

**State Medical Board of Ohio**  
**Formal Action Report – April 2013**

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Please find below a summary of actions taken or initiated by the State Medical Board of Ohio in April 2013 and an update of Board matters pending or decided in courts as of April 10, 2013.

**PRE-HEARING SUSPENSIONS**

**GIRI**, Yashwant B., M.D. (#35-072510) – Crown Point, Indiana

Pursuant to Section 4731.22(I), Ohio Revised Code, medical license automatically suspended. Based on doctor's conviction in the Superior Court of California, County of Orange, on one felony count of Sexual Battery, two felony counts of Sexual Penetration by Foreign Object of Unconscious Victim, one felony count of Sexual Penetration by Foreign Object of Minor, one felony count of Sexual Battery by Fraud, and one misdemeanor count of Sexual Battery, which conviction was based on doctor's sexual assault of three female victims, including a minor, while they were unconscious and/or medically incapacitated. Suspension effective 2/20/13.

**HALL**, Adam Patrick, D.O. (#34-008707) – Powell, Ohio

Pursuant to Section 4731.22(G), Ohio Revised Code, osteopathic medical license summarily suspended. Based on allegations that doctor employed an unlicensed individual to practice osteopathic medicine in his Ironton, Ohio, office, pre-signed prescriptions or permitted the use of a signature stamp on prescriptions to prescribe drugs, including controlled substances, to patients without having been examined by a properly licensed physician; documented in patient records that he evaluated patients and purportedly issued prescriptions for dangerous drugs and controlled substances on specific dates when the doctor was outside of the United States; and his alleged violation of the terms of a 3/14/07 Consent Agreement. Suspension effective 4/1/13.

## **CITATIONS/PROPOSED DENIALS**

**BREZNY**, Steven Francis, M.D. (#35-081093) – Columbus, Ohio

Based on doctor's alleged failure to meet all conditions for reinstatement of license following a 7/13/11 Board order requiring the doctor to provide a written statement that he had complied with a previously issued subpoena. Notice of opportunity for hearing mailed 4/11/13.

**DARDINGER**, Jeffrey Todd, M.D. (#35-070985) – Cincinnati, Ohio

Based on doctor's conviction in the Hamilton County Court of Common Pleas on one felony count of Illegal Use of Minor in Nudity Oriented Material and on prior action by the Kentucky Board of Medical Licensure which issued an order of Emergency Suspension based upon its finding that doctor's continued practice constituted a danger to the health, welfare and safety of his patients and the public. Notice of opportunity for hearing mailed 4/11/13.

**FORNEY**, Erica Lynne, M.T. (#33-008524) – Youngstown, Ohio

Based on massage therapist's false, fraudulent, deceptive or misleading statement in the course of practice and acts constituting a felony in that massage therapist failed to provide complete and accurate answers on her application for restoration of her license and subsequent testimony under oath that she continued to practice massage therapy after her license expired on 8/31/09. Notice of opportunity for hearing mailed 4/11/13.

**GIRI**, Yashwant B., M.D. (#35-072510) – Crown Point, Indiana

Based on doctor's conviction in the Superior Court of California, County of Orange, on one felony count of Sexual Battery, two felony counts of Sexual Penetration by Foreign Object of Unconscious Victim, one felony count of Sexual Penetration by Foreign Object of Minor, one felony count of Sexual Battery by Fraud, and one misdemeanor count of Sexual Battery, which conviction was based on doctor's sexual assault of three female victims, including a minor, while they were unconscious and/or medically incapacitated. Notice of opportunity for hearing mailed 4/11/13.

**HALL**, Adam Patrick, D.O. (#34-008707) – Powell, Ohio

Based on allegations that doctor employed an unlicensed individual to practice osteopathic medicine in his Ironton, Ohio, office, pre-signed prescriptions or permitted the use of a signature stamp on prescriptions to prescribe drugs, including controlled substances, to patients without having been examined by a properly licensed physician; documented in patient records that he evaluated patients and purportedly issued prescriptions for dangerous drugs and controlled substances on specific dates when the

doctor was outside of the United States; and his alleged violation of the terms of a 3/14/07 Consent Agreement. Notice of opportunity for hearing mailed 4/1/13.

