MINUTES

THE STATE MEDICAL BOARD OF OHIO

December 12, 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.; Marchelle L. Suppan, D.P.M.; Kris Ramprasad, M.D.; Laurie O. Elsass; Donald R. Kenney, Sr.; and Michael Gonidakis.

Also present were: Kimberly Anderson, Interim 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, Dan Zinsmaster, and Cheryl Pokorny, Enforcement Attorneys; Kyle Wilcox and Melinda Snyder, Assistant Attorneys General; Gregory Porter, Acting Chief Hearing Examiner; Danielle Blue, Hearing Examiner; Gary Holben, Operations Administrator; 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.

MINUTES REVIEW

Dr. Steinbergh moved to approve the draft minutes of the November 14-15, 2012, Board meeting, as written. Dr. Madia 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. Bechtel seconded the motion. A vote was taken:

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

Mr. Kenney	- aye
Mr. Gonidakis	- aye

The motion carried.

Pursuant to Section 121.22(G)(3), Ohio Revised Code, the Board went into executive session at 1:02 p.m., with Ms. Anderson, Ms. Loe, Ms. Debolt, Ms. Wehrle, Ms. Marshall, the Enforcement Attorneys, the Assistant Attorneys General, Ms. Bickers, Ms. Jones, 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 massage therapy applicants listed in Exhibit "C," the acupuncturist applicants listed in Exhibit "D," and the anesthesiologist assistant applicants listed in Exhibit "E." Dr. Madia seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Dr. Suppan	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Ms. Elsass	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- 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: Robin Lynn Formick; Gregory Edward Furness, P.A.; Carol Elizabeth Hechmer; and Michael James Oser.

A roll call was taken:

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Dr. Suppan	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye
	Ms. Elsass	- 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
	Dr. Suppan	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye
	Ms. Elsass	- 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 matters before the Board today, Dr. Strafford served as Secretary, Dr. Bechtel served as Supervising Member, and Dr. Talmage served as Secretary and/or Acting 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.

ROBIN LYNN FORMICK, Case No. 11-CRF-108

Dr. Mahajan directed the Board's attention to the matter of Robin Lynn Formick. He advised that no

objections were filed to Ms. Blue's Report and Recommendation.

Dr. Steinbergh moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Robin Lynn Formick. Dr. Madia seconded the motion.

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

Dr. Ramprasad stated that Ms. Formick has applied for a license to practice massage therapy in Ohio and her application is currently pending. Ms. Formick had previously worked as a licensed clinical counselor in Ohio and is currently employed working with developmentally disabled individuals.

Dr. Ramprasad stated that on September 22, 2008, Ms. Formick pleaded guilty to and was found guilty of disorderly conduct in Portage County Municipal Court. As a result, Ms. Formick was ordered by the court to surrender her professional clinical counselor license. After sentencing, Ms. Formick's indictment was dismissed with no objection from the prosecutor. The official records pertaining to the case were sealed and the conviction was expunged in 2010. Ms. Formick testified that she learned from her experience. Dr. Ramprasad noted the receipt of letters in support of Ms. Formick.

Dr. Ramprasad stated that although Ms. Formick had had problems in the past, an exact description of what occurred is not available. Dr. Ramprasad also stated that the matter is not trivial, noting that Ms. Formick was convicted of a misdemeanor and she was compelled to surrender her counselor license. Given these facts, Dr. Ramprasad supported the Proposed Order to grant Ms. Formick a license to practice massage therapy, suspend that license for a period of not less than 180 days, establish terms for reinstatement, and establish probationary terms for a minimum of three years.

Dr. Mahajan opined that because the criminal act occurred a long time ago and was expunged, Ms. Formick's massage therapy license should be eligible for reinstatement following the completion of the ethics courses required under the terms for reinstatement. Dr. Suppan agreed and opined that there is no point in keeping Ms. Formick's license suspended for 180 days. Dr. Suppan speculated that Ms. Formick's conviction would not have been expunged unless she had established a pattern of good conduct. Dr. Suppan stated that people should be able to turn their lives around and function in a professional capacity.

Dr. Steinbergh stated that she is gravely concerned when a professional loses his or her license. Dr. Steinbergh stated that she supports the Proposed Order as written, noting the Ms. Formick herself also agreed to those terms.

Dr. Suppan moved to amend the Proposed Order to remove the phrase "but not less than 180 days" from Paragraph A. Dr. Madia seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Suppan	- aye
	Dr. Ramprasad	- nay
	Dr. Steinbergh	- nay

Dr. Mahajan	- aye
Dr. Madia	- nay
Dr. Talmage	- abstain
Ms. Elsass	- nay
Mr. Kenney	- aye
Mr. Gonidakis	- aye

The motion to amend did not carry.

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

ROLL CALL:

Dr. Strafford	- abstain
Dr. Bechtel	- abstain
Dr. Suppan	- aye
Dr. Ramprasad	- aye
Dr. Steinbergh	- aye
Dr. Mahajan	- aye
Dr. Madia	- aye
Dr. Talmage	- abstain
Ms. Elsass	- aye
Mr. Kenney	- nay
Mr. Gonidakis	- aye

The motion to approve carried.

GREGORY EDWARD FURNESS, P.A., Case No. 11-CRF-084

Dr. Mahajan directed the Board's attention to the matter of Gregory Edward Furness, P.A. He advised that objections were filed and were previously distributed to Board members. Mr. Porter was the Hearing Examiner.

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

Mr. Furness was represented by his attorney, James McGovern.

Mr. McGovern stated that Mr. Furness had intended to appear before the Board today. However, Mr. Furness was unable to attend due to unforeseen circumstances. Consequently, Mr. McGovern stated that Mr. Furness would like to withdraw his request to address the Board.

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

Dr. Madia moved to approve and confirm Mr. Porter's Findings of Fact, Conclusions of Law, and

Proposed Order in the matter of Gregory Edward Furness, P.A. Dr. Steinbergh seconded the motion.

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

Dr. Steinbergh stated that Mr. Furness allegedly made false statements on his August 2003 application for a license to practice as a physician assistant in Ohio, as well as on his February 2010 application for renewal of that license. Dr. Steinbergh stated that the South Carolina State Board of Medical Examiners took action against Mr. Furness' license in that state after he was diagnosed with cannabis abuse by the Palmetto Health Behavioral Care Addiction Recovery Center in Columbia, South Carolina. Since that time, Mr. Furness has undergone recovery and appears to be doing well.

Dr. Steinbergh continued that Mr. Furness was forthcoming at his hearing and that the Hearing Examiner was impressed with his ability to take responsibility for his actions. Dr. Steinbergh offered an amendment to the Proposed Order which clarifies that if Mr. Furness relocates to Ohio, he must initiate drug and alcohol treatment within 30 days of the relocation and fulfill the other stipulations of the interim monitoring conditions.

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

It is hereby ORDERED that:

A. **SUSPENSION OF CERTIFICATE**: The certificate of Gregory Edward Furness, P.A., to practice as a physician assistant in the State of Ohio shall be SUSPENDED for a period of 30 days.

B. **NON-PERMANENT LIMITATION/RESTRICTION; RELOCATION TO OHIO; ADDITIONAL SUSPENSION**: Upon the date that this Order becomes effective, the certificate of Mr. Furness to practice as a physician assistant in the State of Ohio shall be LIMITED and RESTRICTED as follows: In the event that Mr. Furness relocates to Ohio, he shall immediately notify the Board in writing. Mr. Furness' written notification shall be received in the Board's offices no later than 15 days prior to Mr. Furness relocating to Ohio.

   Upon the Board's receipt of Mr. Furness' notification of relocation to Ohio, the non-permanent limitation shall expire. Thereupon, the certificate of Mr. Furness to practice as a physician assistant in the State of Ohio shall be SUSPENDED for an indefinite period of time.

C. **INTERIM MONITORING**: During the period that Mr. Furness' certificate to practice as a physician assistant in Ohio is indefinitely suspended, Mr. Furness shall comply with the following terms, conditions, and limitations:

   1. **Obey the Law**: Mr. Furness shall obey all federal, state, and local laws, and all rules governing the practice of physician assisting in Ohio.

2. **Declarations of Compliance**: Mr. Furness shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which this Order becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

3. **Evidence of Compliance with the July 2011 Amended Order of the South Carolina Board**: At the time he submits his declarations of compliance, Mr. Furness shall also submit declarations under penalty of Board disciplinary action and/or criminal prosecution stating whether he has complied with all the terms, conditions, and limitations imposed by the South Carolina Board in its July 2011 Amended Order. Moreover, Mr. Furness shall cause to be submitted to the Board copies of any reports that he submits to the South Carolina Board whenever and at the same time the South Carolina Board requires such submission.

4. **Notification of Change in Terms of Probation by the South Carolina Board**: Mr. Furness shall immediately notify the Board in writing of any modification or change to any term, condition, or limitation imposed by the South Carolina Board in its July 2011 Amended Order, including termination of the order.

5. **Personal Appearances**: Mr. Furness shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective, or as otherwise directed by the Board. Subsequent personal appearances shall occur every three months thereafter, and/or as otherwise directed by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

6. **Sobriety**

   a. **Abstention from Drugs**: Mr. Furness shall abstain completely from the personal use or personal possession of drugs, except those prescribed, dispensed, or administered to him by another so authorized by law who has full knowledge of Mr. Furness' history of chemical dependency and/or abuse and who may lawfully prescribe for him (for example, a physician who is not a family member).

      Further, in the event that Mr. Furness is so prescribed, dispensed, or administered any controlled substance or tramadol, Mr. Furness shall notify the Board in writing within seven days, providing the Board with the identity of the prescriber, the name of the drug Mr. Furness received, the medical purpose for which he received the drug, the date the drug

was initially received, and the dosage, amount, number of refills, and directions for use.

Further, within 30 days of the date the drug is so prescribed, dispensed, or administered to him, Mr. Furness shall provide the Board with either a copy of the written prescription or other written verification from the prescriber, including the dosage, amount, number of refills, and directions for use.

b. **Abstention from Alcohol**: Mr. Furness shall abstain completely from the use of alcohol.

7. **Assessment; Initiate Drug/Alcohol Treatment**: Within 30 days of Mr. Furness relocating to Ohio, or as otherwise approved by the Board, Mr. Furness shall submit to a drug/alcohol assessment and any appropriate drug/alcohol treatment, as determined by an informed assessment of his current needs. Such assessment and treatment shall be provided by a treatment provider approved under Section 4731.25, Ohio Revised Code, for treatment of drug and/or alcohol dependency or abuse.

Prior to the assessment, Mr. Furness shall furnish the approved treatment provider copies of the Board's Summary of the Evidence, Findings of Fact, and Conclusions of Law, and any other documentation from the hearing record that the Board may deem appropriate or helpful to the treatment provider. Within ten days after the completion of the assessment, or as otherwise determined by the Board, Mr. Furness shall cause a written report to be submitted to the Board from the treatment provider that shall include, to the extent applicable, the following:

a. **A statement setting forth the treatment provider's determination of the length of time of Mr. Furness' documented continuous sobriety at the time of his relocation to Ohio. Mr. Furness shall execute any releases deemed necessary by the treatment provider to obtain the information it requires to make this determination;**

b. A detailed plan of recommended treatment based upon the treatment provider's informed assessment of Mr. Furness' current needs;

c. A statement indicating whether Mr. Furness entered into or commenced the recommended treatment program within 48 hours of its determination;

d. A copy of a treatment contract signed by Mr. Furness establishing the terms of treatment and aftercare, including any required supervision or restrictions on practice during treatment or aftercare; and

e. A statement indicating that the treatment provider will immediately report to the Board any failure by Mr. Furness to comply with the terms of the treatment contract during inpatient or outpatient treatment or aftercare.

8. **Drug and Alcohol Screens; Drug Testing Facility and Collection Site**

a. Mr. Furness shall submit to random urine screenings for drugs and alcohol at least four times per month, or as otherwise directed by the Board. Mr. Furness shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug-testing panel utilized must be acceptable to the Secretary of the Board, and shall include Mr. Furness' drug(s) of choice.

b. Mr. Furness shall submit, at his expense and on the day selected, urine specimens for drug and/or alcohol analysis. (The term "toxicology screen" is also used herein for "urine screen" and/or "drug screen.")

All specimens submitted by Mr. Furness shall be negative, except for those substances prescribed, administered, or dispensed to him in conformance with the terms, conditions and limitations set forth in this Order.

Refusal to submit such specimen, or failure to submit such specimen on the day he is selected or in such manner as the Board may request, shall constitute a violation of this Order.

c. Mr. Furness shall abstain from the use of any substance that may produce a positive result on a toxicology screen, including the consumption of poppy seeds or other food or liquid that may produce a positive result on a toxicology screen.

