

Dr. Soin	- aye
Dr. Ramprasad	- aye
Dr. Steinbergh	- aye
Dr. Sethi	- aye
Dr. Talmage	- aye
Mr. Kenney	- aye
Mr. Gonidakis	- aye

Dr. Steinbergh 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 or permanent denial. A roll call was taken:

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

Dr. Steinbergh 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. Steinbergh 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.

NASEEM MAHMOOD CHAUDHRY, M.D. Case No. 12-CRF-144

Dr. Steinbergh directed the Board's attention to the matter of Naseem Mahmood Chaudhry, M.D. She advised that no objections were filed. Ms. Blue was the Hearing Examiner.

Dr. Soin moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Naseem Mahmood Chaudhry, M.D. Dr. Ramprasad seconded the motion.

Dr. Steinbergh stated that she would now entertain discussion in the above matter.

Dr. Soin stated that Dr. Chaudhry was first licensed in Ohio in 1989 and his license is currently inactive. On June 30, 2006, Dr. Chaudhry was indicted for allegedly participating in a fraudulent scheme involving Medicare billing. At the time of his indictment, Dr. Chaudhry was a practicing psychiatrist in Illinois and owner of the Nehal Psychiatric Group. Dr. Chaudhry was found to have falsely and fraudulently billed Medicare by representing that he had personally provided evaluation, management, and psychotherapy services which he knew he had never provided. Also, Dr. Chaudhry falsely and fraudulently inflated certain bills to Medicare by claiming that he had provided more complex evaluation and management services than he had actually provided.

Dr. Soin continued that Dr. Chaudhry fraudulently obtained approximately \$875,000.00 in Medicare reimbursement. Dr. Soin further noted that in one instance, Dr. Chaudhry billed Medicare for over 16 hours of service that he allegedly provided in a single day; on other days, Dr. Chaudhry billed Medicare for over 24 hours of service in a single day. In some cases, patient encounters were up-coded or failed to meet medical necessity. Dr. Soin stated that in the U.S. District Court, Dr. Chaudhry pleaded guilty to, and was found guilty of, health care fraud. Dr. Chaudhry was sentenced to 37 months of imprisonment, followed by two years of supervised release, and he was ordered to pay restitution of approximately \$428,000.00.

Dr. Soin stated that in the Franklin County Court of Common Pleas, Dr. Chaudhry pleaded no contest to, and was found guilty of, the stipulated lesser included offense of Worker's Compensation Fraud. That case involved Dr. Chaudhry's practice in Ohio when he covered his brother's Worker's Compensation patients and billed for approximately 60 patients who had, in fact, not shown up for their appointments.

Dr. Soin noted that under the Board's disciplinary guidelines, the minimum penalty for pleading guilty to, or having a judicial finding of guilt of, a felony in the course of practice is permanent revocation. Dr. Soin stated that he agrees with the Findings of Fact, Conclusions of Law, and Proposed Order of the Hearing Examiner's Report and Recommendation.

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

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- abstain
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to approve carried.

NAVEED ANJUM FAZLANI, M.D., Case No. 13-CRF-119

Dr. Steinbergh directed the Board's attention to the matter of Naveed Anjum Fazlani, M.D. Dr. Steinbergh

stated that this matter was previously considered at the Board's July 10, 2013 meeting, and Ms. Blue's Report and Recommendation was distributed at that time.

Dr. Steinbergh continued that at the July 10th meeting, Mr. Kenney led the discussion of the case by noting that Dr. Fazlani had been convicted of soliciting sexual activity, a third-degree misdemeanor, and is charged with having been convicted of a misdemeanor involving moral turpitude. At that time, Mr. Kenney observed that Dr. Fazlani has no prior disciplinary history, has taken measures to properly balance his professional and personal lives, and his psychologist had opined that Dr. Fazlani's action in no way reflects on his ability to practice patient care.

Dr. Steinbergh stated that after multiple motions on the disposition of this case, all of which failed to pass, the matter was tabled. The matter of Dr. Fazlani is now before the Medical Board for deliberation today.

Mr. Kenney moved to issue a Reprimand in the matter of Naveed Anjum Fazlani, M.D. Dr. Ramprasad seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- abstain
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion carried.

KRISTIN MARIE MCCABE, Case No. 13-CRF-019

Dr. Steinbergh directed the Board's attention to the matter of Kristin Marie McCabe. She advised that no objections were filed. Mr. Porter was the Hearing Examiner. Dr. Steinbergh stated that this matter is not disciplinary in nature, and therefore all Board members may vote.

Dr. Steinbergh continued that a request to address the Board has been timely filed on behalf of Ms. McCabe. Five minutes will be allowed for that address.

Ms. McCabe thanked the Board for allowing her to appear today. Ms. McCabe noted that the evidence in the Hearing Record supports her contention that she meets the requirements to receive a massage therapy license in Ohio. Ms. McCabe stated that she is very passionate about what she does. Ms. McCabe stated that she takes her career as a massage therapist very seriously and she just wants to help people.

Dr. Steinbergh asked if the Assistant Attorney General would like to respond. Ms. Dorn stated that she would like to respond.

Ms. Dorn stated that she supports the Hearing Examiner's Report and Recommendation, including the Proposed Order to grant Ms. McCabe's license application. Ms. Dorn opined that Ms. McCabe has demonstrated that she is one of the most qualified applicants the Board has had for a massage therapy license.

Dr. Soin moved to approve and confirm Mr. Porter's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Kristin Marie McCabe. Dr. Ramprasad seconded the motion.

Dr. Steinbergh stated that she would now entertain discussion in the above matter.

Dr. Steinbergh stated that on or about July 28, 2012, Ms. McCabe submitted an application for a license to practice massage therapy in Ohio. The evidence establishes that Ms. McCabe does not hold a diploma or certificate from a school, college, or institution in good standing with the Board, nor has she held a massage therapy license in another state for at least the previous five years. Therefore, those routes to licensure are not available to Ms. McCabe.

Dr. Steinbergh continued that, at hearing, Ms. McCabe submitted her transcript from North Dakota State University, from which she holds a bachelor's degree in exercise science. Ms. McCabe's transcript establishes that she has completed, at the very least, 350 hours of instruction in anatomy, physiology, and pathology, which complies with Section 4731-1-16(A)(2)(a), Ohio Administrative Code. Further, the evidence clearly establishes that Ms. McCabe has completed all other educational requirements in Section 4731-1-16(A), Ohio Administrative Code.

Dr. Steinbergh stated that she agrees with the Findings of Fact, Conclusions of Law, and Proposed Order in the Report and Recommendation, as well as the Proposed Order to grant licensure. Dr. Steinbergh stated that Ms. McCabe presented a very appropriate case at her hearing. Dr. Steinbergh stated that if she were seeking massage therapy services for herself, she would feel comfortable going to Ms. McCabe.

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

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to approve carried.

Dr. Steinbergh directed the Board's attention to the matter of Edward J. Papes. She advised that no objections have been filed. Mr. Porter was the Hearing Examiner.

Dr. Ramprasad moved to approve and confirm Mr. Porter's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Edward J. Papes. Dr. Soin seconded the motion.

Dr. Steinbergh stated that she would now entertain discussion in the above matter.

Mr. Gonidakis stated that Mr. Papes has applied for a license to practice massage therapy in Ohio. Mr. Papes has 15 years of experience with the Ohio National Guard and two years of experience with the Texas National Guard. Mr. Papes was honorably discharged from the Ohio National Guard in 2004 after receiving the rank of sergeant. Mr. Papes is a certified peace officer and worked as a corrections officer at Grafton Correctional Institution from 1994 to 2011. During that time, Mr. Papes also worked part-time in the Huron Police Department, as well as the Huron Municipal Court as a bailiff. Mr. Papes currently works as a chauffeur for a limousine service.

Mr. Gonidakis continued that Mr. Papes' problems arose in September when he was caught sleeping at his post at Grafton Correctional Institution. Mr. Papes also falsified his logbook to show that he had done his rounds when, in fact, he had not. In December 2010, Mr. Papes was indicted and charged with falsification, a first-degree misdemeanor, and dereliction of duty, a second-degree misdemeanor. In August 2012, Mr. Papes pleaded guilty and was given jail time and a fine; the jail time was suspended on the condition that Mr. Papes pay the fine and give up his license to work in the field of corrections.

In September 2011, the Board received Mr. Papes' application for a massage therapy license. In the application, Mr. Papes disclosed the charges that were then pending against him. Mr. Papes' application was accompanied by many letters of commendation from the National Guard, the Cleveland Institute of Medical Massage, and friends and family.

Mr. Gonidakis observed the Hearing Examiner's conclusion that the incident for which Mr. Papes pleaded guilty was an isolated occurrence. The Proposed Order is to grant Mr. Papes an unrestricted license to practice massage therapy in Ohio. Mr. Gonidakis stated that he had considered suggesting an alternative order that would provide oversight for a time after granting the license. However, Mr. Gonidakis ultimately opined that Mr. Papes has paid his debt to society and has been honest and upfront about his situation. Mr. Gonidakis agreed with the Proposed Order to grant an unrestricted license.

Dr. Steinbergh agreed with Mr. Gonidakis' analysis. Dr. Steinbergh stated that Mr. Papes pleaded guilty to, and was found guilty of, the misdemeanor charge of falsification, which the court felt involved moral turpitude as that clause is used in Section 4731.22(B)(13), Ohio Revised Code. Dr. Steinbergh agreed that Mr. Papes should be granted a license, but expressed concern about not providing for some monitoring due to his falsification of records and his decision-making in that regard. Dr. Steinbergh also opined that Mr. Papes would benefit from a course in personal and professional ethics. No Board member offered amendments to the Proposed Order.

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

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to approve carried.

REMAND IN THE MATTER OF ELLYN M. CASTRO, Case No. 12-CRF-110

Dr. Steinbergh directed the Board's attention to the remand of the matter of Ellyn M. Castro. Ms. Blue was the Hearing Examiner.

Dr. Soin moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Ellyn M. Castro. Dr. Ramprasad seconded the motion.

Dr. Steinbergh stated that she would now entertain discussion in the above matter.

Dr. Talmage stated that Ms. Castro was considered for licensure as a massage therapist at a prior Board meeting. At that time, the matter was remanded back to the Hearing Examiner to examine Ms. Castro's coursework to see if it complied with the Board's licensure requirements.

The Hearing Examiner found that Ms. Castro completed only 244 of the required 325 clock hours in anatomy, physiology, and pathology. Dr. Talmage also noted that Ms. Castro's massage therapy school does not hold a Certificate of Good Standing from the Board, and Ms. Castro has not held a massage therapy certificate in another state for at least five preceding years. Therefore, Ms. Castro does not satisfy any of the criteria for a massage therapy license in Ohio. Dr. Talmage agreed with the Proposed Order to deny Ms. Castro's application.

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

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye

Mr. Kenney - aye
Mr. Gonidakis - aye

The motion to approve carried.

PROPOSED FINDINGS AND PROPOSED ORDERS

DUANE LEE GRIFFITH, M.D., Case No. 13-CRF-037

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

Dr. Sethi moved to find that the allegations as set forth in the May 8, 2013 Notice of Opportunity for Hearing in the matter of Dr. Griffith have been proven to be true by a preponderance of the evidence and to adopt the Proposed Findings and Proposed Order. Dr. Ramprasad seconded the motion.

Dr. Ramprasad stated that Dr. Griffith holds an active Ohio medical license, but practices primarily in Texas. The Texas Medical Board took action against Dr. Griffith's license in that state because he was charged with engaging in unprofessional conduct in the care and treatment of a pain management patient, controlling the patient through excessive amounts of narcotics, and exchanging sexually explicit texts with the patient. The panel convened by the Texas Medical Board found that Dr. Griffith.

- Failed to meet the standard of care when he failed to conduct a more thorough analysis regarding the use of opioid therapy;
- Failed to maintain adequate medical records concerning his discussion with the patient on the possibility of using a spinal cord stimulator; and
- Engaged in unprofessional conduct by exchanging flirtatious texts with the patient.

Dr. Ramprasad continued that by submitting his renewal of licensure application in July 2012, he certified that the information provided was true. On the renewal application, Dr. Griffith answered "No" to question #4, which asked, "Has any board, bureau, department, agency, or any other body, including those in Ohio other than this board, filed any charges, allegations or complaints against you?" Dr. Ramprasad noted that Dr. Griffith answered that question after having appeared before the Texas Medical Board.