**KOCHENASH**, Heather Lynn, M.T. (#33-015775) – Dublin, Ohio

Based on massage therapist's conviction in the Franklin County Court of Common Pleas on one count of Procuring and on massage therapist's alleged failure to cooperate in an investigation conducted by the Board. Notice of opportunity for hearing mailed 4/11/13.

**NALLURI**, Anil Choudary, M.D. (#35-040657) – Canfield, Ohio

Based on doctor's conviction in the Franklin County Court of Common Pleas on one count of Workers' Compensation Fraud. Notice of opportunity for hearing mailed 4/11/13.

**RYAN**, Carol G., M.D. (#35-038029) – Kettering, Ohio

Based on allegations that in her care and treatment of fifteen specified patients, doctor failed to maintain minimal standards applicable to the selection or administration of drugs, or failed to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease and departed from, or failed to conform to minimal standards of care of similar practitioners under the same or similar circumstances. Notice of opportunity for hearing mailed 4/11/13.

### **FINAL ORDERS**

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

Medical license suspended for at least 180 days with interim monitoring, conditions for reinstatement, and probationary terms for a period of at least three years following reinstatement established. Based on Board's findings that with respect for 14 specified patients, doctor failed to maintain minimal standards of care applicable to the selection or administration of drugs, or failed to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease; departed from or failed to conform to minimal standards of care; violated of the conditions of limitation placed by the Board upon doctor's certificate pursuant to a 3/10/10 consent agreement; and violated or attempted to violate the laws and rules governing the practice of medicine in the state of Ohio, specifically the Board's rules governing the treatment of intractable pain. Order effective 4/18/13.

**FIGUEROA**, Aida Esther, M.D. (#35-052810) – Portales, New Mexico

Medical license suspended for an indefinite period of time with conditions for reinstatement and probationary terms for at least five years following reinstatement established. Based on prior action by the Colorado Medical Board wherein doctor was issued a letter of admonishment and her license was suspended for at least six months to allow her to comply with recommendations by the Colorado Physician Health Program, which had determined that the doctor suffered cognitive impairment. Order effective 4/18/13.

**NEIMEISTER**, Jessica Lynn, M.T. (#33-017470) – Chagrin Falls, Ohio

Massage therapy license revoked. Based on massage therapist's violation of conditions of limitation imposed on certificate by 9/14/11 Board Order. Order effective 4/11/13.

### **CONSENT AGREEMENTS**

**CAIRNS**, Jean Anne, M.D. (#35-079119) – Warren, Ohio

Doctor reprimanded and license placed on probation for at least two years. Based on doctor's admission that she has treated members of her family and prescribed medications for these family members, including controlled substances. Doctor further admitted that, in some instances, she failed to maintain complete and accurate records regarding her treatment of said family members. Agreement effective 4/10/13.

**HEATHER**, John A., M.D. (#35-071829) – Cleveland, Ohio

Doctor reprimanded and license suspended for 60 days, with such suspension stayed, and license placed on probation for at least two years. Based on doctor's admission that he prescribed Adderal to two family members in non-emergent situations and failed to maintain medical records regarding his evaluation and treatment of said family members. Agreement effective 4/10/13.

**MONDARY**, Natalie Ann, M.D. (#35-075118) – Warren, Ohio

Doctor reprimanded and license placed on probation for at least two years. Based on doctor's admission that she has treated members of her family and prescribed medications for these family members, including controlled substances. Doctor further admitted that, in some instances, she failed to maintain complete and accurate records regarding her treatment of said family members. Agreement effective 4/10/13.

**PERELMAN**, Gerald Keith, D.P.M. (#36-002858) – Lebanon, Ohio

Podiatric medical license reinstated and placed on probation for at least three years. Based on podiatrist's completion of courses in medical record keeping and controlled substance management and his completion of all other terms of reinstatement set forth in a 9/12/12 consent agreement. Agreement effective 4/10/13.

