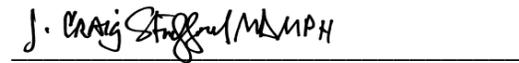
Zannoni was responsible for what happened in her office. Dr. Suppan commented that billing and coding has evolved beyond Dr. Choy-Zannoni's capabilities.

Ms. Marshall stated that Dr. Choy-Zannoni's medical license is currently suspended for one year.

Thereupon, at 4:20 p.m., the May 9, 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 May 9, 2012, as approved on June 13, 2012.

  
Darshan Mahajan, M.D., President

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

(SEAL)



May 10, 2012

**MINUTES****THE STATE MEDICAL BOARD OF OHIO****May 10, 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; Dalsukh Madia, M.D.; W. Frank Hairston; Mark A. Bechtel, M.D.; and Donald R. Kenney, Sr. The following Board members arrived at a later time: Lance A. Talmage, M.D., Acting Supervising Member; and Marchelle L. Suppan, D.P.M. The following members did not attend the meeting: Kris Ramprasad, M.D.; and 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; Kyle Wilcox, Assistant Attorney General; Kay Rieve, Administrative Officer; Nicole Weaver, Chief of Licensure; Cathy Hacker, Physician Assistant Program Administrator; Barbara Jacobs, Senior Executive Staff Attorney; Jacqueline A. Moore, Public Information Assistant; and Benton Taylor, Executive Assistant to the Executive Director.

**RATIFICATION OF SETTLEMENT AGREEMENTS****TIMOTHY ALLEN SCROGGINS, M.D. – SUPERSEDING CONSENT AGREEMENT**

**Dr. Steinbergh moved to ratify the Proposed Superseding Consent Agreement with Dr. Scroggins. Mr. Hairston seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Mr. Hairston	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye
	Dr. Bechtel	- aye
	Mr. Kenney	- aye

The motion to ratify carried.

**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. No Board member wished to consider an item separately.

**Dr. Madia moved to accept the Compliance staff's Reports of Conferences on April 9 & 10, 2012, with: Gregory M. Beddell, M.D.; Mark E. Blair, M.D.; James E. Breidenstein, D.O.; Carolyn A. Chambers, M.D.; Tonya N. Croak, M.T.; Patrick R. Dennison, D.O.; Janice Electa Green Douglas, M.D.; Terry A. Dragash, D.O.; Paul E. Duncan, M.D.; Lynne A. Eaton, M.D.; Jackson L. J. Flanigan, M.D.; Philip M. Goldman, M.D.; Julian A. Gordon, M.D.; George D. Griffin, III, M.D.; Carey K. Gross, D.O.; Elizabeth J. (Martin) Gross, P.A.; Marjorie M. Haas, M.D.; Jonathan L. Haimes, M.D.; Josh U. Hill, P.A.; Martin R. Hobowsky, D.O.; Ralph Arden Hugunin, M.D.; Gregory Gene Johnson, M.D.; William B. Kerek, M.D.; Elizabeth B. Lottes, D.O.; Ravi Dutt Madan, M.D.; Anna M. Marcinow, M.D.; Melissa J. Marker, D.O.; David W. Massie, M.D.; Christine D. McKain, M.D.; Bruce J. Merkin, M.D.; Parag Patel, M.D.; Sudhir S. Polisetty, M.D.; David A. Rath, M.D.; Chris Allen Rhoades, M.D.; Neil A. Salas, M.D.; Stephen A. Schemenauer, P.A.; John W. Shaw, M.D.; Rick Skibicki, M.D.; Susan Gail Sweda, M.D.; Brett E. Toward, M.D.; Shannon Dimetra Weikert, M.T.; Roy M. Whitman, M.D.; Bradley R. Wolf, M.D.; and Richard Allan Zinni, D.O.**