Dr. Griffith's Agreed Order with the Texas Medical Board went into effect on August 31, 2012. The Agreed Order requires Dr. Griffith to complete a Maintenance of Proper Boundaries course at Vanderbilt University, complete four hours of medical record-keeping instruction, and pay a fine of \$2,000.00.

Dr. Ramprasad noted several mitigating factors in the Texas Board Order, as follows:

- The patient was a clinical challenge due to her chronic pain.
- Dr. Griffith's goal was to wean the patient off the medication over a period of time and had already begun that process.
- There was no indication that the patient was abusing her medication.
- Dr. Griffith cooperated with the Texas Medical Board's investigation.
- The patient was initially treated by a physician assistant prior to Dr. Griffith assuming treatment.

Dr. Ramprasad stated that the Proposed Order is to permanently revoke Dr. Griffith's Ohio medical license. Dr. Ramprasad opined that permanent revocation did not suit all of the factors of this case. Dr. Ramprasad suggested that a non-permanent revocation is appropriate.

Dr. Ramprasad moved to amend the Proposed Order to a non-permanent revocation of Dr. Griffith's license to practice medicine and surgery in Ohio. Dr. Sethi seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Soin	- abstain
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to amend carried.

Dr. Ramprasad moved to find that the allegations as set forth in the May 8, 2013 Notice of Opportunity for Hearing in the matter of Dr. Griffith have been proven to be true by a preponderance of the evidence and to adopt the Proposed Findings and Proposed Order, as amended. Dr. Talmage seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Soin	- abstain
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye

Mr. Kenney - aye
Mr. Gonidakis - aye

The motion carried.

FINDINGS, ORDERS, AND JOURNAL ENTRIES

Dr. Steinbergh advised that in the following matters, the Board issued Notices of Opportunity for Hearing, and documentation of service was received for each. There were no requests for hearing filed, and more than 30 days have elapsed since the mailing of the Notices. Dr. Steinbergh stated that the matter of Je Song, M.D., is disciplinary in nature, and therefore Dr. Strafford and Dr. Bechtel may not vote in that matter.

NAZIA JAMIL, Case No. 13-CRF-050

Dr. Soin moved to find that the allegations as set forth in the June 4, 2013 Notice in the matter of Ms. Jamil have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective upon mailing, denying her application for a license to practice as a physician assistant in the state of Ohio. Dr. Sethi seconded the motion.

Dr. Steinbergh stated that she would now entertain discussion in the above matter.

Dr. Steinbergh stated that on or about May 21, 2013, Ms. Jamil submitted an application for a certificate to practice as a physician assistant in Ohio. Ms. Jamil graduated from Touro College in June 2010 with a Bachelor of Science degree in physician assistant studies. Ms. Jamil was granted physician assistant licenses in Pennsylvania and New York in or about April 2010.

Dr. Steinbergh stated that, pursuant to Section 4730-11, Ohio Administrative Code, all applicants for a physician assistant license must provide evidence of a masters or higher degree from a program accredited by the Accreditation Review Commission on Education for the Physician Assistant or a predecessor or successor organization recognized by the Board, or a current license or other form of authority to practice as a physician assistant issued by another jurisdiction prior to January 1, 2008. Dr. Steinbergh noted that Ms. Jamil does not meet either criteria. Dr. Steinbergh supported the Proposed Order to deny Ms. Jamil's application.

A vote was taken on Dr. Soin's motion to deny:

ROLL CALL:

Dr. Strafford	- aye
Dr. Bechtel	- aye
Dr. Soin	- aye
Dr. Ramprasad	- aye
Dr. Steinbergh	- aye
Dr. Sethi	- aye
Dr. Talmage	- aye

Mr. Gonidakis - aye
Mr. Kenney - aye

The motion carried.

MINFEN ZHANG, Case No. 12-CRF-134

Dr. Talmage moved to find that the allegations as set forth in the November 20, 2012 Notice in the matter of Ms. Zhang have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective upon mailing, denying her application for a license to practice massage therapy in the state of Ohio. Dr. Sethi seconded the motion.

Dr. Steinbergh stated that she would now entertain discussion in the above matter.

Dr. Talmage stated that Ms. Zhang applied for a license to practice as a massage therapist in Ohio. Ms. Zhang submitted her hours and coursework from the East-West Institute of Hand Therapy, which does not hold a Certificate of Good Standing from the Medical Board. Ms. Zhang demonstrated 650 hours of instruction over a four-month period, whereas Section 4731-1-16 of the Ohio Administrative Code requires 750 hours over a nine-month period. Dr. Talmage further noted that Ms. Zhang does not hold a current massage therapy license or registration in any other state.

Dr. Talmage stated that Ms. Zhang does not meet any of the Medical Board's qualifications for licensure as a massage therapist.

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

ROLL CALL:

Dr. Strafford	- aye
Dr. Bechtel	- aye
Dr. Soin	- aye
Dr. Ramprasad	- aye
Dr. Steinbergh	- aye
Dr. Sethi	- aye
Dr. Talmage	- aye
Mr. Gonidakis	- aye
Mr. Kenney	- aye

The motion carried.

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

BETSY L. CORNELL – 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. Ramprasad moved to send the Citation Letter to Ms. Cornell. Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye

The motion to send carried.

ROBERT K. DESAI, 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. Ramprasad moved to send the Citation Letter to Dr. Desai. Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye

The motion to send carried.

JAMES MICHAEL DESANTIS, 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. Ramprasad moved to send the Citation Letter to Dr. DeSantis. Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye

The motion to send carried.

ALLYN SCOTT IMMEL – 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. Ramprasad moved to send the Citation Letter to Mr. Immel. Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye

The motion to send carried.

RICHARD J. LEWIS, 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. Ramprasad moved to send the Citation Letter to Dr. Lewis. Dr. Soin seconded the motion. A vote was taken:

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

Dr. Ramprasad	- aye
Dr. Steinbergh	- aye
Dr. Sethi	- aye
Dr. Talmage	- aye
Mr. Gonidakis	- aye
Mr. Kenney	- aye

The motion to send carried.

ROBERT JAMES ROSENSTEIN, D.P.M. – CITATION LETTER

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

Dr. Ramprasad moved to send the Citation Letter to Dr. Rosenstein. Dr. Soin seconded the motion.

A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- abstain
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye

The motion to send carried.

CHINELO STELLA UDE, M.D. – CITATION LETTER #1

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. Soin moved to send the Citation Letter to Dr. Ude. Dr. Ramprasad seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye

Mr. Gonidakis - aye
Mr. Kenney - aye

The motion to send carried.

CHINELO STELLA UDE, M.D. – CITATION LETTER #2

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. Soin moved to send the Citation Letter to Dr. Ude. Dr. Ramprasad seconded the motion. A vote was taken:

ROLL CALL:

Dr. Strafford	- abstain
Dr. Bechtel	- abstain
Dr. Soin	- aye
Dr. Ramprasad	- aye
Dr. Steinbergh	- aye
Dr. Sethi	- aye
Dr. Talmage	- aye
Mr. Gonidakis	- aye
Mr. Kenney	- aye

The motion to send carried.

MICHAEL H. BOMSER, D.O. – CITATION LETTER

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

Dr. Ramprasad moved to send the Citation Letter to Dr. Bomser. Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:

Dr. Strafford	- abstain
Dr. Bechtel	- abstain
Dr. Soin	- aye
Dr. Ramprasad	- aye
Dr. Steinbergh	- aye
Dr. Sethi	- aye
Dr. Talmage	- aye
Mr. Gonidakis	- aye
Mr. Kenney	- aye

The motion to send carried.

J.P.B., D.O. – NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY FOR HEARING

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

In response to inquiries from Mr. Gonidakis, Dr. Steinbergh briefly described the practice and philosophy of osteopathic manipulative therapy.

After conferring with Mr. Haslam, Mr. Wilcox, Dr. Steinbergh, and Dr. Ramprasad, Dr. Soin determined that he should recuse himself from this matter. Mr. Taylor stated that with Dr. Soin's recusal, the Board does not have a quorum to consider this proposed summary suspension.

Dr. Ramprasad moved to table the topic of citations and summary suspensions. Dr. Sethi seconded the motion. All members voted aye. The motion carried.

RATIFICATION OF SETTLEMENT AGREEMENTSAJAY BHATIA, M.D. – CONSENT AGREEMENT

Dr. Ramprasad moved to ratify the Proposed Consent Agreement with Dr. Bhatia. Dr. Sethi seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- abstain
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to ratify carried.

BARRY PETER DERAN, M.D. – PERMANENT SURRENDER OF CERTIFICATE

Dr. Sethi moved to ratify the Proposed Permanent Surrender with Dr. DeRan. Dr. Soin seconded the motion. A vote was taken:

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

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

Dr. Soin	- aye
Dr. Ramprasad	- aye
Dr. Steinbergh	- aye
Dr. Sethi	- aye
Dr. Talmage	- abstain
Mr. Kenney	- aye
Mr. Gonidakis	- aye

The motion to ratify carried.

RICHARD FRANKLIN MARTIN, M.D. – PERMANENT SURRENDER OF CERTIFICATE

Dr. Soin moved to ratify the Proposed Permanent Surrender with Dr. Martin. Dr. Sethi seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to ratify carried.

JULIANA JIHYUN OAK, M.D. – CONSENT AGREEMENT

Dr. Ramprasad moved to ratify the Proposed Consent Agreement with Dr. Oak. Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to ratify carried.

CHARLES WESLEY REYES, M.D. – STEP II CONSENT AGREEMENT

Dr. Ramprasad moved to ratify the Proposed Step II Consent Agreement with Dr. Reyes. Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to ratify carried.

MARK BAYLIES SHAFFER, JR., M.D. – PERMANENT SURRENDER OF CERTIFICATE

Dr. Soin moved to ratify the Proposed Permanent Surrender with Dr. Shaffer. Dr. Sethi seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to ratify carried.

ALVARO DANIEL WAISSBLUTH, M.D. – CONSENT AGREEMENT

Dr. Soin moved to ratify the Proposed Consent Agreement with Dr. Waisbluth. Dr. Talmage seconded the motion. A vote was taken:

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

August 14, 2013

Dr. Sethi	- aye
Dr. Talmage	- aye
Mr. Kenney	- aye
Mr. Gonidakis	- aye

The motion to ratify carried.

CHRISTOPHER EDWARD PELLOSKI, M.D. – CONSENT AGREEMENT

Dr. Soin moved to ratify the Proposed Consent Agreement with Dr. Pelloski. Dr. Ramprasad seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- abstain

The motion to ratify carried.

NICHOLAS ANTHONY ATANASOFF, D.O. – ADDENDUM TO STEP I CONSENT AGREEMENT

Dr. Soin moved to ratify the Proposed Addendum to the Step I Consent Agreement with Dr. Atanasoff. Dr. Sethi seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- abstain
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to ratify carried.

EDWIN THOMAS STRONG BROTT, M.D. – CONSENT AGREEMENT

Dr. Soin moved to ratify the Proposed Consent Agreement with Dr. Brott. Dr. Ramprasad seconded

the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to ratify carried.

RAYMOND C. GRUENTHER, M.D. – CONSENT AGREEMENT

Dr. Ramprasad moved to ratify the Proposed Consent Agreement with Dr. Gruenther. Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- abstain
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to ratify carried.

TASHA Y. JENKINS, M.D. – PERMANENT WITHDRAWAL OF APPLICATION OF MEDICAL LICENSURE

Dr. Soin moved to ratify the Proposed Permanent Withdrawal with Dr. Jenkins. Dr. Sethi seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye

Mr. Kenney - aye
Mr. Gonidakis - aye

The motion to ratify carried.

EWM, M.D. – CONSENT AGREEMENT

Dr. Steinbergh stated that she opposes this proposed Consent Agreement. Dr. Steinbergh stated that, according to the job description of his possible position with an insurance company, Dr. EWM would be required to hold a full, unrestricted medical license in the state in which he is serving. However, the proposed Consent Agreement, if ratified, would grant licensure with a limitation. Dr. Steinbergh opined that when a physician is reviewing medical records and making medical decisions, which Dr. EWM would be doing in this position, then that physician should hold full medical licensure.

Dr. Steinbergh read a portion of the position responsibilities: “Provides physician leadership and establishes Medical Director staffing/participation in the Healthcare Services [HCS] department meetings as an active member of the HCS team. Directs the Medical Director team in providing physician leadership and expertise in the performance of prior authorization, inpatient concurrent review, discharge planning, case management, and interdisciplinary care team activities.” Dr. Ramprasad also noted the following: “Directs the Medical Director team in responding to provider request for peer-to-peer discussion regarding denial decisions, documenting such discussions, and determining whether to uphold or reverse the denial.”