Mr. Furness shall be held to an understanding and knowledge that the consumption or use of various substances, including but not limited to mouthwashes, hand-cleaning gels, and cough syrups, may cause a positive toxicology screen, and that unintentional ingestion of a substance is not distinguishable from intentional ingestion on a toxicology screen, and that, therefore, consumption or use of substances that may produce a positive result on a toxicology screen is prohibited under this Order.

d. All urine screenings for drugs and alcohol shall be conducted through a Board-approved drug-testing facility and Board-approved collection site pursuant to the global contract between the approved facility and the

Board, which provides for the Board to maintain ultimate control over the urine-screening process and to preserve the confidentiality of positive screening results in accordance with Section 4731.22(F)(5), Ohio Revised Code. The screening process for random testing shall require a daily call-in procedure. Further, in the event that the Board exercises its discretion, as provided in Paragraph C.9, below ("Alternative Drug-testing Facility and/or Collection Site"), to approve urine screenings to be conducted at an alternative drug-testing facility, collection site, and/or supervising physician, such approval shall be expressly contingent upon the Board's retaining ultimate control over the urine-screening process in a manner that preserves the confidentiality of positive screening results.

e. Within 30 days of Mr. Furness relocating to Ohio, Mr. Furness shall enter into the necessary financial and/or contractual arrangements with the Board-approved drug-testing facility and/or collection site ("DFCS") in order to facilitate the screening process in the manner required by this Order.

   Further, within 30 days of making such arrangements, Mr. Furness shall provide to the Board written documentation of completion of such arrangements, including a copy of any contract entered into between Mr. Furness and the Board-approved DFCS. Mr. Furness' failure to timely complete such arrangements, or failure to timely provide written documentation to the Board of completion of such arrangements, shall constitute a violation of this Order.

f. Mr. Furness shall ensure that the urine-screening process performed through the Board-approved DFCS requires a daily call-in procedure, that the urine specimens are obtained on a random basis, and that the giving of the specimen is witnessed by a reliable person.

   In addition, Mr. Furness and the Board-approved DFCS shall ensure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening result.

g. Mr. Furness shall ensure that the Board-approved DFCS provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Order, and whether all urine screens have been negative.

h. In the event that the Board-approved DFCS becomes unable or unwilling to serve as required by this Order, Mr. Furness shall immediately notify the Board in writing, and make arrangements

acceptable to the Board, pursuant to Paragraph C.9, below, as soon as practicable. Mr. Furness shall further ensure that the Board-approved DFCS also notifies the Board directly of its inability to continue to serve and the reasons therefor.

i. The Board, in its sole discretion, may withdraw its approval of any DFCS in the event that the Secretary and Supervising Member of the Board determine that the DFCS has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

9. **Alternative Drug-testing Facility and/or Collection Site**: It is the intent of this Order that Mr. Furness shall submit urine specimens to the Board-approved DFCS chosen by the Board. However, in the event that using the Board-approved DFCS creates an extraordinary hardship on Mr. Furness, as determined in the sole discretion of the Board, then, subject to the following requirements, the Board may approve an alternative DFCS or a supervising physician to facilitate the urine-screening process for Mr. Furness.

a. Within 30 days of the date on which Mr. Furness is notified of the Board's determination that utilizing the Board-approved DFCS constitutes an extraordinary hardship on Mr. Furness, he shall submit to the Board in writing for its prior approval the identity of either an alternative DFCS or the name of a proposed supervising physician to whom Mr. Furness shall submit the required urine specimens.

In approving a facility, entity, or an individual to serve in this capacity, the Board will give preference to a facility located near Mr. Furness' residence or employment location, or to a physician who practices in the same locale as Mr. Furness. Mr. Furness shall ensure that the urine-screening process performed through the alternative DFCS or through the supervising physician requires a daily call-in procedure, that the urine specimens are obtained on a random basis, and that the giving of the specimen is witnessed by a reliable person. In addition, Mr. Furness shall ensure that the alternative DFCS or the supervising physician maintains appropriate control over the specimen and immediately informs the Board of any positive screening result.

b. Mr. Furness shall ensure that the alternative DFCS or the supervising physician provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Order, and whether all urine screens have been negative.

c. In the event that the designated alternative DFCS or the supervising physician becomes unable or unwilling to so serve, Mr. Furness shall immediately notify the Board in writing. Mr. Furness shall further ensure that the previously designated alternative DFCS or the supervising physician also notifies the Board directly of the inability to continue to serve and the reasons therefor. Further, in the event that the approved alternative DFCS or supervising physician becomes unable to serve, Mr. Furness shall, in order to ensure that there will be no interruption in his urine-screening process, immediately commence urine screening at the Board-approved DFCS chosen by the Board, until such time, if any, that the Board approves a different DFCS or supervising physician, if requested by Mr. Furness.

d. The Board, in its sole discretion, may disapprove any entity or facility proposed to serve as Mr. Furness' designated alternative DFCS or any person proposed to serve as his supervising physician, or may withdraw its approval of any entity, facility or person previously approved to so serve in the event that the Secretary and Supervising Member of the Board determine that any such entity, facility or person has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

e. For purposes of this Order, the "supervising physician" specified in this paragraph is not necessarily a physician identified in the physician assistant supervisory plan(s) under which Mr. Furness is practicing as a physician assistant.

10. **Reports Regarding Drug and Alcohol Screens**: All screening reports required under this Order from the Board-approved DFCS, the alternative DFCS and/or supervising physician must be received in the Board's offices no later than the due date for Mr. Furness' declarations of compliance. It is Mr. Furness' responsibility to ensure that reports are timely submitted.

11. **Additional Screening Without Prior Notice**: Upon the Board's request and without prior notice, Mr. Furness shall provide a specimen of his blood, breath, saliva, urine, and/or hair for screening for drugs and alcohol, for analysis of therapeutic levels of medications that may be prescribed for Mr. Furness, or for any other purpose, at Mr. Furness' expense. Mr. Furness' refusal to submit a specimen upon the request of the Board shall result in a minimum of one year of actual license suspension. Further, the collection of such specimens shall be witnessed by a representative of the Board, or another person acceptable to the Secretary and Supervising Member of the Board.

12. **Rehabilitation Program**: Mr. Furness shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or C.A., no less than three times per week, or as otherwise ordered by the Board. Substitution of any other specific program must receive prior Board approval.

    Mr. Furness shall submit acceptable documentary evidence of continuing compliance with this program, including submission to the Board of meeting attendance logs, which must be received in the Board's offices no later than the due date for Mr. Furness' declarations of compliance.

13. **Releases**: Mr. Furness shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Mr. Furness' chemical dependency and/or related conditions, or for purposes of complying with this Order, whether such treatment or evaluation occurred before or after the effective date of this Order. To the extent permitted by law, the above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43, Ohio Revised Code, and are confidential pursuant to statute.

    Mr. Furness shall also provide the Board written consent permitting any treatment provider from whom he obtains treatment to notify the Board in the event Mr. Furness fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Order.

14. **Absences from Ohio:** Mr. Furness shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the suspension/probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed. Further, the Secretary and Supervising Member of the Board shall have the discretion to waive part or all of the monitoring terms set forth in this Order for occasional periods of absence of 14 days or less.

    In the event that Mr. Furness resides and/or is employed at a location that is within 50 miles of the geographic border of Ohio and a contiguous state, Mr. Furness may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Mr. Furness is otherwise able to maintain full compliance with all other terms, conditions and limitations set forth in this Order.

15. **Required Reporting of Change of Address**: Mr. Furness shall notify the Board in writing of any change of residence address and/or principal practice address within 30 days of the change.

D. **CONDITIONS FOR REINSTATEMENT OR RESTORATION**: The Board shall not consider reinstatement or restoration of Mr. Furness' certificate to practice as a physician assistant in the State of Ohio until all of the following conditions have been met:

1. **Application for Reinstatement or Restoration**: Mr. Furness shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.

2. **Compliance with Interim Conditions**: Mr. Furness shall have maintained compliance with all the terms and conditions set forth in Paragraph C of this Order.

3. **Certification of Compliance with the July 2011 Amended Order of the South Carolina Board**: At the time he submits his application for reinstatement or restoration, Mr. Furness shall submit to the Board certification from the South Carolina Board, dated no earlier than 60 days prior to Mr. Furness' application for reinstatement or restoration, that Mr. Furness has maintained full compliance with the July 2011 Amended Order of the South Carolina Board.

4. **Personal/Professional Ethics Course(s)**: At the time he submits his application for reinstatement or restoration, or as otherwise approved by the Board, Mr. Furness shall provide acceptable documentation of successful completion of a course or courses dealing with personal/professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee.

   In addition, at the time Mr. Furness submits the documentation of successful completion of the course(s) dealing with personal/professional ethics, he shall also submit to the Board a written report describing the course(s), setting forth what he learned from the course(s), and identifying with specificity how he will apply what he has learned to his practice of physician assisting in the future.

5. **Demonstration of Ability to Resume Practice**: Mr. Furness shall demonstrate to the satisfaction of the Board that he can practice in compliance with acceptable and prevailing standards of care. Such demonstration shall include but shall not be limited to the following:

   a. **If the treatment provider determined that Mr. Furness has documented continuous sobriety for less than one year, as set forth in Paragraph C.7.a, above**: Certification from a treatment provider approved under Section 4731.25, Ohio Revised Code, that Mr. Furness

has successfully completed a minimum of 28 days of inpatient/residential treatment for chemical dependency/abuse at a treatment provider approved by the Board.

If the treatment provider determined that Mr. Furness has documented continuous sobriety for one year or more, as set forth in Paragraph C.7.a, above: Certification from a treatment provider approved under Section 4731.25, Ohio Revised Code, that Mr. Furness has successfully completed any required inpatient treatment.

b. Evidence of continuing full compliance with an aftercare contract with a treatment provider approved under Section 4731.25, Ohio Revised Code. Such evidence shall include, but shall not be limited to, a copy of the signed aftercare contract. The aftercare contract must comply with Rule 4731-16-10, Ohio Administrative Code.

c. Evidence of continuing full compliance with this Order.

d. Two written reports indicating that Mr. Furness' ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care, with respect to chemical dependency/abuse.

The reports shall have been made by physicians knowledgeable in the area of addictionology and who are either affiliated with a current Board-approved treatment provider or otherwise have been approved in advance by the Board to provide an assessment of Mr. Furness. Further, the two aforementioned physicians shall not be affiliated with the same treatment provider or medical group practice. Prior to the assessments, Mr. Furness shall provide the assessors with copies of patient records from any evaluation and/or treatment that he has received, and a copy of this Order. The reports of the assessors shall include any recommendations for treatment, monitoring, or supervision of Mr. Furness, and any conditions, restrictions, or limitations that should be imposed on Mr. Furness' practice. The reports shall also describe the basis for the assessor's determinations.

All reports required pursuant to this paragraph shall be based upon examinations occurring within the three months immediately preceding any application for reinstatement or restoration. Further, at the discretion of the Secretary and Supervising Member of the Board, the Board may require an updated assessment and report if the Secretary and Supervising Member determine that such updated assessment and report is warranted for any reason.

6. **Additional Evidence of Fitness To Resume Practice**: In the event that Mr. Furness has not been engaged in the active practice of physician assisting for a period in excess of two years prior to application for reinstatement or restoration, the Board may exercise its discretion under Section 4730.28, Ohio Revised Code, to require additional evidence of his fitness to resume practice.

E. **PROBATION**: The certificate of Mr. Furness to practice as a physician assistant in the State of Ohio shall be subject to the following PROBATIONARY terms, conditions, and limitations. **The duration of Mr. Furness' probation will depend upon the length of the period of Mr. Furness' documented continuous sobriety as set forth in Paragraph C.7.a:**

- If Mr. Furness has documented continuous sobriety for a period of zero to less than two years, he shall be subject to the following terms and conditions for at least five years.

- If the treatment provider determines that Mr. Furness has documented continuous sobriety for a period of two to less than five years, he shall be subject to the following terms and conditions for at least three years.

- If the treatment provider determines that Mr. Furness has documented continuous sobriety for a period of five years or more, he shall be subject to the following terms and conditions for at least one year.

1. **Terms, Conditions, and Limitations Continued from Suspension Period**: Mr. Furness shall continue to be subject to the terms, conditions, and limitations specified in Paragraph C of this Order.

2. **Tolling of Probationary Period While Out of Compliance**: In the event Mr. Furness is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.

F. **TERMINATION OF PROBATION**: Upon successful completion of probation, as evidenced by a written release from the Board, Mr. Furness' certificate will be fully restored.

G. **VIOLATION OF THE TERMS OF THIS ORDER**: If Mr. Furness violates the terms of this Order in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.

H. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER**:

1. **Required Reporting to Employers and Others**: Within 30 days of the effective date of this Order, Mr. Furness shall provide a copy of this Order to all employers or entities with which he is under contract to provide healthcare services (including but not limited to third-party payors), or is receiving training, and the Chief of Staff at each hospital or healthcare center where he has privileges or appointments. Further, Mr. Furness shall promptly provide a copy of this Order to all employers or entities with which he contracts in the future to provide healthcare services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or healthcare center where he applies for or obtains privileges or appointments.

   In the event that Mr. Furness provides any healthcare services or healthcare direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, within 30 days of the effective date of this Order, he shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

   These requirements shall continue until Mr. Furness receives from the Board written notification of the successful completion of his probation.

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

3. **Required Reporting to Treatment Providers/Monitors**: Within 30 days of the effective date of this Order, Mr. Furness shall provide a copy of this Order to all persons and entities that provide chemical dependency/abuse treatment to or monitoring of Mr. Furness. This requirement shall continue until Mr. Furness receives from the Board written notification of the successful completion of his probation.

