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MINUTES**THE STATE MEDICAL BOARD OF OHIO****August 8, 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 M. Steinbergh, D.O., Vice President; J. Craig Strafford, M.D., Secretary; Mark A. Bechtel, M.D., Supervising Member; Lance A. Talmage, M.D.; Dalsukh Madia, M.D.; W. Frank Hairston; Marchelle L. Suppan, M.D.; and Kris Ramprasad, M.D. The following members did not attend: Laurie O. Elsass; and Donald R. Kenney, Sr.

Also present were: Richard A. Whitehouse, 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; Marcie Pastrick, Karen Mortland, Mark Blackmer, Angela McNair, and Sheldon Safko, Enforcement Attorneys; Kyle Wilcox and Heidi Dorn, 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 and Fonda Brooks, Public Information Assistants; and Benton Taylor, Executive Assistant to the Executive Director.

APPEAL OF THE PRESIDENT'S RULING

Dr. Steinbergh stated that she appeals from the July 26, 2012 decision of the President, which granted a motion for additional time to address the Board in Case No. 11-CRF-046.

Dr. Mahajan stated that he granted the motion because the case has been going on for a long time and there is a great deal of material. Dr. Mahajan stated that the appellant had asked for additional time and, due to the amount of material, he granted 10 minutes to address the Board instead of the usual five minutes. Dr. Mahajan stated that this is a one-time-only extension of time to address the Board, unless very unusual circumstances warrant it. Dr. Mahajan stated that the Assistant Attorneys General will also be given 10 minutes to respond.

Dr. Steinbergh stated that she is appealing the decision because the Board has considered larger cases in the past and have historically only allowed five minutes to address the Board. Dr. Steinbergh stated that if the Board feels the policy should be changed for all respondents to be given additional time, then that should be discussed. Otherwise, Dr. Steinbergh opined that this sets a precedent and will result in many more requests for additional time.

Dr. Madia opined that if the Board allows more time in one case, it will be difficult to deny such a request a second time. Dr. Mahajan stated that the decision of whether or not to grant more time can be decided on

an individual basis.

Dr. Ramprasad favored keeping the five-minute time limit for addressing the Board. Dr. Ramprasad opined that five minutes is plenty of time to make a statement. Dr. Ramprasad stated that respondents have gone through the process and made their objections; Dr. Ramprasad questioned what an additional five minutes would add. Dr. Ramprasad also expressed concern that denying additional time to someone else could result in an appeal.

Dr. Suppan asked if the Board has the ability to overrule the President's decision. Ms. Debolt stated that the Board uses the Sturgis Rules of Parliamentary Procedure, which provides for a mechanism to appeal the President's ruling. Dr. Talmage asked if a two-thirds majority is required to overrule the decision. Ms. Debolt replied that under the Sturgis rules, only a majority vote is required to overrule. Ms. Debolt noted that, because the underlying case is disciplinary in nature, Dr. Strafford, Dr. Bechtel, and Dr. Talmage should abstain from voting on this matter due to their positions as Secretary, Supervising Member, and Acting Supervising Member on the case.

Dr. Madia stated that, though he expressed his concern about extending the time to address, he also has a concern about overruling a decision of the President. Dr. Madia opined that once the President makes a decision, the Board should accept it.

Dr. Steinbergh stated that, while she understands the President's desire in this particular case, there is already a full record for each case before the Board. Dr. Steinbergh discouraged the Board from moving in the direction of granting more time to address unless it is changed for all respondents. Dr. Mahajan stated that the Board should keep its general five-minute policy and he is only granting an extension in this one case. Dr. Mahajan reiterated that he does not have to grant everyone's request in this regard.

Dr. Talmage made a Point of Order that an Appeal of the Decision of the Chair is not a repudiation of the Chair, but rather it is an expression of the appealing member's desire to maintain the current procedure.

Ms. Debolt stated that a vote of "aye" is a vote to sustain Dr. Mahajan's ruling, while a vote of "nay" is a vote to overrule. With six voting members, four "nay" votes are needed to form a majority and overrule the decision of the Chair.

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

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

The appeal failed. The ruling of the President is sustained.

MINUTES REVIEW

Dr. Madia moved to approve the draft minutes of the July 11-12, 2012, Board meeting, as written. Dr. Steinbergh seconded the motion. All members voted aye. The motion carried.

EXECUTIVE SESSION

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

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye
	Dr. Talmage	- 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. Vollmer, Ms. Loe, Ms. Debolt, Ms. Wehrle; Ms. Marshall, the Enforcement Attorneys, the Assistant Attorneys General, Ms. Rieve, Ms. Weaver, Ms. Jacobs, Ms. Moore, Ms. Brooks, 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," the physician assistant applicants listed in Exhibit "B," the limited practitioner applicants listed in Exhibit "C," the acupuncturist applicants listed in Exhibit "D," and to grant Certificates of Good Standing to the limited branch schools listed in Exhibit "E." Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye

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

The motion carried.

REPORTS AND RECOMMENDATIONS

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

Dr. Mahajan asked whether each member of the Board had received, read and considered the hearing records; the Findings of Fact, Conclusions of Law, Proposed Orders, and any objections filed in the matters of: Hiram Grando Bezerra, M.D.; and Deborah A. Jorgensen, P.A.

A roll call was taken:

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye
	Dr. Talmage	- 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
	Dr. Bechtel	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye
	Dr. Talmage	- 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 any disciplinary matters. In the matter before the Board today, Dr. Strafford served as Secretary and Dr. Bechtel served as Supervising Member.

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

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

HIRAM GRANDO BEZERRA, M.D., Case No. 12-CRF-032

Dr. Mahajan directed the Board's attention to the matter of Hiram Grando Bezerra, M.D. He advised that no objections were filed. Ms. Blue was the Hearing Examiner. Dr. Mahajan noted that this matter is non-disciplinary, and therefore all Board members may vote.

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

Dr. Bezerra was represented by his attorney, Paul J. Coval.

Mr. Coval reiterated that this matter is not disciplinary, but rather concerns an application for licensure. Mr. Coval stated that he had no concerns or disputes with the Report and Recommendation.

Dr. Bezerra stated that he has appeared before the Board so he can address any questions the Board may have for him. Dr. Bezerra stated that the key elements of this case are described very well in the Report and Recommendation, but he wanted to highlight two aspects. First, Dr. Bezerra stated that the testimony on his behalf came not only from those who know him, but also from experts in the areas of general cardiology, interventional cardiology, and advanced cardiac imaging. Second, Dr. Bezerra stated that he is involved in an ongoing cardiovascular imaging program that has been very successful. Dr. Bezerra stated that the primary reason he has asked for licensure is to allow him to continue the program at University Hospitals.

Dr. Mahajan asked if the Assistant Attorney General would like to respond. Ms. Dorn stated that she did not wish to respond.

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

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

Dr. Madia stated that Dr. Bezerra applied for Ohio licensure in December 2011. Dr. Bezerra earned his medical degree in 1995 in Brazil, then completed six years of training in Brazil in internal medicine,

clinical cardiology, and interventional cardiology. After practicing in Brazil, Dr. Bezerra moved to the United States in 2007 and completed a 12-month fellowship at Massachusetts General Hospital and Harvard Medical School. From 2008 to 2011, Dr. Bezerra gained additional training at University Hospitals in Cleveland. Dr. Bezerra is board certified in CT cardiac imaging.

Dr. Madia opined that, considering Dr. Bezerra's training, experience, and expertise, he should be granted a medical license. Therefore, Dr. Madia supported the Proposed Order.

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

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

The motion to approve carried.

DEBORAH A. JORGENSEN, P.A., Case No. 12-CRF-021

Dr. Mahajan directed the Board's attention to the matter of Deborah A. Jorgensen, P.A. He advised that no objections were filed. Ms. Davidson was the Hearing Examiner. Dr. Mahajan noted that Dr. Talmage did not serve as Secretary or Supervising Member in this matter, and therefore he may vote.

Dr. Steinbergh moved to approve and confirm Ms. Davidson's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Deborah A. Jorgensen, P.A. Mr. Hairston seconded the motion.