**SALIM**, Ali, M.D. (#35-078190) – New Albany, Ohio

Medical license suspended for an indefinite period of time; interim monitoring conditions and conditions for reinstatement established. Based on doctor's refusal to provide certain factual information to the State Medical Board of Ohio regarding a criminal matter pending against him in the Court of Common Pleas of Delaware County, Ohio. Agreement effective 4/10/13.

**SILVERBLATT**, James H., M.D. (#35-052954) – Gates Mills, Ohio

Doctor reprimanded and license subject to probationary terms, conditions and limitations for at least two years. Based on doctor's admission that he engaged in a personal relationship with a patient and that he prescribed controlled substances for the person on at least four occasions, three of which were not emergency situations. Agreement effective 4/10/13.

**TURNER**, Robert C., M.D. (#35-037925) – Columbus, Ohio

Medical license suspended for at least 180 days, with conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on doctor's admission that in his care and treatment of eight patients, he failed to maintain minimal standards applicable to the selection or administration of drugs, or failed to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease; departed from, or failed to conform to minimal standards of care of similar practitioners under the same or similar circumstances; and violated the Board's rules governing the utilization of prescription drugs for the treatment of intractable pain. Agreement effective 4/10/13.

### **VOLUNTARY SURRENDERS/RETIREMENTS**

**GREEN**, Jennifer Ach, M.D. (#35-075307) – Wyoming, Ohio

Permanent revocation of medical license authorized by doctor in lieu of further investigation related to the possible violation of Sections 4731.22(B)(19) and (B)(26), Ohio Revised Code. Effective 4/10/13.

**RODAS, Raul A., D.O. (#34-005480) – Debary, Florida**

Permanent surrender of osteopathic medical license authorized by doctor in lieu of further investigation regarding a possible violation of Section 4731.22(B)(22), Ohio Revised Code. Effective 4/10/13.

**ROTHSTEIN, Lawrence Brian, M.D. (#35-057342) – Dallas, Texas**

Permanent revocation of medical license authorized by doctor in lieu of further formal disciplinary proceedings pursuant to Sections 4731.22(B)(2) and (B)(6), Ohio Revised Code. Effective 4/12/13.

**ZINNI, Thomas W., M.T. (#33-017769) – Cleveland Heights, Ohio**

Permanent revocation of massage therapy license authorized by massage therapist in lieu of formal disciplinary proceedings pursuant to Sections 4731.22(B)(11) and 4731.22(B)(13), Ohio Revised Code, and as ordered by the Court of Common Pleas for Cuyahoga County, Ohio, in association with massage therapist's plea of guilty to an amended charge of Assault, a misdemeanor of the first degree. Effective 4/10/13.

### **PROBATIONARY REQUESTS AND MODIFICATIONS**

**DAUGHERTY, Joseph Franklin, III, M.D. (#35-039319) – Park Hills, Kentucky**

Doctor's request for approval of monitoring physician granted by vote of the Board on 4/10/13. Frequency and number of charts to be reviewed by monitoring physician established.

**GROSS, Carey Kathleen, D.O. (#34-010597) – Pembroke Pines, Florida**

Doctor's request to reduce required personal appearances to annual appearances; reduce required drug and alcohol rehabilitation meetings to two per week with a minimum of ten per month; discontinue required drug and alcohol meeting logs; and discontinue controlled substance logs granted by vote of the Board on 4/10/13.

**KINCAID, Richard M., M.D. (#35-046361) – Westerville, Ohio**

Doctor's request to reduce required personal appearances to every six months granted by vote of the Board on 4/10/13.

**LYDON**, Joseph Francis, Jr., M.D. (#35-057047) – Westlake, Ohio

Doctor's request for approval of monitoring physician granted by vote of the Board on 4/10/13. Frequency and number of charts to be reviewed by monitoring physician established.

**MCCARREN**, Stephen Thomas, M.D. (#35-064277) – North Canton, Ohio

Doctor's request to discontinue random assays; discontinue comparative audit reports; and reduce required drug and alcohol rehabilitation meetings to two per week with a minimum of ten per month granted by vote of the Board on 4/10/13.

**PAUL**, Sheila Salome, D.O. (#34-006622) – Bentleyville, Ohio

Doctor's request for approval of monitoring physician granted by vote of the Board on 4/10/13. Frequency and number of charts to be reviewed by monitoring physician established.