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

- **To deny Mohammad A. Adas, M.D.'s request for reduction in drug screens to once per month and to approve the Secretary and Supervising Member's recommendation for a reduction in drug screens to twice per month; and to approve Mohammad A. Adas, M.D.'s request for reduction in psychiatric sessions to once every three months;**
- **To grant Cynthia Lynn Brown, M.D.'s request for reduction in drug and alcohol rehabilitation meeting attendance to twice weekly, and to discontinue the drug log requirement;**
- **To grant Francis E. Dumont, M.D.'s request for approval of Sairam L. Atluri, M.D., to serve as the monitoring physician, and determination of the frequency and number of charts to be reviewed at 10 charts per week;**
- **To grant Michael S. Grinblatt, M.D.'s request for approval of Robert E. Botti, M.D., to serve as the monitoring physician, and determination of the number and frequency of charts to be reviewed at 10 charts per month;**
- **To grant Philip M. Hutchison, D.O.'s request for approval of *Prescribing Controlled Drugs; Critical Issues and Common Pitfalls of Misprescribing*, administered by the University of Florida College of Medicine;**
- **To grant James M. Kemper, D.O.'s request for reduction in appearances to every six months;**
- **To grant Michael C. Macatol, M.D.'s request for approval of L. Todd Hawkins, M.D., to serve as the treating psychiatrist;**

- To grant Mahendra K. Mahajan, M.D.'s request for approval of Jack C. Lunderman, Jr., M.D., to serve as the treating psychiatrist;
- To grant Alan D. Sabino, M.D.'s request for approval of John M. Yarbrough, M.D., to conduct one of the two chemical dependency return to work assessments required for reinstatement;
- To grant Jeffrey L. Stambough, M.D.'s request for reduction in drug and alcohol rehabilitation meeting attendance to two per week with a minimum of ten per month; reduction in personal appearances to every six months; discontinuance of the controlled substance log requirement; and discontinuance of the chart review requirement; and
- To grant Carmen L. Woolums, P.A.'s request for reduction in personal appearances to every six months; reduction in drug and alcohol rehabilitation meetings to two per week; and reduction in required psychiatric sessions to every six months;

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

ROLL CALL:	Dr. Strafford	- abstain
	Mr. Hairston	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye
	Dr. Bechtel	- aye
	Mr. Kenney	- aye

The motion carried.

Dr. Talmage entered the meeting at this time.

#### ADMINISTRATIVE REPORT

Mr. Whitehouse stated that he and other members of the staff attended Ohio's 2012 Opiate Summit and found it to be a worthwhile event. Mr. Whitehouse noted that Ms. Anderson gave a presentation in one of the Summit's breakout sessions. Mr. Whitehouse stated that many of the comments made at the Summit reflected appreciation of the Board's work on this problem and its collaboration with other agencies.

Mr. Whitehouse stated that, at the Board's request, informational material has been provided to the Board members regarding the roles and statutory structure of the offices of Secretary and Supervising Member. Mr. Whitehouse stated that possible changes in the duties and responsibilities of the Secretary and Supervising Member will be discussed in the future.

Mr. Whitehouse stated that the Ohio Board's collection of demographic data was a topic of discussion at the Federation of State Medical Boards (FSMB) Annual Meeting 2012. The FSMB House of Delegates adopted a plan for a minimal dataset which is largely based on Ohio's model. The Board staff will soon

begin working with the Department of Administrative Services to develop a way for the public to access Ohio's data.

Ms. Wehrle stated that she has provided Board members with a pre-publication draft of the upcoming edition of the *Grand Rounds* newsletter. The cover article is "Improving Patient Care Through Enhanced Use of OARRS." The draft newsletter also contains the following:

- Information about rule changes concerning massage therapists and cosmetic therapists
- Physician assistant formulary updates
- The Board's statement on the corporate practice of medicine
- A guidance statement on prescribing to oneself and one's family members
- Facts about Maintenance of Licensure (MOL)
- Reports from the Governor's Opiate Cabinet Action Team
- The Board's disciplinary actions between January 2012 and April 2012

Ms. Wehrle noted other statements which may also be included if approved during this Board meeting.

Dr. Talmage suggested that a hardcopy of the MOL material be mailed to medical associations in Ohio. The Board agreed.

Mr. Hairston asked that the newsletter include a statement about the importance of massage therapists renewing their licenses in a timely manner, noting that the Board has seen recent cases of massage therapists inadvertently practicing after the expiration of their licenses. Mr. Whitehouse stated that that information can be included.