4. **Required Documentation of the Reporting Required by Paragraph H**: Mr. Furness shall provide this Board with **one** of the following documents as proof of each required notification within 30 days of the date of each such notification: (a) the return receipt of certified mail within 30 days of receiving that return receipt, (b) an acknowledgement of delivery bearing the original ink signature of the person

to whom a copy of the Order was hand delivered, (c) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (d) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

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

Dr. Madia seconded the motion. A vote was taken:

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

The motion to amend carried.

Dr. Steinbergh moved to approve and confirm Mr. Porter's Findings of Fact, Conclusions of Law, and Proposed Order, as amended, in the matter of Gregory Edward Furness, P.A. Dr. Madia seconded the motion. A vote was taken:

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

The motion to approve carried.

CAROL ELIZABETH HECHMER, Case No. 12-CRF-066

Dr. Mahajan directed the Board's attention to the matter of Carol Elizabeth Hechmer. He advised that no objections were filed to Ms. Blue's Report and Recommendation. Dr. Mahajan noted that this case is non-disciplinary in nature, and therefore all Board members may vote.

Dr. Mahajan stated that a request to address the Board has been filed on behalf of Ms. Hechmer, but was not filed in a timely manner. Dr. Mahajan asked if there is a motion regarding Ms. Hechmer's request to address.

Dr. Strafford moved to grant Ms. Hechmer's request to address the Board. Dr. Bechtel seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Dr. Suppan	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- nay
	Dr. Mahajan	- aye
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Ms. Elsass	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to grant Ms. Hechmer's request carried.

Ms. Hechmer was represented by her attorney, Jameel Turner.

Mr. Turner stated that the waiver requirement of Section 4731.19(A)(3)(c), Ohio Revised Code, does not adequately address the lack of uniformity among state laws as they pertain to massage therapists. Mr. Turner stated that Ms. Hechmer's home state of California does not require any registration or certificate of good standing to practice as a massage therapist. Instead, local jurisdictions in California determine how massage therapists are able to be licensed, and therefore there is no state certificate that Ms. Hechmer could obtain in California. Mr. Turner noted that other states, such as Michigan, also have no formal requirements for massage therapist licenses.

Mr. Turner stated that Ms. Hechmer was able to use her five years of employment as a massage therapist in California to obtain a license in Pennsylvania, which she currently holds. Mr. Turner also noted that the Assistant Attorney General and representatives of the State Medical Board agreed that Ms. Hechmer appears to be well-qualified and competent as a massage therapist. Therefore, Mr. Turner stated that the issue is whether Ms. Hechmer's certificate, which demonstrates her hours of coursework in California and allowed her to practice there, could meet the requirements for a waiver under Section 4731.19(A)(3)(c).

Ms. Hechmer acknowledged that the Board's charge is to protect the public from malpractice and unethical business practices. Ms. Hechmer stated that she has been studying the human body at a university level since high school. Ms. Hechmer stated that she understands the HIPPA laws and respects the scope of practice of the massage therapy profession. Ms. Hechmer stated that she also understands the proper relationship between a massage therapist and a client. Ms. Hechmer stated that she is well-educated and had other options regarding a career, but massage therapy is her passion. Ms. Hechmer stated that she wants to be an important member of the Columbus community and to create a small business.

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

Mr. Wilcox stated that, unfortunately, Ms. Hechmer is asking the Board to do something that is not within the Board's rules. Ms. Wilcox stated that Ms. Hechmer is not eligible for licensure in Ohio under either Section 4731.19, Ohio Revised Code, or Rule 4731-1-16, Ohio Administrative Code. Mr. Wilcox noted that Ms. Hechmer does hold a massage therapy license in Pennsylvania, but has not held that license for five years as required by statute. Mr. Wilcox stated that the statutes and rules established for the Board must be followed. Mr. Wilcox stated that following the rules and statutes ensures that all applicants before the Board are treated equally.

Mr. Wilcox noted that the Report and Recommendation's Finding of Fact #3 indicates that Ms. Hechmer had received a certificate to practice massage therapy from the Institute of Psycho-Structural Balancing (IPSB) in California. Mr. Wilcox stated that this implies that Ms. Hechmer had governmental authority for her practice of massage therapy. Mr. Wilcox recommended that Finding of Fact #3 be amended to indicate that Ms. Hechmer received a certificate of completion of her coursework, which consisted of 550 hours of instruction.

Mr. Wilcox asked the Board to maintain the integrity of its rules and statutes, and to deny Ms. Hechmer's request for licensure as recommended by the Hearing Examiner.

Dr. Steinbergh moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Carol Elizabeth Hechmer. Dr. Madia seconded the motion.

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

Dr. Madia briefly reviewed Ms. Hechmer's history, including the 550 hours of massage therapy coursework she completed at IPSB. Dr. Madia noted that Ohio requires 750 hours of coursework, and therefore Ms. Hechmer's instruction does not meet those requirements. Dr. Madia stated that Ms. Hechmer practiced as a massage therapist for five years, and good letters of reference from her employer and her school have been received.

Dr. Madia stated that this is the first case of this nature to come before the Board since Section 4731.19(A)(3)(c), Ohio Revised Code, became law in January 2012. As a result, the Board has not yet deliberated on the meaning of "current license, registration or certificate." Dr. Madia speculated that granting Ms. Hechmer a license will open the door for other massage therapists in other states to be

granted licensure in Ohio without meeting Ohio's educational requirements. Dr. Madia opined that Ms. Hechmer is well-qualified and he is inclined to grant her a license, but stated that she cannot be licensed if the Board strictly adheres to the language of the statute.

Dr. Steinbergh supported the proposed order to deny Ms. Hechmer's application. Dr. Steinbergh stated that the Board must follow its rules. Dr. Steinbergh stated that Ms. Hechmer has not held a massage therapy license in another state for at least five years and her educational background does not satisfy Ohio's requirements, and therefore she is not eligible for licensure.

Dr. Ramprasad opined that Ms. Hechmer is qualified to be a massage therapist, noting that she has practiced in the field and she passed the Massage and Bodywork Licensing Examination (MBLEx). Dr. Ramprasad stated that when the Board sits as judges, it must judge how the rules apply to people rather than strictly looking at the wording of the rule. Dr. Ramprasad stated that from the viewpoint of qualifications and patient safety, he would favor granting Ms. Hechmer's request for licensure.

Dr. Suppan agreed with Dr. Ramprasad. Dr. Suppan stated that the Medical Board's mission is to protect the public and she does not see how denying Ms. Hechmer's licensure would accomplish that. Dr. Suppan stated that a denial would have the opposite effect by taking a good practitioner away from Ohio's citizens. Dr. Suppan stated that if this matter only concerned statutes and rules, then theoretically the Board could simply apply the rule and dispose of the matter without having a hearing. However, Dr. Suppan stated that the Board has hearings as an opportunity for the Board to deliberate. Dr. Suppan stated that as rational people, the Board members must realize that rules and statues cannot cover every scenario.

Dr. Madia stated that the Board is able, if it so desires, to interpret the statute to recognize that Ms. Hechmer's legal practice of massage therapy in California fulfills the statute's requirement of holding a license in another state for at least five years. Ms. Debolt stated that in order to be licensed, Ms. Hechmer must have a registration or certificate of good standing in another state for at least five years. Ms. Debolt asked the Board to consider with whom a certificate would be in good standing. Ms. Debolt stated that this proposed interpretation would recognize a certificate of completion of education as equivalent to a certificate of good standing, which would indicate that it was issued by a governmental body when, in fact, it was issued by a school. Dr. Madia stated that California does not require licensure to practice massage therapy. Ms. Debolt agreed.

Dr. Suppan opined that part of the Board's charge is to review the situation and determine whether a statute is working as it was intended to work. Dr. Talmage opined that that is the duty of the Ohio Supreme Court, not the Medical Board. Dr. Ramprasad stated that in his view, the five years Ms. Hechmer practiced as a massage therapist in California counts as a license. Dr. Ramprasad stated that it is not Ms. Hechmer's fault that California does not have a mechanism to certify massage therapists. Dr. Suppan agreed that Ms. Hechmer's experience should be considered equivalent to a license.

Dr. Steinbergh stated that Ms. Hechmer does not have the educational background required in Ohio. Dr. Steinbergh stated that the statute serves the purpose of providing a consistent basis by which all applicants are judged. Dr. Steinbergh likened the situation to a physician who did not graduate from a legitimate medical school but was somehow allowed to practice medicine in another state. Dr. Steinbergh asked the

Board to consider what it would do with such a physician applicant.

Dr. Mahajan asked if the Board would support granting Ms. Hechmer a license and suspending it until she can complete 200 more hours of education in order to meet Ohio's educational requirements. Dr. Steinbergh did not agree with Dr. Mahajan's proposal. Dr. Talmage stated that it would be more proper for Ms. Hechmer to complete 200 more hours and education and then reapply for a license. Mr. Kenney supported Dr. Mahajan's suggestion and asked if the Board could legally do so. Ms. Debolt replied that such an action would not conform with the law.

Ms. Elsass stated that the statute is clear and only the legislature can change it. Ms. Elsass agreed that Ms. Hechmer is highly qualified as a massage therapist, but stated that the Board cannot grant licensure without violating the statute. Dr. Talmage and Dr. Madia agreed.

Dr. Madia agreed with Mr. Wilcox that Finding of Fact #3 should be amended.

Dr. Madia moved to amend Finding of Fact #3 of the Report and Recommendation to read as follows:

3. In April 2006, Ms. Hechmer completed 550 hours of coursework at IPSB, which included the 150 hours as referenced above, and received a certification of completion of massage therapist training from IPSB.

Dr. Steinbergh seconded the motion.

Dr. Ramprasad asked why cases of this nature come before the Board for discussion if the statute is so clear. Dr. Steinbergh replied that applicants who are denied licensure have the right to request a hearing, and the Board must review and discuss the results of any hearing.

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

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

The motion to amend carried.

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

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Dr. Suppan	- nay
	Dr. Ramprasad	- nay
	Dr. Steinbergh	- aye
	Dr. Mahajan	- nay
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Ms. Elsass	- aye
	Mr. Kenney	- nay
	Mr. Gonidakis	- aye

The motion to approve the Proposed Order carried.

GREGORY EDWARD FURNESS, P.A., Case No. 11-CRF-084

Dr. Mahajan stated that the staff is requesting that the matter of Mr. Furness, which the Board previously deliberated on, be tabled. Ms. Anderson stated that there are some concerns that the Board Order, as passed, may be problematic due to the wording. Ms. Anderson asked that the matter be tabled so that the staff can review it.

Dr. Steinberg moved to table the matter of Gregory Edward Furness, P.A. Dr. Madia seconded the motion. All members voted aye, except Dr. Strafford, Dr. Bechtel, and Dr. Talmage, who abstained. The motion carried.

MICHAEL JAMES OSER, Case No. 12-CRF-024

Dr. Mahajan directed the Board's attention to the matter of Michael James Oser. He advised that no objections were filed to Mr. Porter's Report and Recommendation.

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

Mr. Oser was represented by his attorney, Elizabeth Collis.

Ms. Collis stated that Ms. Oser's case is unusual because in most instances, a respondent comes before the Board asking for a second chance. Ms. Collis stated that in this case, Ms. Oser is asking for a first chance. Ms. Collis stated that most people get a first chance as children by their parents, by having a safe home, by having a good education, and other opportunities. Unfortunately, Mr. Oser did not have many such opportunities. Ms. Collis stated that Mr. Oser's parents were in and out of prison and his older brother was

in and out of trouble.

Ms. Collis stated that just after turning 18 years old, Mr. Oser made the mistake of going into a Wal-Mart with his older brother and a friend while carrying a gun, some money, and some marijuana. Mr. Oser was caught by the police and charged. Mr. Oser posted bond and awaited trial. Mr. Oser then did something Ms. Collis had never seen: Instead of waiting for his trial, Mr. Oser revoked his own bond and asked to start serving his time in county jail before his trial. Mr. Oser was in jail for a year before his trial. Mr. Oser was sentenced to one year in jail, given credit for time already served, and released.

Ms. Collis continued that while in jail, Mr. Oser decided that he was going to start doing productive things. Mr. Oser entered massage therapy school and graduated at the top of his class. Ms. Collis stated that Mr. Oser arrived at school most mornings before anyone else, before the school opened, dressed in a coat and tie. Mr. Oser did this to show people that he wanted to live his life as a professional. After graduation, Mr. Oser obtained employment at Massage Envy as a sales associate. At hearing, Mr. Oser's employer testified that Mr. Oser has proven himself and, if the Board grants his massage therapy license, he will have a job as a massage therapist at Massage Envy.

Ms. Collis asked the Board to approve the Hearing Examiner's recommendation to grant Mr. Oser licensure with no suspension.

Mr. Oser stated that he is appearing before the Board today to take responsibility for his actions and to request that the Board allow him to put this behind him by granting his license. Mr. Oser stated that in 2009, he was arrested at a Wal-Mart and charged with carrying a concealed weapon, aggravated trafficking in drugs, and having a weapon while under disability. Mr. Oser initially posted bail, but he knew he was guilty and he wanted to take responsibility. Therefore, Mr. Oser revoked his bond and began serving time in jail. Mr. Oser continued that he served a year in jail before his trial. Mr. Oser was found guilty and sentenced to one year of incarceration. Mr. Oser was given credit for the time already served and he was released.