Dr. Steinbergh stated that one argument contends that medical directors make insurance coverage decisions, not medical decisions. However, as a clinician, Dr. Steinbergh opined that when a physician makes the decision to deny a test or procedure, then the patient has the right to hold that physician accountable for that decision. Dr. Steinbergh also emphasized the following passage from the job description: “Provides physician leadership, medical professional judgment, for and oversight of the Utilization Management Program to ensure that the healthcare and services provided to plan members are medically necessary, appropriate, and meet contractual compliance and community medical practice standards.” Dr. Steinbergh opined that one cannot do this without being a licensed physician.

Ms. Dorn noted that Dr. EWM holds medical licenses in several other states. Dr. Steinbergh agreed, but opined that patients in Ohio have a right to expect accountability in this state. Mr. Wilcox noted an Attorney General’s Opinion on the subject of decisions in insurance matters. Dr. Steinbergh acknowledged the Opinion, but opined that any physician making decisions on medical care in Ohio should have full medical licensure in Ohio.

Dr. Talmage stated that he agrees with Dr. Steinbergh in principle, but opined that Dr. EWM would be making decisions regarding insurance coverage of tests and procedures and not whether a patient is allowed to have the test or procedure. Dr. Talmage stated that, regardless of Dr. EWM’s decisions, the patient can still elect to have the test or procedure in question. Dr. Talmage noted that medical school deans, directors of research for pharmaceutical companies, and other positions can be filled by physicians who are not clinically active or licensed in this state. Dr. Talmage opined that withholding a license from

Dr. EWM would be unfair, just as it would be unfair to deny a medical school dean or director of research. Dr. Talmage opined that, as long as Dr. EWM does not practice clinical medicine, the Board is more or less obligated to grant licensure.

Dr. Steinbergh replied that the denial of tests or procedures by insurance companies affects patient care. Dr. Steinbergh reiterated her opinion that if, for example, Dr. EWM denies coverage of a treatment, then the patient has the right to hold him accountable for that decision.

Dr. Talmage moved to ratify the Proposed Consent Agreement with Dr. EWM. Mr. Gonidakis seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Soin	- nay
	Dr. Ramprasad	- nay
	Dr. Steinbergh	- nay
	Dr. Sethi	- nay
	Dr. Talmage	- aye
	Mr. Kenney	- nay
	Mr. Gonidakis	- aye

The motion to ratify did not carry.

TIMOTHY WILLIAM SMITH, D.O. – PERMANENT SURRENDER OF CERTIFICATE

Dr. Soin moved to ratify the Proposed Permanent Surrender with Dr. Smith. Dr. Ramprasad seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- abstain
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to ratify carried.

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

The Board took a brief recess at 2:30 p.m. and returned at 2:55 p.m.

APPLICANTS FOR LICENSURE

Dr. Talmage 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," the anesthesiologist assistant applicants listed in Exhibit "E," the Oriental medical practitioner applicants listed in Exhibit "F," the genetic counselor applicants listed in Exhibit "G," and to grant Certificates of Good Standing to the limited branch schools listed in Exhibit "H." Dr. Sethi seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion carried.

PROBATIONARY APPEARANCESANTHONY M. RUFFA, D.O.

Dr. Ruffa was making his initial appearance before the Board pursuant to the terms of his May 8, 2013 Consent Agreement. Ms. Bickers reviewed Dr. Ruffa's history with the Board.

Dr. Steinbergh asked what medications Dr. Ruffa is currently taking. Dr. Ruffa replied that he is currently taking lithium, Lamictal, and Paxil. Responding to further questions, Dr. Ruffa stated that he is married and has four children between the ages of 22 and 13. Dr. Ruffa stated that his family has been very supportive.

Dr. Steinbergh asked Dr. Ruffa to describe his practice. Dr. Ruffa stated that he is employed by the Ashtabula County Medical Center, but will soon be opening a solo practice in Conneaut, Ohio. Dr. Steinbergh asked if Dr. Ruffa felt any stress about opening a solo practice. Dr. Ruffa replied that he is excited for the opportunity, noting that he has seen 30 to 60 patients per day in the different practices he has had since he left the hospital. Dr. Ruffa also stated that he has been working 40 to 60 hours per week, though he does not intend to continue doing that.

Dr. Ramprasad noted that Dr. Ruffa has been struggling with his depression and anxiety since 1993, but

that a change in medication has helped. Dr. Ruffa commented that his symptoms began when his 2-year-old son was diagnosed with cancer. Dr. Ruffa thanked God that his son is still alive today. Initially, Dr. Ruffa's psychiatrist tried a number of anti-depressant medications, which caused a hypomanic situation because Dr. Ruffa was not on a mood stabilizer. Dr. Ruffa stated that he has been fine since a new psychiatrist diagnosed him as bipolar and prescribed the appropriate medications.

Dr. Steinbergh asked if Dr. Ruffa understands his Consent Agreement. Dr. Ruffa replied that he understands his Consent Agreement and thanked the Board for allowing him to practice medicine in Ohio.

Mr. Kenney exited the meeting at this time.

Dr. Ruffa stated that in his new position, he will be training students from the Ohio University Heritage College of Osteopathic Medicine (OUHCOM), University Health Systems, and the Cleveland Clinic. Dr. Steinbergh commented that it is good to know that Dr. Ruffa will be training OUHCOM students.

Dr. Ramprasad moved to continue Dr. Ruffa under the terms of his May 8, 2013 Consent Agreement. Dr. Soin seconded the motion. All members voted aye. The motion carried.

Dr. Bechtel exited the meeting at this time.

Mr. Kenney returned to the meeting at this time.

FRANKLIN H. BAKER, P.A.

Mr. Baker was making his final appearance before the Board pursuant to his request for release from the terms of the Board's Order of August 10, 2011. Ms. Bickers reviewed Mr. Baker's history with the Board.

Dr. Steinbergh complimented Mr. Baker on his written description of his personal ethics course. Dr. Ramprasad agreed. Dr. Steinbergh asked Mr. Baker to describe his current practice. Mr. Baker stated that he has been at the same family practice for four years in Batavia, Ohio, an underserved area. Mr. Baker stated that his medical director and the physicians he works with have been supportive of him during this process.

Dr. Steinbergh asked what Mr. Baker has learned from this experience. Mr. Baker stated that the process resulted in a great deal of anxiety and stress. However, Mr. Baker learned to be patient and take his time. Mr. Baker stated that he came to the Board's attention because, due to impatience, he did not wait a couple of weeks to obtain his supervising physician's signature. Mr. Baker stated that this will not happen again.

Dr. Soin moved to release Mr. Baker from the terms of the Board's Order of August 10, 2011, effective August 25, 2013. Dr. Ramprasad seconded the motion. All members voted aye. The motion carried.

HUNGCHIH LEE, M.D.

Dr. Lee was making his final appearance before the Board pursuant to his request for release from the terms of his August 11, 2010 Consent Agreement. Ms. Bickers reviewed Dr. Lee's history with the Board.

Dr. Steinbergh asked what Dr. Lee has learned from this experience. Dr. Lee replied that he has learned to never say anything bad and to never lie again.

Dr. Bechtel returned to the meeting at this time.

Dr. Steinbergh asked Dr. Lee to describe his practice. Dr. Lee answered that he is practicing pain management in the clinic that he owns in the West Chester area and has been practicing pain management for 10 years. Dr. Soin asked if Dr. Lee is licensed as a pain management clinic. Dr. Lee answered that he is so licensed.

Dr. Steinbergh asked what Dr. Lee's motivation was to misrepresent his credentials. Dr. Lee replied that he had passed a reading examination for specialty board certification, but did not pass the oral examination in three attempts. At that point, in order to retake the oral examination, Dr. Lee would have to pass the reading examination again. Dr. Lee stated that he simply wrote that he had passed the boards. Dr. Lee stated that because of this incident, it has become difficult for him to obtain malpractice insurance and he pays a somewhat higher premium.

Dr. Soin moved to release Dr. Lee from the terms of his August 11, 2010 Consent Agreement. Dr. Ramprasad seconded the motion. All members voted aye. The motion carried.

LEONID MACHERET, M.D.

Dr. Macheret was making his final appearance before the Board pursuant to his request for release from the terms of the Board's Order of December 10, 2008. Ms. Bickers reviewed Dr. Macheret's history with the Board.

Dr. Steinbergh noted that Dr. Macheret completed his sexual boundaries course two years ago. Dr. Steinbergh asked what strategies Dr. Macheret uses that he learned in the course. Dr. Macheret stated that he has installed six cameras in his office, outside examination rooms, to ensure propriety. Inside the examination rooms, Dr. Macheret is always accompanied by a nurse, medical assistant, or chaperone to prevent any misunderstandings. Responding to Dr. Steinbergh, Dr. Macheret stated that his patients are fully aware of the cameras. Dr. Macheret stated that he will continue these practices after his release from the Board Order. Dr. Steinbergh asked if Dr. Macheret's practice is a solo practice. Dr. Macheret replied that it is a solo practice.

Mr. Gonidakis exited the meeting at this time.

Dr. Steinbergh noted that in his letter to the Medical Board, Dr. Macheret commented that, as a foreign-trained physician, he had been previously immersed in a culture with different boundaries. Dr. Steinbergh asked what Dr. Macheret meant by that statement. Dr. Macheret stated that when someone was crying and suddenly threw themselves on him, he had had a difficult time pushing them aside and it was construed in

a different way. In his courses, Dr. Macheret learned how to keep a distance and still show sympathy in such situations. Dr. Macheret stated that this is something that was not emphasized in Russia.

Dr. Ramprasad moved to release Dr. Macheret from the terms of the Board's Order of December 10, 2008. Dr. Soim seconded the motion. All members voted aye. The motion carried.

MARK A. RHODEBACK, M.T.

Mr. Rhodeback was making his final appearance before the Board pursuant to his request for release from the terms of the Board's Order of August 13, 2008. Ms. Bickers reviewed Mr. Rhodeback's history with the Board.

Dr. Steinbergh asked Mr. Rhodeback to describe his massage therapy practice. Mr. Rhodeback replied that he leases an office from Salon Lofts in Dublin, Ohio, and is the only massage therapist in a building with hair stylists and people in similar professions. Mr. Rhodeback stated that his practice is going well.

Dr. Steinbergh asked Mr. Rhodeback to describe his recovery program. Mr. Rhodeback answered that he attends meetings about two to three times per week and he has many friends in the program. Some of those that Mr. Rhodeback works with are also in recovery and they have "mini-meetings." Mr. Rhodeback stated that since his troubles, he has changed his group of friends. Mr. Rhodeback stated that he is now comfortable in his skin for the first time in a long time.

Dr. Steinbergh asked if Mr. Rhodeback sees his daughters regularly. Mr. Rhodeback responded that he does see them regularly.

Dr. Steinbergh asked of Mr. Rhodeback is currently taking medications in relation to his diagnosis of attention deficit and hyperactivity disorder (ADHD). Mr. Rhodeback replied that he had been taking Strattera, but the effectiveness of that medication began to wear off after a couple of years. Mr. Rhodeback also commented that Strattera was very costly because he does not have insurance. Mr. Rhodeback stated that, after consulting with his physician, he stopped taking Strattera. After some initial "fuzziness," Mr. Rhodeback did very well and is currently not taking any medications. Mr. Rhodeback stated that it helps that in his job, he is in a quiet room focusing on one person.

Dr. Ramprasad asked if Mr. Rhodeback has any employment besides his massage therapy work. Mr. Rhodeback responded that he has no other employment and is able to pay his bills with his massage therapy practice.

Dr. Ramprasad moved to release Mr. Rhodeback from the terms of the Board's Order of August 13, 2008. Dr. Bechtel seconded the motion. All members voted aye. The motion carried.

GARY ALLAN DUNLAP, D.O.

Dr. Dunlap was making his initial appearance before the Board pursuant to the terms of the Board's Order of May 8, 2013. Ms. Bickers reviewed Dr. Dunlap's history with the Board.

Dr. Ramprasad asked if everything has been cleaned up in Dr. Dunlap's office. Dr. Dunlap replied that his office is much better than it was, but there is still a little more work to do.