Mr. Hairston stated that he was very moved by the newsletter's tribute to Mr. Albert, who had served on the Board for 24 years and as Supervising Member for 18 years. Mr. Hairston said that Mr. Albert touched the lives of thousands of practitioners. Mr. Hairston felt that it would be appropriate to include a small box with Mr. Albert's initials and years of Board service on each issue of the newsletter. Mr. Hairston stated that many practitioners would see this and recall fond memories of Mr. Albert. The Board agreed.

Dr. Suppan entered the meeting at this time.

Ms. Wehrle noted that during his tenure, Mr. Albert reviewed over 54,000 complaints which resulted in nearly 2,600 Board actions. Ms. Wehrle stated that Mr. Albert's most enduring legacy is his support of those in recovery and helping to establish the Board's compliance monitoring system.

Dr. Madia suggested that the contact information of the Board members should be included in the newsletter so that those needing help with licensing or other issues can contact them. Dr. Madia opined that the Board exists to help physicians, not just punish them. The Board engaged in discussion of this topic. Mr. Whitehouse cautioned that Board members may also be inappropriately contacted by individuals with pending matters before the Board, including disciplinary matters. Dr. Madia agreed that any conversations involving possible Board action must be stopped immediately, but stated that Board

members should be accessible for other matters.

Dr. Talmage suggested that internal email addresses could be established so that people can communicate with Board members with the understanding that the Board member may or may not choose to respond. Dr. Talmage stated that such emails would have to be screened so that Board members are not exposed to inappropriate information regarding a disciplinary case. Dr. Madia approved of Dr. Talmage's suggestion.

The Board agreed to continue the current practice of having the names of the Board members widely available, including in the *Grand Rounds* newsletter and the Board's website.

Dr. Suppan commented that Ms. Anderson's newsletter article regarding prescribing to oneself and family members was excellent. Dr. Suppan asked if the Board can also offer guidance on the treatment of family members without controlled substances, such as surgery or trauma care. Ms. Anderson suggested that the article in the draft newsletter could be expanded to include a statement about the importance of detached professional judgment. Dr. Suppan agreed.

#### MAINTENANCE OF LICENSURE

Mr. Whitehouse stated that the topic of Maintenance of Licensure (MOL) was discussed at the Federation of State Medical Boards (FSMB) Annual Meeting in April. Mr. Whitehouse asked the Board to consider adopting one of the pilot studies available to explore how an MOL system may work. Mr. Whitehouse suggested one of the following three subjects: 1) Readiness inventory, 2) integration of Continuing Medical Education (CME) into an MOL system, or 3) how to integrate an MOL system into an already-existing Board function. Mr. Whitehouse asked for input and discussion from all Board members, particularly those who attended the FSMB Annual Meeting.

The Board engaged in a thorough discussion of what an MOL pilot study may entail and if engaging in such a study would be appropriate at this time. Dr. Talmage noted that an MOL pilot study would only be an exploratory measure and would not commit the Board to adopting an MOL system in the future. Mr. Kenney questioned how an MOL system would be funded. Mr. Whitehouse stated that if a pilot study reveals that an MOL system would be economically infeasible or impractical, the Board would be highly unlikely to pursue it.

Dr. Strafford suggested that if the Board adopts an MOL pilot study, a physician member of the Board be designated as a "champion" to explain the fundamental concepts of MOL to the physician community. Dr. Steinbergh stated that the Board must carefully consider what the goal of MOL would be, what problems it would solve, and if such a system would justify the cost both financially and in terms of personnel. Dr. Mahajan opined that MOL or a similar system may be imposed by the legislature if the Board does not adopt it on its own.

**Dr. Suppan moved that the Board create a framework for an MOL pilot study and to evaluate the infrastructural and fiscal needs of same. Dr. Suppan further moved to identify a physician member of the Board to champion the MOL project and work with the Board staff to develop a framework. Dr. Madia seconded the motion. A vote was taken:**

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

The motion carried.

Dr. Mahajan recommended that Dr. Bechtel serve as the Board's advocate for MOL. Dr. Bechtel replied that he would be glad to serve in that role.

