

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127



Richard A. Whitehouse, Esq.
Executive Director

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January 9, 2008

Kolli Mohan Prasad, M.D.
7247 Eagle Trace
Youngstown, OH 44512

Dear Doctor Prasad:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Gretchen L. Petrucci, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on January 9, 2008, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of an original Notice of Appeal with the State Medical Board of Ohio and a copy of the Notice of Appeal with the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

A handwritten signature in black ink that reads "Lance A. Talmage" with the initials "MD" and "EW" written below it.

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3931 8317 8721
RETURN RECEIPT REQUESTED

Cc: Elizabeth Y. Collis, Esq.
CERTIFIED MAIL NO. 91 7108 2133 3931 8317 8738
RETURN RECEIPT REQUESTED

Mailed 2-1-08



CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on January 9, 2008, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Kolli Mohan Prasad, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

Lance A. Talmage MD
Lance A. Talmage, M.D. RW
Secretary

(SEAL)

January 9, 2008
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

KOLLI MOHAN PRASAD, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on January 9, 2008.

Upon the Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification, approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

- A. Kollie Mohan Prasad, M.D., is REPRIMANDED.
- B. Dr. Prasad is hereby released of the terms of the November 8, 2006, and February 11, 1998, Board Orders issued in the matters of Kolli Mohan Prasad, M.D.

This Order shall become effective immediately upon the mailing of notification of approval by the Board.

(SEAL)

Lance A. Talmage MD
Lance A. Talmage, M.D. RW
Secretary

January 9, 2008
Date

2007 NOV 15 A 11: 53

**REPORT AND RECOMMENDATION
IN THE MATTER OF KOLLI MOHAN PRASAD, M.D.**

The Matter of Kolli Mohan Prasad, M.D., was heard by Gretchen L. Petrucci, Hearing Examiner for the State Medical Board of Ohio, on October 23, 2007.

INTRODUCTION

I. Basis for Hearing

By letter dated April 12, 2007, the State Medical Board of Ohio [Board] notified Kolli Mohan Prasad, M.D., that it had proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board's action was based on allegations that Dr. Prasad had violated the terms of a prior Board Order and had thus violated "the conditions of limitation placed by the board upon a certificate to practice," as set forth in Section 4731.22(B)(15), Ohio Revised Code. Specifically, the Board alleged that Dr. Prasad had failed to submit to a urine screen in January 2007, and practiced medicine in Iowa without a pre-approved practice plan or a pre-approved monitoring physician. Accordingly, the Board advised Dr. Prasad of his right to request a hearing. (State's Exhibit 1A)

On April 25, 2007, Dr. Prasad's counsel filed a written hearing request. (State's Exhibit 1B)

II. Appearances at the Hearing

On behalf of the State of Ohio: Marc Dann, Attorney General, by Barbara J. Pfeiffer, Assistant Attorney General.

On behalf of the Respondent: Elizabeth Y. Collis, Esq.

EVIDENCE EXAMINED

I. Testimony Heard

Kolli Mohan Prasad, M.D.
Danielle Bickers
Stanley L. Parker, M.D.
Theodore V. Parran, Jr., M.D.

II. Exhibits Examined

A. Presented by the State

State's Exhibits 1A through 1M: Procedural exhibits.

State's Exhibit 2: Documents maintained by the Board relating to disciplinary proceedings involving Dr. Prasad, including four notices of opportunity for hearing and three decisions of the Board issued between October 1997 and April 2007. [Note: The Hearing Examiner numbered the pages of this exhibit post-hearing.]

State's Exhibit 3: February 1998 decision of the Board in the *Matter of Kolli Mohan Prasad, M.D.* [Note: The Hearing Examiner numbered the pages of this exhibit post-hearing.]

State's Exhibit 4: Minutes of four Board meetings between July 2002 and March 2007 concerning Dr. Prasad.

State's Exhibit 5: January 31, 2007, letter from Elizabeth Y. Collis, Esq., to the Board.