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

Mr. Hairston stated that this proposed action is based upon Ms. Jorgensen's alleged impairment of her ability to practice as a physician assistant according to acceptable and prevailing standards of care due to habitual or excessive use or abuse of drugs, alcohol, or other substances. The Proposed Order is also based on the allegation that Ms. Jorgensen wrote prescriptions in her own name and the name of family members, and signed the name of a physician without that physician's knowledge or consent. Mr. Hairston stated that these acts constitute felonies in Ohio.

Mr. Hairston noted that during the time of Ms. Jorgensen's drug abuse and criminal conduct, she applied for and was granted prescribing authority by the Board. Mr. Hairston stated that Ms. Jorgensen not only abused drugs, but also abused the trust of her hospital, her supervising physician, and the Board. Mr.

Hairston opined that Ms. Jorgensen should continue to have random drug screenings, as provided for in the Proposed Order.

Mr. Hairston stated that, despite some misgivings, he will support the Proposed Order, which will indefinitely suspend Ms. Jorgensen's license for not less than 215 days, establish terms and conditions for reinstatement, and establish probationary terms and conditions for a minimum of five years following reinstatement.

Dr. Steinbergh stated that she had the same concerns as Mr. Hairston. Dr. Steinbergh opined that, due to Ms. Jorgensen's decision-making and because of patient risk, the Proposed Order should be amended to require a professional ethics course as a condition for reinstatement.

Dr. Steinbergh moved to amend the Proposed Order to include a professional ethics course as one of the conditions for reinstatement of Ms. Jorgensen's license. Mr. Hairston seconded the motion. A vote was taken:

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

The motion to amend carried.

Dr. Steinbergh moved to approve and confirm Ms. Davidson's Findings of Fact, Conclusions of Law, and Proposed Order, as amended, in the matter of Deborah A. Jorgensen, P.A. Mr. Hairston seconded the motion. A vote was taken:

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

The motion to approve carried.

ERNESTO COMPENDIO TAN, M.D., Case No. 12-CRF-016

Dr. Mahajan stated that the matter of Ernesto Compendio Tan, M.D., will not be heard today.

Dr. Steinbergh moved to table this matter until the September 12, 2012 meeting of the Board. Mr. Hairston seconded the motion. All members voted aye. The motion carried.

PROPOSED FINDINGS AND PROPOSED ORDERSKEVIN LLOYD KEYS, Case No. 12-CRF-039

Dr. Mahajan directed the Board's attention to the matter of Kevin Lloyd Keys. He advised that the Board issued a Notice of Opportunity for Hearing to Mr. Keys, 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. Suppan moved to find that the allegations as set forth in the April 11, 2012 Notice of Opportunity for Hearing in the matter of Mr. Keys have been proven to be true by a preponderance of the evidence and to adopt the Proposed Findings and Proposed Order. Mr. Hairston seconded the motion.

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

Dr. Suppan stated that in March 2011, Mr. Keys submitted an application for a license to practice massage therapy in Ohio. The record indicates that in 2007, Mr. Keys had a criminal conviction for attempted possession of cocaine, a misdemeanor. In 2008, Mr. Keys was convicted of having an open container and improper handling of a firearm. Dr. Suppan noted that in the firearm in question was actually a belt that had a buckle that resembled brass knuckles.

Dr. Suppan continued that Mr. Keys had initially self-referred to rehabilitation at Memorial Hospital in Union County in March 2007, then again at Ohio State University Hospital East from May 2007 to June 2007. Mr. Keys joined Alcoholics Anonymous and continued counseling.

Dr. Suppan stated that when Mr. Keys applied for a massage therapy license, the Board ordered him to an examination to determine if he continued to be impaired. Following the examination in March 2012, Mr. Keys was diagnosed with alcohol dependence and a history of cannabis dependence and polysubstance dependence. Dr. Suppan also noted that a rapid screen for marijuana during the examination was positive, though a subsequent professional screen was negative.

Dr. Suppan stated that Mr. Keys has not entered into a treatment program since the examination. Dr. Suppan stated that the Proposed Order is to deny Mr. Keys' application for a massage therapy license.

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

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye
	Dr. Talmage	- abstain
	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 matters of Dr. Geier and Dr. Shuler are disciplinary in nature, and therefore the Secretary and Supervising Member cannot vote. In those matters, Dr. Strafford served as Secretary, Dr. Bechtel served as Supervising Member, and Dr. Talmage served as Acting Supervising Member.

MARK ROBIN GEIER, M.D., Case No. 11-CRF-072

Dr. Ramprasad stated that Dr. Geier, an applicant for licensure in Ohio, was brought to the attention of the Board due to an action taken by the Maryland Board of Physicians, which issued a Summary Suspension of Dr. Geier's Maryland medical license. Dr. Geier had been accused of diagnosing children with "precocious puberty" and treating them with Lupron. In the case of one patient, Dr. Geier had several consultations but only one of them was face-to-face. Dr. Ramprasad continued that Patient H was diagnosed with mercury toxic encephalopathy and mercury overexposure based solely on the patient's zip code. Patient G was started on chelation therapy on the basis of Dr. Shuler's diagnosis of precocious puberty.

Dr. Ramprasad stated that none of the cases in question have been proven to have had the correct diagnosis, and an extensive description of the findings is noted in the Maryland report. Also, none of the children were identified as to age other than by Dr. Shuler's own determination and by stated age.

Dr. Ramprasad opined that Dr. Shuler's application for licensure in Ohio should be denied.

Dr. Ramprasad moved to find that the allegations as set forth in the July 13, 2011 Notice in the matter of Mark Robin Geier, M.D., have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective upon mailing, denying Dr. Geier's application for a license to practice medicine and surgery in Ohio. Dr. Steinbergh seconded the motion.

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

Dr. Steinbergh noted that when Dr. Geier underwent Summary Suspension in Maryland, one of the investigative findings was that Dr. Geier is certified through the American Board of Medical Genetics as a genetic counselor. In an interview with the Maryland Board staff, Dr. Geier falsely claimed to be a board certified geneticist and board certified epidemiologist. So, in addition to the reasons listed by Dr. Ramprasad, Dr. Geier was also disciplined in Maryland due to misrepresentation of his credentials.

Dr. Steinbergh noted that, according to documentation provided to the Board, Dr. Geier was to have a hearing with the Maryland Board on May 11, 2011. Dr. Steinbergh asked if the results of that hearing are known and, if so, why that information is not in the record. Ms. Debolt replied that the matter currently before the Board is based strictly on the information in the record at the time the Notice of Opportunity for Hearing was issued. Dr. Steinbergh observed that the Notice of Opportunity for Hearing was issued on July 13, 2011, after Dr. Geier's scheduled hearing in Maryland. Ms. Debolt stated that a separate Notice would have resulted had any action from that hearing been of interest to the Ohio Board. Ms. Debolt stated that the Notice of Opportunity for Hearing is based on Maryland's Summary Suspension, not on falsification.

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

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

The motion carried.

WILLIAM HENRY SHULER, M.D., Case No. 11-CRF-112

Dr. Madia stated that this case is based on an action taken by the Utah Physicians Licensing Board. That action was based on the allegation that Dr. Shuler prescribed medications online to a Utah resident from January 31, 2010 to July 27, 2010, during which time Dr. Shuler's Utah medical license was expired due to non-renewal. Dr. Madia recommended permanent revocation of Dr. Shuler's Ohio medical license for the reason that he had prescribed medications without an active medical license.

Dr. Madia moved to find that the allegations as set forth in the November 9, 2011 Notice in the matter of William Henry Shuler, 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.

Shuler's license to practice medicine and surgery in Ohio. Mr. Hairston seconded the motion.

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

Dr. Steinbergh noted that the Utah Board had chosen to reprimand Dr. Shuler's Utah medical license and order him to cease and desist from issuing online prescriptions. Dr. Steinbergh stated that it is not known what kind of medications Dr. Shuler had prescribed or under what circumstances. Due to a relative lack of information, Dr. Steinbergh favored a non-permanent revocation of Dr. Shuler's Ohio license. Dr. Madia considered Dr. Steinbergh's statements and agreed.

Dr. Madia withdrew his motion. There were no objections.

Dr. Madia moved to find that the allegations as set forth in the November 9, 2011 Notice in the matter of William Henry Shuler, M.D., have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective upon mailing, revoking Dr. Shuler's license to practice medicine and surgery in Ohio. Mr. Hairston seconded the motion. A vote was taken:

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

The motion carried.

