

**STATE MEDICAL BOARD OF OHIO
FORMAL ACTION REPORT – May 2011
(Corrected to reflect date of pre-hearing suspension of James Lundeen, Sr.)**

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Listed below is a summary of the disciplinary actions taken or initiated by the State Medical Board of Ohio in May 2011 and an update of Board matters pending in courts as of the date of this document.

PRE-HEARING SUSPENSION

LUNDEEN, James Edgar, Sr. (MD #35.052257) – Plymouth, OH

Pursuant to Section 4731.22(G), ORC, medical license summarily suspended based on Board's determination that there is clear and convincing evidence that doctor has failed to maintain minimal standards applicable to the selection or administration of drugs, or failed to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease; failed to use reasonable care discrimination in the administration of drugs or failed to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease; departed from, or failed to conform to, minimal standards of care; and violated or conspired to violate Medical Board rules on utilizing prescription drugs for the treatment of intractable pain; and that doctor's continued practice presents a danger of immediate and serious harm to the public. Order effective 5/11/11. (See also: Citations & Proposed Denials *below*)

CITATIONS & PROPOSED DENIALS

BOWERS, Walter Thomas, II (MD #35.039566) – Cincinnati, OH

Based on prior order of Kentucky's medical board in issuing an Agreed Order temporarily limiting doctor from practicing obstetrics and performing obstetric procedures in that state for a period of five years. Notice of opportunity for hearing mailed 5/12/11.

CALLOWAY, George Franklin (MD #35.038419) – Westerville, OH

Based on doctor's alleged having made a false, fraudulent, deceptive, or misleading statement in relation to the practice of medicine by submitting a licensure recommendation without having actual knowledge of the applicant's interaction with patients and medical technique. Notice of opportunity for hearing mailed 5/12/11.

HILL, Cristal LeeAnn (LMT #33.017800) – Middletown, OH

Massage therapist notified of right to request a hearing on the question of whether her failure to submit to a mental or physical examination as ordered by the Board was due to circumstances beyond her control. Based on the legal presumption that massage therapist's failure to submit to a mental or physical examination as ordered by the Board constitutes admission of the legal and factual allegations demonstrating that she is impaired in the ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice. Notice of opportunity for hearing mailed 5/12/11.

HOBSON, Rachel RuthAnn (LMT #33.014485) – Russellville, OH

Based on massage therapist having been diagnosed with alcohol abuse and marijuana abuse and found to be impaired in ability to practice by a Board-approved provider, and on her alleged making of a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a massage therapy license by failing to disclose having been convicted of criminal damaging and two DUIs. Notice of opportunity for hearing mailed 5/12/11.

LARKY, Howard Chad (DO #34.008280) – Springfield, OH

Based on doctor's alleged failure to conform to minimal standards of care by engaging in sexual misconduct with a patient and on doctor's alleged failure to maintain minimal standards applicable to the selection or administration of drugs and failure to conform to minimal standards of care by prescribing a controlled substance to a family member without maintaining a patient record and without documenting that the prescribing was for an emergency. Notice of opportunity for hearing mailed 5/12/11.

LINARES, Oscar Augustine (MD #35.094325) – Monroe, MI

Based on the prior immediate suspension of doctor's DEA registration based on repeated issuance of prescriptions for controlled substances for other than legitimate medical purpose or outside the usual course of practice and doctor's voluntary surrender of his DEA controlled substance privileges based upon alleged failure to comply with federal requirements pertaining to controlled substances. Notice of opportunity for hearing mailed 5/12/11.

LUNDEEN, James Edgar, Sr. (MD #35.052257) – Plymouth, OH

Based, in care rendered to 26 specified patients, on doctor's alleged failure to maintain minimal standards applicable to the selection or administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease; failure to use reasonable care discrimination in the administration of drugs or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease; departure from, or failure to conform to, minimal standards of care; and violation or conspiracy to violate Medical Board rules on utilizing prescription drugs for the treatment of intractable pain. Notice of opportunity for hearing mailed 5/12/11. (*See also: Pre-hearing Suspension*)

OYORTEY, Michele Armande (MD #35.074233) – Columbus, OH

Based on doctor's alleged having made a false, fraudulent, deceptive, or misleading statement in relation to the practice of medicine by submitting a licensure recommendation without having actual knowledge of the applicant's interaction with patients and medical technique. Notice of opportunity for hearing mailed 5/12/11.