#### REPORTS BY ASSIGNED COMMITTEES

##### AD HOC BUDGET REVIEW COMMITTEE

Dr. Madia stated that a document outlining a plan for fee changes has been distributed to Board members. Dr. Madia stated that the *ad hoc* Budget Review Committee recommends approval of the document.

**Dr. Madia moved to approve the document outlining a plan for changes to the Board's licensure and renewal fees. Dr. Bechtel seconded the motion.** A vote was taken:

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

The motion carried.

Dr. Madia stated that the first proposed fee changes will involve only physicians, with other licensees to follow. Dr. Madia noted that the licensure fees for physicians have not changed for 13 years, during which time administrative costs have increased. Dr. Madia explained that 90% of the Board's revenue comes from physician licensure and renewal. The Committee intends to schedule meetings with the Ohio State Medical Association, Ohio Osteopathic Association, and Ohio Podiatric Medical Association in order to explain the need for these changes.

Dr. Madia briefly reviewed the Board's budget and expenses for the previous three years. Dr. Madia stated that the Board is budgeted through June 2013; if there is no change in fees by that time, the Board will have to make revisions to its activities and budgetary process.

#### REPORT ON FEDERATION OF STATE MEDICAL BOARDS ANNUAL MEETING 2012

Dr. Mahajan reported that the Federation of State Medical Boards (FSMB) Annual Meeting was excellent and very informative. Dr. Mahajan congratulated Dr. Talmage on assuming the Chair of the FSMB. Dr. Steinbergh stated that Dr. Talmage has represented Ohio very well on the national stage and expressed confidence that he will do an excellent job.

Dr. Bechtel commented that he found the FSMB Annual Meeting to be outstanding and included excellent presentations on topics such as prescription drug abuse, maintenance of licensure, and physician re-entry to the workplace.

#### PHYSICIAN PARTICIPATION IN "DEAL OF THE DAY" OFFERS

Ms. Debolt stated that "deal of the day" offers involve e-mailed coupons for services. Ms. Debolt stated that more and more physicians are interested in using this mechanism to offer medical services, such as sclerotherapy and aesthetic procedures. Ms. Debolt explained how the system works with an example: A physician may normally offer a procedure for \$1,000.00, but will offer the service through the coupon for \$500.00. A certain percentage, perhaps 50%, of that \$500.00 will then go to the advertising entity (Groupon, Angie's List, AAA, etc.).

Ms. Debolt continued that there is a question of whether this process is a form of fee-splitting. Ms. Debolt explained that traditionally, fee-splitting occurs when one healthcare professional agrees to share fees with another professional in exchange for referrals. Fee-splitting is illegal because it leads patients to believe that a referral is based on the professional's skill and knowledge, when it is actually based on a financial arrangement.

Ms. Debolt stated that a draft statement has been distributed to Board members for their review and approval. The draft statement states that the use of "deal of the day" is not fee-splitting because the potential patient is not misled and is fully aware that the coupon is an advertising tool. Ms. Debolt stated that the draft statement does the following:

- Cautions physicians that they are, in fact, practicing medicine when they deliver the services and the minimal standards of care must be met
- Reminds physicians that potential patients must be screened properly to determine if the procedure in question is appropriate for them
- States that physicians who are providers under Medicare or Medicaid are barred from taking money directly from patients who are covered by the federal program
- Advises physicians that private insurance companies often only pay the physician's best price, and so the \$250.00 a physician receives on a "deal-of-the-day" for a \$1,000.00 procedure could become the

going rate that third-party payers will reimburse

- Advises physicians to seek private legal counsel if they are considering participating in this kind of program

**Dr. Steinbergh moved to approve the draft statement on physician participation in “deal of the day” offers. Dr. Madia seconded the motion.**

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

The Board engaged in a general discussion on this subject. In response to a question, Ms. Debolt stated that the payment kept by the advertising agent is considered an advertising fee and that physicians are allowed to advertise.

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

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

The motion to approve carried.