RENUKA SANJAY KULKARNI, M.D., Case No. 12-CRF-052

Dr. Mahajan noted that the matter of Dr. Kulkarni is non-disciplinary, and therefore all Board members may vote.

Dr. Steinbergh moved to find that the allegations as set forth in the June 8, 2012 Notice in the matter of Renuka Sanjay Kulkarni, M.D., have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective upon mailing, denying Dr. Kulkarni's application for a certificate to practice medicine and surgery in Ohio. Mr. Hairston seconded the motion.

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

Dr. Steinbergh stated that, pursuant to 4731-6-14(C)(3), Ohio Administrative Code, all applicants for licensure in Ohio must pass all three steps of the United States Medical Licensing Examination (USMLE) within a ten-year period without having failed any step more than three times. Dr. Steinbergh stated that

Dr. Kulkarni failed Step III five times prior to passing in June 2008, and therefore did not meet the Board's requirements. Dr. Steinbergh agreed with the proposal to deny Dr. Kulkarni's request for licensure.

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

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

The motion carried.

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

JOON H. CHONG, M.D. – NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING

At this time the Board read and considered the proposed Notice of Immediate Suspension and Opportunity for Hearing in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

Dr. Steinbergh moved to send the Notice of Immediate Suspension and Opportunity for Hearing to Dr. Chong. Mr. Hairston seconded the motion. A vote was taken:

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

The motion to send carried.

MURRAY SCHWARTZ, 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. Schwartz. Dr. Steinbergh seconded the motion. A vote was taken:

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

The motion to send carried.

JENNIFER JOAN FURIN, M.D. – NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY FOR HEARING

At this time the Board read and considered the proposed Notice of Summary Suspension and Opportunity for Hearing in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

Dr. Steinbergh moved to send the Notice of Summary Suspension and Opportunity for Hearing to Dr. Furin. Mr. Hairston seconded the motion. A vote was taken:

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

The motion to send carried.

Mr. Hairston moved to table this topic in case of possible additional citations. Dr. Steinbergh seconded the motion. All members voted aye. The motion carried.

RATIFICATION OF SETTLEMENT AGREEMENTS

SIVA RAO MURTHY, M.D. – STEP II CONSENT AGREEMENT

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

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

The motion to ratify carried.

VALENTINO JOHN BIANCO, III, D.O. – STEP I CONSENT AGREEMENT

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

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

The motion to ratify carried.

WILLIAM MICHAEL COX, M.D. – STEP I CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Proposed Step I Consent Agreement with Dr. Cox. Mr. Hairston seconded the motion.

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

Dr. Ramprasad asked why the proposed Consent Agreement does not include a requirement for a practice plan. Ms. Marshall replied that the Board has no information that the allegations in the Consent Agreement are related to his practice of medicine.

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

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

The motion to ratify carried.

FREDERICK M. GOLDMAN, M.D. – VOLUNTARY PERMANENT RETIREMENT

Dr. Steinbergh noted that this physician is 100 years of age and has been practicing medicine continuously since 1935. Dr. Steinbergh suggested that the Board send this practitioner a letter recognizing his long years of service.

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

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

The motion to ratify carried.

MATTHEW CHRISTOPHER RIESEN, M.D. – STEP II CONSENT AGREEMENT

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

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

Dr. Steinbergh	- aye
Dr. Mahajan	- aye
Dr. Madia	- aye
Dr. Talmage	- abstain
Dr. Ramprasad	- aye

The motion to ratify carried.

T.J.K., D.O. – CONSENT AGREEMENT

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

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

Dr. Ramprasad questioned why the Board would reprimand Dr. TJK, as provided for in the proposed Consent Agreement, when he has 110 hours of Continuing Medical Education (CME). Ms. Marshall replied that the reprimand is based on an action taken by the Michigan Board of Osteopathic Medicine and Surgery because he did not meet Michigan's CME requirements. Ms. Marshall stated that the reprimand is legally necessary to allow the Ohio Board to conduct CME audits for the next two cycles, which is another stipulation of the Consent Agreement.

Dr. Ramprasad noted that Dr. TJK satisfies Ohio's CME requirements. Ms. Marshall agreed. Dr. Ramprasad stated that he opposes punishing people for something they did not do. Dr. Steinbergh agreed and opined that Dr. TJK, perhaps naïvely, surrendered his Michigan medical license because he did not want to go through the process of disputing the Michigan Board's claims. Dr. Steinbergh noted that Dr. TJK didn't meet Michigan's CME requirements because the Michigan Board did not accept certain credits that Dr. TJK felt should have been counted. Dr. Steinbergh stated that Dr. TJK meets Ohio's CME requirements and opined that he should not be reprimanded.

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

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

The motion to ratify did not carry.

JERRY G. PURVIS, JR., M.D. – STEP II CONSENT AGREEMENT

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

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

The motion to ratify carried.

JEFFREY TAIT NELSON, M.D. – STEP I CONSENT AGREEMENT

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

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

The motion to ratify carried.

JOHN RAYMOND KERNS, D.O. – STEP I CONSENT AGREEMENT

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

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

Dr. Mahajan	- aye
Dr. Madia	- aye
Dr. Talmage	- abstain
Dr. Ramprasad	- aye

The motion to ratify carried.

Dr. Steinbergh moved to table this topic in case of possible additional settlement agreements. Mr. Hairston seconded the motion. All members voted aye. The motion carried.

REINSTATEMENT REQUEST

FRANKLIN H. BAKER, P.A.

Dr. Steinbergh moved that the request for the reinstatement of the certificate to prescribe of Franklin H. Baker, P.A., be approved, effective August 25, 2012, subject to the probationary terms and conditions as outlined in the August 10, 2011 Board Order for a minimum of one year. Dr. Suppan seconded the motion. A vote was taken:

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

The motion carried.

EXECUTIVE SESSION

Dr. Talmage moved that the Board declare Executive Session to discuss the matter of compensation of a state employee. Mr. Hairston seconded the motion. A vote was taken:

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

Dr. Ramprasad - aye

The motion carried.

Pursuant to Section 121.22(G)(3), Revised Code, the Board went into executive session, with Mr. Whitehouse in attendance.

The Board returned to public session.

The Board recessed at 2:15 p.m. and returned at 3:00 p.m. Dr. Talmage and Dr. Ramprasad were not present when the meeting resumed.

PROBATIONARY APPEARANCES

BYRON C. LEAK, M.D.

Dr. Leak was making his final appearance before the Board pursuant to his request for release from the terms of his August 9, 2007 Consent Agreement. Ms. Bickers reviewed Dr. Leak's history with the Board.

Dr. Steinbergh noted that Dr. Leak's favorite recovery group is in a biker shop. Dr. Leak stated that the group is called Easy Eddies and the owner of the bike shop has been in the program for about 20 years. Dr. Leak stated that he is one of the few non-bikers in the group.

Dr. Steinbergh noted that Dr. Leak is currently in North Carolina and asked about his practice there. Dr. Leak responded that he is an internist practicing as a hospitalist in the long-term acute care center. Dr. Leak stated that he practices with one partner and they hire moonlighters to cover weekends. Dr. Leak stated that his average daily patient load is about 15 to 18. Dr. Leak stated that he enjoys his work and the workload is not over-stressful, working eight to nine hours a day with three weekends off each month.

Dr. Steinbergh asked if Dr. Leak uses sedation with his patients. Dr. Leak replied that he rarely uses sedation, having done so about two times in the last two years for patients who truly needed it.

Dr. Steinbergh noted that Dr. Leak's relapse date was in November 2005 and he has maintained sobriety since that time. Dr. Steinbergh also noted that Dr. Leak does not intend to do anything differently following his release. Dr. Steinbergh asked what Dr. Leak's personal sobriety means to him. Dr. Leak answered that it means everything. Dr. Leak stated that everything he has accomplished, including getting married and owning a puppy, is related to his being sober. Dr. Leak stated that he will lose anything he puts before his sobriety.

Dr. Strafford asked if the North Carolina Medical Board still does a personal interview of each licensure applicant before granting licensure. Dr. Leak stated that he was personally interviewed by a Board member and then by the whole Board, but was uncertain if that was because he was on a Consent Agreement in Ohio at that time. Dr. Leak did not know if the interview is routine for all licensure applicants.

