

State Medical Board of Ohio
Formal Action Report – July 2017

Prepared by: Colin Grant De Pew, Assistant Attorney

Date: 8/8/17

Please find below a summary of actions taken or initiated by the State Medical Board of Ohio in and an update of Board matters pending or decided in courts as of 7/12/17.

PRE-HEARING SUSPENSIONS

KINCAID, Richard M., MD (#35.046361) — Westerville, Ohio

Pursuant to Section 4731.22(G), 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)(26), 4731.22(B)(20), and 4731.22(B)(34), Ohio Revised Code, and that his continued practice presents a danger of immediate and serious harm to the public. Order effective 7/12/17. (See also: Citations/Proposed Denials below.)

CITATIONS/PROPOSED DENIALS

CAPURRO, John Robert, M.D. (#35.058936) — Cincinnati, Ohio

Based on allegations with respect to the care and treatment of two patients for opiate addiction the doctor's conduct, individually, and/or collectively, constitutes: selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug; and the commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; and the commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed. Notice of Opportunity for hearing mailed 7/13/17.

KINCAID, Richard M., M.D. (#35.046361) — Westerville, 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, alcohol, or other substances that impair ability to practice; and that the doctor violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of, or conspired to violate, any provisions of section 4731.22, Ohio Revised Code, to wit: Rule 4731-15-01, Ohio Administrative Code, Licensee Reporting Requirements; and that the doctor failed to cooperate with a board investigation, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative

interview, an office conference, at a deposition, or in written interrogatories. Notice of Opportunity for hearing mailed 7/13/17.

RICE, Janet Lynn, M.D. Applicant — Akron, Ohio

Based on allegations that when the doctor failed to undergo Board ordered psychiatric and chemical dependency examinations, the doctor's acts, conduct, or omissions, individually or collectively constitute an impairment in her ability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills; and 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 drugs, alcohol, or other substances that impair ability to practice. Notice of Opportunity for hearing mailed 7/13/17.

VALKO, Tim Robert, MD (#35.058758) — Toledo, Ohio

Based on allegations with respect to the care and treatment of fifteen patients, the doctor inappropriately treated or failed to appropriately treat or document treatment, and that the doctor's acts, conduct, and or omissions, individually or collectively, constitute a failure to maintain minimal standards applicable to the selection or administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for the treatment of disease. Notice of Opportunity for hearing mailed 7/13/17.

FINAL ORDERS

BURKONS, David M., MD (#35.040676) — South Euclid, Ohio

Certificate to practice medicine and surgery suspended for a period of 180 days and subject to probationary terms, conditions and limitations for at least three years. Based on the finding that with respect to the care and treatment of fourteen patients, the doctor's acts, conduct and/or omissions, individually and collectively, constitute: the commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; and that the doctor violated, conspired to violate, any provisions of the Ohio Revised Code, or any rule promulgated by the board, to wit: Standards and Procedures for Review of OARRS; and that the doctor violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of, or conspired to violate any provisions or the Ohio Revised code, or rules of the board; and that the doctor, to wit: General Provisions; and that the doctor failed to maintain minimal standards applicable to the selection or administration of drugs, and departed from, or failed to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established. Order effective 8/8/17.

DAIBER, Robert Raymond, MD (#35.064194) — Toledo, Ohio

Certificate to practice medicine and surgery indefinitely suspended for at least 1 year from the date of Summary Suspension, subject to interim monitoring conditions, conditions for

reinstatement, and probationary terms for at least five years upon reinstatement or restoration. Based on the finding that due to the doctor's relapse on alcohol, the doctor is impaired in his ability to practice medicine according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice. Order effective 7/13/17.

GARBER, Michael, M.D. (#35.124020) — Brooklyn, New York

Certificate to practice medicine and surgery subject to a stayed indefinite suspension. Based on the finding that when the doctor failed to undergo a 72-hour inpatient mental or physical examination ordered by the Board, that the doctor's acts, conduct or omissions individually and or collectively, constitute an impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice. Order effective 8/8/17.

