

State Medical Board of Ohio
Formal Action Report – December 2011

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Please find below a summary of actions taken or initiated by the State Medical Board of Ohio in December 2011 and an update of Board matters pending or decided in courts as of December 15, 2011.

CITATIONS/PROPOSED DENIALS

ARMAS, Romulo A., M.D. (#35-036947) – St. Petersburg, Florida

Based on prior action by the Florida Board of Medicine wherein doctor relinquished his license to practice medicine and surgery, the underlying allegations being doctor's care rendered to one patient. Notice of opportunity for hearing mailed 12/15/11.

DAWSON, David Warren, M.D. (#35-049896) – McCloud, Oklahoma

Based on prior action by the Oklahoma State Board of Medical Licensure and Supervision wherein doctor's license to practice medicine and surgery was suspended for a period of six months, the underlying basis being the doctor's inappropriate prescribing of narcotics or controlled drugs and his failure to maintain adequate medical records. Notice of opportunity for hearing mailed 12/15/11.

FAKHOURY, Ramon Fawzi, M.D. (#35-089349) – Norco, California

Based on prior action by the Medical Board of California wherein doctor is restricted from seeing or treating any female patients without a female, registered nurse, chaperone approved in advance by the California Board until the issuance of a final decision and order regarding allegations that the doctor sexually molested four female patients. Notice of opportunity for hearing mailed 12/15/11.

KAPLAN, Donald, D.O. (#34-009554) – Boynton Beach, Florida

Based on doctor's alleged departure from or failure to conform to minimal standards of care; 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; and alleged violation of Medical Board rules

governing the treatment of intractable pain with regard to eleven specified patients. Notice of opportunity for hearing mailed 12/15/11.

MESCHER, Aaron Allen (M.T. applicant) – Dayton, Ohio

Based on applicant's convictions on one felony count of Fraud on a Financial Institution, one felony count of Conspiracy to Commit Offenses against the United States, and one misdemeanor count of Illegal Sexually Oriented Activity in a Sexually Oriented Business. Notice of opportunity for hearing mailed on 12/15/11.

MIDEI, Mark G., M.D. (#35-057760) – Monkton, Maryland

Based on prior action by the Maryland State Board of Physicians wherein doctor's license to practice medicine and surgery was revoked and the Maryland Board refused to entertain an application for reinstatement for at least two years based upon findings that doctor placed stents in patients whose clinical symptoms and histories did not warrant invasive techniques, thereby unnecessarily exposing the patients to risk of harm. Notice of opportunity for hearing mailed 12/15/11.

FINAL ORDERS

ALBERS, Henry William, M.D. (#35-074754) – Dayton, Ohio

Doctor's license permanently revoked. Based on doctor's conviction in the Greene County Court of Common Pleas on two felony counts of Sexual Battery and one felony count of Gross Sexual Imposition, the underlying basis of the convictions being doctor's sexual conduct with a person to whom he was a natural or adoptive parent, or a stepparent, or guardian, custodian, or person *in loco parentis* of the other person. Order effective 12/14/11. (Review and Journal Entry - no hearing requested.)

KNORR, Lana Therese, M.T. (#33-019131) – Springboro, Ohio

Massage therapy license revoked. Based on massage therapist's failure to submit to a mental or physical examination ordered by the Board and the legal presumption that massage therapist is impaired in her ability to practice according to acceptable and prevailing standards of care by reason of mental or physical illness. Order effective 12/14/11. (Review and Journal Entry - no hearing requested.)

LINARES, Oscar Augustine, M.D. (#35-094325) – Monroe, Michigan

Doctor's license permanently revoked. Based on the immediate suspension of doctor's Drug Enforcement Administration registration which suspension was based on doctor's 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 Drug Enforcement Administration controlled substance privileges, which was itself

based upon the doctor's alleged failure to comply with federal requirements pertaining to controlled substances. Order effective 12/15/11.

LUNDEEN, James Edgar, M.D. (#35-052257) – Plymouth, Ohio

Doctor's license permanently revoked. Based on Board's findings that, in his care of 26 specified patients, doctor failed to meet 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 Medical Board rules on utilizing prescription drugs for the treatment of intractable pain. Order effective 12/15/11.

SHANK, Myron Lyle, M.D. (#35-057234) – Lima, Ohio

Doctor's license suspended for at least 90 days, with such suspension stayed, and license subject to probationary terms, conditions, and limitations for at least three years. Based on Board's finding that doctor's medical care of several patients failed to conform to minimal standards of care. Order effective 12/30/11.

SIMON-DEMEL, Karin Petra, M.D. (#35-079883) – Orange Village, Ohio

Doctor's license revoked. Based on doctor having been found guilty in the Court of Common Pleas of Cuyahoga County, Ohio, on five counts of Illegal Processing of Drug Documents, which are felonies of the fifth degree. Order effective 12/15/11.