### FISCAL REPORT

Mr. Whitehouse briefly reviewed the fiscal report. Mr. Whitehouse noted that income has risen and the Board’s 5C6 fund is back over \$3,000,000.00, largely as a result of efforts to not fill the Board’s staff vacancies and other cost-cutting measures. The expenditure report is about six points below what had been targeted for spending at this point.

### LICENSURE UPDATE

Ms. Vollmer stated that the licensure update has been distributed to Board members, as well as notes from a conference call between the Board staff, the Ohio State University (OSU) College of Medicine, and the Federation of State Medical Boards (FSMB) regarding proactive credentialing. The FSMB has asked the OSU College of Medicine to be a pilot for this program by which students’ information is sent to the FSMB in advance in order to reduce the time required for licensure. Ms. Vollmer stated that the OSU College of Medicine was very receptive to the idea and details are being worked out. Ms. Vollmer stated that the University of Toledo College of Medicine and the University of Cincinnati College of Medicine are also interested in the program.

Ms. Vollmer stated that the Ohio Council of Medical School Deans wished to discuss ways to streamline the licensure process, especially for individuals who already hold a training certificate. Ms. Vollmer noted that Dr. Steinbergh and Dr. Bechtel have expressed interest in participating in that discussion. Dr. Suppan stated that the dean of the Ohio College of Podiatric Medicine should also be involved. Mr. Whitehouse agreed.

Ms. Vollmer stated that the average time for licensure is now down to 81 days. Dr. Madia noted that the time for licensure had been over 100 days, and the goal is to get it to about 70 days. Dr. Madia complimented Ms. Vollmer for her work in this area.

#### TREATMENT PROVIDER APPLICATION

#### HEALTHCARE VENTURE PARTNERS

Ms. Bickers stated that Healthcare Venture Partners is asking for approval of two locations. The first location, Northland Intervention in Milford, Ohio, is asking to offer outpatient treatment, aftercare, and return-to-work for the Board's licensees. The second location, The Ridge in Batavia, Ohio, is asking to offer inpatient and outpatient treatment, aftercare, and return-to-work assessments for the Board's licensees. Ms. Bickers stated that both locations meet the Board's requirements to offer these services.

**Dr. Steinbergh moved to approve Healthcare Venture Partners' application for a Certificate of Good Standing as a treatment provider for impaired practitioners. Dr. Madia seconded the motion.**

A vote was taken:

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

The motion carried.

#### LEGISLATIVE UPDATES

**Senate Bill 301/House Bill 467, Healthcare Licensing Boards' Enforcement Powers:** Mr. Miller stated that this legislation is a follow-up to House Bill 93. The legislation will probably be voted upon in the next few weeks and is expected to pass. It will grant the Medical Board authority to inspect pain management clinics without having a complaint filed. The bill will change the definition of "pain management clinic" to clarify that the term refers to the treatment of chronic pain, not acute pain. Also, the bill will enhance

the Board's subpoena authority regarding where a subpoena can be served and increase the board's ability to take action against a physician practicing in an unlicensed pain management clinic. Lastly, the bill will allow physicians to check the Ohio Automated Rx Reporting System (OARRS) on a patient who has been referred to the physician prior to actually seeing the patient.

**House Bill 487, Mid-Biennium Budget Review:** Mr. Miller stated that this legislation will probably pass before the legislature recesses at the end of June. In relation to the Medical Board, the bill grants Schedule II prescribing authority to physician assistants; this will require the Board to update the physician assistant formulary.

Secondly, the bill directs the Medical Board to begin issuing licenses for the clinical research faculty certificate and the certificate of conceded eminence. Mr. Miller expected these provisions to remain in place when the bill is passed, though Mr. Miller is working on amendments that would address continuing medical education regarding these certificates. One recent change would allow holders of the certificate of conceded eminence to practice in any facility or physician practice that is affiliated with an academic medical center.

Dr. Mahajan and Dr. Steinbergh expressed concern that holders of the certificate of conceded eminence, who have not met the Board's licensing standards or passed any examination, will be able to practice medicine in such a wide category of facilities. In response to questions, Mr. Whitehouse stated that the term "conceded eminence" essentially means that the Medical Board cannot question that the holder of the certificate is qualified.