Dr. Ramprasad asked if Dr. Dunlap is seeing a psychiatrist. Dr. Dunlap answered that he has completed the necessary paperwork and will be seeing a psychiatrist for the first time this Friday. Dr. Ramprasad asked if Dr. Dunlap has family support. Dr. Dunlap responded that he has no family in the area. Dr. Steinbergh asked what Dr. Dunlap does day-by-day. Dr. Dunlap replied that he packs things up and organizes them, as well as doing yard work at his house. Dr. Dunlap also works out a little.

Dr. Steinbergh asked what Dr. Dunlap has done with patient care since his license was suspended. Dr. Dunlap replied that when his office was open he mostly practiced osteopathic manipulative medicine, plus a secondary nutritional practice. Dr. Dunlap stated that for both of those services, there are many people his patients can see. Dr. Dunlap hoped to have his license reinstated so he can resume his practice. Dr. Steinbergh asked what Dr. Dunlap has done to arrange care for his patients during his suspension. Dr. Dunlap stated that he made some phone calls, but the practitioners he would refer his patients to have two-month waiting lists. Therefore, Dr. Dunlap has told his patients to see whoever they want, be it another physician, a chiropractor, a massage therapist, or another practitioner.

Dr. Soin noted that Dr. Dunlap will see a psychiatrist for the first time this Friday and asked why there has been such a long delay in arranging psychiatric visits, as stipulated in the Board's Order. Dr. Dunlap stated that the first psychiatrist he approached initially agreed to see Dr. Dunlap, but he backed out because he did not want to get involved in reporting to the Medical Board. The process to arrange a visit with the second psychiatrist was very long and involved first having a conversation with the office manager, then having a conversation with the psychiatrist, then submitting the psychiatrist's *curriculum vitae* to the Board and awaiting approval, then providing the psychiatrist with a multiple-page report from the Board describing his situation, then submitting a \$2,000.00 evaluation fee, then filling out a 20-page questionnaire. Dr. Dunlap stated that he finished the questionnaire two days ago and arranged for his appointment this Friday. Dr. Dunlap stated that all of these things took about a month to five weeks.

Dr. Ramprasad asked if Dr. Dunlap has had any reflection on this situation. Dr. Dunlap replied that the bottom line is that he accumulated too many things in his office and in his home. Dr. Dunlap stated that once he started cleaning up, he realized that he had been overwhelmed. Dr. Dunlap stated that he had overdone things by buying things at auctions, garage sales, estate sales, and the like. Dr. Dunlap stated that his habit of buying things began when he started collecting record albums. Dr. Dunlap stated that it took him two years to realize that he was in over his head, and three years to wean himself from the habit. Dr. Dunlap stated that he does not even think about buying such items anymore. Now, Dr. Dunlap is in the process of organizing his possessions, boxing them up, moving them to where they should be, and then selling many of them. Dr. Dunlap stated that he took one load to a flea market last weekend to sell them, but the whole process will take some time.

Dr. Soin stated that he would like an indication that Dr. Dunlap is taking the Board's direction seriously. Dr. Soin recapped that a Medical Board investigator had initially visited Dr. Dunlap's office and found it to be very unkempt, including rotting food. Dr. Dunlap was instructed to clean his office at that time, but

when the investigator returned to the office, it had not been cleaned. Dr. Soin expressed disappointment that Dr. Dunlap has yet to obtain a psychiatric evaluation, as required by the Board's Order of May 8, 2013. Dr. Soin opined that Dr. Dunlap could have made a stronger effort to obtain the psychiatric evaluation sooner. Dr. Dunlap stated that he does take the Board's action seriously and he would like to practice medicine again. Dr. Soin noted that prior to the Board Order, Dr. Dunlap had an appointment with a psychiatrist but he did not show up. Dr. Dunlap replied that he did not no-show, but had cancelled that appointment because it conflicted with a vacation that had been planned and paid for months in advance.

Dr. Steinbergh stated that the Board would like to see some progress towards compliance because it is concerned about Dr. Dunlap. Dr. Ramprasad suggested that Dr. Dunlap appear before the full Board again in two months so the Board can be assured that Dr. Dunlap has made some improvements and is taking care of himself.

Dr. Steinbergh asked if Dr. Dunlap understands his Board Order. Dr. Dunlap replied that he understands the Board Order.

Dr. Ramprasad moved to continue Dr. Dunlap under the terms of the Board's Order of May 8, 2013, and to require him to appear again before the full Board in two months. Dr. Bechtel seconded the motion. All members voted aye. The motion carried.

Dr. Dunlap added that the investigator's report in his case was very erroneous and asked if he could explain. Dr. Steinbergh replied that Dr. Dunlap has had his hearing, made his presentations, and the Board has made a decision in the matter. Dr. Steinbergh stated that the Board is concerned about Dr. Dunlap's health, and therefore will see him again in two months.

EWA HANSEN, M.D.

Dr. Hansen was making her initial appearance before the Board pursuant to the terms of her May 8, 2013 Consent Agreement. Ms. Bickers reviewed Dr. Hansen's history with the Board.

Dr. Steinbergh asked how Dr. Hansen is. Dr. Hansen replied that she feels humiliated because she never pictured herself in this situation. Dr. Ramprasad stated that what has occurred is done and now the Board just wants to make sure everything is okay for Dr. Hansen and her patients.

Dr. Steinbergh asked Dr. Hansen to describe her practice. Dr. Hansen responded that she is a pediatrician in a group practice. Dr. Hansen stated that she is in the process of sunsetting her practice, and therefore has not seen any new patients for three years. The majority of Dr. Hansen's patients are now teenagers. Dr. Hansen stated that she is doing more administrative work and, since October 2012, she has only seen two patients.

Dr. Steinbergh asked if Dr. Hansen understands her Consent Agreement. Dr. Hansen noted that under the requirements of her Consent Agreement, her monitoring physician must review 10 of Dr. Hansen's patient charts per week. However, she does not see 10 patients per week. Ms. Bickers stated that when that happens, the monitoring physician should review all patient charts and report that they are the only charts

available.

Dr. Hansen stated that when her interaction with the Board began, she was advised to hire an attorney, which she did. Dr. Hansen asked if she could have gone through the process and directly communicated with the Board without an attorney. Dr. Steinbergh stated that Dr. Hansen could have represented herself without an attorney, but most physicians with matters before the Board choose to obtain legal representation.

Dr. Ramprasad moved to continue Dr. Hansen under the terms of her May 8, 2013 Consent Agreement. Dr. Soin seconded the motion. All members voted aye. The motion carried.

STEVEN J. KAZ, M.D.

Dr. Kaz was making his initial appearance before the Board pursuant to the terms of his May 8, 2013 Consent Agreement. Ms. Bickers reviewed Dr. Kaz's with the Board.

Dr. Steinbergh asked if Dr. Kaz is taking any medications at this time. Dr. Kaz replied that he is taking Wellbutrin, Prozac, and Lamictal. Dr. Steinbergh asked Dr. Kaz to describe his recovery. Dr. Kaz responded that his medications and being out from under the stress of practice has helped him quite a bit. Dr. Kaz stated that he has been seeing his psychiatrist for years, but just began treatment with a psychologist in compliance with his Consent Agreement. Dr. Steinbergh asked who is prescribing Dr. Kaz's medications. Dr. Kaz answered that his medications are prescribed by Dr. Kenneth Glass, his psychiatrist.

Dr. Steinbergh asked about Dr. Kaz's family support. Dr. Kaz stated that his children are "everywhere." Dr. Kaz stated that he and his wife are waiting to see what happens from this and she has been supportive.

Dr. Ramprasad asked why Dr. Kaz voluntarily removed himself from practice. Dr. Kaz replied that he had been ready to "check out," i.e. was suicidal, at that time. Dr. Steinbergh asked if Dr. Kaz was able to transition his patients to other physicians for care. Dr. Kaz stated that, at his request, the owners of his practice found a physician to take the practice, although that process was quite lengthy. Dr. Steinbergh asked if Dr. Kaz continues to have suicidal tendencies now that he is on medication prescribed by a psychiatrist. Dr. Kaz answered that he has been relieved of those thoughts.

Dr. Steinbergh asked if Dr. Kaz had any questions for the Board. Dr. Kaz replied that he has no questions. Dr. Steinbergh hoped that Dr. Kaz recognizes what he has given to his patients over the years.

Dr. Talmage exited the meeting at this time.

Dr. Soin moved to continue Dr. Kaz under the terms of his May 8, 2013 Consent Agreement. Dr. Ramprasad seconded the motion. All members voted aye. The motion carried.

Dr. Talmage returned to the meeting at this time.

RANDI MCVETY, M.T.

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

Dr. Ramprasad stated that the Board has recently seen a relatively large number of massage therapists who have forgotten to renew their license and continued to practice beyond its expiration, a phenomenon the Board does not see in its other licensees. Dr. Ramprasad asked Ms. McVety if she could explain this so that the Board can take measures to prevent it. Ms. McVety replied that, in her case, she had just moved without having received her renewal packet from the Board, and also had a new baby at that time. Because of these circumstances, Ms. McVety stated that she simply overlooked renewing her massage therapy license.

Dr. Steinbergh asked if Ms. McVety has learned from this experience. Ms. McVety replied that she has learned. Dr. Steinbergh wished Ms. McVety well and asked her to help educate her colleagues on the importance of renewing their massage therapy licenses in a timely manner. Dr. Steinbergh asked if Ms. McVety had any questions about her Consent Agreement. Ms. McVety replied that she has no questions.

Dr. Soin moved to continue Ms. McVety under the terms of her September 12, 2012 Consent Agreement. Dr. Bechtel seconded the motion. All members voted aye. The motion carried.

THOMAS E. REILLEY, D.O.

Dr. Reilley was making his initial appearance before the Board pursuant to the terms of his May 8, 2013 Consent Agreement. Ms. Bickers reviewed Dr. Reilley's history with the Board.

Dr. Steinbergh asked where Dr. Reilley had been practicing prior to the suspension of his medical license. Dr. Reilley replied that he had practiced at the Ohio State University Wexner Medical Center. Dr. Steinbergh asked about Dr. Reilley's most recent sobriety date. Dr. Reilley answered that his most recent sobriety date is April 19, 2013, when he was arrested for domestic violence.

Dr. Steinbergh asked if Dr. Reilley is seeing a psychiatrist or has a psychiatric diagnosis. Dr. Reilley responded that he does not have a psychiatric diagnosis and is not seeing a psychiatrist. Dr. Reilley noted that he finished a three-month treatment at Shepherd Hill Hospital last Friday. Dr. Reilley stated that his treatment at Shepherd Hill went very well and his discharge summary noted no tendencies towards violence or aggressive behavior during his time there.

Dr. Reilley stated that the reason for his arrest on April 19 was due to a combination of testosterone injection, Ambien, and alcohol. Dr. Reilley explained that on that evening, he and his wife had a disagreement over dinner regarding retirement. Upon returning home, Dr. Reilley took an Ambien. Dr. Reilley stated that he had a blackout and the next thing he knew, it was a day and a half later and he had been arrested. Dr. Reilley stated that his wife had called the police because he was a danger to her and to himself. Dr. Reilley stated that his wife did the right thing by having him arrested. Dr. Steinbergh asked if Dr. Reilley's wife had been injured during this incident. Dr. Reilley replied that his wife had not been

injured.

Dr. Steinbergh asked if Dr. Reilley is still taking Ambien. Dr. Reilley replied that he has not taken Ambien since that night. Dr. Steinbergh asked if Dr. Reilley is taking any other medications. Dr. Reilley replied that he takes beta blockers for blood pressure. Dr. Reilley related that an incident during his arrest resulted in an aggravation of peritonitis, which worsened and required surgery halfway through his treatment at Shepherd Hill. Dr. Reilley stated that he only used analgesics for five days following the surgery and relied on Tylenol and aspirin after that, although it was very painful. Dr. Reilley commented that his drug of choice is alcohol and, although he is an anesthesiologist, he has never had an attraction to narcotics or painkillers.

Dr. Ramprasad asked if Dr. Reilley plans to return to practice. Dr. Reilley stated that he plans to retire in December, after 42 years of practice, including 35 years at Ohio State. Dr. Reilley stated that he was considering retiring to Florida and getting a position there training residents or conducting anesthesia research. Dr. Reilley stated that he will not return to critical care.

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

Dr. Sethi exited the meeting at this time.

Dr. Ramprasad moved to continue Dr. Reilley under the terms of his May 8, 2013 Consent Agreement. Dr. Soim seconded the motion. All members voted aye. The motion carried.

BERNARD J. ROSE, M.D.