Mr. Oser stated that his life changed the night he was arrested. Mr. Oser quickly realized that he did not want to follow in his relatives' footsteps and spend his life in and out of prison. Mr. Oser wished to serve his punishment and put the matter behind him. After his release, Mr. Oser applied to the Cincinnati School of Medical Massage, and they agreed to give him a chance despite his conviction. Ms. Oser stated that he took school seriously and graduated at the top of his class.

Mr. Oser stated that he has been employed at Massage Envy as a sales associate since May 2011. Mr. Oser has been offered a job as a massage therapist at Massage Envy, contingent on licensure. Mr. Oser stated that he has been given a lot of responsibility at Massage Envy, including handling the cash register and opening and closing the business. Mr. Oser noted that he has been given a key to the business.

Mr. Oser stated that his life is different now. Mr. Oser stated that he goes to work daily and works hard at an honest job. Mr. Oser stated that he no longer associates with friends or family members who make bad choices. Mr. Oser asked the Board for a chance to work as a professional in Ohio.

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

Mr. Wilcox stated that this sort of case has come before the Board before and it is always difficult to determine if a person is trustworthy or not. Mr. Wilcox stated that some aspects of Mr. Oser's case impressed him. First, the testimony of individuals from Mr. Oser's school was very telling about his attitude and that he approached his career seriously. Second, Mr. Oser's supervisor at Massage Envy testified to the strides that Mr. Oser has made and the fact that they have entrusted him with the keys to the business.

Mr. Wilcox opined that Mr. Oser had been honest in his testimony and that the Proposed Order in this case is appropriate.

Dr. Madia moved to approve and confirm Mr. Porter's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Michael James Oser. Dr. Steinbergh seconded the motion.

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

Ms. Elsass stated that Mr. Oser applied for a massage therapy license on December 6, 2011. At that time, Mr. Oser fully disclosed his criminal history to the Board. Ms. Elsass opined that Mr. Oser has proven himself on several occasions and has made every attempt to turn his life around. Ms. Elsass noted that Mr. Oser has had numerous negative urine screens and he has remained in compliance with his community control plan, from which he may be released early. Mr. Oser received training at the Cincinnati School of Medical Massage, maintaining excellent grades and perfect attendance.

Ms. Elsass stated that since his arrest, Mr. Oser has made substantial efforts to reform. Ms. Elsass stated that Mr. Oser has obviously made mistakes, but he clearly learned from his past experiences and has a record of positive accomplishments since that time. Ms. Elsass stated that she agrees with the Report and Recommendation's Findings of Fact, Conclusions of Law, and the Proposed Order to grant Mr. Oser a license to practice massage therapy, subject to probationary terms. Dr. Steinbergh noted that Mr. Oser's probationary terms will be effective until he is released from his community control, or for one year, whichever period is longer.

Dr. Steinbergh also agreed with the Proposed Order and congratulated Mr. Oser on his accomplishments. Dr. Steinbergh stated that Mr. Oser is the type of individual the Board wants to see in the community.

Dr. Talmage asked Mr. Oser if he was able to pay for massage therapy school due to a loan or by some consideration given to him on behalf of the court. Ms. Debolt suggested that the Board vote on this matter before Mr. Oser replies to Dr. Talmage's question.

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

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

Dr. Suppan	- aye
Dr. Ramprasad	- aye
Dr. Steinbergh	- aye
Dr. Mahajan	- aye
Dr. Madia	- aye
Dr. Talmage	- abstain
Ms. Elsass	- aye
Mr. Kenney	- aye
Mr. Gonidakis	- aye

The motion to approve carried.

Responding to Dr. Talmage's previous question, Mr. Oser stated that he was able to pay his tuition due to a grant from a federal agency. Dr. Talmage asked if Mr. Oser had been encouraged to seek education in a profession. Mr. Oser replied that attending massage therapy school was something he knew he wanted to do.

Ms. Debolt informed the Board that, according to Ms. Collis, Mr. Oser has already been released from his community control. Ms. Debolt stated that she had not been able to share that information with the Board before its vote because it was not part of the hearing record.

Dr. Suppan exited the meeting at this time.

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

MICHAEL C. BENGALA, M.D. – CITATION LETTER

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

Dr. Steinbergh moved to send the Citation Letter to Dr. Bengala. Dr. Madia seconded the motion. A vote was taken:

ROLL CALL:

Dr. Strafford	- abstain
Dr. Bechtel	- abstain
Dr. Ramprasad	- aye
Dr. Steinbergh	- aye
Dr. Mahajan	- aye
Dr. Madia	- aye
Dr. Talmage	- abstain
Ms. Elsass	- aye
Mr. Kenney	- aye
Mr. Gonidakis	- aye

The motion to send carried.

NASEEM MAHMOOD CHAUDHRY, 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. Chaudhry. Dr. Steinbergh seconded the motion. A vote was taken:

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

The motion to send carried.

TERRY ALAN DRAGASH, D.O. – CITATION LETTER

At this time the Board read and considered the proposed Citation 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. Dragash. Dr. Ramprasad seconded the motion. A vote was taken:

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

The motion to send carried.

RAYMOND CARL GRUENTHER, M.D. – CITATION LETTER

At this time the Board read and considered the proposed Citation 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. Gruenther. Dr. Madia seconded the motion. A vote was taken:

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

The motion to send carried.

JOSEPH TODD JOYNER, M.D. – CITATION LETTER

At this time the Board read and considered the proposed Citation 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. Joyner. Dr. Madia seconded the motion. A vote was taken:

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

The motion to send carried.

JEROME ANTHONY MCTAGUE, M.D. – CITATION LETTER

At this time the Board read and considered the proposed Citation 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. McTague. Dr. Steinbergh seconded the motion. A vote was taken:

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

The motion to send carried.

SOMNATH D. ROY, M.D. – NOTICE OF AUTOMATIC SUSPENSION AND OPPORTUNITY FOR HEARING

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

Dr. Madia moved to send the Notice of Automatic Suspension and Opportunity for Hearing to Dr. Roy. Dr. Steinbergh seconded the motion. A vote was taken:

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

The motion to send carried.

Dr. Madia 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

HECTOR LUIS LOPEZ, JR., M.D. – PERMANENT SURRENDER OF CERTIFICATE TO PRACTICE MEDICINE AND SURGERY

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

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

The motion to ratify carried.

Mr. Gonidakis exited the meeting at this time.

JEAN SUN CHOY-ZANNONI, M.D. – PERMANENT SURRENDER OF CERTIFICATE TO PRACTICE MEDICINE AND SURGERY

Dr. Steinbergh moved to ratify the Proposed Permanent Surrender with Dr. Choy-Zannoni. Dr. Madia seconded the motion. A vote was taken:

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

The motion to ratify carried.

Dr. Suppan and Mr. Gonidakis returned to the meeting at this time.

GARY ALFRED SHEARER, M.D. – CONSENT AGREEMENT

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

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

The motion to ratify carried.

PAUL WEBBER BURKE, JR., M.D. – PERMANENT SURRENDER OF CERTIFICATE TO PRACTICE MEDICINE AND SURGERY

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

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

The motion to ratify carried.

MARK STEPHEN MCALLISTER, M.D. – PERMANENT SURRENDER OF CERTIFICATE TO PRACTICE MEDICINE AND SURGERY

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

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

The motion to ratify carried.

JOSEPH F. DAUGHERTY, III, M.D. – CONSENT AGREEMENT

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

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

The motion to ratify carried.

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

PROBATIONARY APPEARANCES

ELIZABETH A. DORIOTT, D.O.

Dr. Doriott was making her final appearance before the Board pursuant to her request for release from the terms of her July 11, 2007 Consent Agreement. Ms. Bickers reviewed Dr. Doriott's history with the Board.

Dr. Steinbergh asked Dr. Doriott where she currently practices medicine. Dr. Doriott replied that she practices in Springdale, Ohio, in the Cincinnati area.

Dr. Steinbergh noted that individuals on Dr. Doriott's staff had obtained prescriptions for narcotics in Dr. Doriott's name. Dr. Steinbergh asked Dr. Doriott to describe that experience. Dr. Doriott stated that two, and possibly three, individuals on her staff forged her name on prescriptions in order to obtain narcotics. One individual is currently under federal indictment. Dr. Doriott stated that these activities went on for about two years. Dr. Doriott faulted herself for not becoming aware of this situation sooner. Dr. Doriott stated that she became aware of it when her secretary was buying a new house and it was questionable where she got the money for it. In fact, the secretary had obtained the money by selling prescriptions.

Dr. Steinbergh asked if any pharmacist had detected that the prescriptions were not legitimate. Dr. Doriott responded that a pharmacist should have detected it, noting that the forged prescriptions had many misspellings. Dr. Steinbergh noted that she had had a similar experience herself when staff members were discovered to have been calling in prescriptions in her name.

Dr. Steinbergh asked Dr. Doriott to describe her current practice. Dr. Doriott replied that she has a large practice and works four days per week. Dr. Doriott stated that she has two clinics: One free clinic and one regular clinic that accepts insurance.

Dr. Steinbergh moved to release Dr. Doriott from the terms of her July 11, 2007 Consent Agreement, effective December 13, 2012. Dr. Madia seconded the motion. All members voted aye. The motion carried.

Dr. Doriott wished to reiterate that she was found to be unimpaired after a three-day evaluation.

ALBERTO LEON, M.D.

Dr. Leon was making his final appearance before the Board pursuant to his request for release from the terms of the Board's Order of November 10, 2004. Ms. Bickers reviewed Dr. Leon's history with the Board.

Dr. Madia noted that Dr. Leon travels across the country giving courses on Medicare and Medicaid compliance. Dr. Leon stated that he had initially been asked to give a course here and there, and it evolved into a full-time job. Dr. Leon stated that he enjoys the work very much.

Dr. Steinbergh noted that Dr. Leon wants to obtain work in an urgent care setting. Dr. Leon stated that he has been waiting to be released from his Board Order before deciding the proper time and place to return to clinical medicine. Dr. Leon stated that his specialty is emergency medicine and he has spent most of his career in a busy trauma center, but would prefer an urgent care setting now.

Dr. Steinbergh stated that Dr. Leon has been out of the practice of emergency medicine for some time and asked how he expected to retrain. Dr. Leon stated that he has a friend who owns an urgent care who has

asked Dr. Leon to join him. Dr. Steinbergh asked if Dr. Leon has maintained his Continuing Medical Education (CME) and his board certification in emergency medicine. Dr. Leon replied that he has maintained his CME and board certification. Dr. Steinbergh asked if Dr. Leon's specialty board has Maintenance of Certification (MOC) requirements. Dr. Leon answered that MOC has recently become available in his board and that certified practitioners can choose to engage in it. Dr. Steinbergh encouraged Dr. Leon to keep up his competency skills as his re-enters the practice of medicine.

Dr. Steinbergh asked if everything else is going well for Dr. Leon. Dr. Leon replied that things have never been better.

Dr. Madia moved to release Dr. Leon from the terms of the Board's Order of November 10, 2004, effective December 18, 2012. Dr. Steinbergh seconded the motion. All members voted aye. The motion carried.

KAREN L. LUMAN, M.T.

Ms. Luman was making her final appearance before the Board pursuant to her request for release from the terms of her October 13, 2010 Consent Agreement. Ms. Bickers reviewed Ms. Luman's history with the Board.

Dr. Steinbergh asked if Ms. Luman is currently working as a State Tested Nurse Aide (STNA). Ms. Luman replied that she is working as an STNA.

Dr. Steinbergh asked what Ms. Luman has learned from her experience with the Medical Board and why she continued to practice after the expiration of her massage therapy license. Ms. Luman relied that she had been going through a difficult time with her health and she was focused on that. Dr. Steinbergh noted that Ms. Luman continued to practice. Ms. Luman acknowledged that she did practice on a very limited basis. Ms. Luman stated that when she realized her license had expired, she stopped practicing and contacted the Board.

Dr. Steinbergh asked if Ms. Luman is enjoying her job as an STNA. Ms. Luman answered that she has been an STNA for almost 20 years and that she entered the field of massage therapy to help the patients at her assisted living facility. Ms. Luman stated that she will continue to provide massage services to the residents in the facility.

Dr. Steinbergh asked if everything is going well as far as Ms. Luman's mental health. Ms. Luman replied that everything is going well.

Dr. Steinbergh moved to release Ms. Luman from the terms of her October 13, 2010 Consent Agreement, effective December 13, 2012. Ms. Elsass seconded the motion. All members voted aye. The motion carried.

SUSAN GAIL SWEDA, M.D.

Dr. Sweda was making her final appearance before the Board pursuant to her request for release from the terms of her November 15, 2007 Consent Agreement. Ms. Bickers reviewed Dr. Sweda's history with the Board.

Dr. Madia asked if Dr. Sweda is still practicing anesthesiology. Dr. Sweda replied that she is not practicing anesthesiology, but is instead practicing addiction medicine at a drug and alcohol treatment center. Dr. Madia asked if Dr. Sweda did any additional training for addiction medicine. Dr. Sweda answered that she took a lot of Continuing Medical Education and did a lot of reading, but did not do a fellowship. Dr. Sweda stated that she did practice anesthesia for a time after her treatment with no problems.

