

State Medical Board of Ohio
Formal Action Report – February 2014

Prepared by: Barbara A. Jacobs, Senior Executive Staff Attorney

Date: March 5, 2014

Please find below a summary of actions taken or initiated by the State Medical Board of Ohio in February 2014 and an update of Board matters pending or decided in courts as of February 12, 2014.

PRE-HEARING SUSPENSIONS

PESA, Nicholas Lawrence, M.D. (#35-095374) – Aurora, Ohio

Pursuant to Section 4731.22(G), Ohio Revised Code, medical license summarily suspended based on Board's determination that there is clear and convincing evidence that doctor is in violation of Sections 4731.22(B)(10) and/or (B)(26), Ohio Revised Code and that his continued practice presents a danger of immediate and serious harm to the public. Order effective 2/12/14. (*See also: Citations/Proposed Denials below.*)

WEST, Lisa Ann, D.O. (#58-004609) – Toledo, Ohio

Pursuant to Section 4731.22(G), Ohio Revised Code, medical license summarily suspended based on Board's determination that there is clear and convincing evidence that doctor is in violation of Sections 4731.22(B)(15) and/or (B)(26), Ohio Revised Code and that her continued practice presents a danger of immediate and serious harm to the public. Order effective 2/12/14. (*See also: Citations/Proposed Denials below.*)

CITATIONS/PROPOSED DENIALS

BALTER, Kevin Scott, M.D. (#35-120887) – Copley, Ohio

Based on prior action by the Department of Health and Human Services, Division of Public Health, State of Nebraska, which placed the doctor's license on probation, prohibited him from possessing controlled substances during probation unless legitimately prescribed to him and required the doctor to complete a dependency evaluation with an addictionologist based on findings that the doctor wrote four prescriptions in the name of his ex-wife for his personal use and was convicted on two counts of Criminal Attempt to Obtain Possession of a Controlled Substance by Fraud. Notice of opportunity for hearing mailed 2/13/14.

COLE, Theodore J., D.O. (#34-004375) – West Chester, Ohio

Based on allegations that the doctor provided care and treatment to two specified patients who were family members and that he wrote prescriptions for controlled substances for both patients in non-emergent situations. Notice of opportunity for hearing mailed 2/13/14.

GILL, Anureet, M.D. (#57-016340) – Cleveland, Ohio

Based on the doctor's alleged violation of the limitations placed on her license pursuant to 5/9/12 consent agreement due to her relapse, her failure to appear for scheduled quarterly appearances, her failure to timely call in to a Board-approved drug testing facility, including her failure to submit to scheduled urine screens, her failure to attend required drug and alcohol rehabilitation meetings, and her failure to report her relapse to the Board and on allegations that the doctor is impaired in her ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of alcohol. Notice of opportunity for hearing mailed 2/13/14.

GREENE, Christi Lynn, M.T. (#33-017550) – Wilmington, Ohio

Based on the massage therapist's conviction on one felony count of Attempted Illegal Assembly or Possession of Chemicals for the Manufacture of Drugs. Notice of opportunity for hearing mailed 2/13/14.

MUDD, Mary Elizabeth, M.D. (#35-051008) – Columbus, Ohio

Based on allegations that in her care and treatment of 10 specified liposuction patients, the doctor violated Board rules governing office based surgery, which if proved constitutes a departure from or failure to conform to minimal standards of care of similar practitioners under the same or similar circumstances. Notice of opportunity for hearing mailed 2/13/14.

NGENGWE, Raphael Ngengwe, M.D. (#35-088468) – Kansas City, Missouri

Based on prior action by the Iowa Board of Medicine, which issued a warning to the doctor and fined him for his violation of the terms of a Physician Health Contract and on the doctor's alleged failure to cooperate in an investigation conducted by the State Medical Board of Ohio. Notice of opportunity for hearing mailed 2/13/14.

PESA, Nicholas Lawrence, M.D. (#35-095374) – Aurora, Ohio

Based on allegations that the doctor is impaired in his ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs and his statements that he diverted and self-administered opioids by reserving waste medications from two to three patients a day for the previous six months, which if

proven constitutes the commission of acts constituting felonies. Notice of opportunity for hearing mailed 2/13/14.

WEST, Lisa Ann, D.O. (#58-004609) – Toledo, Ohio

Based on the doctor's alleged violation of the limitations placed on her license pursuant to 9/12/13 consent agreement due to her relapse on alcohol and on her impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of alcohol. Notice of opportunity for hearing mailed 2/13/14.