Dr. Ramprasad returned to the meeting at this time.

Dr. Steinbergh asked if Dr. Leak has any questions for the Board. Dr. Leak stated that he had no questions, but appreciated what the Board has done and the help he has gotten from Ms. Bickers. Dr. Leak stated that he will continue with his program and may even become a monitor for the Physician's Health Program in North Carolina.

Dr. Suppan moved to release Dr. Leak from the terms of his August 9, 2007 Consent Agreement. Dr. Steinbergh seconded the motion. All members voted aye. The motion carried.

ANUREET GILL, M.D.

Dr. Gill was making her initial appearance before the Board pursuant to the terms of her May 9, 2012 Consent Agreement. Ms. Bickers reviewed Dr. Gill's history with the Board.

Dr. Madia asked what Dr. Gill is currently doing and how she is coping with her Consent Agreement. Dr. Gill replied that she is doing well in recovery and she is not working at this point. Dr. Gill stated that she was terminated from her residency program following the suspension of her training certificate, so she has been concentrating on her recovery. Dr. Gill stated that when she signed her Consent Agreement and faced the possibility of being dismissed from her residency program, she made the mistake of not being open about these things and did not even tell her family. Dr. Gill stated that when she opened up and sought help, things improved greatly. Dr. Gill stated that she has been in compliance with her Consent Agreement and enjoys attending meetings. Dr. Gill stated that she also attends Aftercare and she has a sponsor. Dr. Gill felt that she is personally doing well at this point, despite not have a job.

Dr. Gill noted that being terminated from her residency made her unable to renew her J-1 visa, which expired on July 31, 2012. Dr. Gill was given a 30-day bonus period, after which she will have to return to India. Ms. Bickers stated that she and Dr. Gill will discuss how some of the requirements of her Consent Agreement can be tolled so that she does not fall into non-compliance due to her inability to return to the United States soon.

Dr. Steinbergh asked what will happen should Dr. Gill seek a program in India. Dr. Gill responded that she has been thinking about re-applying to residency programs in Ohio once she returns. Dr. Gill stated that she will consult with immigration attorneys regarding when and how long she can return to the United States for testing and interviewing.

Dr. Steinbergh hoped that Dr. Gill will not interrupt her sobriety when she leaves the United States. Dr. Gill stated that she has a good support system in India and she has informed her family of her situation.

Dr. Mahajan asked if Dr. Gill had any issues with alcohol when she lived in India. Dr. Gill replied that she had had no problems with alcohol in India.

Dr. Steinbergh moved to continue Dr. Gill under the terms of her May 9, 2012 Consent Agreement.

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

BRIAN F. GRIFFIN, M.D.

Dr. Griffin was making his initial appearance before the Board pursuant to the terms of his June 13, 2012 Consent Agreement. Ms. Bickers reviewed Dr. Griffin's history with the Board.

Dr. Steinbergh noted that Dr. Griffin has been involved with the Board since the 1990's. Dr. Steinbergh expressed uncertainty as to why the Board continues to give Dr. Griffin chances. Dr. Steinbergh asked Dr. Griffin to describe his recovery and to explain why this time is going to be different from his previous recovery attempts. Dr. Griffin replied that he completed 29 days of treatment at Glenbeigh and is currently in the middle of intensive outpatient care at Cornerstone. Dr. Griffin stated that he attends Alcoholics Anonymous and has a sponsor. Dr. Griffin stated that he is committed to the process and is learning more every day on how to stay in recovery. Dr. Griffin stated that he has come to a new level of understanding that all the things he wants in life can only occur if he stays in recovery.

Dr. Steinbergh asked why Dr. Griffin has relapsed in the past, what the triggers are for his relapses, and why he continues in this pattern. Dr. Griffin stated that he went into treatment in 1992 and stayed sober for a very long time, having relapsed relatively recently. Dr. Griffin stated that his pattern of relapse began with the death of his sponsor.

Dr. Steinbergh asked what Dr. Griffin had been doing professionally prior to his suspension. Dr. Griffin replied that he had been practicing pain management in Hilliard, Ohio. Dr. Steinbergh stated that this is a critical time for Dr. Griffin and that pain management is a "dangerous" profession for a recovery addict. Dr. Steinbergh stated that she has grave concerns about Dr. Griffin's choice to practice pain management. Dr. Steinbergh hoped that Dr. Griffin's recovery will be successful. Dr. Steinbergh stated that if Dr. Griffin cannot maintain sobriety or meet the stipulations of his Consent Agreement, the Board will have to take appropriate action. Dr. Griffin stated that he understands.

Dr. Mahajan asked if Dr. Griffin plans to return to pain management when his license is reinstated. Dr. Griffin responded that he has not yet chosen a path for his future and is focusing on his recovery program. Dr. Griffin stated that he will certainly not return to the solo private practice of pain management.

Dr. Steinbergh moved to continue Dr. Griffin under the terms of his June 13, 2012 Consent Agreement. Dr. Madia seconded the motion. All members voted aye. The motion carried.

HOWARD C. LARKY, D.O.

Dr. Larky was making his initial appearance before the Board pursuant to the terms of the Board's Order of November 9, 2011. Ms. Bickers reviewed Dr. Larky's history with the Board.

Dr. Madia asked how Dr. Larky is doing. Dr. Larky answered that he has recently joined a group in Zanesville practicing cardiac anesthesia. Dr. Madia asked if Dr. Larky's Consent Agreement caused any problems with getting privileges. Dr. Larky stated that credentialing was somewhat of a challenge and was

probably a longer process than it would have been for someone with no issues on their record.

Dr. Steinbergh also asked if Dr. Larky has taken the required patient boundaries course or medical ethics course. Dr. Larky replied that he has completed all his required courses. Dr. Larky also stated that one course had a speaker who said that people need to put up a suit of armor to protect themselves from making bad decisions. Dr. Larky found this to be good advice.

Dr. Steinbergh asked about Dr. Larky's family life. Dr. Larky responded that his family life has been difficult and his divorce was finalized last month after a long process. Dr. Larky's children are 7-years-old and 5-years-old. Dr. Steinbergh asked if Dr. Larky has been able to explain this process to his children. Dr. Larky replied that he will probably wait until they are older.

Dr. Steinbergh stated that a physician with a Board Order like Dr. Larky's has a degree of vulnerability in his practice. Dr. Steinbergh encouraged Dr. Larky to make good choices in his professional life.

Dr. Steinbergh moved to continue Dr. Larky under the terms of the Board's Order of November 9, 2011. Dr. Madia seconded the motion. All members voted aye. The motion carried.

WILLIAM POPOVICH, M.D.

Dr. Popovich was making his initial appearance before the Board pursuant to the terms of his May 9, 2012 Consent Agreement. Ms. Bickers reviewed Dr. Popovich's history with the Board.

Dr. Steinbergh asked about Dr. Popovich's program and how he is maintaining sobriety. Dr. Popovich answered that he attends Aftercare meetings once per week, in addition to three or four support meetings, including Caduceus. Dr. Popovich stated that keeping busy helps with his sobriety. Dr. Popovich stated that he is making plans for the future now that he is able to realize things that he did not realize before.

Dr. Suppan asked Dr. Popovich to expound on his plans. Dr. Popovich replied that he has always wanted to become involved with international healthcare. Last spring, Dr. Popovich began working on a master's program in public health. Dr. Popovich stated that he plans to get involved with Doctors Without Borders, UNICEF, or a similar organization. Dr. Popovich stated that he had lived many years outside the United States and he hoped to get back to the type of lifestyle.

Dr. Suppan asked how Dr. Popovich would sustain his recovery network if he engaged in a lot of international travel. Dr. Popovich answered that there are recovery groups in many countries, as well as other traveling colleagues who are also recovering.

Dr. Steinbergh asked if Dr. Popovich is currently taking medication. Dr. Popovich replied that he is currently taking Wellbutrin. Dr. Steinbergh asked how often Dr. Popovich gets counseling or psychiatric care. Dr. Popovich answered that he sees his psychiatrist once per month. Dr. Steinbergh asked if Dr. Popovich feels the depressive aspects of his illness are under control. Dr. Popovich responded that the depressive aspects are under control.