Dr. Sweda commented that she had a euphoric experience the first time she was exposed to opiates, but the feeling went away very quickly and she continued to seek that feeling. During treatment at Shepherd Hill, Dr. Sweda learned about her disease and that she can never recapture that euphoria again.

Dr. Madia noted that Dr. Sweda has had recent health problems and asked if they were related to her drug addiction. Dr. Sweda replied that her health problems are unrelated to her addiction.

Dr. Steinbergh noted that, according to documentation, Dr. Sweda had commented that she would be dead now if not for the Board and that she is grateful for the Board's intervention. Dr. Steinbergh asked if Dr. Sweda would discuss her Board experience with the medical students in attendance.

Dr. Sweda stated that she had struggled with thoughts of suicide since she was a child. After becoming a physician, Dr. Sweda felt that she was nothing if she was not a doctor. Dr. Sweda's drug and alcohol use had led to the loss of her job and, not knowing what else to do, she entered Shepherd Hill for treatment. At Shepherd Hill, Dr. Sweda learned that she had to report herself to the Medical Board, and this caused her great consternation. Dr. Sweda stated that when the Board suspended her license, she had the choice of either taking her own life or using this opportunity to learn. Dr. Sweda chose to learn about her disease and about herself. Dr. Sweda stated that these have been the best years of her life, but it took the suspension of her license to get her attention and start down that path. Dr. Sweda stated that she has had a great experience with the Board.

Dr. Steinbergh thanked Dr. Sweda for addressing the students and wished her well.

Dr. Madia moved to release Dr. Sweda from the terms of her November 15, 2007 Consent Agreement. Dr. Ramprasad seconded the motion. All members voted aye. The motion carried.

WILLIAM E. TIEMANN, M.D.

Dr. Tiemann was making his final appearance before the Board pursuant to his request for release from the terms of his December 12, 2008 Consent Agreement. Ms. Bickers reviewed Dr. Tiemann's history with the Board.

Dr. Steinbergh asked Dr. Tiemann to describe his current activities. Dr. Tiemann stated that he works for a

hospital-based radiology group and work is going well. Dr. Tiemann stated that he is active in Alcoholics Anonymous and in the Louisiana Physicians Health Program. Dr. Tiemann stated that recovery is going well and he has learned a lot about himself and his life. Dr. Tiemann stated that he is grateful for everything that has happen because he is a better person for it. Dr. Tiemann expressed gratitude for the ability to practice medicine and for the people in his life.

Dr. Steinbergh asked how Dr. Tiemann communicates with his children about his disease process. Dr. Tiemann responded that he has two stepchildren, ages 15 and 14, and he has informed them of the history of addiction in his family. Dr. Tiemann informed his children the he himself is an addict and he almost lost his career as a result. Dr. Tiemann has cautioned his children to avoid the problems he has had to endure.

Dr. Steinbergh moved to release Dr. Tiemann from the terms of his December 12, 2008 Consent Agreement. Dr. Ramprasad seconded the motion. All members voted aye. The motion carried.

ARTURO J. BONNIN, M.D.

Dr. Bonnin was making his initial appearance before the Board pursuant to the terms of his September 12, 2012 Consent Agreement. Ms. Bickers reviewed Dr. Bonnin's history with the Board.

Dr. Madia asked if Dr. Bonnin understands his Consent Agreement. Dr. Bonnin replied that he understands his Consent Agreement.

Dr. Steinbergh asked why Dr. Bonnin pre-signed prescriptions, when he realized it was illegal, and why he did not know earlier that it was illegal. Dr. Bonnin stated that as a physician, he prides himself on quality and he believes in regulation and laws. Dr. Bonnin commented that he serves on a credential committee for United HealthCare and helped develop an asthma program.

Dr. Bonnin continued that he had been in a practice in which patients would see physician assistants, then have to wait 24 hours for prescriptions because Dr. Bonnin had to review the physician assistants' notes. Dr. Bonnin noted a law passed in 2006 which stated that the Medical Board will establish prescriptive authority for physician assistants in the future, but he did not read the entire law. Dr. Bonnin also stated that he had not known that it was illegal to pre-sign blank prescriptions. Dr. Bonnin stated that he began pre-signing prescriptions for use by the physician assistants to facilitate prescriptions for patients. Dr. Bonnin apologized for his error and stated that this is probably the worst day of his career. Dr. Bonnin noted that he had never prescribed a pain medication with an opiate medication.

Dr. Steinbergh asked when Dr. Bonnin discovered that his activities were illegal. Dr. Bonnin replied that someone told him in May 2010. Dr. Madia asked if Dr. Bonnin reported himself to the Board. Dr. Bonnin stated that his attorney sent a letter to the Board on his behalf. Dr. Bonnin was uncertain when he had started pre-signing prescriptions, but erred on the side of inclusiveness and calculated that, at most, he had pre-signed 639 prescriptions between 2007 and May 2010.

Dr. Steinbergh asked if Dr. Bonnin had taken his required courses yet. Dr. Bonnin replied that he took the

prescribing course last week and will take the medical ethics course in February.

Dr. Madia moved to continue Dr. Bonnin under the terms of his September 12, 2012 Consent Agreement. Dr. Steinbergh seconded the motion. All members voted aye. The motion carried.

MICHAEL D. CRAGEL, D.P.M.

Dr. Cragel was making his initial appearance before the Board pursuant to the terms of his November 14, 2012 Consent Agreement. Dr. Cragel was also requesting approval of Khase A. Wilkinson, D.P.M., to serve as the monitoring physician, and determination of the frequency and number of charts to be reviewed. Ms. Bickers reviewed Dr. Cragel's history with the Board.

Dr. Suppan recused herself from this discussion, noting that she is good friends with Dr. Cragel and has known him for 30 years. Dr. Suppan commented that Dr. Cragel is a fine physician and residency director, and she offered support for his recovery.

Dr. Ramprasad asked how Dr. Cragel came to the attention of the Board. Dr. Cragel replied that he reported himself to the Board. Dr. Ramprasad asked why Dr. Cragel did that. Dr. Cragel answered that he was in a drinking and driving incident on October 1, 2011, which was the last day he had a drink, and he reported himself at that time. Dr. Cragel stated that his behavior had been inappropriate and inexcusable. Dr. Cragel stated that his wife had developed breast cancer over a five-year period, which was agonizing. Dr. Cragel stated that he managed to maintain a Monday through Friday routine unaffected by alcohol, but he would "go a little nuts" on the weekends. Eventually, Dr. Cragel's behavior caught up with him.

Dr. Ramprasad asked if Dr. Cragel is doing well now. Dr. Cragel replied that that he is doing well now and his personal life has never been better.

Dr. Steinbergh asked if Dr. Cragel had ever stopped drinking and relapsed prior to October 2011. Dr. Cragel responded that he had never stopped and relapsed.

Dr. Ramprasad asked Dr. Cragel to describe his stay in Glenbeigh. Dr. Cragel stated that Glenbeigh is a good facility with good people. Dr. Cragel stated that he learned a lot in Glenbeigh and had time to reflect on his life. Dr. Cragel stated that he now has coping mechanisms that he did not have before. Dr. Cragel thought he could handle what his wife was suffering through without asking anyone for help, but he was wrong. Dr. Cragel stated that he has joined a church that he is active in. Dr. Cragel stated that if he had a chance to go through this painful experience again, he would because it has gotten him to where he is today.

Dr. Steinbergh asked how long it has been since Dr. Cragel's wife died. Dr. Cragel answered that it will be three years in February.

Dr. Ramprasad asked if Dr. Cragel had questions about his Consent Agreement. Dr. Cragel replied that he has no questions.

Dr. Steinbergh moved to continue Dr. Cragel under the terms of his November 14, 2012 Consent Agreement. Dr. Steinbergh further moved to approve Khase A. Wilkinson, D.P.M., to serve as the monitoring physician, and to determine that 10 charts per month should be reviewed. Dr. Ramprasad seconded the motion. All members voted aye. The motion carried.

MICHAEL MACATOL, M.D.

Dr. Macatol was making his initial appearance before the Board pursuant to the terms of his October 10, 2012 Consent Agreement. Ms. Bickers reviewed Dr. Macatol's history with the Board.

Dr. Steinbergh asked Dr. Macatol to describe his day-to-day recovery activities. Dr. Macatol replied that his recovery is going very well and he has family and a good sober network in Marietta, Ohio. Dr. Macatol stated that he is currently staffing a laser hair removal practice and is fortunate to be able to participate in patient care again.

Dr. Madia asked why Dr. Macatol did not return to radiology rather than hair removal. Dr. Macatol stated that he had sought employment in anything he could do. Dr. Macatol stated that he has been away from radiology for some time and will likely enter a musculoskeletal fellowship in the future. Dr. Macatol stated that recovery has allowed him to step back and look at what he wanted to do and he is very interested in musculoskeletal radiology.

Dr. Madia asked if Dr. Macatol has taken any courses in hair removal. Dr. Macatol replied that he did over 20 hours of coursework plus a training offered by a laser institute. Dr. Macatol noted that Ohio and Florida are the strictest states in terms of practicing hair removal and that some hair removal practices in New York do not even have a physician. Dr. Macatol stated that hair removal is very different from radiology, but the background physics are very similar.

Dr. Steinbergh moved to continue Dr. Macatol under the terms of his October 10, 2012 Consent Agreement. Dr. Madia seconded the motion. All members voted aye. The motion carried.

GERALD K PERELMAN, D.P.M.

Dr. Perelman was making his initial appearance before the Board pursuant to the terms of his September 12, 2012 Consent Agreement. Ms. Bickers reviewed Dr. Perelman's history with the Board.

Dr. Suppan asked Dr. Perelman to describe how he came to the attention of the Board. Dr. Perelman replied that he had been writing too many narcotic prescriptions for too many patients. Dr. Perelman stated that there are many Medicaid and uninsured residents in his area. When news spread that Dr. Perelman took such patients when other physicians in the area did not, he ended up with a large patient load. Dr. Perelman stated that some of his new patients were already on prescriptions from previous physicians and he continued the prescriptions.

Dr. Suppan asked if Dr. Perelman had attended the prescribing course at Case Western Reserve University. Dr. Perelman answered that he has attended that course and the medical records-keeping course as well.

Dr. Suppan asked what Dr. Perelman knows now that he did not know before. Dr. Perelman stated that he know realizes that he was "duped" by many patients and had not recognized many drug-seeking behaviors. Dr. Perelman noted that he was also going through personal troubles at that time, including a marital separation and a stroke. Dr. Perelman stated that he had had a little too much sympathy and empathy with his patients and did not maintain proper physician/patient relationships.

Dr. Suppan asked what specific practices Dr. Perelman will implement. Dr. Perelman responded that he will start doing a pain agreement with his chronic pain patients, he has signed up for the Ohio Automated Rx Reporting System (OARRS), and is doing some urine screens in his office. Dr. Perelman stated that a lot of his previous problem patients are no longer his patients, so he has eliminated many problems simply by opening his eyes.

Dr. Suppan asked Dr. Perelman to comment on his awareness of the scope of practice of a podiatric physician with regard to chronic pain. Dr. Perelman stated that a majority of the patients he had prescribed pain medications to had been his surgical patients. Dr. Perelman stated that the pain medication never seemed to help and there were very few pain clinics in the area. Oftentimes, when Dr. Perelman would refer a patient to a pain clinic, the patient would return saying that the clinic would not accept their insurance. Dr. Perelman stated that he would be sympathetic and issue "one more" prescription and it would just keep going.

Dr. Suppan asked how Dr. Perelman's practice has changed. Dr. Perelman replied that he is not prescribing anything at this time because he is not practicing. Dr. Perelman stated that having taken the prescribing course, he is better able to recognize the signs of chronic pain and addictive behavior.

Dr. Suppan stated that if Dr. Perelman performs surgery, patients will require some acute-phase pain control. Dr. Suppan asked if Dr. Perelman has a firm boundary for acute pain control and chronic pain control. Dr. Perelman replied that if the need for pain medications continues, the patient will need a referral to a pain clinic or other specialist. Dr. Suppan asked if Dr. Perelman has a contingency plan for if a pain clinic will not take a patient. Dr. Perelman replied that he will have to work on that.

Dr. Ramprasad asked where Dr. Perelman's office is located in Cincinnati. Dr. Perelman replied that his office is near Norwood and he has Medicaid patients from Norwood and Wilmington.

Dr. Suppan asked if Dr. Perelman understands his Consent Agreement. Dr. Perelman replied that he understands his Consent Agreement.

Dr. Suppan moved to continue Dr. Perelman under the terms of his September 12, 2012 Consent Agreement. Dr. Ramprasad seconded the motion. All members voted aye. The motion carried.

SHEILA S. REDDY, M.D.

Dr. Reddy was making her initial appearance before the Board pursuant to the terms of her September 12, 2012 Consent Agreement. Ms. Bickers reviewed Dr. Reddy's history with the Board.

Dr. Steinbergh asked when Dr. Reddy's most recent sobriety is. Dr. Reddy replied that her most recent sobriety date is August 1, 2012. Dr. Steinbergh asked if Dr. Reddy understands her Consent Agreement. Dr. Reddy replied that she understands her Consent Agreement.