PURVIS, Jerry Gaines, Jr. (MD #35.080726) – South Bloomfield, OH (Late Report from April 2011)

Based on allegation that doctor is impaired in ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice. Notice of opportunity for hearing mailed 3/31/11. (*See also: Pre-hearing Suspension, April 2011*)

WALTER, Michelle Marie (MT Applicant) – North Royalton, OH

Based on applicant's alleged impairment of ability to practice according to acceptable and prevailing standards of care due to diagnosis of alcohol abuse, for which applicant has been

determined to be impaired in ability to practice massage therapy by a Board-approved addictionologist. Notice of opportunity for hearing mailed 5/11/11.

DISMISSALS OF CITATIONS

KHAN, Ali (MD #35.082837; MD Training Cert. #57.004249) – Perrysburg, OH

By Order and Entry filed 5/10/11, the Medical Board dismissed the charges alleging violations of Chapter 4731-25, Ohio Administrative Code. All other allegations in the Notice of Opportunity for Hearing were unaffected.

XENAKIS, Megan Marie (LMT #33.018710) – Bellaire, OH

By Order and Entry dated 5/10/11, the Medical Board dismissed without prejudice the Notice of Opportunity for Hearing issued to the massage therapist on 12/8/10.

FINAL DISCIPLINARY ORDERS

COOPER, Emmett George (MD #35.039200) – Cincinnati, OH

Doctor reprimanded. Based on Board's determination that doctor failed to complete and maintain accurate medical records concerning the prescribing of controlled substances to three specified patients. Order effective 5/26/11.

DESPOT, Janet Elizabeth (MD #35.055128) – Sylvania, OH

Medical license suspended for 30 days, with suspension stayed; probationary terms, conditions, and limitations established for at least five years. Based on doctor having been found guilty of one count of Illegal Medical Balance Billing and on prior actions by the Illinois and Washington medical licensing agencies. Order effective 5/12/11.

DINSA, Surjit Singh (MD #35.092976) – Adrian, MI

Medical license suspended for at least 180 days, conditions for reinstatement established, and subsequent probationary terms, conditions, and limitations established for at least three years. Based on prior actions by the New York and Michigan medical licensing agencies and on doctor having made a false, fraudulent, deceptive, or misleading statement on his Ohio licensure application. Order effective 5/26/11.

LANE, Brian Francis (MD #35.086946) – Toledo, OH

Doctor reprimanded, and probationary terms, conditions, and limitations established for at least 12 months. Based on Board's determination that doctor made a false, fraudulent, deceptive, or misleading statement on his 6/30/06 Ohio licensure application, application for appointment to a medical center, and in relation to the practice of medicine. Order effective 5/26/11.

SMITH, Arthur Harry (MD #35.083898; MD Training Cert. #57.005758) – Hudson, OH

Medical license suspended indefinitely; interim monitoring conditions and conditions for reinstatement established; interim monitoring conditions and conditions for reinstatement established; and subsequent probationary terms, conditions, and limitations established for at least five years. Based on Board's determination that doctor is impaired in ability to practice according to acceptable and prevailing standards of care based on diagnosis of cocaine abuse for which doctor has not completed required treatment at a Board-approved treatment provider. Order effective 5/12/11.

SMITH, Larry Lee (DO #34.001724) – Canfield Village, OH

Medical license permanently revoked. Based on doctor having been found guilty of a first-degree misdemeanor related to personally furnishing a controlled substance to a patient and on Board's determination that doctor engaged in sexual misconduct with two specified patients to whom doctor provided Suboxone as treatment for drug addiction, which activity also constitutes a violation of the minimal standards of care. Order effective 5/12/11.

TAYLOR, Henry J., III (MD #35.065592) – Salem, OR

Medical license suspended for at least one year, commencing 8/10/10; interim monitoring conditions and conditions for reinstatement established; subsequent probationary terms, conditions, and limitations established for at least five years. Based on prior action by Washington's medical licensing agency, the underlying basis being doctor having obtained addictive prescriptive medications for a family member, breaching the standard of care, and engaging in misrepresentation or fraud in the practice of medicine, including creating a false medical record. Order effective 5/26/11.

CONSENT AGREEMENTS

DRAKE, Samuel Lee (MD #35.032937) – Vista, CA

Application for restoration of medical license granted, probationary terms, conditions, and limitations established. Based on doctor's admission of having been found guilty in 1994 of Grand Theft for Presenting False Medi-Cal claims and Forgery of a Prescription, which guilty verdict and criminal charges were dismissed in 2000, and on doctor having completed probationary terms placed on his California medical license by that state's licensing board. Agreement effective 5/11/11; agreement to remain in effect for at least three years prior to any request for termination.