Dr. Steinbergh moved to continue Dr. Popovich under the terms of his May 9, 2012 Consent Agreement. Mr. Hairston seconded the motion. All members voted aye. The motion carried.

RICK D. ST. ONGE, M.D.

Dr. St. Onge was making his initial appearance before the Board pursuant to the terms of the Board's Order of October 14, 2009. Dr. St. Onge was also requesting approval of Michael J. Subit, M.D., to serve as the monitoring physician, and determination of the number and frequency of charts to be reviewed. Ms. Bickers reviewed Dr. St. Onge's history with the Board.

Dr. Steinbergh asked how long Dr. St. Onge has lived in Columbus. Dr. St. Onge replied that he has lived in Columbus since 2008, before the Board's Order.

Dr. Steinbergh stated that she supports approving Dr. Subit to serve as the monitoring physician, but had some comments about the practice plan Dr. St. Onge has submitted for approval. Dr. Steinbergh stated that because of the Board Order and the underlying basis of the Order, Dr. St. Onge will be vulnerable to accusations. Because of this, Dr. Steinbergh advised Dr. St. Onge to be extremely vigilant in his practice. Dr. Steinbergh stated that Dr. St. Onge should associate well in his community, do everything above-board, and protect himself.

Dr. Steinbergh noted that Dr. St. Onge has applied for privileges at the Medical Center of Newark and the Whitehall Surgery Center. Dr. Steinbergh asked where Dr. St. Onge is in that process. Dr. St. Onge answered that he began the application process two months ago and is going through credentialing with insurance companies.

Dr. Madia asked why Dr. St. Onge is restricting his practice to outpatient surgery and prenatal care only. Dr. St. Onge responded that when he began to fail as a person, he was working a ridiculous number of hours, even up to 110 hours per week. In rehabilitation, Dr. St. Onge learned that for him, working excessive hours is a trigger towards feelings of entitlement. Dr. St. Onge felt that limiting his hours was the best thing for him.

Dr. Steinbergh asked if Dr. St. Onge has had problems obtaining liability insurance. Dr. St. Onge replied that he has obtained liability insurance.

Dr. Steinbergh asked if Dr. St. Onge had any questions for the Board. Dr. St. Onge replied that he has no questions, but appreciated the help he received from Ms. Bickers regarding when to disclose information. Dr. St. Onge stated that he basically discloses everything, even to his nursing staff, though he is not specifically required to do so.

Dr. Steinbergh moved to continue Dr. St. Onge under the terms of the Board's Order of October 14, 2009. Dr. Steinbergh further moved to approve Michael J. Subit, M.D., to serve as Dr. St. Onge's monitoring physician, with 10 charts to be reviewed each month. Dr. Madia seconded the motion. All members voted aye. The motion carried.

DAWN ZACHARIAS, M.D.

Dr. Zacharias was making her initial appearance before the Board pursuant to the terms of the Board's Order of January 11, 2012. Ms. Bickers reviewed Dr. Zacharias' history with the Board.

Dr. Suppan asked what Dr. Zacharias has been doing since her medical license was restored in May. Dr. Zacharias replied that she has been fortunate to return to her previous position practicing allergy medicine at University Hospitals.

Dr. Suppan asked how Dr. Zacharias is doing in her practice. Dr. Zacharias answered that she is coping with her situation very well. Dr. Zacharias stated that she used her time out of practice as a personal growth period. Dr. Zacharias stated that she gained perspective and a great appreciation for her children. Dr. Zacharias also stated that she did a mission trip to Mexico during her time off. Dr. Zacharias stated that since her return, she doesn't rush as much and she makes sure her charts are done at the end of each night. Dr. Zacharias commented that the record keeping course she took has been a big help to her practice.

Dr. Steinbergh asked about Dr. Zacharias' experiences with her online ethics course. Dr. Zacharias stated that she had already taken an in-person personal boundaries course prior to the online course, and found the in-person course to be better. Dr. Zacharias stated that the online course did not provide the opportunity for her to learn helpful techniques and skills face-to-face with educators. Dr. Zacharias stated that she tends to learn better by seeing, touching and doing, rather than by reading a textbook. Dr. Steinbergh thanked Dr. Zacharias for her insight, as the Board often discusses the merits of online versus in-person courses.

Dr. Steinbergh moved to continue Dr. Zacharias under the terms of the Board's Order of January 11, 2012. Dr. Madia seconded the motion. All members voted aye. The motion carried.

ELEASE M. FULGHAM, L.M.T.

Ms. Fulgham was making her final appearance before the Board pursuant to her request for release from the terms of the Board's Order of July 12, 2010. Ms. Bickers reviewed Ms. Fulgham's history with the Board.

Dr. Madia asked if Ms. Fulgham has learned from this experience. Ms. Fulgham replied that she has learned and that this has been an incredible journey. Ms. Fulgham stated that she enjoyed her ethics course very much and was pleased to have engaged with other massage therapists on ethical issues. Ms. Fulgham stated that the core of the course was accountability and taking responsibility.

Dr. Suppan asked if Ms. Fulgham has any thoughts on how to bring her experience in the ethics course back to her community. Ms. Fulgham replied that she already does so through volunteering with her church and with a shelter for people in abusive relationships or recently released from prison.

Ms. Fulgham stated that she has attempted to find employment in the healthcare field, but kept being denied due to the Board Order. Ms. Fulgham stated that she now practices independently with another

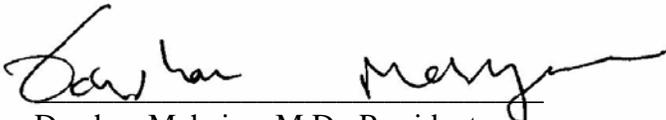
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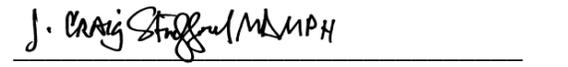
massage therapist and she has about five loyal clients. Ms. Fulgham has also taken a job as a human resources specialist. Dr. Steinbergh advised that the best way to work through the situation is to be honest and forthcoming. Ms. Fulgham agreed. Dr. Suppan advised Ms. Fulgham to stay involved in her community and to maintain a network with other massage therapists.

Dr. Suppan moved to release Ms. Fulgham from the terms of the Board's Order of July 12, 2010. Mr. Hairston seconded the motion. All members voted aye. The motion carried.

Thereupon, at 4:00 p.m., the August 8, 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 August 8, 2012, as approved on September 12, 2012.


Darshan Mahajan, M.D., President


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

(SEAL)



MINUTES**THE STATE MEDICAL BOARD OF OHIO****August 9, 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 M. Steinbergh, D.O., Vice-President; J. Craig Strafford, M.D., Secretary; Mark A. Bechtel, M.D., Supervising Member; Dalsukh Madia, M.D.; W. Frank Hairston; and Marchelle L. Suppan, D.P.M. The following member arrived at a later time: Kris Ramprasad, M.D.. The following members did not attend the meeting: Lance A. Talmage, M.D.; Laurie O. Elsass; and Donald R. Kenney, Sr.

Also present were: Richard Whitehouse, Executive Director; Sallie J. Debolt, General Counsel; Sara Vollmer, Assistant Executive Director; Susan Loe, Assistant Executive Director, Program Management and Operations; William J. Schmidt, Senior Counsel; 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; Barbara Jacobs, Senior Executive Staff Attorney; and Benton Taylor, Executive Assistant to the Executive Director.

ADMINISTRATIVE REPORT

Mr. Whitehouse noted that Mr. Kenney has been reappointed to the Medical Board for a full term. Mr. Whitehouse stated that he currently has no information relative to other Board appointments that are pending.

Mr. Whitehouse stated that on September 13, 2012, there will be an opportunity for ethics training following that day's Board meeting. Mr. Whitehouse stated that all Board members are required to undergo ethics training each year. Any Board members unable to attend will have other opportunities to fulfill this requirement before the end of the year.

Mr. Whitehouse stated that, at the Board's direction, separate meetings have been arranged with the Ohio State Medical Association, the Ohio Osteopathic Association, the Ohio Podiatric Medical Association, and the Academy of Medicine of Cleveland and Northern Ohio to discuss the proposed increase in physician licensure fees. Ms. Loe is developing a presentation and Board members have been arranged to accompany the staff to each meeting. The meetings will occur from the end of August to October 4.