Dr. Steinbergh asked Dr. Reddy to describe her dependency history and how she came to the attention of the Board. Dr. Reddy replied that she was charged with Operating a Vehicle Impaired (OVI) in 2008 and again in 2011. Dr. Reddy stated that she had been young, immature, and did not understand that she had a problem. Dr. Reddy completed one month of treatment at Glenbeigh and completed an Intensive Outpatient Program (IOP). Dr. Reddy stated that she is working on maintaining her recovery and is thankful to be able to understand that this is a lifelong commitment.

Dr. Steinbergh asked what Dr. Reddy does day-to-day. Dr. Reddy responded that she is building the foundation for her recovery and communicating with her support system. Dr. Reddy stated that she is working on the steps with her sponsor, attending meetings, and working on her spirituality. Dr. Reddy stated that she has taken up meditating and is exercising again. Dr. Reddy stated that she has learned a great deal about stress management, staying organized, and taking responsibility.

Dr. Ramprasad noted that Dr. Reddy has been diagnosed with depression and asked if Dr. Reddy is on any medication. Dr. Reddy replied that she is not on any medication and is seeing a counselor regularly.

Dr. Ramprasad asked where Dr. Reddy had been a resident. Dr. Reddy answered that she had been a resident at MetroHealth in Cleveland. Dr. Ramprasad asked if Dr. Reddy has a support system at home. Dr. Reddy replied that she has parents and siblings in Delaware, Ohio, and extended family in Cleveland, Ohio.

Dr. Steinbergh asked if Dr. Reddy had a sense that she will be able to return to her residency program. Dr. Reddy answered that she met with her program director last month and will meet with him again in the near future. Dr. Reddy had the sense that she would be able to return in July, but was not certain.

Dr. Ramprasad noted that Dr. Reddy must have been a medical student at the time of her 2008 OVI. Dr. Ramprasad asked how the medical school dealt with the situation. Dr. Reddy answered that her medical school, the Northeastern Ohio Universities College of Medicine, took no action. The courts ordered Dr. Reddy to undergo a 72-hour intervention program, attend a Mothers Against Drunk Driving course, and suspended her driver's license. Dr. Steinbergh asked if Dr. Reddy's 72-hour intervention program was an assessment of dependency. Dr. Reddy replied that it was a driver intervention program and her first experience with a dependency program has been in the last few months.

Dr. Steinbergh commented that first-year medical students are present in the meeting and learning that the best time to deal with such a problem is early in one's career. Dr. Suppan reiterated that Dr. Reddy's addiction will never go away and will be with her for her entire life. Dr. Suppan encouraged Dr. Reddy to make use of coping mechanisms to stay healthy. Dr. Reddy stated that her recovery has been a total lifestyle change and she has embraced it.

Dr. Steinbergh moved to continue Dr. Reddy under the terms of her September 12, 2012 Consent

Agreement. Dr. Suppan seconded the motion. All members voted aye. The motion carried.

CHARLES W. REYES, M.D.

Dr. Reyes was making his initial appearance before the Board pursuant to the terms of his September 12, 2012 Consent Agreement. Ms. Bickers reviewed Dr. Reyes' history with the Board.

Dr. Madia asked what Dr. Reyes' drugs of choice are. Dr. Reyes replied that his drugs of choice are Ambien and Xanax. Dr. Madia asked how Dr. Reyes obtained these medications. Dr. Reyes answered that the Ambien had been samples in his office; he obtained prescriptions for Ambien when the samples were no longer available. Dr. Reyes stated that Xanax was prescribed by a neurologist and subsequently by a psychiatrist to treat spastic dysphonia.

Dr. Steinbergh noted that the list of Dr. Reyes' drugs of choice also include Halcyon, Percocet, Vicodin, and alcohol. Dr. Reyes stated that in his relapse, he only used Ambien and Xanax. Dr. Steinbergh asked when Dr. Reyes' most recent relapse date was. Dr. Reyes replied that his most recent relapse was in February 2012. Dr. Steinbergh asked if Dr. Reyes is currently taking Xanax. Dr. Reyes replied that he has not taken Xanax or any medication since July 4.

Dr. Steinbergh asked what kinds of situations would trigger Dr. Reyes' spastic dysphonia and leave him unable to speak. Dr. Reyes replied that it develops with high stress, such as during rounds, or with fatigue. Dr. Mahajan asked if Dr. Reyes had been given Botox to treat his spastic dysphonia. Dr. Reyes replied that he has not been given Botox, but understands that that may be in his future.

Dr. Steinbergh asked if Dr. Reyes understands his Consent Agreement. Dr. Reyes replied that he understands his Consent Agreement.

Dr. Steinbergh asked what Dr. Reyes is doing day-to-day in terms of his recovery. Dr. Reyes replied that he attends Alcoholics Anonymous meetings, as well as a local caduceus meeting. Dr. Reyes is also seeing a private physician and is continuing with a neurologist. Dr. Reyes stated that he has almost finished an intensive outpatient program.

Dr. Madia moved to continue Dr. Reyes under the terms of his September 12, 2012 Consent Agreement. Dr. Ramprasad seconded the motion. All members voted aye. The motion carried.

TERRY L. THOMAS, D.O.

Ms. Bickers stated that Dr. Thomas does not appear to be present.

AMY R. WEIDMAN, M.D.

Dr. Weidman was making her initial appearance before the Board following the reinstatement of her license, pursuant to the terms of the Board's Order of March 14, 2012. Ms. Bickers reviewed Dr. Weidman's history with the Board.

Dr. Ramprasad asked if Dr. Weidman has reflected upon the matter that brought her to the attention of the Board. Dr. Weidman replied that she has reflected on it and has learned never to treat acquaintances, friends, family members, or colleagues. Dr. Weidman stated that doing so can lead to problems with objectivity and potential harm to the individual should the relationship end.

Dr. Steinbergh asked Dr. Weidman to describe her current practice. Dr. Weidman replied that she is a primary care internist in Akron, Ohio, and sees 20 to 30 patients per day, four days per week.

Dr. Steinbergh asked if Dr. Weidman understands her Board Order. Dr. Weidman replied that she understands her Board Order.

Dr. Steinbergh moved to continue Dr. Weidman under the terms of the Board's Order of March 14, 2012. Dr. Ramprasad seconded the motion. All members voted aye. The motion carried.

REPORT AND RECOMMENDATION

GREGORY EDWARD FURNESS, P.A., Case No. 11-CRF-084

Dr. Steinbergh moved to remove the matter of Gregory Edward Furness, P.A., from the table. Dr. Ramprasad seconded the motion. All members voted aye. The motion carried.

Ms. Anderson stated that the staff has discussed this matter and resolved concerns regarding the Board Order.

Dr. Steinbergh moved to approve the Board Order in the matter of Gregory Edward Furness, P.A., as written. Dr. Madia seconded the motion. A vote was taken:

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

The motion carried.

EXECUTIVE SESSION

Dr. Steinbergh moved that the Board declare Executive Session to consider an investigation of charges against, discipline, or dismissal of one or more employees. Dr. Madia seconded the motion. A vote was taken:

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

The motion carried.

The Board returned to public session.

Thereupon, at 4:20 pm, the December 12, 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 December 12, 2012, as approved on January 9, 2013.

Anita M. Steinbergh, D.O., President

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

(SEAL)

MINUTES

THE STATE MEDICAL BOARD OF OHIO

December 13, 2012

Darshan Mahajan, M.D., President, called the meeting to order at 8:05 a.m., in Conference Room 336 of 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.; Kris Ramprasad, M.D.; Laurie O. Elsass; Donald R. Kenney, Sr.; and Michael Gonidakis. The following member arrived at a later time: Marchelle L. Suppan, D.P.M. The following member did not attend the meeting: Lance A. Talmage, M.D.

Also present were: Kimberly Anderson, Interim Executive Director; Susan Loe, Assistant Executive Director, Program Management and Operations; Sallie J. Debolt, General Counsel; Joan K. Wehrle, Education & Outreach Program Manager; Mike Miller, Interim Assistant Executive Director, Licensure and Renewal; 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

PROBATION AND REINSTATEMENT CONSENT AGENDA

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

Dr. Steinbergh stated that the report on Dr. Allen needs a correction. Dr. Steinbergh stated that Dr. Allen's most recent relapse date is listed as May 9, 2012. The most recent relapse date should be May 9, 2010.

Dr. Steinbergh expressed concerns regarding the Board's ability to monitor Dr. Kerns with the approval of the LifeSaver FC 100 Ignition Interlock Device, which will fulfill terms of his Consent Agreement if approved. Dr. Steinbergh stated that the device will be installed in Dr. Kerns' car. Dr. Kerns will use the device to take a breathalyzer test, and he will not be able to drive his car if the breathalyzer is positive. Dr. Steinbergh stated that if there is a positive test, Dr. Kerns can simply find another way to get to work and practice while impaired.

Dr. Steinbergh recalled that a previous probationer, Dr. Brightwell, had been required to undergo testing in the hospital prior to working. Ms. Bickers stated that, in fact, Dr. Brightwell had to go to a police station to be tested prior to his shift, and he would then drive to the hospital. Ms. Bickers stated that this is because the breathalyzer machine has to be calibrated by certified individuals.

Dr. Strafford stated that he and Dr. Bechtel looked that this situation closely. Dr. Strafford stated that the

problem is that there is not a safeguard against the practitioner driving his car to the hospital, then drinking alcohol before his shift. Dr. Strafford noted that the Board will receive an after-the-fact report from the machine stating if there had been a violation.

Ms. Bickers stated that another option available to the Board is to require a saliva swab in the hospital prior to work. Mr. Kenney opined that the Board should insist that testing be done within the hospital prior to working, thus removing the possibility of the practitioner abusing a substance prior to entering the hospital. Dr. Madia asked why this is a requirement of Dr. Kerns' Consent Agreement and not other consent agreements. Dr. Steinbergh answered that Dr. Kerns' assessor recommended this stipulation.

Dr. Mahajan suggested that Dr. Kerns be tested during his shift, perhaps by saliva swab. Ms. Bickers stated that saliva swabs could also be done randomly. Dr. Madia favored random, though not daily, saliva swabs. Ms. Marshall commented that the Board has the ability to require random saliva swabs under the terms of the Consent Agreement.

The Board engaged in a broader discussion of impaired probationers and ways to better ensure they do not practice while impaired and compromise patient safety.

Dr. Suppan entered the meeting at this time.

Dr. Madia moved to grant John R. Kerns, D.O.'s request for approval of John T. Schoettmer, M.D., to serve as the monitoring physician, determination of the number and frequency of charts to be reviewed at 10 charts per month, and approval of the LifeSaver FC100 Ignition Interlock Device to fulfill the requirements of paragraph 14 of his Consent Agreement with reports to be submitted to the Board every two weeks. Dr. Madia also moved to require Dr. Kerns to undergo random saliva swabs at the hospital in which he practices. Dr. Ramprasad seconded the motion. A vote was taken:

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

The motion carried.

Dr. Steinbergh moved to accept the Compliance staff's Reports of Conferences on November 13 & 15, 2012, with: Melissa K. Anderson, M.T.; Franklin H. Baker, P.A.; Andrew J. Beistel, D.O.; Craig L. Bierer, D.O.; Robert L. Brandt, Jr., M.D.; Kory D. Brownlee, D.P.M.; Lisa Ellen Burgan, M.T.; Paul P. Chu, M.D.; Ericka L. Davis, P.A.; Franklin D. Demint, D.O.; Jennifer S. Dyer, M.D.; Mary

Jo Foote, P.A.; Brian F. Griffin, M.D.; Michael S. Grinblatt, M.D.; John Mark Hatheway, M.D.; Allison C. Heacock (Grauer), M.D.; Nilesh B. Jobalia, M.D.; Matthew D. Kellems, M.D.; Brian E. Leve, M.D.; William G. Martin, M.D.; David A. McMaken, M.D.; William J. Platt, D.O.; William Popovich, M.D.; Bud E. Quintana, D.O.; Lawrence Gene Ratcliff, M.D.; Dan Ryu, M.D.; Alan D. Sabino, M.D.; Genevieve A. Salvaggio, M.T.; Denise J. Signs, M.D.; Jon Berkley Silk, Jr., M.D.; Arthur H. Smith, M.D.; Rick D. St. Onge, M.D.; Rodney E. Stone, M.D.; Toby James Tippie, P.A.; Richard Mark Weil, M.D.; and Randall G. Whitlock, Jr., P.A.

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 L. Allen, M.D.'s request for permission to administer controlled substances, and approval of Randy P. Plona, D.O., to serve as the new monitoring physician;**

- **To grant Mark E. DiLuciano, M.D.'s request for discontinuance of the chart review requirement, and approval of Michael D. Sarap, M.D., to serve as the new monitoring physician;**

- **To grant Thomas A. Gibbs, D.O.'s request for reduction in appearances to every six months;**

- **To approve the Secretary's recommendation to reduce Martin R. Hobowsky, D.O.'s appearances to once every six months;**

- **To grant Carol E. Lewis, M.D.'s request for approval of her post-graduate training program/fellowship;**

- **To grant Paul D. Lopreato, P.A.'s request for approval of Robert E. Elliott, M.D., to conduct the psychiatric assessment required for reinstatement;**

- **To grant Leonid Macheret, M.D.'s request to waive his May 2013 appearance;**

- **To grant Sudhir S. Polisetty, M.D.'s request for approval of *Medical Ethics, Boundaries and Professionalism Course*, offered by Case Western Reserve University, to fulfill the professionalism course requirement;**

- **To grant Joseph P. Sitarik, D.O.'s request for reduction in appearance to every six months, and reduction in drug and alcohol rehabilitation meetings to two per week with a minimum of 10 per month; and**

- **To grant Carmen L. Woolums, P.A.'s request for discontinuance of psychotherapy sessions;**

Dr. Madia seconded the motion. A vote was taken:

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

Mr. Gonidakis	- aye
Mr. Kenney	- aye
Ms. Elsass	- aye
Dr. Suppan	- aye
Dr. Madia	- aye
Dr. Ramprasad	- aye
Dr. Steinbergh	- aye
Dr. Mahajan	- aye

The motion carried.