Dr. Rose was making his initial appearance before the Board pursuant to the terms of his May 8, 2013 Consent Agreement. Ms. Bickers reviewed Dr. Rose's history with the Board.

Responding to questions from Dr. Ramprasad, Dr. Rose stated that he underwent 28 days of inpatient rehabilitation at Glenbeigh Hospital, followed by 22 days of intensive outpatient treatment. Dr. Rose stated that his treatment at Glenbeigh was superior to his previous treatment centers and he would recommend it to anyone.

Dr. Sethi returned to the meeting at this time.

Dr. Ramprasad asked if Dr. Rose is currently taking any medications. Dr. Rose answered that he is taking Citalopram and is no longer taking Zyprexa.

Dr. Ramprasad asked about Dr. Rose's family support. Dr. Rose replied that he and his wife just celebrated their 25th wedding anniversary, and she is very supportive of him. Dr. Rose also stated that his three college-age children are behind him 100%. Dr. Ramprasad asked how Dr. Rose is managing financially since he is not working. Dr. Rose replied that he had saved money for long enough that it was not a problem.

Dr. Ramprasad asked if Dr. Rose is in a recovery network. Dr. Rose answered that he attends Alcoholics Anonymous meetings three times per week and an aftercare meeting once per week.

Dr. Ramprasad asked if the diagnosis and prescribed medications from Glenbeigh has helped Dr. Rose. Dr. Rose responded that what Glenbeigh did and what he learned there was immensely helpful. Dr. Rose learned that he is a grown-up and needs to act like one. Dr. Rose stated that he is looking forward to returning to practice. Dr. Ramprasad asked if Dr. Rose practices medicine alone. Dr. Rose answered that he practices with his brother. Dr. Rose stated that currently, his patients are being treated by his brother and a *locum tenens* physician hired by the practice.

Dr. Ramprasad asked if Dr. Rose has any questions about his Consent Agreement. Dr. Rose stated that he has identified a psychiatrist to perform the psychiatric assessment required for reinstatement, but wanted to make sure he is a Board-approved assessor. Ms. Bickers stated that the psychiatrist is Board-approved if his name appears on the Board's online list of approved psychiatric assessors, but she will confirm that for Dr. Rose after the meeting.

Dr. Ramprasad moved to continue Dr. Rose under the terms of his May 8, 2013 Consent Agreement. Dr. Talmage seconded the motion. All members voted aye. The motion carried.

LISA ANN WEST, D.O.

Dr. West was making her initial appearance before the Board pursuant to the terms of her May 8, 2013 Consent Agreement. Ms. Bickers reviewed Dr. West's history with the Board.

Dr. Steinbergh noted that Dr. West has now attended two 28-day inpatient treatments. Dr. West confirmed that that is correct. Dr. Steinbergh asked how Dr. West is doing at this time. Dr. West replied that she is doing much better than she was a few months ago. Dr. West stated that when she moved to the Toledo area for her residency she did not know anyone, but she is beginning to meet more people now. Dr. West stated that she has made many friends at her Alcoholics Anonymous meetings, which she attends six days per week.

Dr. Ramprasad noted that Dr. West's first inpatient treatment was at the Ridge at Batavia, and the second treatment was at Arrowhead Behavioral Health. Dr. Ramprasad asked why Dr. West chose Arrowhead for her second treatment. Dr. West stated that she relapsed when her fiancé called off their wedding. Dr. West stated that she obviously had not worked her program correctly. Dr. West chose Arrowhead for her second treatment.

Dr. Ramprasad asked if Dr. West has a family history of alcohol abuse. Dr. West replied that her grandfather had two brothers who died of alcoholism in their forties. Dr. Ramprasad asked how long Dr. West had been drinking. Dr. West stated that she had been drinking for approximately two years, having started in the fourth year of medical school at Pikeville College School of Osteopathic Medicine. Dr. Steinbergh asked why Dr. West chose to drink at that time. Dr. West answered that she drank because she was curious about it and wondered why everyone seemed to do it. Dr. West stated that it was a very bad

decision.

Dr. Ramprasad asked why Dr. West is taking the medication Topamax. Dr. West replied that the Topamax is to treat her migraine headaches.

Dr. Sethi exited the meeting at this time.

Dr. Steinbergh asked if Dr. West has a psychiatric diagnosis. Dr. West stated that following the death of her grandfather, she was diagnosed with depression and prescribed Prozac. The physicians at Arrowhead opined that Dr. West did not truly have depression and took her off that medication, but stated that she could be restarted on the Prozac if her mood dipped. Dr. West stated that she called a few days ago because she was feeling down, and a prescription for Prozac was called in which she is currently taking.

Dr. Ramprasad asked what year Dr. West is at in her residency program. Dr. West replied that she is in her first year and that the program has agreed to take her back. Dr. West will reenter the program as a first-year resident, but will do second-year rotations, which she is somewhat nervous about. Dr. Steinbergh advised Dr. West to have a very honest discussion with her program director about whether she is ready for that level. Dr. Steinbergh wanted Dr. West to be successful in her training program, especially since it could impact the success of her recovery.

Dr. Ramprasad moved to continue Dr. West under the terms of her May 8, 2013 Consent Agreement. Dr. Soin seconded the motion. All members voted aye. The motion carried.

PROBATION AND REINSTATEMENT CONSENT AGENDA

Dr. Steinbergh advised that at this time she would like the Board to consider the probationary reports and probationary requests on today's consent agenda. Dr. Ramprasad stated that he wished to discuss the probationary request of Albert J. Weisbrot, M.D., separately.

Dr. Ramprasad noted that Dr. Weisbrot has proposed a pain management module to fulfill his controlled substance prescribing course requirement. Dr. Ramprasad stated that the suggested module is a good one, but expressed concern that a module does not provide the experience of being in a room with other people who are asking questions and interacting. Dr. Ramprasad asked if the module comes with a video or if it is simply slides. Ms. Bickers believed that the module is interactive, but will confirm that and report back.

Dr. Steinbergh stated that she would like to discuss the probationary request of Philip M. Goldman, M.D., separately for the benefit of new Board members. Dr. Steinbergh stated that Dr. Goldman is also in a consent agreement with another board which is monitoring him. In order to be compliant with that board, Dr. Goldman is requesting that his random drug tests be reduced from four times per month to 26 times per year. Dr. Steinbergh stated that the Board sometimes grants such modifications, which are reasonable. Dr. Steinbergh stated that the Secretary and Supervising Member are often dealing with such issues.

Dr. Soin moved to accept the Compliance staff's Reports of Conferences on July 8 & 9, 2013, with: Nicholas Atanasoff, D.O.; Joseph E. Baus, M.D.; Mark E. Blair, M.D.; Carolyn A. Chambers, M.D.;

Aimee V. Chappelow, M.D.; Janice Electa Green Douglas, M.D.; Francis E. Dumont, M.D.; Paul E. Duncan, M.D.; Lynne A. Eaton, M.D.; Matthew H. Evenhouse, M.D.; Jennifer J. Furin, M.D.; Marjorie M. Haas, M.D.; Shane R. Hanzlik, M.D.; Jerome D. Homish, D.O.; Rebecca E. Johnson, M.D.; Kavita A. Kang, D.O.; Christopher J. Karakasis, M.D.; Thomas D. Kramer, Jr., M.D.; Bruce J. Merkin, M.D.; Michael J. Palma, M.D.; Sheila S. Paul, D.O.; Sudhir S. Polisetty, M.D.; Chris Allen Rhoades, M.D.; Madelyn R. Sartain, D.O.; Rick Skibicki, M.D.; and Chad Winfield Ulmer, M.D.

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

- To grant Mohammad A. Adas, M.D.'s request for approval of a practice plan; approval of Naghmana Masood, M.D., to serve as an additional monitoring physician; and determination of the frequency and number of charts to be reviewed at five charts per month from each monitoring physician;
- To grant Sohail Aman, M.D.'s request for approval of *Intensive Course in Controlled Substances Prescribing*, administered by Case Western Reserve University, to fulfill the controlled substances prescribing course required for reinstatement; and approval of *Intensive Course in Medical Record Keeping*, administered by Case Western Reserve University, to fulfill the medical records course required for reinstatement;
- To grant Christopher S. Croom, M.D.'s request for approval of Jiri D. Sonek, M.D., to serve as the monitoring physician; and determination of the frequency and number of charts to be reviewed at 10 charts per month;
- To grant Franklin D. Demint, D.O.'s request for approval of Ellis Frazier, M.D., to serve as an additional monitoring physician; determination of the number and frequency of charts to be reviewed at 10 charts per week; and to continue Dr. Demint under the terms of the Board's Order of April 1, 2013, with future appearances before the Board Secretary or designee;
- To grant Philicia S. Duncan, M.D.'s request for approval of Andrew W. Hunt, M.D., to serve as the treating psychiatrist;
- To grant Philip M. Goldman, M.D.'s requests for acceptance of the Compliance staff's report of conference on July 9, 2013; reduction in drug and alcohol rehabilitation meetings attendance from three per week to two per week, with a minimum of 10 per month; reduction in random drug testing from four per month to 26 per year; and reduction in appearances from every three months to every six months;
- To grant Timothy Ross Halstead, P.A.'s request for approval of Scott D. Zgrabik, M.D., to serve as the new reporting physician;
- To grant Gregory Gene Johnson, M.D.'s request for acceptance of the Compliance staff's report

of conference on July 9, 2013; discontinuance of the psychiatric treatment requirement; and reduction in psychotherapy treatment sessions from once per month to every two months;

- To grant Bruce S. Kay, M.D.'s request for approval of a practice plan; approval of Won G. Song, M.D., to serve as the monitoring physician; and determination of the frequency and number of charts to be reviewed at 10 charts per week;
- To grant I. Praveen Kumar, M.D.'s request for approval of *Intensive Course in Controlled Substance Prescribing*, administered by Case Western Reserve University, to fulfill the controlled substance prescribing course required for reinstatement; and approval of *Intensive Course in Medical Record Deeping*, administered by Case Western Reserve University, to fulfill the medical record keeping course required for reinstatement;
- To grant Wendy A. Millis, M.D.'s request for acceptance of the Compliance staff's report of conference on July 8, 2013; approval of Glenn J. Trippe, M.D., to serve as the monitoring physician; determination of the frequency and number of charts to be reviewed at 10 charts per month; and approval of Larry Johnson, Ph.D., to conduct psychotherapy;
- To grant Jerry G. Purvis, Jr., M.D.'s request for permission to continue under the terms of his August 8, 2012 Step II Consent Agreement while participating in a surgery proctorship in Oregon;
- To grant Neil A. Salas' request for acceptance of the Compliance staff's report of conference on July 9, 2013; and discontinuance of the chart review requirement;
- To grant Richard S. Skoblar, M.D.'s request for acceptance of alternative evidence of the doctor's fitness to resume practice in lieu of the Special Purpose Examination (SPEX) or specialty board recertification;
- To grant Albert J. Weisbrot, M.D.'s request for approval of *The Pain Management Self-Assessment Module Working Group*, offered by the American Academy of Family Physicians, to fulfill the controlled substances prescribing course requirement; and
- To grant Emmet E. Whitaker, III, M.D.'s request for approval of Joseph D. Tobias, M.D., to serve as the monitoring physician; and determination of the frequency and number of charts to be reviewed at 10 charts per month.

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

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye

Mr. Kenney - aye

The motion carried.

Dr. Sethi returned to the meeting at this time.

Dr. Steinbergh stated that sometimes a probationary report will say that some documentation is due from the probationer and the probationer will be in compliance when the documentation is received. Dr. Steinbergh stated that in such cases, Ms. Bickers follows a protocol to ensure compliance.

EXECUTIVE SESSION

Ms. Debolt stated that the Executive Session for considering discipline of a public employee will not be required. Therefore, the Board need only go into Executive Session to confer with the Attorney General's representatives.

Dr. Sethi 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. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye

The motion carried.

Pursuant to Section 121.22(G)(3), Ohio Revised Code, the Board went into executive session with Mr. Haslam, Ms. Anderson, Ms. Loe, Ms. Debolt, Ms. Wehrle, Ms. Marshall, the Enforcement Attorneys, the Assistant Attorneys General, Ms. Bickers, Ms. Jones, Ms. Rieve, Ms. Jacobs, and Mr. Taylor in attendance.

The Board returned to public session.