Mr. Whitehouse stated that the Board will have been collecting demographic data for nearly two years in October 2012. Mr. Whitehouse stated that the Federation of State Medical Boards (FSMB) has been working to define a minimal data set. Dr. Talmage has asked Mr. Whitehouse to continue working with the FSMB to encourage other states to adopt the recommendations, which are based on what the State Medical Board of Ohio adopted two years ago. Mr. Whitehouse stated that in October, the Board's

demographic questions will be reviewed and minor changes may be made to align them with the FSMB's recommendations.

Mr. Whitehouse continued that, for the first time, the Board will have demographic data available to anyone who asks for it. Mr. Whitehouse stated that the data in October should provide a clear picture of the physician workforce in Ohio.

Mr. Whitehouse stated that the Board members have been provided with a disk containing the Ohio State Medical Association's webinar on Maintenance of Licensure. Mr. Whitehouse also noted that the Board members have been provided with an article from the Journal of Healthcare Law and Policy, University of Maryland School of Law. The article provides a defense of state-based licensure and was given to Mr. Whitehouse by Dale Alverson, M.D., of the American Telemedicine Association.

Ms. Wehrle stated that, as discussed in the Executive Committee, Rebecca Marshall has been invited to speak at the national meeting of the Citizen Advocacy Center at the end of October. Ms. Marshall will be part of a panel discussion on how regulatory boards work with law enforcement, especially on pill mill issues and other disciplinary matters. Ms. Wehrle stated that the Executive Committee recommended approval of the travel request for Ms. Marshall to attend the meeting in Florida.

Dr. Madia moved to approve the travel request of Ms. Marshall to attend the Citizen Advocacy Center national meeting. Mr. Hairston seconded the motion. All members voted aye. The motion carried.

APPOINTMENT TO MASSAGE THERAPY ADVISORY COMMITTEE

Dr. Steinbergh stated that in the July 2012 Board Meeting, the Board approved her motion to appoint Jan Heppner-McConathy to the Massage Therapy Advisory Committee (MTAC), with Mary Riley as an alternative if Ms. Heppner-McConathy declined. Dr. Steinbergh stated that the names had been inadvertently transposed and that the intent of the Group 2 Committee was that Ms. Riley be appointed, with Ms. Heppner-McConathy as a second choice. Dr. Steinbergh asked the Board to reconsider this topic.

Dr. Steinbergh moved to appoint Mary Riley, L.M.T., to the Board's Massage Therapy Advisory Committee. Dr. Steinbergh further moved that should Ms. Riley decline the appointment, then Jan Heppner-McConathy, L.M.T., should receive the appointment. Mr. Hairston seconded the motion. A vote was taken:

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

The motion 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 member wished to discuss a probationary report or request separately.

Dr. Steinbergh moved to accept the Compliance staff's Reports of Conferences on July 9 & 10, 2012, with: Mohammad A. Adas, M.D.; Robert E. Barkett, Jr., M.D.; John D. Brownlee, M.D.; Carolyn A. Chambers, M.D.; Aimee V. Chappelow, M.D.; William M. Cox, M.D.; Janice Electa Green Douglas, M.D.; Terry A. Dragash, D.O.; Francis E. Dumont, M.D.; Paul E. Duncan, M.D.; Lynne A. Eaton, M.D.; Matthew H. Evenhouse, M.D.; Jackson L. J. Flanigan, M.D.; Peter Fragatos, M.D.; Carey K. Gross, D.O.; Marjorie M. Haas, M.D.; Shane R. Hanzlik, M.D.; Sandra K. Harewood, M.D.; Josh U. Hill, P.A.; Martin R. Hobowsky, D.O.; Kymberly Jacobs, L.M.T.; Sean M. Klepper, M.D.; Bobby C. Lenox, Jr., D.O.; Karen L. Luman, M.T.; Michael C. Macatol, M.D.; Anna M. Marcinow, M.D.; Bruce J. Merkin, M.D.; Kimberly M. Nemeth, D.O.; Leonard G. Quallich, Jr., M.D.; Chris Allen Rhoades, M.D.; Madelyn Sartain, D.O.; Rick Skibicki, M.D.; and Kyle Wayne Stephens, M.D.

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

- To grant Mark E. Blair, M.D.'s request for reduction in probationary appearances to every six months, and reduction in the required drug and alcohol rehabilitation meetings to two per week with a minimum of ten per month;**
- To grant Mark E. Goldsmith, M.D.'s request for reduction in psychiatric sessions to once every six months;**
- To grant Matthew R. Harris, D.O.'s request for discontinuance of the chart review requirement;**
- To grant Kavita A. Kang, D.O.'s request for approval of Margaret S. Hill-Daniels, L.I.C.D.C., to serve as the new mental health professional;**
- To grant James M. Kennen, D.O.'s request for approval of William C. Baughman, M.D., to serve as the new monitoring physician;**
- To grant Elizabeth B. Lottes, D.O.'s request for approval of Jennifer L. Hirsh, M.D., to serve as the new monitoring physician, and reduction in psychiatric sessions from every month to every four months;**
- To grant Adam G. Mace, M.D.'s request for approval of David W. Strem, M.D., to serve as the**

treating psychiatrist, and approval of Kirste L. Carlson, R.N., to serve as the mental health professional;

- To grant Neil A. Salas, M.D.'s request for reduction in probationary appearances to every six months, reduction in the required drug and alcohol rehabilitation meetings to two per week with a minimum of 10 per month, and discontinuance of the controlled substance log; and
- To grant Chad Winfield Ulmer, M.D.'s request for reduction in drug and alcohol rehabilitation meetings to two per week with a minimum of 10 per month, reduction in probationary appearances to every six months, and discontinuance of the controlled substance log.

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

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

The motion carried.

REPORTS BY ASSIGNED COMMITTEES

AD HOC COMMITTEE ON MAINTENANCE OF LICENSURE

Dr. Steinbergh stated that the *Ad Hoc* Committee on Maintenance of Licensure (MOL) continues its discussions of whether MOL is appropriate for Ohio at this time and if it would improve patient care. Dr. Steinbergh repeated the Committee's understanding that MOL is a system of continuous professional development, and that would require all licensees to demonstrate, as a condition of licensure renewal, involvement in lifelong learning that is objective, relevant to practice, and improves care.

Dr. Steinbergh continued that the Committee also discussed the possible need for focused Continuing Medical Education (CME) in certain areas, particularly professionalism. Dr. Steinbergh noted that many probationers for whom the Board requires courses in record-keeping, prescribing, sexual boundaries, or ethics often express gratitude for having taken the courses. The Board engaged in a general discussion of and different ways in which the Board's current CME requirements may be changed, such as altering what percentage of CME's must be Category I or Category II.

Dr. Madia opined that the topic of MOL has been discussed at length for at least a year, with many of the same arguments being repeated. Dr. Madia felt that the Board should make a decision on MOL soon. Mr. Whitehouse opined that more deliberation by the Board on the aspects of an MOL pilot study may be

warranted. Dr. Mahajan suggested that Dr. Steinbergh, as chair of the *Ad Hoc* MOL Committee, list the different aspects of an MOL pilot study so that the Board can discuss it point-by-point.

Dr. Suppan opined that a clear definition of MOL should be established.

Dr. Suppan moved to define Maintenance of Licensure as “a system of continuous professional development that requires all licensed physicians to demonstrate, as a condition for licensure renewal, involvement in life-long learning that is objective, relevant to practice, and improves care.” Mr. Hairston seconded the motion.

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

Dr. Ramprasad opined that the definition offered by Dr. Suppan is already satisfied by the Maintenance of Certification (MOC) programs of the specialty boards, as well as the requirements of the Center for Medicare & Medicaid Services. Dr. Ramprasad opined that the Board should be concerned with minimal standards, but that MOL would define maximum standards for physicians. Dr. Ramprasad expressed concern that MOL will result in yet more paperwork for physicians and take time away from patient care.

The Board engaged in a thorough discussion of MOL and what benefits may or may not be derived from such a program. The Board gave particular consideration on how one might measure whether an MOL program is being effective in improving patient care.

Mr. Whitehouse suggested that, if the Board so wishes, it may suspend the *Ad Hoc* MOL Committee and direct Mr. Whitehouse to develop a plan for an MOL pilot study which the Board can react to, amend, accept, or reject. Dr. Suppan and Dr. Ramprasad agreed that a plan should be developed for the Board’s review. Dr. Suppan opined that the *Ad Hoc* MOL Committee should continue on so that the Board continues to be involved in the process.