YAKHMI, Rajiv, M.D. (#35-078313) – Springfield, Ohio

Doctor's license permanently revoked. Based on doctor having been found guilty in the US District Court for the Southern District of Ohio on one felony count of Health Care Fraud and one felony count of Tax Fraud and False Statements and on doctor's Voluntary Surrender of Controlled Substances Privileges to the Drug Enforcement Administration, which was itself based upon doctor's alleged failure to comply with federal requirements pertaining to controlled substances. Order mailed 12/15/11.

CONSENT AGREEMENTS

DYER, Jennifer Shine, M.D. (#35-088228) – Columbus, Ohio

Medical license reinstated on 12/14/11, subject to probationary terms, conditions and limitations 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 12/14/11; agreement to remain in effect for at least five years prior to any request for termination.

ELLIS, John P., D.P.M. (#36-002463) – Westlake, Ohio

Medical license subject to probationary terms, conditions, and limitations based on doctor having been convicted of Unauthorized Use of Property and his diagnoses of alcohol dependence, in remission, and impulse disorder. Agreement effective 12/14/11; agreement to remain in effect for at least three years prior to any request for termination.

GOLDMAN, Philip Mark, M.D. (#35-060870) – Florence, Kentucky

Medical license reinstated on 12/14/11, subject to probationary terms, conditions and limitations 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 12/14/11; agreement to remain in effect for at least five years prior to any request for termination.

GOODMAN, Paul Henry, D.O. (#34-004948) – Erie, Pennsylvania

Medical license suspended for at least ninety 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 that he relapsed by consuming alcohol. Agreement effective 12/14/11.

HARPER, Michael Joseph, M.D. (#35-065460) – Grove City, Ohio

Medical license reinstated on 12/14/11, subject to probationary terms, conditions and limitations based on doctor having completed all conditions for reinstatement of his certificate to practice medicine and surgery, as previously established in a June 2011 Consent Agreement. Agreement effective 12/14/11; agreement to remain in effect for at least three years prior to any request for termination.

HESLER, Brian David, M.D. (#57-014547) – Cleveland, Ohio

Application for license to practice medicine and surgery in Ohio withdrawn and training certificate suspended for at least 90 days with interim monitoring conditions and conditions for reinstatement of training certificate 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 he inappropriately obtained sevoflurane and lidocaine from his employing hospital and that has been diagnosed with drug abuse and Generalized Anxiety Disorder. Agreement effective 12/14/11.

POLISETTY, Sudhir Sitaram, M.D. (MD applicant) – Dayton, Ohio

Medical licensed granted subject to probationary terms, conditions, and limitations. Based upon doctor having been placed on probation by his residency program for actions related to his lack of professionalism, attendance issues, attire and documentation issues, and his acknowledgment that his conduct has not been in conformance with the American Medical Association Code of Ethics. Agreement effective 12/14/11; agreement to remain in effect for unspecified period of time but at least until doctor successfully completes his residency program or has been removed from probationary status by his residency program.

SALVAGGIO, Genevieve Amanda, M.T. (#33-008401) – Cincinnati, Ohio

Application for restoration of license to practice massage therapy granted and license immediately suspended for sixty days, with probationary terms, conditions, and limitations established. Based upon massage therapist's continued practice after the expiration of her license on August 31, 2003. Agreement effective 12/14/11; agreement to remain in effect for at least two years.

APPLICATIONS WITHDRAWN

KALRA, Rajeev Kumar, M.D. (M.D. Applicant) – Rowland Heights, California

Request for permanent withdrawal of application for medical licensure accepted by Board in lieu of further investigation of a possible violations of Section 4731.22(B)(5), Ohio Revised Code. Effective 12/14/11.

NIELAND, Chester Lee, M.D. (#35-056374) – Chester, South Carolina

Request for permanent withdrawal of application for restoration of license to practice medicine and surgery in Ohio accepted by Board in lieu of further investigation of a possible violation of Section 4731.22(B)(26), Ohio Revised Code, regarding doctor's past history of drug and alcohol abuse. Effective 12/14/11.

PROBATIONARY REQUESTS AND MODIFICATIONS

ANGE, Constance E., D.O. (#34-002359) – Centerville, Ohio

Doctor's request to reduce required personal appearances to annual appearances granted by vote of the Board on 12/15/11.

BADOUR, Ashraf Soliman, M.D. (#35-055004) – Wheeling, West Virginia

Doctor's request to reduce required psychiatric treatment to every two months granted by vote of the Board on 12/15/11.

BAKER, Franklin Hobart, P.A. (#50-002801) – Cincinnati, Ohio

Physician assistant's request for approval of ethics course granted by vote of the Board on 12/15/11.