MORIN, Douglas John, M.D. (#35.126761) — Omaha, Nebraska

Certificate to practice medicine and surgery revoked. Based on the prior action of the Nebraska Department of Health and Human Services which temporarily suspended the doctor's license in part on the determination that with respect to the care and treatment of three patients, the doctor's acts and or conduct were negligent and unprofessional, and that his continued practice would constitute an immediate danger to public health and safety. Order effective 7/13/17. (Journal Entry—No Hearing Requested).

POLLACK, Anna G., M.D. (#35.122856) — Dayton, Ohio

Certificate to practice medicine and surgery reprimanded. Based on the prior action of the Kansas State Board of Healing Arts which issued a final order that publicly censured and fined the doctor \$500.00 for having committed fraud and or misrepresentations when she falsely entered information about malpractice insurance on her license renewal application; failed to furnish the Kansas Board with information regarding her malpractice insurance; failed to maintain a policy of professional liability insurance; and committed conduct likely to deceive, defraud, or harm the public by providing inaccurate and or false information; all of which individually or collectively constitute any of the following actions taken by an agency responsible for authorizing, certifying or regulation an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license' refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand. Order effective 7/13/17.

VELASQUEZ, David Antonio, M.D. (#35.081766) — Westerville, Ohio

Certificate to practice medicine and surgery permanently revoked. Based on the doctor's conviction in the Coshocton County Court of Common Pleas, Coshocton County, Ohio, to one felony count of Permitting Drug Abuse, and two felony counts of Trafficking in Drugs, which

individually or collectively, constitute: a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; and selling, giving away, personally furnishing, prescribing or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, or a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulation the possession, distribution, or use of any drug. Order effective 7/13/17.

VONDEREMBSE, Sandra Sue, M.D. (#35.062293) — Oregon, Ohio

Certificate to practice medicine and surgery indefinitely suspended for at least twelve months, subject to interim monitoring conditions, conditions for reinstatement, including the completion of an office management and tax course for small businesses, and probationary terms for at least three years upon reinstatement or restoration. Based on the doctor's plea of guilty in the United State District Court for the Northern District of Ohio, Western Division, to Attempt to Evade or Defeat Tax or Payment Thereof, which constitutes a plea of guilty and or judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony. Order effective 8/8/17.

VOLUNTARY PERMANENT SURRENDERS/ RETIREMENTS/WITHDRAWALS

CAIOLA, Christopher Philip, MD (57.024410) — Williamsville, New York

Permanent revocation of training certificate to practice medicine and surgery in the state of Ohio authorized by doctor in lieu of further formal disciplinary proceedings pursuant to Sections 4731.22(B)(26), and 4731.22(B)(15), Ohio Revised Code. Agreement effective 7/12/17.

DeCLUE, Ann Douglas, M.D. (#35.120757) — Springboro, Ohio

Voluntary permanent retirement of certificate to practice medicine and surgery authorized by doctor in lieu of further investigation or formal disciplinary proceedings pursuant to Section 4731.22(B)(19), Ohio Revised Code. Agreement effective 7/12/17.

RACZ, Aimee Ann, M.D. Applicant — Norman, Oklahoma

Permanent withdrawal of application to practice medicine and surgery authorized by doctor in lieu of formal disciplinary proceedings pursuant to Section 4731.22(B)(26), Ohio Revised Code. Effective 7/12/17.

SANKER, Ronald Joseph, DO (#34.001459) — Lorain, Ohio

Permanent revocation of license to practice medicine and surgery in the state of Ohio authorized by doctor in lieu of further formal disciplinary proceedings pursuant to Sections 4731.22(B)(6), and 4731.22(B)(20), Ohio Revised Code, to wit: Utilization of Short Term Anorexiant for Weight Reduction, Rule 4731-11-04, Ohio Administrative Code, and Standards and Procedures for Review of OARRS, Rule 4731-11-11 Ohio Administrative Code. Agreement effective 7/12/17.

CONSENT AGREEMENTS

BAUER, Wm. Rudolph, M.D. (#35.030383) — Port Clinton, Ohio

Medical license reprimanded and subject to a \$7,500.00 fine, and the completion of a Controlled Substance Prescribing Course within one year. Based on the doctor's admission, that with respect to thirteen specified patients, the doctor failed to comply with standards and procedures for review of the Ohio Automated RX Reporting System when prescribing Schedule II-V controlled substances including opioid analgesics and/or benzodiazepines. Agreement effective 7/12/17.