The Board engaged in a very thorough discussion of their concerns regarding the certificate of conceded eminence. Mr. Miller stated that he and some members of the Board have had numerous meetings with supporters of this provision, who argue that this will bring more researchers and research money into Ohio. Many supporters feel that the Board is standing in the way of economic development in this state. The supporters also opposed any requirement for informed consent, which would inform potential patients that the physician is not fully licensed by the Medical Board. Mr. Kenney noted that other states offer a similar certificate, and the fear is that those states will attract medical researchers if they cannot practice in Ohio.

Mr. Kenney stated that many people are not aware that this provision is in the budget bill. Mr. Kenney stated that Dr. Bechtel has agreed to accompany him to the legislature this afternoon to inform legislators that this provision will allow untested physicians to practice medicine on Ohio patients. Mr. Hairston agreed with Mr. Kenney and stated that the Board must stay true to its mission of protecting the public of Ohio. The Board agreed with Mr. Hairston.

**Chronic Pain Rules:** Mr. Miller stated that the next scheduled meeting of the Board's advisory panel on the chronic pain rules will occur later this month and will include Dr. Gary Franklin from the state of Washington. Dr. Franklin will provide an overview of the Washington chronic pain rules and guidelines.

Mr. Miller stated that the Governor's Opiate Action Team is attempting to determine what the standard of care will be regarding the prescribing of opiates and whether there will be a specific threshold. Although the administration has been vocal about having a threshold, the advisory panel has raised considerable

concerns that the proposed 120 threshold will further limit patient access to chronic pain treatment and will discourage more physicians from treating chronic pain. The advisory panel feels that, although there will be exceptions to the threshold, it will still have a negative effect on patient care and prescribing practices.

Mr. Miller provided the Board members with a draft article crafted to raise awareness among prescribers regarding information to include on prescriptions. Specifically, including patients' names, addresses, and dates of birth on all prescriptions will improve the quality of data which OARRS can provide. No Board member objected to publishing the draft article as written.

**E-Prescribing of Controlled Substances:** Mr. Miller stated that the Board is part of a committee with the Ohio Health Information Partnership, which has established an e-prescribing pilot program involving 22 physicians, Dr. First, Inc., and participating Walgreens pharmacies in the Findlay, Ohio, area. The committee will rate the services and implementation, as well as increase provider awareness to see if other practice groups wish to participate in such a program.

**Telemedicine:** Mr. Miller stated that legislation has been introduced that would allow psychologists to prescribe psychotropic medications and provide medical and behavior care to prisoners through telecommunications. There is also a concurrent resolution to encourage the federal government to help pay for these services and allow for these services for veterans. Mr. Miller stated that the Health Policy Institute of Ohio will hold a conference this summer about moving telehealth forward in Ohio; Mr. Miller will meet with representatives from the Institute to discuss how the Board can participate in that event.

Mr. Miller stated that telemedicine is moving forward rapidly and felt that the Medical Board has an opportunity to increase its involvement with the issue. Mr. Miller provided a draft position statement on telemedicine as a means to begin discussion with other groups. The statement gives an overview of Ohio's current telemedicine regulations and addresses related issues such as adequate examinations.

Mr. Whitehouse agreed with Mr. Miller that the Medical Board should begin considering the limitations and issues surrounding telemedicine. Mr. Whitehouse stated that Ohio is approaching an era when telemedicine can become a primary healthcare delivery system and not an exception to the rule.

**Dr. Madia moved to approve the draft position statement on telemedicine. Dr. Bechtel seconded the motion.** All members voted aye. The motion carried.

**Ohio Re-entry Coalition:** Mr. Miller stated that two pieces of legislation have been introduced which are geared towards getting ex-convicts back into the community and into jobs, as well as addressing the correctional system's budget and overcrowding issues. The legislation provides a definition of "moral turpitude," of which the Medical Board may have concerns. Mr. Miller stated that currently the legislation is limited to a handful of regulatory entities which do not include the Medical Board, but it establishes a precedent and may be expanded in the future. Among other things, the legislation states that an individual's criminal offense has to be directly related to the license he or she is seeking in order to form a basis for denial.