BROWN, Cynthia Lynn, M.D. (#35-061375) – Avon, Ohio

Doctor's request to reduce required psychiatric sessions to quarterly granted by vote of the Board on 12/15/11.

BURGAN, Lisa Ellen, M.T. (#33-016529) – Howard, Ohio

Massage therapist's request to reduce required personal appearances to every six months and to reduce required drug and alcohol meetings to two per week, with a minimum of ten per month, granted by vote of the Board on 12/15/11.

DEMINT, Franklin Donald, D.O. (#34-005493) – Kingston, Ohio

Doctor's request to reduce required drug and alcohol meetings to two per week, with a minimum of ten per month, and permission to administer, personally furnish, and dispense controlled medications granted by vote of the Board on 12/15/11.

DESPOT, Janet Elizabeth, M.D. (#35-055128) – Sylvania, Ohio

Doctor's request for approval of medical billing course granted by vote of the Board on 12/15/11.

DUMONT, Francis Emile, M.D. (#35-062172) – Cincinnati, Ohio

Doctor's request for approval of courses on weight-loss management and medical record keeping granted by vote of the Board on 12/15/11.

EVENHOUSE, Matthew Henry, M.D. (#35-082452) – Bay Village, Ohio

Doctor's request for approval of monitoring physician granted by vote of the Board on 12/15/11. Frequency and number of charts to be reviewed by monitoring physician established.

HATHEWAY, John Mark, M.D. (#35-032559) – Columbus, Ohio

Doctor's request to reduce required drug and alcohol meetings to two per week, with a minimum of ten per month, and to reduce required personal appearances to every six months granted by vote of the Board on 12/15/11.

HILL, Josh Utah, P.A. (#50-001493) – Fort Mitchell, Kentucky

Physician assistant's request for approval of psychiatric assessor for purposes of reinstatement granted by vote of the Board on 12/15/11.

KANG, Kavita A. J., D.O. (#58-004159) – Dayton, Ohio

Doctor's request for approval of treating psychiatrist granted by vote of the Board on 12/15/11.

KLEPPER, Sean Michael, M.D. (#35-097671) – Portsmouth, Ohio

Doctor's request for approval of treating psychiatrist granted by vote of the Board on 12/15/11.

LARKY, Howard Chad, D.O. (#34-008280) – Columbus, Ohio

Doctor's request for approval of courses on ethics and medical records keeping granted by vote of the Board on 12/15/11.

LEWIS, Carol Elaine, M.D. (#35-098281) – Cleveland, Ohio

Doctor's request for approval of treating psychotherapist and treating psychiatrist granted by vote of the Board on 12/15/11.

MAYCON, Zev R., M.D. (#35-072264) – Massillon, Ohio

Doctor's request to eliminate required logs of controlled substances and eliminate required chart review granted by vote of the Board on 12/15/11.

MCGRIFF, Patrick Kelley, D.O. (#34-006573) – Columbus, Ohio

Doctor's request for approval of a medical record keeping course granted by vote of the Board on 12/15/11.

MOUGINIS, Tamyra Lee, M.D. (#35-058913) – Olmsted Township, Ohio

Doctor's request for permission to continue with terms of Ohio Consent Agreement while practicing in Kentucky granted by vote of the Board on 12/15/11.

SHAW, John Wesley, M.D. (#35-068596) – Defiance, Ohio

Doctor's request to eliminate required Naltrexone prescribing logs and to eliminate required logs of controlled substances granted by vote of the Board on 12/15/11.

SRESTHADATTA, Paul, D.O. (#34-007180) – Dublin, Ohio

Doctor's request for approval of monitoring physician granted by vote of the Board on 12/15/11. Frequency and number of charts to be reviewed by monitoring physician established.

YAMOUR, Adil Younis, M.D. (#35-047500) – Mount Sterling, Ohio

Doctor's request for approval of monitoring physician granted by vote of the Board on 12/15/11. Frequency and number of charts to be reviewed by monitoring physician established.

ZINNI, Richard Allan, D.O. (#34-003785) – Mentor, Ohio

Doctor's request to eliminate required logs of controlled substances and eliminate required chart review granted by vote of the Board on 12/15/11.

PROBATION TERMINATED

BLOCKER, David C., M.D. (#35-061188) – Dayton, Ohio

Doctor's request for release from terms of 9/13/06 Consent Agreement granted by vote of the Board on 12/14/11. Effective 12/14/11.

DEFRANCO, Richard Joseph, M.D. (#35-090499) – Painesville, Ohio

Doctor's request for release from terms of 12/13/06 Consent Agreement granted by vote of the Board on 12/14/11. Effective 12/14/11.

HOPE, Candy Lee, M.T. (#33-006586) – Melbourne, Florida

Massage therapist's request for release from terms of 10/14/09 Board Order granted by vote of the Board on 12/14/11. Effective 12/17/11.