B. Presented by the Respondent

Respondent's Exhibit A: Curriculum vitae of Theodore V. Parran, Jr., M.D. [Note: The Hearing Examiner numbered the pages of this exhibit post-hearing.]

(Respondent's Exhibit B was not moved or admitted.)

Respondent's Exhibit C: May 4, 2007, letter from Stanley L. Parker, M.D., to the Board.

Respondent's Exhibit D: January 31, 2007, letter from Ms. Collis to the Board (with enclosure).

Respondent's Exhibit E: May 2, 2007, letter to Dr. Prasad from the Board's compliance section (without enclosures).

Respondent's Exhibit F: A second May 2, 2007, letter to Dr. Prasad from the Board's compliance section (without enclosure).

Respondent's Exhibit G: April 27, 2007, letter from Ms. Collis to the Board (with enclosure).

Respondent's Exhibit H: June 22, 2007, letter to Dr. Prasad from the Board's compliance section (without enclosures).

Respondent's Exhibit I: A second June 22, 2007, letter to Dr. Prasad from the Board's compliance section (without enclosure).

C. Board Exhibit

Board Exhibit A: An additional procedural exhibit.

PROCEDURAL MATTER

After the hearing, the Hearing Examiner noticed that the Respondent's September 13, 2007, List of Witnesses and Exhibits was not included in the State's procedural exhibits. The Hearing Examiner reopened the record on November 8, 2007, marked that document as Board Exhibit A, admitted it, and closed the record.

SUMMARY OF THE EVIDENCE

All exhibits and the transcript of testimony, even if not specifically mentioned, were thoroughly reviewed and considered prior to preparing this Report and Recommendation.

Background

1. Kolli Mohan Prasad, M.D., is a radiologist. After completing medical school in India, he came to the United States in 1974 and began medical training in Toledo, Ohio. Evidence of Dr. Prasad's education, medical training, and employment history has been presented to the Board in prior disciplinary proceedings and has been summarized in several Board decisions. Those summaries will not be repeated here, but are within the evidence presented in this case. (State's Exhibit [St. Ex.] 2 at 75, 107)
2. Dr. Prasad began treatment for alcoholism in late 1995. In 1997, the Board first took action against Dr. Prasad's Ohio certificate due to his alcoholism. Thereafter, the Board took action due to his noncompliance with the requirements of the Consent Agreement and Board Orders. (Hearing Transcript [Tr.] at 97-98; St. Exs. 2-4) A summary of Dr. Prasad's disciplinary history with the Board, beginning in 1997, is as follows:

Date	Event
February 1997	In the <i>Matter of Kolli Mohan Prasad, M.D. [Prasad I]</i> , Dr. Prasad entered into a Consent Agreement with the Board, pursuant to which his certificate is suspended for an indefinite period of time.
October 1997	The Board issued a notice of opportunity for hearing in <i>Prasad II</i> , alleging relapse and impairment.
February 1998 (effective March 12, 1998)	The Board issued an Order in <i>Prasad II</i> , finding that Dr. Prasad had violated his 1997 Consent Agreement by consuming alcohol on two occasions in 1997. The Board permanently revoked Dr. Prasad's certificate, stayed the revocation, indefinitely suspended the certificate for at least three years, imposed conditions for reinstatement, and imposed probationary terms and conditions for eight years.
July 2002	The Board reduced the frequency of the required urine tests and recovery group meetings, thereby modifying the 1998 probationary requirements in part.