Mr. Miller continued that the legislation also creates an Order of Limited Relief, which can be granted by a

court to a person who has been convicted of a crime. The Order reflects the court's sense that the individual is suitable to return to society and can be used as a defense before a regulatory entity. Crimes that are the basis of automatic suspensions, such as murder, gross sexual imposition, and aggravated arson, preclude the individual from using an Order of Limited Relief.

Mr. Miller stated that he will continue efforts to obtain a definition of moral turpitude that would apply to healthcare licensing boards.

#### PROPOSED RESPONSE CONCERNING PODIATRISTS' ROLE IN MEDICATION RECONCILIATION

Dr. Steinbergh stated that the Board received a letter from Gary Unsdorfer, D.P.M., regarding the reconciliation of medications, which must be done prior to discharging a patient. Dr. Unsdorfer had expressed concerns about whether the reconciliation of medications is within the scope of practice of a podiatrist since some of his patients' medications had nothing to do with podiatry.

Dr. Steinbergh stated that the Group 2 Committee recommends approval of the draft response included in the agenda materials. Ms. Debolt stated that the draft response explains that medication reconciliation is not prescribing, but is merely making sure the patient is on the same medications as before.

**Dr. Madia recommended approval of the proposed response as written. Mr. Hairston seconded the motion.** All members voted aye. The motion carried.

#### REVIEW OF SPECIAL SERVICES APPLICATIONS

##### DERMATOLOGY AND SKIN CARE ASSOCIATES

Dr. Bechtel stated that Dermatology and Skin Care Associates is requesting that their physician assistant be able to perform laser therapy for warts. The Group 2 Committee voted to deny this request because it is prohibited by Section 4731-18, Ohio Administrative Code, which limits the use of lasers by physician assistants to hair removal only.

**Dr. Madia moved to deny the Special Services application of Dermatology and Skin Care Associates. Mr. Hairston seconded the motion.** All members voted aye. The motion carried.

##### ENCORE DERMATOLOGY

Dr. Bechtel stated that Encore Dermatology is requesting that their physician assistants be able to perform excisions. This will only apply to physician assistants with at least two years of experience, the excisions will be limited to one centimeter or less in diameter, malignancies will be limited only to basal cell carcinomas, and the size of the malignancies will be one centimeter or less. Dr. Bechtel stated that a dermatologist will evaluate the lesion first and check surgical margins prior to excision by the physician assistant and the dermatologist will follow up post-operatively. Dr. Bechtel further stated that the physician assistant will first observe 25 procedures and then perform 25 procedures while being observed

by a dermatologist.

Dr. Bechtel stated that the Special Services plan includes many safeguards and the Group 2 Committee recommends approval.

**Dr. Madia moved to approve the Special Services application of Encore Dermatology. Mr. Hairston seconded the motion.** All members voted aye. The motion carried.

#### MIAMI VALLEY PLASTIC SURGERY

Dr. Bechtel stated that this Special Services application was tabled by the Physician Assistant Policy Committee. The Committee felt that the physician should evaluate every lesion prior to treatment, which is consistent with the model plan for cryosurgery which has been developed for dermatology. Dr. Bechtel expressed concern that without physician examination, lesions could be misdiagnosed or be inappropriate for cryosurgical treatment.

#### GHULAM IDREES, M.D.

Dr. Bechtel stated that this Special Services application was tabled by the Physician Assistant Policy Committee. Dr. Bechtel stated that Dr. Idrees did not define the type of lesions that a physician assistant would be able to treat with liquid nitrogen.

#### BLANCHARD VALLEY MEDICAL ASSOCIATES

Dr. Bechtel stated that this Special Services application was tabled by the Physician Assistant Policy Committee. Dr. Bechtel explained that Blanchard Valley Medical Associates has requested that physician assistants be allowed to inject warts with Candida antigen, a procedure that is not commonly performed by dermatologists in Ohio. Dr. Bechtel stated that he did an extensive review of the literature and found no concerns for anaphylactic reactions, tissue necrosis, or scarring. However, the Special Services plan states that the physician assistant will observe 10 injections and then be observed performing 10 injections. The Committee felt that more than 10 procedures should be observed and performed under observation. Also, the Special Services plan provides for off-site procedures; the Committee felt that a physician should be on-site when the procedure is performed by a physician assistant.