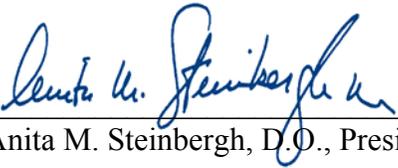
PROPOSED SUMMARY SUSPENSION

Regarding the proposed summary suspension that the Board was unable to act upon earlier in the meeting due to a lack of quorum, Mr. Haslam stated that Ms. Elsass has agreed to join the Board tomorrow by telephone so that the Board can entertain that proposed summary suspension under Section 4731.22(G), Ohio Revised Code. Mr. Haslam commented that Ms. Elsass' term on the Board ended on July 31, 2013,

but she can still act as a Board member since her successor has not yet been appointed and 60 days have not elapsed since the end of her term. Ms. Debolt noted that the telephone conference meeting will be considered a separate meeting from tomorrow's regularly-scheduled Board meeting.

Thereupon, at 5:35 p.m., the August 14, 2013 session of the State Medical Board of Ohio was adjourned by Dr. Steinbergh.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio meeting on August 14, 2013, as approved on September 11, 2013.



Anita M. Steinbergh, D.O., President



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

(SEAL)



MINUTES**THE STATE MEDICAL BOARD OF OHIO****August 15, 2013**

Anita M. Steinbergh, D.O., President, called the meeting to order at 8:05 a.m., in the Administrative Hearing Room of the James A. Rhodes State Office Tower, 30 E. Broad St., Columbus, Ohio 43215, with the following members present: Kris Ramprasad, M.D., Vice-President; J. Craig Strafford, M.D., Secretary; Mark A. Bechtel, M.D., Supervising Member; Lance A. Talmage, M.D.; Donald R. Kenney, Sr.; and Michael L. Gonidakis. The following members arrived at a later time: Amol Soin, M.D.; and Sushil M. Sethi, M.D. The following member did not attend the meeting: Laurie O. Elsass.

Also present were: Aaron Haslam, Executive Director; Kimberly Anderson, Interim Executive Director; Susan Loe, Assistant Executive Director, Program Management and Operations; Michael Miller, Interim Assistant Executive Director, Licensure and Renewal; Sallie J. Debolt, General Counsel; William Schmidt, Senior Counsel; Joan K. Wehrle, Education & Outreach Program Manager; Rebecca Marshall, Chief Enforcement Attorney; Kyle Wilcox and Heidi Dorn, Assistant Attorneys General; Kay Rieve, Administrative Officer; Barbara Jacobs, Senior Executive Staff Attorney; Cathy Hacker, Physician Assistant Program Administrator; and Benton Taylor, Executive Assistant to the Executive Director.

ADMINISTRATIVE REPORT

Meetings with Stakeholders: Mr. Haslam stated that he has held several meetings with individuals from outside groups in the previous month, including Orman Hall, head of the Governor's Cabinet Opiate Action Team. Mr. Haslam and Mr. Hall discussed the medication Suboxone, which Mr. Hall supports the use of in treating addiction. Mr. Haslam also met with and Jimelle Rumberg, the Executive Director of the Ohio Podiatric Medical Association, and discussed several issues pertinent to that organization, including the pending appointment of a podiatrist to the Medical Board.

Dr. Soin entered the meeting at this time.

Mr. Haslam stated that he also met with the senior staff of the Board of Pharmacy, at their request, to discuss opportunities to develop a future relationship between the two boards. It was decided that those meetings will continue to be held on a monthly basis. One subject the Board of Pharmacy wished to discuss was the Medical Board's weight-loss rules and how they pertain to the new medications Qsymia and Belviq.

Mr. Haslam stated that Ms. Anderson arranged a meeting with the Board of Nursing and several managed care providers to see what data they have regarding Suboxone use.

Prescribing Issue Meetings: Ms. Anderson stated that Dr. Strafford and Dr. Bechtel have been involved with the group developing prescribing guidelines. On August 6, the metrics subcommittee of the group met and continues to develop methods to measure the effectiveness of the guidelines. The subcommittee

has been working with Tom Wickhieser of the Ohio State University Wexner Medical Center, who recently participated in developing similar guidelines for Washington State.

Ms. Anderson stated that the subcommittee plans to use a survey of prescribers to measure the effectiveness of the guidelines. The first survey will be conducted in the spring of 2014. Ms. Anderson stated that one issue concerning the subcommittee is the fact prescriptions for chronic pain are very difficult to separate from prescriptions for acute pain or cancer pain because the Ohio Automated Rx Reporting System (OARRS) does not including information on diagnoses.

Ms. Anderson continued that the education subcommittee is chaired by Jeff Smith of the Ohio State Medical Association (OSMA). The education subcommittee is exploring ways to provide education to all prescribers regarding the guidelines. Pursuant to that, the subcommittee is working on a one-hour video that is scheduled to be completed by early September. The video will have four sections. The first section will describe the scope of the opioid addiction and abuse problem, the second section will explain the rationale behind the 80 morphine equivalent dose (MED) standard, the third section will outline the action steps a prescriber should take when prescribing 80 MED or more, and the fourth section will explain how prescribers can sign up for OARRS. Ms. Anderson commented that Dr. Strafford will be one of the presenters in the video. Ms. Anderson stated that the Medical Board has agreed to host this educational video on its website.

Regarding the metrics subcommittee's survey, Dr. Talmage stated that busy practitioners usually respond to surveys at a rate less than 10% and asked if there is any way to boost that response rate. Ms. Anderson answered that the subcommittee is working with the different medical associations with the hopes that practitioners will be more likely to respond if the survey comes from them instead of from the Board.

Dr. Sethi entered the meeting at this time.

Dr. Strafford noted that there is an effort to provide continuing medical education (CME) credit for viewing the video. Ms. Anderson stated that Mr. Smith at OSMA and Jon Wills at the Ohio Osteopathic Association (OOA) are working to get CME approved for the video.

Mr. Haslam stated that he met with the Health Care Fraud Task Force. That meeting was also attended by representatives from the Bureau of Worker's Compensation, the Board of Pharmacy, and Medicaid fraud investigators from the Department of Jobs and Family Services. The Task Force is working on identifying bad prescribers. Mr. Gonidakis suggested that it would be good for Mr. Haslam to meet with the new director of Medicaid. Mr. Haslam agreed.

Mr. Haslam stated that he signed a Memorandum of Understanding (MOU) with the U.S. Major Crimes Task Force. The MOU will allow the Board to participate with the Task Force in investigating crimes that involve the Board's licensees. Ms. Haslam noted that in the near future, the Board will be presented with a proposed permanent surrender which resulted from an investigation by the Task Force.

Investigations: Mr. Haslam stated that he met with the three investigator supervisors of the Board to resolve issues in that section. On July 29, Investigator Supervisor Randy Beck was named Interim Chief

of Investigations. Mr. Haslam stated that he has made that position part of the Senior Staff so that investigators, which constitute one quarter of the Board's staff, have representation in that group.

Mr. Haslam stated that on August 1, 13 investigators participated in firearms training, as did Ms. Anderson. Mr. Haslam stated that firearms training will be more frequent in order to address potential liability issues.

Enforcement: Mr. Haslam stated that there is currently a vacant enforcement attorney position. The initial interview of applicants was conducted on August 7 and 8, and two candidates were chosen for follow-up interviews next week.

Licensure: Mr. Haslam reported that licensure assistant April Battle has resigned her position. The vacant position was posted on August 7 for internal candidates.

Mr. Haslam stated that he and Mr. Miller attended a meeting on the Governor's Executive Order 2013-05K, which is intended to help military veterans obtain employment. At the meeting, Mr. Haslam and Mr. Miller gave a presentation on the physician assistant legislation that allows military experience to be equated to a master's degree, which the Board developed several months ago. Mr. Haslam commented that the Medical Board is ahead of the curve on this issue in relation to other licensing boards.

Inspector General Report: Mr. Haslam stated that the Board's response to the May 23, 2013 Inspector General Report was filed on July 22, 2013.

FY2013 Annual Report: Mr. Haslam stated that last month, the Board tentatively approved an Annual Report for Fiscal Year 2013. Mr. Haslam stated that that report has been completed and filed with the Governor's office. Mr. Gonidakis asked if the Ohio State Medical Association (OSMA) offered any feedback on the Annual Report. Mr. Haslam replied that OSMA did not offer any feedback. Mr. Haslam commented that the staff completed the Annual Report in time and put out a very good product.

Agency Operations Updates: Mr. Haslam stated that he and other staff meet with the Department of Administrative Services (DAS) to review the Board's space allocation and to begin developing a plan to consolidate space as a cost-saving measure. Tentatively, it has been decided that Fiscal Services, Human Resources, Information Technologies, and Operations will be moved from the second floor to the third floor; the Hearing Unit will remain on the second floor.

On August 6, the Board's Labor/Management Committee held a meeting in which no issues arose.

On August 12, Mr. Haslam and Ms. Anderson met with Mr. Kenney and Mr. Gonidakis to discuss cost recovery proposals such as non-disciplinary fines for continuing medical education (CME) violations. This topic will continue to be explored and recommendations will be brought to the committees.

Dr. Ramprasad commented that the Ohio State Medical Association (OSMA) seems to not approve of the Board's proposal for non-disciplinary CME fines. Dr. Ramprasad stated that the Board should make sure that OSMA understands the reasons for the proposal. Dr. Ramprasad also pointed out the non-disciplinary

finances are not reported to the National Practitioner Databank. Mr. Haslam opined that OSMA is accepting of the concept, but is questioning if it should be a priority. Mr. Haslam agreed with Dr. Ramprasad that the Board's priorities are correct in this regard.

Ohio Department of Health Town Hall Meeting: Mr. Haslam stated that Ms. Anderson and Mr. Beck attended the Department of Health Town Hall meeting held at the Ohio State University College of Veterinary Medicine. The meeting touched on efforts to decrease infant mortality, reduce obesity, curb tobacco use, and expand patient-centered medical homes statewide.

Legislative Update: Mr. Haslam stated that the legislature is currently on recess. Before going into recess, the Speaker of the House of Representatives announced a traveling committee addressing several issues, including prescription drug abuse. The Board has been asked to provide testimony on this problem at a meeting of the committee in Jackson, Ohio. The Board will also provide an expert to talk about how opiates affect the brain and body.

Fiscal Report: Mr. Haslam stated that the July Revenue Distribution Report is attached to the Administrative Report. Mr. Haslam noted that revenue in July was \$875,840.00. Mr. Haslam stated that \$750,000.00 from the Board's credit card will go into a holding account, so there will not be immediate access to that. As a result, the revenue total for next month will seem higher. Mr. Gonidakis asked what the Board's credit card charge is. Ms. Loe responded that the credit card charge is below 2%, a figure negotiated by the State.

Mr. Haslam noted that the Revenue Report includes revenue from licensing genetic counselors, which the Board just began doing. The fee for initial licensure as a genetic counselor is \$200.00 and the renewal fee will be \$150.00, though no genetic counselor will be renewing for at least two years. Mr. Haslam continued that expenditures for July were \$534,948.00 and the total cash balance is \$3,274,490.00. Mr. Haslam also noted an attached chart showing the disparity in revenue between even-number and odd-number fiscal years.

Mr. Kenney asked why the application fee for genetic counselors is lower than for some other licenses. Mr. Haslam replied that the application process for genetic counselors is not as intensive as for physicians. Mr. Kenney opined that the license fee is too low. The Board briefly discussed how the Board's licensing fees are set by the legislature and the need for the Board to be proactive when those fees are being set.

Summary of Administrative Reports: Mr. Haslam stated that in July 36 enforcement cases were closed, including 18 closed with formal actions. Enforcement currently has 333 cases, which is lower than the number in July 2012. The average days of completion of a licensure application without referred action is down to 87, which is close to the Board's target range.

Newsletter: Mr. Haslam stated that Ms. Wehrle has provided the Board members with a draft of the August 2013 issue of the *Your Report* newsletter for approval. Mr. Haslam noted that the draft is not in the final format, but does contain the articles that will appear in the newsletter, if approved. Dr. Steinbergh stated that she and Dr. Ramprasad can approve the final version of the newsletter if the Board approves this draft.

Dr. Strafford moved to approve the draft of the August edition of the *Your Report* newsletter, with the final form to be approved by Dr. Steinbergh and Dr. Ramprasad on behalf of the Board. Dr. Soin seconded the motion. All members voted aye. The motion carried.