SNYDER, Matthew Allan, M.T. (#33-014161) – Toledo, Ohio

Massage therapist's request for release from terms of 12/13/06 Consent Agreement granted by vote of the Board on 12/14/11. Effective 12/14/11.

WOODARD, Donald D., M.D. (#35-046548) – New Albany, Ohio

Doctor's request for release from terms of 10/13/10 Board Order granted by vote of the Board on 12/14/11. Effective 12/14/11.

COURT ACTIONS

BEATHLER, John Edward, Jr., M.D. (#35-072627) – Hilliard, Ohio

Notice to dismiss appeal of 9/14/11 Board Order filed by doctor with Franklin County Court of Common Pleas on or about 12/8/11.

CALLOWAY, George Franklin, M.D. (#35-038419) – Westerville, Ohio

Notice of appeal of Board's order taking no further disciplinary action filed by doctor with Franklin County Court of Common Pleas on 12/9/11.

GRIFFIN, George D. J., III, M.D. (#35-038479) – Cincinnati, Ohio

By Decision and Entry filed 11/22/11, 10th District affirmed the judgment of the Franklin County Court of Common Pleas, which had upheld the Board's 4/14/10 order indefinitely suspending doctor's license.

GRIFFIN, George D. J., III, M.D. (#35-038479) – Cincinnati, Ohio

Notice of appeal of the Decision of the 10th District Court of Appeals filed by doctor with the Ohio Supreme Court on 11/29/11.

GRIFFIN, George D. J., III, M.D. (#35-038479) – Cincinnati, Ohio

By Entry filed on 12/7/11, Ohio Supreme Court denied doctor's motion for stay of the Judgment of the 10th District Court of Appeals pending appeal.

HOMISH, Jerome David, D.O. (#34-005148) – Athens, Ohio

Notice to withdraw appeal of 9/14/11 Board Order filed by doctor with Franklin County Court of Common Pleas on or about 11/30/11.

OYORTEY, Michele Armande, M.D. (#35-074233) – Westerville, Ohio

Notice of appeal of Board's order taking no further disciplinary action filed by doctor with Franklin County Court of Common Pleas on 12/9/11.

SMITH, Arthur Harry, M.D. (#35-083898) – Austintown, Ohio

Notice of appeal to 10th District Court of Appeals filed by the doctor on 11/15/11.

NON-DISCIPLINARY ORDERS

BENNER, Heather Marie, M.T. (#33-013735) – Springboro, Ohio

Application for restoration of license to practice massage therapy approved, pending applicant's passage of the limited branch portion of the Massage Therapy examination within six months of October 24, 2011. NON-DISCIPLINARY. (Journal Entry – no hearing requested.) Order effective 12/14/11.

GARBER, Keisha Suzanne, M.T. (#33-009584) – Pleasant Hill, Ohio

Application for restoration of license to practice massage therapy approved, pending applicant's passage of the limited branch portion of the Massage Therapy examination within six months of October 24, 2011. NON-DISCIPLINARY. (Journal Entry – no hearing requested.) Order effective 12/14/11.

HAUSER, Katherine Anne, M.D. (M.D. applicant) – Cleveland Heights, Ohio

Application for a license to practice medicine and surgery in Ohio denied, based on applicant's failure to submit evidence of completion of not less than twenty-four months of graduate medical education through the second-year level of graduate medical education or its equivalent. NON-DISCIPLINARY. (Journal Entry – no hearing requested.) Order effective 12/14/11.

MCGARRY, Lauren Michele, M.T. (#33-009697) – New Springfield, Ohio

Application for restoration of license to practice massage therapy approved, pending applicant's passage of the limited branch portion of the Massage Therapy examination or the Massage and Bodywork Licensing Examination (MBLex) within one year of October 24, 2011. NON-DISCIPLINARY. (Journal Entry – no hearing requested.) Order effective 12/14/11.

SINCO, Gilbert B., P.A. (Provisional Certificate to Prescribe applicant) – Sylvania, Ohio

Application for provisional certificate to prescribe as a physician assistant denied, based on applicant's failure to provide evidence of a master's degree or higher from a program accredited as required by Section 4730.46(B)(1), Ohio Revised Code or a master's degree from any other institution. NON-DISCIPLINARY. (Journal Entry – no hearing requested.) Order effective 12/14/11.

Please note that revocation and suspension Orders are not always effective immediately. If you have questions about effective dates or conditions governing a doctor'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://www.med.ohio.gov/> under "Licensee Profile and Status." If you have questions or need additional details about Citations, Board Orders, Consent Agreements, or Court Actions, please contact the Case Control Office. If you have questions regarding a probationary modification or a probationary request, please contact the Compliance Office. Our offices may be reached at (614) 466-3934.