**WILLIAMS**, Wayne Marshall, M.D. (#35-045265) – Fayetteville, Georgia

Doctor's request to reduce required personal appearances to annual appearances granted by vote of the Board on 4/10/13.

### **PROBATION TERMINATED**

**ANDERSON**, Melissa K., M.T. (#33-006619) – Columbus, Ohio

Massage therapist's request for release from terms of 2/9/11 Consent Agreement granted by vote of the Board on 4/10/13, effective 4/11/13.

**BRAHMS**, Malcolm A., M.D.

Doctor's request for release from terms of 4/9/08 Consent Agreement granted by vote of the Board on 4/10/13, effective immediately. License remains subject to permanent limitations and restrictions to review of patient charts and testimony related to Social Security Administration disability and rehabilitation hearings.

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

Doctor's request for release from terms of 4/9/08 Consent Agreement granted by vote of the Board on 4/10/13, effective immediately.

**TOWARD**, Brett Edward, M.D. (#35-075173) – Mansfield, Ohio

Doctor's request for release from terms of 1/11/07 Consent Agreement granted by vote of the Board on 4/10/13, effective immediately.

### **COURT ACTIONS**

**BROWNLEE**, John David, M.D. (#35-074364) – Highland Heights, Ohio

Notice of appeal to 10<sup>th</sup> District Court of Appeals filed by doctor on 3/21/13.

**CARDWELL**, Philip Leroy, P.A. (#50-001230) – Columbus, Ohio

Notice of appeal of Board's 3/13/13 order of permanent revocation filed by physician assistant with the Franklin County Court of Common Pleas on 3/25/13.

**CARDWELL**, Philip Leroy, P.A. (#50-001230) – Columbus, Ohio

By Order and Entry filed on 3/29/13, Franklin County Court of Common Pleas denied physician assistant's motion for stay of Board's 3/13/13 order of permanent revocation.

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

By decision and entry filed on 3/28/13, 10<sup>th</sup> District Court of appeals denied doctor's motion for reconsideration.

**MATHIS**, Raymond L., D.O. (#34-002184) – Alexandria Bay, New York

By decision and entry dated 3/13/13, Franklin County Court of Common Pleas upheld Board's 7/11/12 order of revocation.

**REA**, William James, M.D. (#35-025922) – Dallas, Texas

By decision and entry dated 3/26/13, Franklin County Court of Common Pleas upheld Board's 8/10/11 order restricting doctor's license.

**TEMPONERAS**, Margy, M.D. (#35-072571) – Portsmouth, Ohio

By decision and entry dated 4/5/13, Franklin County Court of Common Pleas upheld Board's 1/11/12 order indefinitely suspending doctor's license.

**WEISS**, Justin Fredric, M.D. (#35-096979) – Bonsall, California

Notice of appeal to 10<sup>th</sup> District Court of Appeals filed by doctor on 4/3/13.

## **NON-DISCIPLINARY ORDERS**

**BREIBACH**, Wendy Lynn (M.T. Applicant) – Canal Winchester, Ohio

Application for license to practice massage therapy denied. Based on applicant's failure to provide documentation of minimum educational requirements for license. Order effective 4/11/13. (Journal Entry – No hearing requested.)

**THARP**, Lori Anne, P.A. (#50-003560) – Midland, Pennsylvania

Application for provisional certificate to prescribe denied. Based on Board's finding that applicant does not hold a master's degree or higher from a program accredited by the appropriate accrediting agency as set forth in Section 4730.46(B)(1), Ohio Revised Code, or a master's degree from any other institution. Order effective 4/11/13. (Journal Entry – Hearing request withdrawn.)

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

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

Most current citation letters, Board Orders, consent agreements and voluntary surrenders or retirements are available on the Medical Board's website at <http://www.med.ohio.gov/> under "Licensee Profile and Status." If you have questions or need additional details about Citations, Board Orders, Consent Agreements, or Court Actions, please contact the Case Control Office. If you have questions regarding a probationary modification or a probationary request, please contact the Compliance Office. Our offices may be reached at (614) 466-3934.