DYER, Jennifer Shine (MD #35.088228) – Columbus, OH

Medical license suspended for at least 180 days and until any and all future criminal charges related to doctor's obtaining of phentermine for self-use are fully and finally resolved; interim monitoring conditions and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions, and limitations to monitor practice. Based on doctor's admission that she obtained phentermine, a controlled substance, for self-use by writing prescriptions in the names of others and/or using another physician's name, and on doctor's admission of being impaired in ability to practice medicine according to acceptable and prevailing standards of care due to habitual or excessive use or abuse of drugs. Agreement effective 5/11/11.

GRAUER, Allison Christine (MD #35.093489; MD Training Cert. #57.013310) – Columbus, OH

Medical license suspended for at least 90 days; interim monitoring conditions and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions, and limitations to monitor practice. Based on doctor's admission of having relapsed on alcohol and having been diagnosed with alcohol dependence for which inpatient treatment was recommended. Agreement effective 5/11/11.

JONES, Allen James (MD #35.043951) – Orange City, FL

Doctor reprimanded. Based on doctor's admission that Florida's medical licensing agency reprimanded his license in that state and required him to be evaluated by the Florida CARES program, and that Pennsylvania's medical board reprimanded his license in that state. Agreement effective 5/11/11.

MARTIN, William G. (MD #35.046428) – Oregon, OH

Medical license suspended for at least 90 days; interim monitoring conditions and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions, and limitations to monitor practice. Based on doctor's admission of having relapsed on alcohol, having been diagnosed with alcohol dependency, and being impaired in ability to practice medicine according to acceptable and prevailing standards of care due to the habitual or excessive use or abuse of alcohol. Agreement effective 5/11/11.

QUINTANA, Bud E. (DO #34.002673) – Barberton, OH

Medical license reinstated subject to probationary terms, conditions, and limitations imposed to monitor practice based on doctor having been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring conditions are in place. Agreement effective 5/11/11; agreement to remain in effect for at least five years prior to any request for termination.

ORLOSKY, Karen Marie (LMT #33.012587; AA #67.000049) – Middleburg Hts., OH

Application for restoration of massage therapy license granted, massage therapy license suspended for 60 days; subsequent probationary terms, conditions, and limitations established. Based on massage therapist's admission that she occasionally practiced massage therapy after the expiration of her license on 8/31/07 through 11/9/08. Agreement effective 5/11/11; agreement to remain in effect for at least two years prior to any request for termination. Suspension effective 5/20/11 through 7/19/11.

SCHEIDLER, Earl C. (DO #34.001318) – Cincinnati, OH

Medical license suspended for 30 days; interim monitoring provisions established; and subsequent probationary terms, conditions, and limitations established. Based on doctor's admission of having written prescriptions for controlled substances for several members of his family in non-emergency situations, including after having been advised by a Board representative that such conduct could result in licensure action. Agreement effective 5/11/11; agreement to remain in effect for at least three years prior to any request for termination. Suspension effective 5/11/11 through 6/9/11.

VOLUNTARY SURRENDERS/RETIREMENTS

MORTERA, Antonio Narciso (MD #35.030687) – Mt. Vernon, OH

Board Order permanently revoking doctor's medical license as authorized by doctor in lieu of formal disciplinary proceedings based on alleged clinical privileges action by the U.S. Department of Defense or Veterans Affairs or termination or suspension of doctor's DEA registration. Effective 5/11/11.

MORTERA, Gloria Hidalgo (MD #35.030688) – Bucyrus, OH

Doctor's permanent voluntary retirement of medical license accepted by Board in lieu of further investigation concerning a physical condition that impacts doctor's ability to practice medicine. Effective 5/11/11.

LICENSE REINSTATED

HARRIS, Matthew Reid (DO #34.008347; DO Training Cert. #58.000823) – Kettering, OH

Doctor's request for reinstatement of medical licensed subject to the probationary terms, conditions, and limitations outlined in the 8/12/09 Board Order granted by 5/11/11 Board vote. Reinstatement effective 5/11/11.

PROBATION COMPLETED

PHEN, Lovsho (MD #35.055007) – Portola, CA

Doctor's request for release from the terms of the 3/14/07 Board Order granted by 5/11/11 Board vote. Release effective 5/15/11.

WALTZ, Gary W. (MD #35.044019) – Lyndhurst, OH

Doctor's request for release from the terms of the 5/10/06 Consent Agreement granted by 5/11/11 Board vote. Release effective 5/11/11.

PROBATION – MONITORING TERMS MODIFIED

AXELSON, David Brian (MD #35.064318) – Pickerington, OH

Doctor's request to discontinue required controlled substance log granted by 5/12/11 Board vote.

BALDWIN, Mark Denison (DO #34.005880) – Dublin, OH

Doctor's request to reduce required drug and alcohol rehabilitation meetings to two per week with a minimum of 10 per month granted by 5/12/11 Board vote.