FINAL ORDERS

AGUOLU, Obianuju Genevieve, M.D. (M.D. Applicant) – Streetsboro, Ohio

Application for license to practice medicine and surgery in Ohio denied. Based on the doctor's false, fraudulent, deceptive or misleading statements in her application for a license to practice medicine and surgery in Ohio; the doctor's departure from or failure to conform to minimal standards of care of similar practitioners under the same or similar circumstances based upon repeated concerns for patient care and safety during the doctor's training at two separate programs; and on the doctor not having practiced medicine and surgery or entered a training program within the two years prior to her application for a license to practice medicine and surgery in Ohio. Order effective 2/26/14.

BADRI, Rafael A., M.D. (#35-050410) – Euclid, Ohio

Medical license permanently revoked. Based on doctor's violation of certain terms, conditions and limitations imposed by the Board on 10/14/09, including the doctor's failure to submit quarterly declarations and attend required personal appearances. Order effective 2/26/14. (Review and Journal Entry – No hearing requested.)

KARSH, Richard Bruce, M.D. (#35-087844) – Colorado Springs, Colorado

Medical license revoked. Based on prior actions by the Colorado Medical Board, which issued two Letters of Admonition to the doctor due to his failure to properly interpret film studies of two patients and failure to recommend further diagnostic testing as necessary. Order effective 2/13/14. (Journal Entry – No hearing requested.)

LASKY, Brianna Nicole (M.T. Applicant) – Akron, Ohio

Application for license to practice as a massage therapist denied. Based on the legal presumption that the applicant's failure to submit to a chemical dependency examination and psychiatric examination as ordered by the Board constitutes an admission that she is unable to practice according to acceptable and prevailing standards of care by reason of

her habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice and her mental illness. Order effective 2/13/14. (Journal Entry – No hearing requested.)

LITTLE, Anthony Huebert, M.T. (#33-020279) – Mogadore, Ohio

Massage therapy license permanently revoked. Based on massage therapist's violation of certain terms, conditions and limitations imposed by the Board on 1/12/12, including massage therapist's failure to submit quarterly declarations and attend required personal appearances. Order effective 2/26/14. (Review and Journal Entry – No hearing requested.)

MCTAGUE, Jerome Anthony, M.D. (#35-063632) – Port Clinton, Ohio

Medical license suspended for at least two years with conditions for reinstatement established. Upon reinstatement of license, doctor to be placed on probation for at least three years. Based on findings that in his evaluation as a Federal Aviation Administration Medical Examiner, doctor departed from or failed to conform to minimal standards of care of similar practitioners under the same or similar circumstances by failing to detect and/or document detecting a patient's deteriorating vision status due to cataracts and macular degeneration. Order effective 2/26/14.

WILLIAMS, Aaron Orlando, M.D. (#35-085465) – Ashland, Kentucky

Medical license limited and restricted to prohibit the doctor from performing brachytherapy, including prostate brachytherapy, until such time as the doctor provides evidence that he has a full and unrestricted license in the Commonwealth of Kentucky. Based on prior action by the Kentucky Board of Medical Licensure which issued an Emergency Order of Suspension, the underlying basis being that, in his practice of Radiation Oncology, the doctor failed to conform to or departed from acceptable and prevailing medical practices, which resulted in medical events that should have been but were not reported, and that his continued practice constituted a danger to the health, welfare and safety of his patients and the general public. Order effective 2/13/14.

CONSENT AGREEMENTS

ALLEN, Amanda Elizabeth (M.T. Applicant) – Bedford Heights, Ohio

Application for license to practice massage therapy granted. Massage therapy license indefinitely suspended, with interim monitoring conditions and conditions for reinstatement established, including requirement that massage therapist enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on massage therapist's admission that she has been diagnosed with Cannabis Use Disorder and that she is impaired and not capable of

practicing massage therapy at acceptable and prevailing standards of care. Agreement effective 2/12/14.

NELSON, Tina Marie Drou, M.D. (#35-077017) – Wooster, Ohio

Medical license indefinitely suspended, with interim monitoring conditions and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on doctor's admission that she has been diagnosed with Major Depressive Disorder and that such condition currently renders her unable to practice medicine and surgery according to acceptable and prevailing standards of care. Agreement effective 2/12/14.

REILLEY, Thomas Edward, D.O. (#34-002803) – Dublin, Ohio

Medical license reinstated subject to probationary terms, conditions, and limitations based on doctor having been deemed capable of practicing according to acceptable and prevailing standards of care so long as treatment and monitoring requirements are in place. Agreement effective 2/12/14; Agreement to remain in effect for at least five years prior to any request for termination.

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

Medical license suspended for at least 180 days, with conditions for reinstatement established. License to be placed on probation for a period of at least three years following reinstatement. Based on the doctor's admission to the allegations contained in 4/10/13 Notice of Opportunity for Hearing. Agreement effective 2/12/14.