Dr. Bechtel exited the meeting at this time.

#### NCBTMB EXAMINATION UPDATE

Ms. Vollmer refreshed the Board's memory regarding the plan it approved to review the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) examination as a possible licensing examination in Ohio. Ms. Vollmer stated that after some communication, the NCBTMB agreed to a provision to allow Ms. Vollmer to take notes of a general nature during the review of the examination.

Ms. Vollmer stated that last week, the Board received a letter from NCBTMB indicating that they were

withdrawing their request to have the Board review their examination. The letter referenced the note-taking issue and also stated that the NCBTMB felt it would not get a fair and unbiased review due to statements made at a meeting of the Ohio Chapter of the American Massage Therapy Association (AMTA). At that meeting, a member of the Board's Massage Therapy Advisory Committee (MTAC) made statements about the NCBTMB and their organization that they felt were hostile.

Ms. Vollmer continued that she replied with a letter, provided to Board members, stating that the note-taking issue had previously been resolved and that MTAC does not speak for the Board. Ms. Vollmer stated that the MTAC member in question is not on the committee that will review the examination. Ms. Vollmer stated that she has not yet received a reply to her letter. Ms. Vollmer stated that she and Ms. Debolt have consulted with the Joint Committee on Agency Rule Review regarding this matter. Ms. Vollmer stated that the legislature has made it clear that it wants the Medical Board to vet the NCBTMB's examination, but the NCBTMB has made this impossible.

Dr. Steinbergh stated that the Board was able to review the Massage and Bodywork Licensing Examination (MBLEx) prior to approving it as a licensing examination last year. Dr. Steinbergh asked if the NCBTMB has been assured that the Board's process for review will be the same as for the MBLEx. Ms. Vollmer answered that the NCBTMB has been assured of this on several occasions.

Dr. Steinbergh wished to address the comments made by the MTAC member. Ms. Vollmer stated she was not in attendance at the AMTA meeting in question, but she understands that MTAC member Michael Moore, the Committee's newest appointee, addressed the meeting on more than one occasion. Ms. Vollmer stated that, according to reports, the gist of Mr. Moore's comments were that he was asking the NCBTMB how much money it would take for them to go away. Ms. Debolt stated that she was in attendance at the AMTA meeting and confirmed that was the substance of Mr. Moore's comments. Ms. Debolt stated that she did not perceive statement as hostile, but agreed that it was rude and unprofessional.

Dr. Steinbergh stated that the Group 2 Committee discussed this issue yesterday and recommends that the Board dismiss Mr. Moore from MTAC due to his unprofessional and inappropriate comments. Dr. Steinbergh stated that although it is clear the Mr. Moore' comments were not those of the Board, the Board did appoint him to MTAC. Dr. Suppan agreed and stated that Mr. Moore's statement was tantamount to offering a bribe. Dr. Suppan opined that Mr. Moore should not be associated with the Medical Board in any way.

**Dr. Madia moved to dismiss Mr. Moore from the Massage Therapy Advisory Committee. Dr. Suppan seconded the motion.**

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

Mr. Whitehouse asked if Mr. Moore identified himself as a member of MTAC at the AMTA meeting. Ms. Debolt replied that he did not. Dr. Steinbergh stated that regardless of whether he identified himself, Mr. Moore was present because of his role on MTAC.

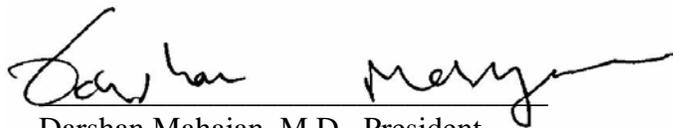
Ms. Debolt noted that under the terms of Mr. Moore's contract with the Board, he can be dismissed with

30-day notice.

A vote was taken on Dr. Madia's motion. All members voted aye. The motion carried.

Thereupon at 11:00 a.m., the May 10, 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 May 9-10, 2012, as approved on June 13, 2012.

  
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Darshan Mahajan, M.D., President

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

(SEAL)