CORFMAN, Cari Renee, M.T. (#33.015636) — Sycamore, Ohio

License to practice massage therapy restored and immediately suspended for ninety days, fined \$500.00, and subject to interim monitoring terms and probationary monitoring terms for at least two years. Based on the massage therapist's admission that she practiced massage therapy for more than two years after her license expired, which constitutes a felony. Agreement effective 7/12/17.

GUPTA, Anshuli, M.D. (#35.126707) — Zanesville, Ohio

Certificate to practice medicine and surgery suspended for an indefinite period of time, but not less than ninety days, fined \$7,500.00, and subject to interim monitoring conditions and conditions for reinstatement. Based on the doctor's admission that she entered inpatient treatment for sedative hypnotic dependence and opioid use disorder; subsequently relapsed and reentered treatment; and that she obtained the medications by prescribing in the names of herself, family members, and fictitious individuals. Agreement effective 7/12/17.

KALIS, Perry Michael, M.D. (#35.038121) — Zanesville, Ohio

Medical license reprimanded and subject to a \$7,500.00 fine, and the completion of a Controlled Substance Prescribing Course within one year. Based on the doctor's admission that with respect to the care of ten patients, the doctor's acts, conduct and/or omissions constitute a violation of the Board's rule with respect to the Standards and Procedures for Review of Ohio Automated RX Reporting System. Agreement effective 7/12/17.

MARSH, James Allen, D.O. (#34.009757) — Milan, Ohio

Osteopathic medical license reinstated, subject to probationary terms, conditions and limitations for at least five years. Based on doctor having completed all requirements for reinstatement of license pursuant to the terms of the July 2016 Consent Agreement. Agreement effective 7/12/17. Reinstatement effective 7/14/17.

STODDARD, Frank Gerard, D.P.M. (#36.003130) — Medina, Ohio

Certificate to practice podiatric medicine and surgery indefinitely suspended for at least ninety days, subject to interim monitoring conditions and conditions for reinstatement. Based on the doctor's admission that he violated the terms of the April 2017 Step I Consent Agreement when he relapsed on alcohol and tested positive for alcohol consumption. Agreement effective 7/12/17.

TANDON, Rajive, M.D. (#35.075550) — Columbus, Ohio

Certificate to practice medicine and surgery suspended for an indefinite period of time, but not less than one hundred and eighty days, fined \$7,500.00, and subject to interim monitoring conditions and conditions for reinstatement. Based on the doctor's admission that he 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, alcohol, or other substances that impair ability to practice; and that he committed an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed, when he entered inpatient treatment for opioid use disorder and stole Percocet and Oxycodone from patients. Agreement effective 7/12/17.

PROBATIONARY REQUESTS AND MODIFICATIONS

BALDIE, Kevin G., M.D. (#35.128985) — Cuyahoga, Ohio

Doctor's request for approval of psychiatrist to complete a return to work assessment granted by vote of the Board on 7/12/17.

BENZ, Thomas Bartley, M.D. (#35.127311) — Parkersburg, West Virginia

Doctor's request for approval of discontinuance of the requirement to keep drug logs granted by vote of the Board on 7/12/17.

BONNER, Courtney Deselm, D.O. (#34.006885) — Cambridge, Ohio

Doctor's request for discontinuance of chart review requirements granted by vote of the Board on 7/12/17.

ENGLISH, James Carey, MD (#35.048622) — Westerville, Ohio

Doctor's request for discontinuance of chart review requirements granted by vote of the Board on 7/12/17.

ERICKSON, Mary Jo-Ellen, M.D. (#35.073493) — Dayton, Ohio

Doctor's request for reduction in frequency of psychotherapy sessions and meeting attendance to twice per week granted by vote of the Board on 7/12/17.

LUTZ, James Thomas, M.D. (#35.057139) — Cincinnati, Ohio

Doctor's request for reduction in frequency of patient chart reviews from ten per week to ten per month, and reduction in frequency of personal appearances from every three months to biannually, granted by vote of the Board on 7/12/17.