Meetings with Staff: Mr. Haslam stated that he has conducted one-on-one meetings with approximately 71 staff members; the remaining staff members are currently on vacation or leave. Mr. Haslam stated that the meetings have been illuminating. Some common themes that have emerged include the need for better communication amongst the staff and the importance that everyone be given a chance to have their voice heard. Mr. Haslam commented that the members of the staff are very dedicated to the Board's mission and purpose. Mr. Gonidakis thanked Mr. Haslam for taking this step with the staff.

REPORTS AND RECOMMENDATIONS

NAVEED ANJUM FAZLANI, M.D., Case No. 12-CRF-119

Dr. Ramprasad moved to reconsider the matter of Naveed Anjum Fazlani, M.D., for the purpose of adopting an order that contains Findings of Fact and a Conclusion of Law. Dr. Soin seconded the motion. All members voted aye. The motion carried.

Mr. Kenney moved to adopt an order containing the Findings of Fact and Conclusion of Law as stated in the Hearing Examiner's Report and Recommendation, and reprimanding Dr. Fazlani. Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- abstain
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion carried.

SUMMARY SUSPENSION

Regarding the proposed summary suspension that was tabled at yesterday's meeting, Mr. Haslam stated that it was tabled because several Board members had to abstain due to a conflict or due to having served as Secretary or Supervising Member. Mr. Haslam asked Dr. Steinbergh to confirm that at today's meeting, there are still not enough members present to entertain the proposed summary suspension. Dr. Steinbergh confirmed that there are not enough voting members present to entertain the proposed summary suspension.

Dr. Steinbergh stated that due to the continued lack of a quorum for that matter, a telephone conference call will be held following the conclusion of today's meeting, under Section 4731.22(G), Ohio Revised Code. Mr. Haslam stated that Ms. Elsass, who is unavailable because she is out of town, can participate in a telephone conference for this purpose. It is believed that enough voting Board members will participate in the telephone conference to consider the proposed summary suspension.

MEDICAL BOARD RETREAT PLANNING

Dr. Steinbergh stated that the Medical Board retreat is planned for October 10, 2013, which is the Thursday of the October Board meeting. Dr. Steinbergh stated that as new Board members are added, it was felt that the retreat should focus on the basics of the Board's complaint processes. Following a complete discussion of complaints, the afternoon's discussions will focus on the Board's long-range plan.

Mr. Haslam stated that there was initial consideration about bringing LeanOhio into the retreat. However, after discussion with a Board member, it was felt that the Board should try to implement the techniques LeanOhio uses for long-term strategic planning.

RULES REVIEW

Ms. Debolt stated that some of the Board's pending rules went through the Common Sense Initiative (CSI) without recommendations or changes. However, comments were received from interested parties. Documentation of those comments has been provided to the Board.

SECTION 4731-4, OHIO ADMINISTRATIVE CODE, CRIMINAL RECORDS CHECKS

Ms. Debolt stated that the proposed amendments to Rule 4731-4-01 add Oriental medicine practitioner applicants to the list of applicants and change the reference from the Bureau of Criminal Identification and Investigation (BCI&I), to the Bureau of Criminal Investigation (BCI) in order to be current. The proposed amendments to Rule 4731-4-02 delete the requirement that an out-of-state applicant take a fingerprint card to a law enforcement agency and will allow fingerprint cards to be taken to an authorized vendor. Ms. Debolt stated that this is an effort to make the process easier for out-of-state applicants.

Dr. Sethi asked how long an applicant's fingerprint is considered good. Ms. Debolt replied that a fingerprint is good for one year. Dr. Sethi asked why the fingerprint is only good for one year, noting that fingerprints do not change. Ms. Debolt replied that possible crimes found in a fingerprint search can change.

Dr. Bechtel moved to approve amended rules 4731-4-01 and 4731-4-02 to be filed with the Joint Committee on Agency Rule Review for the rule promulgation process. Dr. Strafford seconded the motion. All members voted aye. The motion carried.

SECTION 4731-27, OHIO ADMINISTRATIVE CODE, TERMINATION OF PHYSICIAN/PATIENT RELATIONSHIP

Ms. Debolt stated that the Common Sense Initiative made several comments about the proposed amendments to Rule 4731-27 regarding the responsibility and liability of individual physicians. Those comments have been provided to the Board members.

Ms. Debolt stated that Oliver Henkel, Chief of External Affairs for the Cleveland Clinic, had questions about what constitutes a patient record. Mr. Henkel noted that the proposed amendments require that the record of the patient's termination from a practice be put into the patient record. Mr. Henkel explained that a hospital's concept of what a patient record is may differ from that of a practice. Mr. Henkel suggested instead that the physician be responsible for maintaining the information. In this way, if the patient is sent to another physician the record that accompanies the patient will not indicate a dismissal, which could be construed as a "black mark" against the patient.

Dr. Talmage stated that, for the most part, patients are terminated from practices due to failing to appear for appointments, which is often reflected in the clinical record. Therefore, there should not be a problem with not including the termination letter in the patient record. Dr. Strafford stated that considering the current environment, in which a patient can claim a failure to maintain continuity of care for which the physician is liable, it is important that the reason that a patient is discharged is included in the record. Dr. Sethi agreed.

After discussion, the Board chose not to change the current language of the proposed amendment.

In the next comment, Dr. Daniel Weiss, Director of the Your Diabetes Endocrine Nutrition Group, Inc., felt that the employer should notify a patient if a terminated physician will be practicing in another location. Ms. Debolt pointed out that Ohio law already requires an employer to take this action, and therefore there is no need to put it into a rule.

Next, Dr. Marguerite Blythe, a geriatric psychiatrist, opined that notices of termination should be sent to the patient's power of attorney, if the patient has one. Ms. Debolt opined that, legally, sending the notice to the power of attorney constitutes sending it to the patient, so that would meet the rule's requirements.

Next, Dr. John Ludtke, who does *locum tenens* work, was concerned that he would have to send a notice of termination every time he left a practice. Ms. Debolt opined that care rendered by a *locum tenens* physician can be considered episodic care if the physician does not intend to carry on the treatment. Dr. Talmage agreed, stating that the physician who hires a *locum tenens* physician is still responsible for the care.

Next, Dr. Karl Ohly expressed concern about patients who are verbally or physically abusive. Ms. Debolt stated that the rule for dismissing a patient from a practice says that the physician provides access to care and emergency care for up to 30 days, but it does not mandate 30 days. Ms. Debolt stated that the rule was specifically worded that way so that if there is an abusive patient, the patient can be dismissed immediately, but the termination letter must still be sent. Ms. Debolt stated that this passage may need to be clarified in a guidance document, or the wording of the rule can be changed to be more specific.

Dr. Sethi related an incident in which a patient came to his office for an evaluation. This individual was very abusive and threatening to the staff. Dr. Sethi cancelled the appointment, and therefore the individual was never his patient. Dr. Sethi asked how such an incident can be properly documented if the individual was never seen. Ms. Debolt replied that if such a situation were reported to the Board for investigation of the physician, the Board would look for information that the physician notified the individual in writing that they would not be seen. Ms. Debolt stated that such notification should be kept by the physician.

Dr. Talmage opined that if the various aspects of this rule are clarified individually, the rule would become very large and cumbersome. Dr. Talmage further opined that if the matters are addressed in principle, then the principle can be applied in individual cases. Dr. Talmage opined that the rule is sufficient as it stands. Dr. Soin agreed, but opined that clarification can be very helpful, especially in the field of pain management. Dr. Soin stated that because of House Bill 93, many physicians are checking the Ohio Automated Rx Reporting System (OARRS) or doing urine drug screens for new patients. Consequently, they are finding individuals with histories of non-compliance with opioids or breaking narcotic agreements. Dr. Soin stated that many pain management physicians are wondering how long they are liable or obligated to treat that patient within the 30-day window. Ms. Debolt suggested that that issue be addressed and presented at a future Board meeting.

Dr. Steinbergh asked about patient access to health records when treated at a kiosk, such as can be found in airports and other facilities. Ms. Debolt replied that that would constitute episodic care, similar to urgent care treatment, and therefore this rule would not apply. However, the patient would have access to that healthcare record.

Ms. Debolt continued that a termination letter should also include information on where the terminated physician is going, if that is known, and information on obtaining patient records. Dr. Sethi asked how long patient records should be maintained. Ms. Debolt stated that Ohio law does not address that question. Dr. Talmage stated that traditionally, patient records are kept for at least seven years.

Ms. Debolt opined that, overall, there was nothing in the proposed amendments that needed to be changed.

Dr. Talmage moved to file the proposed amendments to Rules 4731-27-01, 4731-27-02, and 4731-27-03, be filed with the Joint Committee on Agency Rule Review for the rule promulgation process. Dr. Sethi seconded the motion. All members voted aye. The motion carried.

REPORTS BY ASSIGNED COMMITTEE

EXECUTIVE COMMITTEE'S MEETING WITH REPRESENTATIVES OF THE OHIO STATE MEDICAL ASSOCIATION

Dr. Steinbergh stated that the Executive Committee met yesterday with representatives from the Ohio State Medical Association (OSMA). At that time, Ms. Anderson and Mr. Miller provided updates on the Board's LeanOhio process. The group also discussed expedited licensure, opiate prescribing guidelines, the importance of patient access to care for chronic pain, and pending legislation regarding physician assistant issues. The Executive Committee and OSMA agreed to continue their discussions to try to meet

the needs of the Board's licensees in a positive way.

LICENSURE APPLICATION REVIEWS

DARLA SCHIMPF-HUNGER, L.M.T.

Dr. Ramprasad stated that Ms. Schimpf-Hunger has applied for restoration of her license to practice massage therapy in Ohio. Ms. Schimpf-Hunger has not practiced massage therapy since 2005. The Group 1 Committee recommends approval of Ms. Schimpf-Hunger's application, provided she successfully completes the MBLEX.

Dr. Bechtel moved to approve Ms. Schimpf-Hunger's request for restoration of her massage therapy license, pending successful completion of the Massage and Bodywork Licensing Examination (MBLEX). Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion carried.

JOHANNES E. WOLFF, M.D.

Dr. Ramprasad stated that Dr. Wolff, a hematologist/oncologist, has applied for medical licensure in Ohio. Dr. Wolff completed 16 months of training in neurology at Johns Hopkins University, has served as the section head of pediatric neuro-oncology at MD Anderson in Houston, and has served as Chief of the Division of Pediatric Hematology/Oncology at Tufts Medical Center in Boston. Dr. Wolff has active medical licenses in other states. Dr. Wolff is not board certified, but is certified in Germany. The Group 1 Committee felt that Dr. Wolff's distinguished career and 16 months of training should be considered equivalent to 24 months of graduate medical education.

Dr. Bechtel moved to deem Dr. Wolff's training in Germany and the United States, and his practice in Canada and the United States, to be equivalent to the 24 months of graduate medical education through the second-year level so that he may be granted a license. Dr. Soin seconded the motion. A vote was taken:

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

Dr. Soin	- aye
Dr. Ramprasad	- aye
Dr. Steinbergh	- aye
Dr. Sethi	- aye
Dr. Talmage	- aye
Mr. Kenney	- aye
Mr. Gonidakis	- aye

The motion carried.

CERTIFICATE OF CONCEDED EMINENCE

MOHAMED NAGUIB ATTALA, M.D.

Dr. Ramprasad stated that Dr. Attala, an anesthesiologist from the Cleveland Clinic, was considered by the Board at a previous meeting. At that time, the Board asked for more information before granting Dr. Attala a Certificate of Conceded Eminence. The Executive Dean of the Cleveland Clinic responded to the Board's questions and explained how Dr. Attala qualifies for the Certificate. Dr. Ramprasad stated that Dr. Strafford examined the documentation to ensure that it is in order and demonstrates a proper progression of research. Dr. Ramprasad stated that the Committee had some misgivings about this applicant, but concluded that there was no choice under statute other than to grant Dr. Attala's application. However, Dr. Ramprasad opined that Dr. Attala is not an exceptional physician.

**Dr. Strafford moved to approve Dr. Attala's application for a Certificate of Conceded Eminence.
Dr. Soin seconded the motion.**

Dr. Steinbergh stated that she will now entertain discussion in the above matter.

Mr. Kenney observed Dr. Ramprasad's comment that Dr. Attala is not an exceptional physician. Mr. Kenney opined that the Certificate of Conceded Eminence is intended to be for exceptional physicians. Dr. Steinbergh asked if the Board has any discretion under the law in granting or not granting a Certificate of Conceded Eminence. Dr. Ramprasad replied that there is no discretion and noted that the Board developed the criteria for the Certificate. Dr. Bechtel commented that the term "exceptional" is somewhat subjective. Dr. Bechtel stated that if an applicant meets the criteria, it would be disconcerting to deny that person due to subjective terminology. Mr. Kenney agreed that the Board must approve the application.