Mr. Whitehouse questioned if the Board should adopt a specific definition of MOL at this time, noting that some parts of the definition, though they can be planned for in the future, are not achievable at this time. Dr. Steinbergh opined that Dr. Suppan’s suggested definition is a goal definition, and that achievement of the goal is a different discussion. Mr. Hairston pointed out that the Board can change the definition at any time it desires.

After some continued discussion, a vote was taken on Dr. Suppan’s motion:

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

The motion carried.

Dr. Suppan moved to direct the *Ad Hoc* MOL Committee to work with Mr. Whitehouse to develop an MOL pilot study and present it to the Board for discussion at its October 2012 meeting. Mr. Hairston seconded the motion.

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

Dr. Ramprasad agreed with Dr. Madia's earlier statements that the Board has spent too much time discussing MOL. Dr. Ramprasad stated that he had once considered resigning from the Board because he felt the discussions of MOL were overshadowing other important topics. Dr. Ramprasad stated that the Board should spend more time communicating with the physician community about the Board's positive accomplishments, such as work on the pain management issue.

Dr. Madia agreed with Dr. Ramprasad's sentiments and opined that MOL has overwhelmed the work of the Board and of Mr. Whitehouse. Mr. Whitehouse opined that priorities have been kept in order and stated that the Board may direct him as to whether or not to continue working on MOL.

Dr. Madia stated that he supports Dr. Suppan's motion to have a plan developed by the October Board meeting.

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

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

The motion carried.

REFORMING PRESCRIBING PRACTICES RECOMMENDATIONS

Dr. Strafford stated that the Prescribing Reform Practices Committee has been meeting regularly for nearly a year and is currently headed by Bonnie Kantor-Burman, Director of the Ohio Department of Aging, and Ted Wymyslo, M.D., Director of the Ohio Department of Health. Dr. Strafford noted the following sentence in a recent letter from Ms. Kantor-Burman and Dr. Wymyslo: "One critical area of focus has been identifying where provider education is needed and where appropriate pain management and where rules are needed to assess provider performance."

Dr. Strafford stated that the Committee is proposing rules for prescribing to patients who are not terminally ill. Specifically, if a patient has received an equivalent of 80 mg of morphine-equivalent or greater over a 90-day period, then several additional rules become effective and the physician should pause and consider what is happening to the patient clinically. Also, the following requirements would go into effect:

- Informed consent to the patient that they are at risk of injury from the extended use of the pain medications
- If the patient is using an opiate with a sedative, the patient shall receive informed consent that they are at risk for respiratory depression and death
- If the patient is receiving a Schedule II to Schedule IV product, they must have a pain treatment agreement with the physician
- The patient record must document the 4 “A’s” of pain management: Activities of daily living, Adverse effects, Analgesia, and Aberrant behavior
- The provider must check the patient on the Ohio Automated Rx Reporting System (OARRS) and determine whether the patient has met the threshold of 80 mg morphine equivalents per day as documented in OARRS.
- The provider must perform an appropriate urine drug screen

Dr. Strafford stated that the Committee meets again later in August with the intention to codify these proposed rules and deliver them to the Governor. Dr. Strafford asked for the Board’s input on this topic.

Dr. Madia expressed concern that the Medical Board’s resources will be severely taxed by the additional monitoring these rules would impose on the Board. Dr. Madia suggested that Mr. Whitehouse determine what additional resources the Board would require to comply with the proposed rules. Mr. Whitehouse agreed that the effect on the Board’s resources would be significant, noting that taking action on even 1% of the 70,000 prescriptions written in Ohio would equal 20% of the Board’s current case load. Mr. Whitehouse stated that it has been communicated to the Committee that the Board will need to employ additional resources. In addition, Mr. Whitehouse opined that there should be some sort of filter so that the Board can focus on the true outliers.

Dr. Steinbergh stated that the Executive Committee had discussed what should happen if a patient fails to adhere to a pain agreement he or she has with a physician. The Executive Committee had felt that failure to adhere to the agreement does not necessarily mean that the patient will be dismissed from the practice. Dr. Steinbergh wished to ensure that the proposed rules will not impose a limitation on a physician’s ability to appropriately decide if a patient should or should not be dismissed. Dr. Strafford agreed and opined that some providers will use these rules as an excuse to dismiss patients, thus creating a barrier to access to proper care. Dr. Strafford stated that this would have adverse consequences for society as a whole because many patients will resort to buying heroin on the street.

Dr. Strafford observed that only 3% of prescriptions written in Ohio go to patients who receive more than 80 milli-equivalents of morphine per day. In other words, an entirely new process is being created to address 3% of prescribing. Dr. Strafford felt that this is problematic.

Dr. Steinbergh asked if the Committee is aware of and recognize the Medical Board's pain management rules that are currently in place. Dr. Strafford stated that he has taken copies of the Board's pain management rules to Committee meetings and he has read them into the records of the meetings.

Dr. Mahajan noted that the figure of 70,000 prescriptions written in Ohio includes hospice patients and terminally ill patients. Dr. Strafford agreed and stated that those receiving chronic pain end-of-life care will receive higher doses, but that those prescriptions will not generally continue for 90 days.

Dr. Steinbergh opined that the medications Fentanyl and Tramadol should also be included.

Mr. Schmidt expressed concern that a process may be developed that allows substandard physicians to avoid detection by engaging in "paper compliance" with these rules without checking the results of required screenings merely for the purpose of appearance. Mr. Schmidt stated that the Board's enforcement activities are based on a very small group of outlying physicians who cause problems. Mr. Schmidt opined that the Board should focus on those physicians and not give them an opportunity to avoid their duty to meet the minimal standards of care.

Dr. Strafford asked all Board members to read the Committee's materials and to contact him prior to August 27 with any thoughts or suggestions.

FISCAL REPORT

Ms. Loe stated that the June Fiscal Report has been provided to Board members, which represents the end of Fiscal Year 2012. Ms. Loe noted that in Fiscal Year 2012, the Board spent \$8,500,000.00 and received \$8,800,000.00, leaving the Board's cash balance at just under \$3,000,000.00. As Ms. Loe explained to the Executive Committee, the Board purposely underspent its authority and left positions vacant so that Fiscal Year 2012 would end with a good cash balance. This, in turn, will allow the Board to fill positions in Fiscal Year 2013 and still end the biennium with a good cash balance. Ms. Loe stated that the final draft for the next budget cycle, Fiscal Years 2014 and 2015, must be submitted by September 17, 2012. This will necessitate looking at the cost of maintaining the positions and also relates to the proposed physician licensure fee increase.

Dr. Ramprasad asked how other agencies affect the Board's budget process. Ms. Loe replied that the Board's budget is submitted to the Office of Management and Budget; the legislature and the Governor's office also play a role in determining the Board's final budget for a fiscal year. If an adjustment to the budget is needed due to unforeseen circumstances, approval is sought from the Controlling Board.

Dr. Madia noted that the spending projections and some other figures in today's report differ somewhat from those that had been presented to the *Ad Hoc* Budget Review Committee earlier in the year. Mr. Whitehouse explained that the figures presented to the Ad Hoc Committee were projections based on information available at that time and certain assumptions that had been offered. However, subsequent decisions altered the assumptions and have resulted in a somewhat better position than had been projected. Mr. Whitehouse stated that Ms. Loe is working on a new document which will include new assumptions and new projections.

Dr. Madia noted that the presentation that Ms. Loe had prepared for the Ad Hoc Committee regarding licensure fees should be updated to reflect the new figures. Mr. Whitehouse stated that Ms. Loe is already in the process of updating the presentation. Ms. Loe stated that she will send the Board members a draft of a new presentation in a couple of weeks.

LICENSURE UPDATE

Ms. Vollmer stated that next month she will report on data regarding the likely time it would take to approve an application and license the applicant if approval by the full Board was not necessary.

Ms. Vollmer reported that the licensure time for June was about four days above target. Ms. Vollmer stated that this is not unexpected, as June is the busiest month for licensure and some of the staff had been out. Ms. Vollmer expected the licensure time to be reduced in the near future. Ms. Vollmer also stated that the licensure time for applications with complaints attached has declined.