ORRA, Abdul-Ghani Mohamad, D.O. (#34.003811) — North Olmsted, Ohio

Doctor's request for approval of medical documentation course, and controlled substance and prescribing course, granted by vote of the Board on 7/12/17.

PURVIS, Jr., Jerry Gaines, M.D. (#35.080726) — Adel, Georgia

Pursuant to vote of the Board during its May 2017 Board meeting, Doctor made final appearance before the Board on 7/12/17. Additionally, doctor's request for release from the terms of the 8/8/12 Step II Consent Agreement to be effective on 8/9/17, granted by vote of the Board on 7/12/17.

SAMPSON, Shane Timothy, M.D. (#35.063468) — Greenville, Ohio

Doctor's request for approval of controlled substance and prescribing course, and medical ethics course granted by vote of the Board on 7/12/17.

WINKLER, Aubrey Dawn, PA (#50.004611RX) — Cleveland, Ohio

Physician assistant's request for approval of medical ethics and boundaries course granted by vote of the Board on 7/12/17.

PROBATION TERMINATED

BEVER, Rhonda Lynn, M.T. (#33.010397) — Loveland, Ohio

Massage therapist's request for release from the terms of the 1/14/15 Consent Agreement granted by vote of the Board on 7/12/17. Effective 7/13/17.

GROSS, Carey Kathleen, D.O. (#34.010597) — Fort Smith, Arkansas

Doctor's request for release from the terms of the 4/11/12 Consent Agreement granted by vote of the Board on 7/12/17. Effective immediately.

HARD, Wesley Frank, M.D. (#35.047888) — Columbus, Ohio

Doctor's request for release from the terms of the 11/10/10 Board Order granted by vote of the Board on 7/12/17. Effective 7/14/17.

SABINO, Alan Dale, M.D. (#35.084776) — Stockton, California

Doctor's request for release from the terms of the 7/11/12 Step II Consent Agreement granted by vote of the Board on 7/12/17. Effective immediately.

NON-DISCIPLINARY ACTIONS

HOWELL, Kathleen Couling, M.D. (#35.065125) — Columbus, Ohio

Doctor's license to practice medicine and surgery restored, pending passage of the Special Purpose Examination (SPEX) or specialty board recertification examination. Upon restoration, such license is immediately restricted to participation in a preceptorship, until doctor provides documentation that she has successfully completed the Board approved preceptorship. Order effective 7/13/17. (Journal Entry – No hearing requested.)

RILEY, Hugh Kelley, M.D. Applicant — Brentwood, Tennessee

Doctor's license to practice medicine and surgery granted, and limited to the practice of administrative, non-clinical medicine until doctor provides documentation that he has successfully recertified his American Board of Medical Specialties Certification in Pediatrics and completed a Board approved preceptorship. Order effective 7/13/17. (Journal Entry – No hearing requested.)

COURT ACTIONS

De BOURBON, Ernest Bitela. III, M.D. (#35.073780) — Dublin, Ohio

By Decision and Judgment Entry on 6/27/17 and 6/30/17 respectively, the Court of Appeals of Ohio, Tenth Appellate District overruled the doctor's assignment of error, and affirmed the Franklin County Court of Common Pleas decision denying doctor's motion to stay the order of the State Medical Board of Ohio.

CARDINAL, Traci Lee, P.A. (#50.003064RX) — Springfield, Ohio

Notice of Appeal filed 7/3/17 to Court of Appeals of Ohio, Tenth Appellate District from the 6/2/17 Decision and Entry of the Court of Common Pleas of Franklin County, Ohio.

LEIBOLD, Jennifer Elaine, P.A. (#50.001562RX) — Springboro, Ohio

Notice of Appeal filed 7/3/17 to Court of Appeals of Ohio, Tenth Appellate District from the 6/1/17 Decision and Entry of the Court of Common Pleas of Franklin County, Ohio.

SINGH, Giridhar, M.D. (#35.072989) — Dublin, Ohio

By Decision and Judgment Entry, of the Franklin County Court of Common Pleas, dated 6/26/17, the Board's 1/11/17 Board Order indefinitely suspending the doctor's license is reversed.

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 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.