BROWN, Cynthia Lynn (MD #35.061375) – Avon, OH

Doctor's request to reduce required personal appearances to every six months granted by 5/12/11 Board vote.

BROWNLEE, Kory David (DPM #36.003315) – Delaware, OH

Monitoring physician approved and frequency and number of charts for review established by 5/12/11 Board vote.

GORDON, Julian A. (MD #35.040438) – Beachwood, OH

Doctor's request to discontinue required psychiatric treatment, reduce required psychotherapy to once a month, eliminate requirement to seek permission prior to leaving the state, and reduce required personal appearances to every six months granted by 5/12/11 Board vote.

HOLLIFIELD, William Wayne (MD #35.090687) – Gainesville, FL

Monitoring physician approved and frequency and number of charts for review established by 5/12/11 Board vote.

STAMBOUGH, Jeffery Lynn (MD #35.053396) – Cincinnati, OH

Monitoring physician approved and frequency and number of charts for review established by 5/12/11 Board vote.

ULMER, Chad Winfield (MD #35.092791; MD Training Cert. #57.010615) – Columbus, OH

Monitoring physician approved and frequency and number of charts for review established by 5/12/11 Board vote.

COURT ACTION UPDATE

FONTANEZ, Modesto (MD #35.083857) – Long Island City, NY

By Decision and Entry filed 4/22/11, the Franklin County Court of Common Pleas granted doctor's motion to stay the Board's Order permanently revoking doctor's medical license.

LEAK, William David (MD #35.044978) – Columbus, OH

By Decision rendered on 5/24/11 and Entry filed on 5/25/11, 10th District Court of Appeals affirmed the judgment of the Franklin County Court of Common Pleas, which had upheld the Board's 8/13/08 Order permanently revoking doctor's medical license.

MAHAJAN, Mahendra Kumar (MD #35.043538) – Beavercreek, OH

Notice of Appeal to the 10th District Court of Appeals of the 4/12/11 Decision and Judgment of the Franklin County Court of Common Pleas filed by doctor on 5/9/11.

SMITH, Arthur Harry (MD #35.083898) – Hudson, OH

Notice of Appeal of Board's 5/11/11 Order indefinitely suspending doctor's medical license and establishing subsequent probationary conditions filed by doctor with the Franklin County Court of Common Pleas on 5/16/11.

SMITH, Larry Lee (DO #34.001724) – Canfield Village, OH

Notice of Appeal of Board's 5/11/11 Order permanently revoking doctor's medical license filed by doctor with the Franklin County Court of Common Pleas on 5/25/11.

VOLKMAN, Paul H. (MD #35.070722) – Chillicothe, OH

By Decision and Final Judgment Entry filed 4/29/11, the Franklin County Court of Common Pleas affirmed the Board's 12/10/08 Order permanently revoking doctor's medical license.

Non-Disciplinary Administrative Actions

Denial of Application

GLUYS, Maria Therese (PA #50.003085) – Columbus, OH

Application for provisional certificate to prescribe denied. Based on applicant's failure to meet educational or clinical practice requirements. Effective 5/11/11. (Journal Entry – no hearing requested) **(Non-disciplinary)**

Approval of Application

HORN, Laura Greiner (DPM #36.002262) – Deerfield, IL

Application for restoration of doctor's podiatric medical license granted, provided doctor takes and passes the APMLE within one year of 3/22/11. Based on applicant not have been engaged in the active practice of podiatry for more than two years. (Journal Entry – no hearing requested) Effective 5/11/11. **(Non-disciplinary)**

PLOTT, Darceilia Tresele (MD applicant; MD Training Cert. #57.005837) – Columbus, OH

Application for medical license granted, provided that doctor takes and passes the SPEX or specialty board recertification examination within one year of 3/22/11. Based on applicant not have been engaged in the active practice of medicine for more than two years. (Journal Entry – no hearing requested) Effective 5/11/11. **(Non-disciplinary)**

Please note that revocation and suspension Orders are not always effective immediately. If you have questions about effective dates or conditions governing a licensee's practice before a Board Order takes effect, please contact the office.

Ohio law permits appeal of a Board Order to the Franklin County Court of Common Pleas. Due to this possibility and the potential for a stay that might delay the imposition of a Board action, you may wish to contact us periodically to verify a given practitioner's licensure status.

Most current citation letters, Board Orders, consent agreements and voluntary surrenders or retirements are available on the Medical Board's website at <http://med.ohio.gov/> under "*Licensee Profile and Status.*" If you have questions or need additional details about specific cases, please contact Jackie Moore at (614) 728-4640.