ELECTION OF OFFICERS

Before the election of officers for 2013, Dr. Mahajan thanked the Board members and staff for their help and cooperation during his presidency. The Board and staff applauded Dr. Mahajan's service as president.

Dr. Madia moved to approve Dr. Steinbergh to serve as President, Dr. Ramprasad to serve as Vice President, Dr. Strafford to serve as Secretary, and Dr. Bechtel to serve as Supervising Member for terms beginning January 1, 2013, and ending on December 31, 2013. Dr. Suppan seconded the motion. All members voted aye. The motion carried.

ADMINISTRATIVE REPORT

Ms. Anderson stated that on November 20, she and other members of the staff met with Steven Wall and some of his staff to discuss ways to improve efficiency and reduce costs. Mr. Wall is Director of LeanOhio, which is part of the Department of Administrative Services. The process will involve identifying a process that the Board would like LeanOhio to review. Ms. Anderson stated that she has identified the complaint intake and routing process as an area that needs improvement and which affects many other areas. Ms. Anderson was hopeful that improvements in the complaint process will carry through to both the Licensure and Enforcement Sections.

Ms. Anderson explained that 12 to 15 staff members will be chosen to meet with LeanOhio for one week. The process involves describing the complaint process and examining it in minute detail. The team will work together and come to a consensus for how to streamline the process. The role of the LeanOhio staff will be to train the Board's staff in that process improvement and how to look at things critically. The Board's staff will be the ones developing the change. Ms. Anderson noted that there will be no cost to the Board.

If the Board approves, the week-long process can occur in late January or early February. Ms. Anderson stated that this process will involve management and staff working together to develop improvements, instead of decisions being made only by management with no input from other staff. Ms. Anderson speculated that this will help ensure that the changes developed in the process are adhered to.

Dr. Bechtel opined that the LeanOhio process will be extremely helpful and provide a clear direction for

the Board. Dr. Suppan agreed and stated that she has had a great deal of personal experience with this type of process improvement at her hospital. Dr. Suppan stated that process improvement can result in significant expense reduction, especially if the most expense-laden activities are given priority. Dr. Suppan also stated that a great deal of *espirit de corps* among members of the team will also result. Dr. Suppan opined that leadership support will be essential to the process and recommended that candidates for the Executive Director position be questioned on their knowledge of the process and willingness to support it.

Mr. Gonidakis agreed that the LeanOhio process will be beneficial and asked if it would be possible to begin the process before late January. Ms. Anderson replied that because other agencies also utilize LeanOhio, the earliest possible slot for the Medical Board is late January or early February.

Dr. Mahajan asked if Board members can also attend the LeanOhio meeting. Ms. Anderson relied that that opportunity could be made available. Dr. Suppan stated that high-ranking people like Board members tend to dominate such meetings and slow the process. Dr. Suppan asked that any Board member considering joining the LeanOhio meetings should let the process unfold and not dominate the proceedings.

Dr. Strafford stated that this process may be similar to Sunday school, wherein people are enthused on Sunday but the lessons are forgotten on Monday. Dr. Strafford stated that LeanOhio is a big investment in time and culture change, which is needed. Dr. Strafford wished to ensure that the culture change of examining and improving processes continues.

Dr. Steinbergh strongly supported the examination of the Board's processes.

Dr. Madia moved to approve the plan to engage in the LeanOhio process. Dr. Madia further moved that the Board should embrace the concept of continuous improvement. Dr. Steinbergh seconded the motion. All members voted aye. The motion carried.

Ms. Anderson stated that the Board has received a special meeting invitation from the Federation of State Medical Boards for two individuals to participate in a dialogue on licensure and licensure options. The dialogue will take place in Dallas, Texas, in January. Although the invitation specified a Board member and the Executive Director, Dr. Talmage has advised that a delegate can be sent in the Executive Director's stead. Ms. Anderson suggested that Mr. Miller and Dr. Strafford attend the meeting.

Dr. Madia moved to approve Dr. Strafford and Ms. Anderson or her designee to attend the dialogue on licensure in Dallas, Texas, in January 2013. Ms. Elsass seconded the motion. All members voted aye. The motion carried.

Ms. Anderson stated that the Administrative Report includes changes that are being made to licensure and enforcement processes, under the guidance of Dr. Strafford and Dr. Bechtel. Ms. Anderson stated that she can answer any questions the Board members may have on that.

Ms. Anderson noted that a new e-licensure system has been selected for the Medical Board by the Department of Administrative Services (DAS). Dr. Madia asked if the Medical Board had input regarding

the vendor chosen by DAS for the new e-licensure system. Ms. Anderson replied that the Medical Board had input as to the criteria for selection, but the Medical Board was not selected to be on the team making the selection. However, the Medical Board was selected to be a pilot group for the new system.

Lastly, Ms. Anderson stated that a new telephone system has been selected for the Medical Board which is internet-based. At this time, Ms. Anderson was unsure of the costs that will be incurred by the new system. Ms. Anderson will update the Board members as information becomes available.

ADOPTION OF RULES

Ms. Debolt stated that Proposed Rule 4731-1-08, Ohio Administrative Code, has been through the rule promulgation process and may now be adopted by the Board. Ms. Debolt stated that if adopted, Proposed Rule 4731-1-08 will allow cosmetic therapists to count up to 10 hours home study coursework towards their continuing education requirements instead of five hours. Proposed Rule 4731-1-08 will replace the current Rule 4731-1-08.

Dr. Steinbergh asked if the Cosmetic Therapy Association of Ohio is in support of the Proposed Rule. Ms. Debolt stated that the association made no objections to the proposed rule as revised.

Dr. Steinbergh moved to approve the Findings and Order rescinding current Rule 4731-1-08, Ohio Administrative Code, and adopt new Rule 4731-1-08, Ohio Administrative Code. Dr. Steinbergh further moved that the adopted and rescinded rules be filed with an effective date of December 31, 2012. Ms. Elsass seconded the motion. All members voted aye. The motion carried.

RATIFICATION OF CONSENT AGREEMENT

Dr. Steinbergh moved to remove the topic of Ratification of Consent Agreements from the table. Dr. Madia seconded the motion. All members voted aye. The motion carried.

SHEILA SALOME PAUL, D.O. – STEP II CONSENT AGREEMENT

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

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

The motion to ratify carried.

REPORTS BY ASSIGNED COMMITTEES

AD HOC BUDGET REVIEW COMMITTEE

Ms. Loe stated that the *Ad Hoc* Budget Review Committee considered a proposal from Ms. Anderson for reducing the proposed physician license renewal fee increase from $95.00 to $40.00. The Committee felt that the proposed $40.00 increase was too tight and asked for projections if the increase was $50.00. Ms. Loe stated that she has made those calculations and provided the results to the Board members. Ms. Loe stated that the short-term goal is to be able to support 82 full-time employees, a decrease from 85.5 employees in the original budget proposal.

Ms. Loe reviewed the assumptions contained in the proposal. First, the proposal assumes that the Board will not pay Attorney General fees. Second, the proposal assumes that there will be a 2% growth in the Board's licensee base, as has been seen in the past. Ms. Loe stated that the percentage increase seems to be down so far this year, but it is not enough to indicate a long-term trend. Ms. Loe will continue to monitor the growth of the license base. Third, the proposal makes assumptions regarding future payroll based on current fringe benefits and current bargaining unit contracts.

Ms. Loe calculated that a proposed $50.00 increase will create approximately $200,000.00 of additional revenue each fiscal year over a $40.00 increase, and therefore provides the Board will a little more leeway to account for unknown factors.

Dr. Madia noted that from 2011 to 2012, the licensee base has not increased by 2%, but rather has actually decreased. Dr. Madia speculated that the historical 2% increase may be a thing of the past. Dr. Suppan agreed. Mr. Kenney asked how much money would not be collected by the Board if the licensee base remains flat. Ms. Loe calculated that roughly $1,600,000.00 would not be collected if there is no growth in the licensee base.

Ms. Anderson stated that she would like to submit the adjusted budget request to the Office of Management and Budget by the end of December. Ms. Anderson stated that the initial proposal was intended to provide adequate revenue for a long period of time. Ms. Anderson stated that it is uncertain if that budgeting model works in today's legislature. Ms. Anderson stated that the new proposal is more short-term. The proposed $40.00 increase gets the Board through one biennium and perhaps a second biennium, although it would be very tight. A proposed $50.00 increase should get the Board through two bienniums, barring unforeseen circumstances with personnel costs.

Ms. Anderson stated that the proposed adjusted budget request encompasses more than just a licensure renewal fee increase. Ms. Anderson stated that this request is an attempt to be more responsive to concerns and to look at a different model moving forward. A key part of that effort is to increase accountability. Ms. Anderson stated that the Board has fallen behind on some of its obligations, such as producing an annual report, and that is being corrected. The Board is also examining ways to streamline processes and

improve efficiency. In addition, Mr. Miller is developing a proposal for licensure by endorsement, by which a physician who has practiced in another stated for a certain period of time with no problems and is board certified can skip some steps of the licensure application process.

Ms. Anderson stated that the Board is also examining the possibility of other revenue sources, which have not been included in the budget calculations because information still needs to be gathered. The proposal includes an outline of these possibilities, including requiring physicians to cover some of the investigative costs when they are found to have violated the law, making some low-level Continuing Medical Educations violations non-disciplinary in order to avoid the cost of a hearing, and obtaining grants or other types of funding for educational purposes.

Dr. Madia opined that the proposal should include the $50.00 physician license renewal increase. Dr. Madia further opined that the proposal should make clear that this amounts to $25.00 per year. Dr. Ramprasad agreed.

Dr. Steinbergh moved to approve the proposed adjusted budget request, with a proposed increase in physician license renewal fee by $50.00. Dr. Ramprasad seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Ms. Elsass	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye

The motion carried.

BOARD MEMBER *PER DIEM* POLICY

Ms. Anderson stated that the Board's *per diem* policy is being revised. Ms. Anderson stated that the payments to Board members will be reviewed every January in order to provide additional accountability. Ms. Anderson stated that the Secretary and Supervising Member will track their time and submit for payment when they have eight hours performing those responsibilities. All other Board members will receive *per diem* for attending Board meetings or attending meetings on the Board's behalf.

Dr. Steinbergh moved to approve the proposed Board Member *per diem* policy. Dr. Madia seconded the motion. All members voted aye. The motion carried.

PROPOSED MEDICAL BOARD COMMUNICATION PLAN

Ms. Wehrle stated that the proposed communication plan includes a publication schedule for the monthly Formal Action Report, e-Blast, and the *Grand Rounds* newsletter. Ms. Wehrle stated that the Formal Action Report will be published monthly, while the e-Blast and *Grand Rounds* will be published on alternating months. Other publications will include announcements of rules hearings and notices of a rule being adopted or revised. Ms. Wehrle also stated that the Board's brochures will be updated; the consumer guide brochure will be updated following the LeanOhio process.

Ms. Wehrle stated that a major project for 2013 will be redesigning the Board's website and making it more user-friendly.

Mr. Gonidakis asked how many are currently on the list to receive the Board's e-Blast. Mr. Wehrle answered that the list includes approximately 63,000 licensees, as well as members of the media, the legislation, and other groups.

Dr. Steinbergh moved to approve the proposed Medical Board communication plan. Dr. Madia seconded the motion. All members voted aye. The motion carried.

FISCAL YEAR 2012 ANNUAL REPORT

Ms. Wehrle stated that the pre-publication draft of the Fiscal Year 2012 Annual Report had had some minor modifications. These modifications include some clarification statements, a statement that revenue in even-numbers years is greater than that in odd-numbers years, a historical comparison of expenses, and a notation that there were 27 pay periods in Fiscal Year 2011 instead of the usual 26. Ms. Wehrle also stated that figures from the past few fiscal years which had been blank have now been filled in.

Ms. Wehrle stated that in January she will provide fiscal numbers by calendar year, which can be used for comparisons with other states.

Dr. Strafford moved to approve the Fiscal Year 2012 Annual Report. Dr. Bechtel seconded the motion. All members voted aye. The motion carried.

FISCAL REPORT

Ms. Loe stated that the Fiscal Report for October 2012 has been distributed to Board members. The Board's cash balance at the end of October was about $3,000,000.00. Ms. Loe also provided a final report on Fiscal Year 2012 which includes expenditures that were made in Fiscal Year 2013 but came from the Fiscal Year 2012 allotment.

Dr. Ramprasad asked about the expense labeled "parking" in the report. Ms. Loe explained that the parking expense line also includes a portion of the cost of leasing vehicles for some of the Board's investigators. Ms. Loe explained that the fiscal department continuously analyzes the travel expenditures of all investigators, and vehicles are leased for any investigator for whom the leasing option is less expensive than paying the investigator mileage. Dr. Steinbergh asked what parking expenses were paid by the Board. Ms. Loe estimated that between six and eight employees are currently provided paid parking.