APPLICATION FOR CERTIFICATE OF CONCEDED EMINENCE

Ms. Vollmer stated that the legislation authorizing the Certificate of Conceded Eminence will become effective on September 6, 2012. Therefore, a draft application for that Certificate has been developed for approval by the Board. To create an application form for this certificate, Ms. Vollmer modified the Clinical Research Faculty Certificate application to reflect the different requirements of the Certificate of Conceded Eminence. Ms. Vollmer briefly reviewed the modifications. Ms. Vollmer particularly noted the list of unique talents and abilities which the applicant will have to demonstrate through affidavit and supporting documentation; at least four such talents and abilities are required to be eligible for the Certificate of Conceded Eminence.

Dr. Madia moved to approve the draft application for the Certificate of Conceded Eminence as presented. Dr. Steinbergh seconded the motion.

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

Dr. Ramprasad stated that Dr. Steinbergh had raised a concern regarding use of the term “admissions monitoring” on the application. Dr. Steinbergh stated that question #2 asks, “Have you ever been warned, censured, disciplined, had admissions monitored, had privileges limited...” Dr. Steinbergh noted that when physicians first join the staff of an institution, it is common to routinely monitor their admissions for period of time. Dr. Mahajan suggested that the application be clarified to ask if the physician has ever had admissions monitored due to disciplinary action. Dr. Steinbergh agreed.

Ms. Vollmer stated that if the Board accepts the draft application, she intends to review it for any revisions that may be needed. This would ensure that an application is ready for early applicants and give the staff time to develop appropriate language.

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

APPLICATION FOR VISITING CLINICAL PROFESSIONAL DEVELOPMENT CERTIFICATE

Ms. Vollmer stated that the legislation authorizing the Visiting Clinical Professional Development Certificate will become effective on September 6, 2012. To create an application form for this certificate, Ms. Vollmer modified the Clinical Research Faculty Certificate application to reflect the different requirements of the Visiting Clinical Professional Development Certificate. Ms. Vollmer briefly reviewed the modifications.

Dr. Madia moved to approve the draft application for the Visiting Clinical Professional Development Certificate as presented. Dr. Steinbergh seconded the motion. All members voted aye. The motion carried.

LICENSURE APPLICATION REVIEWSJONATHAN ALSPAUGH, M.D.

Ms. Rieve stated that Dr. Alspaugh put his Ohio medical license into Emeritus status in 2010 and would now like to return to the practice of medicine. Ms. Rieve noted that Dr. Alspaugh left medical practice less than two years ago.

Dr. Madia moved to approve Dr. Alspaugh's request for an active medical license as presented. Dr. Bechtel seconded the motion. A vote was taken:

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

The motion carried.

SUSAN KLEIN, M.D.

Ms. Rieve stated that Dr. Klein has applied for restoration of her Ohio medical license. Dr. Klein has not engaged in the clinical practice of medicine since July 2009 and holds lifetime certification in pediatrics and pediatric hematology.

Dr. Madia stated that the Committee recommends approval of Dr. Klein's request for restoration, provided she passes the SPEX examination or recertification in pediatrics or pediatric hematology.

Dr. Madia moved to approve Dr. Klein's request for restoration of her Ohio medical license pending successful completion of the Special Purpose Examination (SPEX) or recertification in pediatrics or pediatric hematology. Dr. Steinbergh seconded the motion. A vote was taken:

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

The motion carried.

YOLANDA MOORE-FORBES, M.D.

Ms. Weaver stated that Dr. Moore-Forbes has not been engaged in the clinical practice of medicine since 2003, when she retired due to symptoms of multiple sclerosis. Dr. Moore-Forbes' Pennsylvania medical license is in Active-Retired status. Dr. Moore-Forbes has held certification from the American Board of Pediatrics (ABP) since 1992 and was recertified in 2009. Dr. Moore-Forbes' current ABP certification expires on December 31, 2015. Ms. Weaver stated that Dr. Moore-Forbes' treating physician has sent a letter to the Board opining that her condition does not prevent her ability to practice medicine at this time.

Dr. Madia stated that the Committee recommends granting Dr. Moore-Forbes' request for licensure.

Dr. Madia moved to approve Dr. Moore-Forbes' request for Ohio licensure as presented. Dr. Steinbergh seconded the motion. A vote was taken:

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

The motion carried.

ROBERT S. WHITE, M.D.

Ms. Weaver stated that Dr. White has not been engaged in the clinical practice of medicine since 2002, having been employed in administrative positions since that time. Dr. White has taken a position with the

Cleveland Clinic and holds the title of Senior IT Executive-Medical Operations, a role that could potentially allow for some clinical practice in the future. Ms. Weaver stated that Dr. White is currently licensed in Illinois. Dr. White has held certification from the American Board of Family Medicine (ABFM) since 1987 and was re-certified in 2008. Dr. White's current ABFM certification expires on December 31, 2015.

Dr. Madia voiced the Committee's recommendation that Dr. White's application for licensure be approved.

Dr. Madia moved to approve Dr. White's request for Ohio licensure as presented. Mr. Hairston seconded the motion. A vote was taken:

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

The motion carried.

LEGISLATIVE UPDATES

Draft Language Concerning Issuance of M.D./D.O. Licenses: Mr. Whitehouse stated that Mr. Miller has crafted language concerning the issuance of M.D. and D.O. licenses, pursuant to the Board's discussion in July 2012. Dr. Strafford stated that the goal of the draft language is to improve the speed and efficiency of the licensure process.

Dr. Strafford stated that current law requires that licenses be granted by an affirmative vote of six members of the Medical Board. The draft language would grant the Board authority to adopt rules, in accordance with Chapter 119 of the Ohio Revised Code, to implement the section. Dr. Strafford stated that the goal is for licensure to remain under the control of the Board and not become a purely administrative function, but to invest the authority to grant licensure for "clean" applications in the Secretary and/or Supervising Member or other person designated by the Board. Dr. Strafford noted that this is an ongoing project.

Dr. Mahajan stated that Ms. Vollmer will provide statistics at a later meeting on how many applicants will be affected by the proposed change.

Health Policy Institute of Ohio Telemedicine Conference: Mr. Whitehouse noted that Dr. Strafford and Mr. Miller attended Health Policy Institute of Ohio Telemedicine Conference on July 25, 2012, and made a presentation. Dr. Strafford stated that during the presentation, he and Mr. Miller emphasized four issues. First, those creating rules regarding telemedicine should appreciate the importance of ensuring that the minimal standards of care are met. Second, care rendered via telemedicine should include a differential

diagnosis and a treatment plan. Third, telemedicine could lead to fragmentation of care and have a negative effect on coordination of care with other providers. Lastly, there will be a need for a common patient identifier as telemedicine becomes more prevalent.

Dr. Strafford continued that he and Mr. Miller will attend a follow-up meeting on September 26, 2012.

Mr. Whitehouse commented that the delivery of healthcare is changing dramatically, leading some to advocate for national licensure. Mr. Whitehouse anticipated that in the near future, he will present a concept of how the Board might address licensure as it relates to telemedicine. Dr. Steinbergh opined that the issue of telemedicine should always be viewed in terms of patient protection and ensuring patients that the State Medical Board of Ohio can take disciplinary action on physicians when necessary.

LETTER TO FREDERICK M. GOLDMAN, M.D.

Dr. Steinbergh stated that she had previously suggested that Dr. Goldman, from whom the Board accepted a Voluntary Permanent Surrender at Wednesday's meeting, receive a letter from the Board recognizing his long years of service. Dr. Steinbergh noted that the Board has already sent Dr. Goldman a congratulatory letter in December 2011 on the occasion of his 100th birthday. The letter read, in part, "On behalf of the State Medical Board of Ohio, we recognize December 12 as a very special day and send you our very best wishes for a happy 100th birthday, Dr. Goldman. We are pleased to let you know that you have the distinction of being Ohio's oldest licensed physician with an active medical practice. The Medical Board appreciates your lifelong dedication to providing care to patients."

Dr. Steinbergh opined that the December 2012 letter appropriately recognized Dr. Goldman's service to the people of the state of Ohio.

Thereupon at 10:10 a.m., the August 9, 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 August 8-9, 2012, as approved on September 12, 2012.