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

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye

Dr. Talmage	- aye
Mr. Kenney	- aye
Mr. Gonidakis	- aye

The motion carried.

JOSE LUIS PIERO IBANEZ, M.D.

Dr. Ramprasad stated that Dr. Ibanez, if approved for a Certificate of Conceded Eminence, will practice at Children's Hospital in Cincinnati. Dr. Ibanez's primary specialty is fetal surgery. Dr. Ibanez has pioneered several fetal procedures and conducted primary research. Letters of support for Dr. Ibanez's application have been received from a professor of surgery at Children's Hospital in Cincinnati and the Surgeon-in-Chief of Children's Hospital in Colorado. Dr. Ibanez has a master's degree in research, has published 44 peer-reviewed publications, has written two books and six chapters, and has been a principal investigator. Dr. Ibanez has several international prizes and awards, but the Committee was unsure of their significance. Dr. Ibanez is also on the editorial boards of several journals.

The Group 1 Committee recommended approving Dr. Ibanez's application, pending the receipt of a letter from the dean at Children's Hospital Cincinnati, as required by the Board's rule. Dr. Ramprasad commented that Dr. Ibanez seems to be a good candidate for the Certificate of Conceded Eminence.

Mr. Kenney moved to approve Dr. Ibanez's application for a Certificate of Conceded Eminence, provided the Board receives a letter from the dean. Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Dr. Soin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion carried.

Dr. Bechtel asked if a physician with a Certificate of Conceded Eminence can become board certified in their specialty in the United States. Dr. Bechtel noted that one of the requirements of board certification is that they hold an unrestricted license. Dr. Bechtel opined that a Certificate of Conceded Eminence is a restricted license because the licensee can only practice in a specified academic institution, and only in their scope of practice. Dr. Steinbergh agreed with Dr. Bechtel, but opined that the specialty boards themselves would have to decide if they want to consider the Certificate to be sufficient.

Dr. Talmage expressed a moral concern that when prominent physicians in other countries are brought to

the United States to practice, the exceptional services of that physician will be denied to their country of origin, which may be in greater need of it. Dr. Talmage opined that through devices such as the Certificate of Conceded Eminence, the United States is taking good physicians away from the rest of the world.

Dr. Ramprasad stated that oftentimes, physicians come to the United States because they do not have the opportunity to practice what they want to do in other countries. Dr. Ramprasad noted that Dr. Ibanez is being denied research money from the government of Spain due to that country's financial troubles. Mr. Kenney commented that people should not be held hostage to their national government. Dr. Sethi opined that there is a general benefit to society when prominent physicians are given an opportunity to perform.

SUBOXONE ISSUES

Mr. Haslam stated that the Board has been directed to work on rules around the prescribing of medications like Suboxone for addiction treatment. Mr. Haslam stated that the Board has begun drafting these rules. Mr. Haslam and Mr. Schmidt discussed bringing in an advisory panel of addictionologists to aid in this effort. Mr. Haslam stated that Orman Hall created a panel of addictionologists to help with guidelines when he was director of the Ohio Department of Alcohol and Drug Addiction Services. Mr. Hall felt that the Board could have access to that panel to assist the staff in further developing these rules. Mr. Haslam asked for the Board's permission to empanel a group of addictionologists to help the staff review the rules.

Dr. Ramprasad moved to approve the development of a panel of experts to aid the Board's administrative staff in developing rules regarding the prescribing of Suboxone and similar medications for treatment of addiction. Dr. Soin seconded the motion. All members voted aye. The motion carried.

Dr. Ramprasad noted Mr. Schmidt's letter to the Group 1 Committee outlines the pertinent questions raised when drafting these rules. Dr. Soin opined that that letter was excellent in identifying the major challenges the Board faces in this effort.

Mr. Haslam noted that Mr. Hall and others agree that this process should continue without legislation so that there is no chilling effect on the use of these types of medications, as was seen with chronic pain medications.

Mr. Schmidt commented that in reaching out to experts, he found that there is a very valuable resource already on the Board in the person of Dr. Soin. Mr. Schmidt stated that Dr. Soin is very knowledgeable about the use of Suboxone for treatment of pain. Mr. Schmidt noted Dr. Soin's concern that physicians may be using Suboxone to treat pain in order to get around the regulations of House Bill 93.

INTERPRETATION OF WEIGHT-LOSS RULE TO NEW MEDICATIONS QSYMIA AND BELVIQ

Dr. Ramprasad stated that the Medical Board and the Board of Pharmacy are receiving many calls about the weight-loss medications Qsymia and Belviq in relation to the Medical Board's controlled substance utilization rules. Dr. Ramprasad stated that a document was drafted, which has been provided to Board members, to answer the most frequently asked questions (FAQ). Dr. Ramprasad covered several of the

questions which the document will answer, based on the Medical Board's current rules.

Mr. Haslam stated that representatives from Qsymia and Belviq also reached out to meet with the Board staff to get clarification on the weight-loss rules. Mr. Haslam stated that the weight-loss rules do apply to these drugs, but they are treated differently because they are intended for long-term use. Mr. Haslam stated that once the FAQ document is finalized, it can be put on the Medical Board's website.

Mr. Haslam stated that the consensus of the Group 1 Committee was that the Board's weight-loss rules should be changed, perhaps in an expedited fashion. Mr. Haslam stated that the rules are set to be reviewed next year. Mr. Haslam stated that the review of those rules can be expedited, but other items under review that are on the priority list would be delayed as a result. Mr. Haslam stated that the weight-loss rules review can be expedited if the Board so desires. Dr. Ramprasad opined that if the FAQ document based on the current rules sufficiently addresses the concerns, then the rule review need not be expedited.

Mr. Gonidakis generally agreed with Dr. Ramprasad, but stated that the Board should be more proactive if the FAQ does not address the concerns as expected. Mr. Gonidakis asked for Mr. Schmidt's opinion in this matter. Mr. Schmidt stated that many physicians are interested in these medications, including physicians who have not previously used the short-term products already available. Physicians are getting information that these medications may help lengthen lives and significantly improve the quality of lives. Mr. Schmidt stated that if these new medications are to be used effectively, the Board should move forward with lengthening the maximum 30 days between visits.

Dr. Steinbergh asked if Mr. Schmidt is comfortable with the current draft FAQ document. Mr. Schmidt stated that he is comfortable with the document, which was mostly drafted by Ms. Debolt with Mr. Schmidt's assistance. Mr. Kenney suggested that the portion of the document about mandatory physician visits every 30 days should be in bold print so that it is easily noticed. Ms. Debolt stated that she can put that passage in bold print.

Dr. Bechtel moved to approve the draft Frequently Asked Questions document on the medications Qsymia and Belviq. Dr. Strafford seconded the motion. All members voted aye. The motion carried.

Mr. Haslam commented that the Board has already received two requests for presentations to be presented to the Board from representatives from Qsymia and Belviq on these products.

Dr. Strafford exited the meeting at this time.

ACUPUNCTURE AND ORIENTAL MEDICINE – PROPOSED ADVISORY PANEL

Ms. Debolt stated that in March, the scope of the practice of acupuncture was redefined to include supplemental techniques. Oriental medicine practitioners can also perform acupuncture, as well as herbal medicine. Consequently, the Board has been receiving many questions on this matter. Because the Board does not have expertise in these areas, Ms. Debolt recommended forming a five-member volunteer advisory panel to advise the board on these matters. The proposed panel would include a representative

from the Ohio Association of Acupuncture and Oriental Medicine, a community physician who practices acupuncture, a non-physician acupuncturist, an Oriental medicine practitioner, and an Oriental medicine-acupuncture educator. Dr. Steinbergh stated that the Group 2 Committee approved Ms. Debolt's recommendation.

Dr. Bechtel moved to approve the recommendation to form a volunteer advisory panel to advise the Board on issues of acupuncture and Oriental medicine scope of practice. Dr. Ramprasad seconded the motion. All members voted aye. The motion carried.

PHYSICIAN ASSISTANT MATTERS

FORMULARY DISCUSSION

Dr. Steinbergh stated that Physician Assistant Policy Committee and the Group 2 Committee reviewed a new format for the physician assistant formulary which is intended to be more user-friendly. Dr. Steinbergh reviewed several of the format changes. Medications with dual indications were added to all categories that they relate to. Medications that have been removed from the market have been removed from the formulary. Several other medications will be reviewed in the future to determine what categories they should be in.

Dr. Sethi moved to approve the changes to the physician assistant formulary, as recommended by the Physician Assistant Policy Committee and the Group 2 Committee. Dr. Soin seconded the motion. All members voted aye. The motion carried.

RULES REVIEW

Ms. Debolt stated that public comments on all rules concerning physician assistants have been provided to the Board members. The Ohio Association of Physician Assistants (OAPA) suggested amending Rule 4730-1-03 to clarify the duties of a supervising physician in disaster or emergency care. Ms. Debolt explained that currently, physician assistants in disaster or emergency care have authority to work under the supervision of the medical director at the site of the emergency or under the authority of their own supervising physician, who does not have to be within 60 minutes travel time or available by telephone.

Regarding the Do Not Resuscitate (DNR) rules, currently physician assistants can do DNR comfort care documentation. The OAPA suggested that the Medical Board promulgate rules so that the supervising physician and the physician assistant will know how to do this. Ms. Debolt stated that the DNR rules are under the Ohio Department of Health, not the Medical Board.

Ms. Debolt continued to the definitions rule, Rule 4730-1-01. The OAPA and another commenter asked the Board to change the meaning of the term "setting in which the supervising physician routinely practices." The Ohio Revised Code states that a supervising physician may authorize their physician assistant to practice in any setting in which the supervising physician routinely practices. The current rule defines that as a practice environment in which the supervising physician ordinarily provides medical services. The suggestion is that the physician assistant ought to be able to practice in any setting that is

similar to the supervising physician's practice. For instance, the physician assistant for a family practitioner should be able to practice in a family practice, even if the supervising physician has never practiced there. Ms. Debolt advised that that suggestion would require a statutory change.

Dr. Steinbergh stated that the Physician Assistant Policy Committee and the Group 2 Committee approved the proposed amendment. Dr. Steinbergh added that she does not support the independent practice of physician assistants.

Dr. Bechtel exited the meeting at this time.

Ms. Debolt stated that another suggestion from the OAPA regarding physician assistants at the scene of a disaster is that the Board include that language in the physician supervision rule. Dr. Steinbergh stated that the Physician Assistant Policy Committee and the Group 2 Committee recommend approval of the draft language to amend the rule in accordance with the OAPA's suggestion. Under the proposed amendment, when a physician assistant is providing medical care precipitated by a disaster or emergency, the supervising physician will not be required to be physically present, be readily available to the physician assistant through telecommunication, or be 60 minutes away. Also, the physician designated as the medical director of the disaster or emergency may supervise the medical care provided by the physician assistant. Ms. Debolt stated that this proposed amendment to the rule is simply a clarification of what is provided in the Ohio Revised Code.

Dr. Ramprasad exited the meeting at this time.

Dr. Strafford moved to approve the proposed amendment to be filed with the Common Sense Initiative. Dr. Sojn seconded the motion. All members voted aye. The motion carried.

PROPOSED AMENDMENTS TO PHYSICIAN ASSISTANT CRIMINAL RECORD CHECK RULES

Ms. Debolt stated that the proposed amendments to the physician assistant criminal record check rules are almost precisely the same changes the Board approved earlier for physicians and Oriental medicine practitioners. Dr. Steinbergh stated that the Physician Assistant Policy Committee and the Group 2 Committee approve this amendment.

Dr. Strafford moved to approve the proposed amendment to be filed with the Common Sense Initiative. Dr. Sojn seconded the motion. All members voted aye. The motion carried.

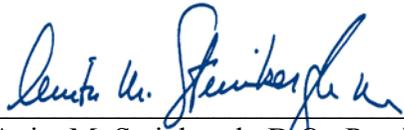
Dr. Ramprasad returned to the meeting at this time.

Thereupon at 10:35 p.m., the August 15, 2013, meeting of the State Medical Board of Ohio was duly adjourned by Dr. Steinbergh.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio meeting on August 14-15, 2013, as approved on September 11, 2013.

21569

August 15, 2013


Anita M. Steinbergh, D.O., President


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

(SEAL)