Ms. Loe stated that she will report back to the Board with more specifics on these costs.

LICENSURE APPLICATION REVIEW

JOSÉ CRESPO, M.D.

Ms. Rieve stated that this physician was presented to the Board at the November 2012 meeting. Ms. Rieve stated that additional information has been received and asked the Board to table this matter so that the information can be reviewed.

Dr. Madia moved to table the matter of Jose Crespo, M.D., to allow Board staff to review additional information. Ms. Elsass seconded the motion. All members voted aye. The motion carried.

TREATMENT PROVIDER APPLICATIONS

MARWORTH

Ms. Bickers stated that Marworth has held a Certificate of Good Standing as a Treatment Provider for Impaired Practitioners since 2000 and meets the Board's rule expectations for renewal.

Dr. Madia moved to approve the renewal application for Certificate of Good Standing as a Treatment Provider for Impaired Practitioners from Marworth. Dr. Steinbergh seconded the motion. All members voted aye. The motion carried.

TREATMENT ADVISORY PANEL

Ms. Bickers stated that the Board had previously moved to approve the establishment of a treatment advisory panel who will advise the Board on impairment issues. Ms. Bickers stated that the Panel members will mostly meet via telephone conference and will not be paid for their positions.

Ms. Bickers stated that she has received *curriculum vitas* from five individuals for the five seats on the Panel: Christina M. Delos Reyes, M.D., an addictionologist serving on the Board of the Ohio Physicians Health Program (OPHP); David D. Goldberg, D.O., the medical director of OPHP; Theodore V. Parran, Jr., M.D., who has served as an expert for the Board on numerous occasions; Nykolai V. Pidhorodeckyj, M.D., medical director of Glenbeigh Hospital; and Richard N. Whitney, M.D., medical director of Shepherd Hill Hospital. All *curriculum vitas* were provided to the Board members in the agenda materials.

Dr. Steinbergh moved to approve the five candidates to serve on the Treatment Advisory Panel. Dr. Madia seconded the motion. All members voted aye. The motion carried.

LEGISLATIVE UPDATES

Meeting with Genetic Counselors: Mr. Miller stated that he met with genetic counselors regarding the implementation of their licensure. Mr. Miller stated that the Board will begin licensing genetic counselors

beginning in September 2013. Mr. Miller stated that a draft licensure application will be produced by April for the Board's approval. Mr. Miller commented that the Board will need to adopt some rules to implement the licensure procedures.

Meeting with Cosmetic Therapists: Mr. Miller stated that he met with representatives of the Cosmetic Therapist Association of Ohio to discuss how they can better interact with the Board. Mr. Miller suggested to them that the best way to interact with the Board is through the Board's Group 2 Committee. The representatives also raised patient safety concerns regarding light-based medical devices. Mr. Miller informed them that complaints should be filed in such cases so that the Board can investigate possible violations of the minimal standards of care.

Mr. Miller stated that the subject of light-based medical devices is very complicated, touching on issues including employment and patient safety. Mr. Miller stated that the use of light-based medical devices is very widespread and policing their use will be a daunting task. Mr. Miller opined that the Board should review its rules concerning light-based medical devices in the near future. Dr. Bechtel stated that he has seen patients injured by these devices, both in his practice and while reviewing complaints as the Supervising Member of the Board. Dr. Bechtel stated that the burn injuries and scarring can be significant. The Board agreed that the improper use of light-based medical devices is very concerning. Dr. Ramprasad asked if Dr. Bechtel had suggestions. Dr. Bechtel felt that the Board should review the educational requirements for using the devices to make sure they are adequate.

Meeting with Representatives Johnson and Derickson: Mr. Miller stated that he and Ms. Anderson met with Representatives Johnson and Derickson regarding the Board's licensure rules for physicians and the difficulties some applicants encounter. The Representatives were encouraged to learn that the Board is exploring the possibility of allowing licensure for those who have specialty board certification regardless of their performance on the United States Medical Licensing Examination or the Comprehensive Osteopathic Medical Licensing Examination.

Mr. Miller stated that Representative Johnson, as the only physician member of the legislature, is interested in having a higher level of engagement with the Board so that he can more comfortably respond to the Board-related inquiries he receives.

Representative Johnson also discussed variations on trends surrounding Suboxone. One issue is that some practitioners are using Suboxone as a way to get around the pain clinic law by increasing their patient loads under the guise of Suboxone treatment and thus keep their chronic pain patient load under 50%. Representative Johnson expressed concern about Suboxone being used to treat chronic pain, patients receiving Suboxone and narcotics simultaneously, and patients selling Suboxone. Mr. Miller stated that Senator Burke and Governor Kasich also have a high level of interest in these issues.

Dr. Suppan noted that in her rural community, she sees small signs that simply say "Suboxone" and a phone number with no physician name. Dr. Suppan opined that any sort of similar marketing should have a physician's name attached and suggested that the Board pursue this matter.

The Board engaged in a general discussion of the dangers and proper use of Suboxone

Meeting with Representative Wachtmann: Mr. Miller stated that he and Mr. Gonidakis had a positive meeting with Representative Wachtmann earlier this week regarding the new direction of the Board going forward. Representative Wachtmann offered his support for the Board's legislative agenda. Mr. Miller stated that Representative Wachtmann will be one of the individuals reviewing the Board's proposed budget.

Dr. Ramprasad commented that the addition of Ms. Elsass, Dr. Bechtel, Mr. Kenney and Mr. Gonidakis to the Board has provided a connection to the legislature and the Governor's office which had been lacking before. Dr. Ramprasad thanked these members for their efforts on behalf of the Board.

House Bill 251, Oriental Medicine: Mr. Miller stated that this bill has been passed by the legislature and is awaiting the Governor's signature. The Board will begin licensing oriental medicine practitioners 90 days following the Governor's signature. Mr. Miller stated that the licensure section will develop an application for the new license and apply essentially the same process as for acupuncturists.

House Bill 284, Physician Assistants: Mr. Miller stated that this legislation will grant Schedule II prescriptive authority to physician assistants. The bill will also allow the Board to make changes to the physician assistant formulary through adoption of policy and recommendations from the Physician Assistant Policy Committee, rather than changing the formulary through the rule-making process. Mr. Miller stated that the Board will need to update its rules and change the physician assistant formulary to make them consistent with the legislation.

House Bill 417, Patient Notification of Terminated Physicians: Mr. Miller stated that this legislation is expected to pass and will require the Board to amend its rules regarding notification requirements.

House Bill 607, Health Care Professional Identification Card: Mr. Miller stated that this legislation will require healthcare providers who provide direct patient care to wear a name badge with their picture and the date of their license expiration. Mr. Miller stated that the bill also contains language regarding appropriate advertising, and therefore may offer an opportunity to address the advertising issues with Suboxone which Dr. Suppan had spoken of earlier.

House Bill 609, Telehealth Services Coverage: Mr. Miller stated that the Board has worked with the offices of the sponsor and the committee chairman to develop this legislation. At this time, the legislation is only focused on authorizing private insurers to reimburse for telehealth services and creating a mandate for Medicaid to reimburse for telehealth. Dr. Strafford noted that this bill, as proposed and discussed, fails to recognize different levels of services or levels of complexity of decision making, which are standard in healthcare encounters.

Senate Bill 141, Medical Services for Visiting Sports Teams: Mr. Miller stated that this legislation would allow physicians accompanying out-of-state sports teams to treat members of the team and individuals accompanying the team. Mr. Miller stated that the out-of-state physicians will not be able to provide services in hospitals or other facilities.

Senate Bill 301, Controlled Substances: Mr. Miller stated that this bill was signed by the Governor earlier this week. This legislation gives the Board the ability to inspect pain management clinics without having a complaint filed. The legislation also allows the Board to take action against both a provider and the owner of a clinic that is operating without appropriate licensure. Mr. Miller commented that he and Dr. Strafford attended the Governor's signing of the bill and the Governor commended the Board for its recent changes in direction and focus.

Dr. Bechtel exited the meeting at this time.

INQUIRY REGARDING MINIMAL STANDARDS OF CARE

Dr. Steinbergh stated that last month, the Board discussed an inquiry from a specialty group regarding the responsibilities of primary care physicians and specialists with regard to critical lab results communicated through electronic medical records (EMR). The inquiry posits a scenario in which a primary care physician orders labs tests and the results are sent to a specialist of the same healthcare system via EMR. Dr. Steinbergh stated that the Board had recognized that the ordering physician is most responsible for responding to the critical values, but the specialist also has a responsibility of recognizing that there is an abnormality and ensuring that it is addressed.

Dr. Steinbergh stated that a draft response to the inquiry has been approved by the Group 2 Committee and is now before the Board for final approval. The draft response relates the Board's position and also states that if the specialist does not have a physician/patient relationship with the patient, the specialist's support staff should be trained to alert the specialist of the critical value. The draft response also encourages physicians to contact the Chief Information Officer of the hospital or medical system to obtain any position paper or policy it may have that is applicable to this situation.

Dr. Suppan agreed with the draft response and stated that in the case of a critical value, everyone must react as a team. Dr. Suppan suggested that this information be placed in the next edition of the Board's newsletter.

Dr. Strafford stated that such a statement issued by the Medical Board could have repercussions in terms of liability and complaints against other members of the medical team. Dr. Strafford also noted that lab values may be critical to one physician while another physician may not consider them critical. Dr. Ramprasad and Dr. Mahajan agreed, stating that they had encountered this in their own practices. Dr. Madia expressed concern with the aspect of the letter regarding the specialist's support staff's responsibility to recognize and report critical values. Dr. Madia questioned whether a medical assistant can be trained to fulfill that role reliably. Dr. Ramprasad echoed Dr. Madia's concerns.

The Board engaged in a thorough discussion of these issues. Dr. Steinbergh suggested that, in light of the Board's discussion, this issue be reviewed in a broader manner before sending a response that will be interpreted by many as a Board policy.

Dr. Steinbergh moved to table this topic. Dr. Ramprasad seconded the motion. All members voted aye. The motion carried.

Dr. Suppan exited the meeting at this time.

AD HOC EXECUTIVE DIRECTOR SEARCH COMMITTEE

Ms. Loe stated that the *Ad Hoc* Executive Director Search Committee approved a job announcement for the position of Executive Director. The Committee made some small updates to the position description. Ms. Loe stated that the announcement will be posted through the Federation of State Medical Boards, Administrators in Medicine, the Council on Licensure, Enforcement and Regulation, the Ohio Hospital Association, the local State of Ohio Boards and Commissions group, and the Governor's office. The announcement will be posted from next week through January 25. Ms. Loe stated that the Committee will review the résumés received, select approximately 10 individuals to interview, and present the top few choices to any Board members who wish to be involved in that process.

Dr. Steinbergh moved to approve the Executive Director job description as presented. Ms. Elsass seconded the motion. All members voted aye. The motion carried.

OTHER BUSINESS

Dr. Steinbergh noted that, due to unforeseen scheduling issues, today's meeting is taking place in Conference Room 336 with Board members sitting around tables. Dr. Steinbergh stated that she prefers this arrangement rather than the usual situation in the Administrative Hearing Room (AHR). Dr. Steinbergh opined that the usual seating arrangement in the AHR is not conducive to discussion amongst the Board members. Dr. Steinbergh further opined that the usual seating arrangement places the Board at a higher level than the respondents and their attorneys, creating a separation and an intimidation factor. Dr. Steinbergh asked the Board to consider moving tables onto the floor of the AHR and having Board members sit on the same level as respondents and their attorneys. Dr. Steinbergh opined that this would result in less intimidation and improved communication among Board members.

The Board engaged in a thorough discussion of Dr. Steinbergh's suggestion. Many Board members felt that the usual sitting arrangement in the AHR created a proper atmosphere for the respondent and conveyed the seriousness of the proceedings. Some Board members also brought up safety concerns with sitting around tables, noting that one recent respondent had a troubling history which prompted the presence of extra security. Most Board members agreed with Dr. Steinbergh that communication would be improved with a different seating arrangement.

Ms. Anderson, noting that respondents appear at Wednesday meetings while more general discussions occur at Thursday meetings, suggested that Board consider keeping Wednesday meetings in the AHR with the usual seating arrangements, while holding Thursday meetings in a large conference room around tables. Dr. Steinbergh asked the Board to consider Ms. Anderson's suggestion for further discussion in the future.

Dr. Steinbergh stated that as President-elect, she would like to consider changes to the Board's committee structure to improve efficiency. Dr. Steinbergh encouraged Board members and staff to offer any input on

this matter.

Dr. Steinbergh stated that the draft minutes of each Board meeting should be sent to Board members for their review no later than two weeks following the meeting. Dr. Steinbergh stated that this will afford the Board members a much better opportunity to review the minutes and ensure the accuracy of their comments. Dr. Steinbergh noted that many people are reading the Board's meeting minutes and the Board members must be able to approve them responsibly. Dr. Steinbergh directed Mr. Taylor to carry this into effect.

Thereupon at 11:15 am, the December 13, 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 December 12-13, 2012, as approved on January 9, 2013.

Anita M. Steinbergh, D.O., President

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

(SEAL)