LICENSE REINSTATED

MUFFLEY, Patrick Eugene, D.O. (#34-008355) – Lewis Center, Ohio

Doctor's request for reinstatement of license granted by vote of the Board on 2/12/14 subject to probationary terms and conditions established by 11/13/13 Board Order. Effective 2/20/14.

VOLUNTARY SURRENDERS/RETIREMENTS

QADRI, Babar A., P.A. (P.A. Applicant) – Sterling Heights, Michigan

Permanent withdrawal of application for license to practice as a physician assistant accepted by the Board in lieu of further formal disciplinary proceedings pursuant to Sections 4730.26, 4730.25(B)(22), and 4730.25(B)(11), Ohio Revised Code, and on the

physician assistant's admission to all legal and factual allegations set forth in a 10/9/13 Notice of Opportunity for Hearing. Effective 2/12/14.

RABEN, Cyril Anthony, M.D. (#35-095710) – Wooster, Ohio

Permanent revocation of medical license authorized by doctor in lieu of formal disciplinary proceedings pursuant to Section 4731.22(B)(6), Ohio Revised Code. Effective 2/12/14.

PROBATIONARY REQUESTS AND MODIFICATIONS

BLAIR, Mark Erik, M.D. (#35-081181) – Worthington, Ohio

Doctor's request for approval of monitoring physician granted by vote of the Board on 2/12/14.

DICKSON, Bradley Earl, M.D. (#35-065323) – Grove City, Ohio

Doctor's request for approval of prescribing course granted by vote of the Board on 2/12/14.

KIRKWOOD, David Charles, M.D. (#35-050689) – Arcanum, Ohio

Doctor's request for approval of additional monitoring physician granted by vote of the Board on 2/12/14.

WAISSBLUTH, Alvaro Daniel, M.D. (#35-076104) – Middletown, Ohio

Doctor's request for approval of controlled substance prescribing course granted by vote of the Board on 2/12/14.

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

Doctor's request for approval of monitoring physician granted by vote of the Board on 2/12/14.

PROBATION TERMINATED

KOCZAN, Katherine Anna, D.O. (#34-009157) – Marble, Pennsylvania

Doctor's request for release from terms of 9/12/07 Consent Agreement granted by vote of the Board on 2/12/14, effective immediately.

RUBINSTEIN, Jeffrey Bruce, M.D. (#35-05109) – Florence, Kentucky

Doctor's request for release from terms of 1/11/12 Consent Agreement granted by vote of the Board on 2/12/14, effective immediately.

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

Massage therapist's request for release from terms of 12/14/11 Consent Agreement granted by vote of the Board on 2/12/14, effective 2/13/14.

WASEN, Johanna Wise, M.T. (#33-011721) – Cincinnati, Ohio

Massage therapist's request for release from terms of 11/9/11 Consent Agreement granted by vote of the Board on 2/12/14, effective immediately.

COURT ACTIONS

DEMAS, Christopher Lou, M.D. (#35-042434) – Westerville, Ohio

By Decision and Entry filed on 1/30/14, Franklin County Court of Common Pleas upheld Board's 5/8/13 order of indefinite suspension.

JACOBS, Kymberly, M.T. (#33-017782) – Columbus, Ohio

By Decision and Entry issued on 1/13/14, notice of appeal dismissed based on court's finding that massage therapist failed to exhaust her administrative remedies prior to filing an appeal and that she failed to file her appeal in accordance with law.

KHAN, Ali, M.D. (#35-082837) – Perrysburg, Ohio

By Entry filed on 1/22/14, Franklin County Court of Common Pleas granted the doctor's motion for stay of the Board's 12/11/13 order permanently revoking the doctor's medical license.

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

By Entry filed on 1/31/14, Franklin County Court of Common Pleas granted the doctor's motion for stay of the Board's 11/13/13 order subjecting the doctor to probationary terms and conditions.

ROY, Somnath Dandapat, M.D. (#35-075700) – Avon, Ohio

Notice of appeal of Board's 1/8/14 order of permanent revocation filed by the doctor with the Franklin County Court of Common Pleas on 1/16/14.

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

By Decision and Entry filed on 1/23/14, 10th District Court of Appeals affirmed the judgment of the Franklin County Court of Common Pleas, which had upheld the Board's 1/11/12 order of indefinite suspension.

NON-DISCIPLINARY ORDERS

DREHMER, Timothy Joel, M.D. (#35-072748) – Durham, North Carolina

Doctor's application for restoration of his license to practice medicine and surgery in Ohio granted, pending passage of the Special Purpose Examination or specialty board recertification examination. Based on doctor having not practiced in at least two years prior to application for restoration of license. Order effective 2/13/14. (Journal Entry – No hearing requested.)

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.