Date (continued)	Event (continued)
November 2003	The Board reinstated Dr. Prasad's certificate, subject to the modified 1998 probationary terms and conditions for eight years.
November 2004	The Board issued a notice of opportunity for hearing in <i>Prasad III</i> , alleging failure to comply with the modified 1998 probationary requirements as follows: <ul style="list-style-type: none"> (a) failing to submit declarations of compliance, (b) failing to ensure timely submission of weekly urine test reports, and (c) failing to submit documentary evidence of participation in a recovery program.
May 2005 (effective June 7, 2005)	The Board issued an Order in <i>Prasad III</i> , finding the alleged violations to be true. The Board imposed a 30-day suspension and required Dr. Prasad to comply with the 1998 Order.
March 2006	Dr. Prasad's certificate lapsed due to nonrenewal.
April 2006	Dr. Prasad's certificate was reinstated. The Board issued a notice of opportunity for hearing in <i>Prasad IV</i> , alleging failure to comply with the modified 1998 probationary requirements as follows: <ul style="list-style-type: none"> (a) failing to submit declarations of compliance, (b) failing to ensure timely submission of weekly urine test reports, (c) failing to submit to several urine tests, (d) failing to ensure timely submission of a supervising physician report, and (e) failing to ensure timely submission of a monitoring physician report.
November 2006 (effective December 11, 2006)	The Board issued an Order in <i>Prasad IV</i> , finding the alleged violations to be true. The Board permanently revoked Dr. Prasad's certificate, stayed the revocation, suspended his certificate for 30 days, and required compliance with the modified 1998 probationary terms, but modified the time period to a period not less than two years.
April 2007	The Board issued a notice of opportunity for hearing in <i>Prasad V</i> , alleging failure to comply with the modified 1998 probationary requirements as follows: <ul style="list-style-type: none"> (a) failing to submit to a urine test, (b) failing to propose a practice plan and getting approval of a practice plan prior to practicing medicine, and (c) failing to propose a monitoring physician and getting approval of a monitoring physician prior to practicing medicine.

3. Dr. Prasad currently holds an active Ohio certificate to practice medicine, but that certificate is subject to probationary terms, conditions and limitations [probationary terms]. He testified that he has no other active medical license. He is not currently employed. (Tr. at 14)
4. During the hearing, Dr. Prasad testified that he did not dispute the specific factual allegations set forth in the Board's April 2007 notice of opportunity for hearing with respect to his noncompliance with the probationary terms. (Tr. at 34, 49)

Modified 1998 Probationary Terms Effective in January 2007

5. As noted above, the Board's November 2006 decision in *Prasad IV* suspended Dr. Prasad's certificate for 30 days (from December 11, 2006, through January 10, 2007). Upon expiration of that 30-day suspension, his certificate was subject to the modified 1998 probationary terms for a period of not less than two years. (St. Ex. 2 at 4, 6)
6. The following provisions are among the modified 1998 probationary terms to which Dr. Prasad was subject in January 2007:

Paragraph 3(f): Dr. Prasad shall abstain completely from the use of alcohol.

Paragraph 3(g): Dr. Prasad shall submit to random urine screenings for drugs and/or alcohol once weekly.¹ * * *

Paragraph 3(l): Dr. Prasad shall comply with the practice plan approved by the Board prior to reinstatement of his certificate, as set forth in paragraph 2(g) above. The monitoring physician shall monitor Dr. Prasad and provide the Board with reports on Dr. Prasad's progress and status on a quarterly basis. * * * In the event that the approved monitoring physician becomes unable or unwilling to serve, Dr. Prasad shall immediately notify the Board in writing and shall make arrangements for another monitoring physician as soon as practicable. Dr. Prasad shall refrain from practicing until such supervision is in place, unless otherwise determined by the Board.

Paragraph 3(m): Dr. Prasad shall obtain the Board's prior approval for any alternation to the practice plan which was approved by the Board prior to the reinstatement of his certificate.

(St. Ex. 2 at 99-101, 103; Tr. at 51-52)

¹The 1998 order required urine screenings twice weekly. However, as stated above, the Board modified the 1998 order in July 2002, reducing the number of weekly screens to one per week.

January 2007 Employment Opportunity in Iowa City, Iowa

7. Dr. Prasad testified that he had signed up with a medical placement agency called Novus Medical LLC [Novus] to locate a job. He explained that, in early January 2007, Novus mentioned an opening available in Syracuse, New York. On January 16 or 17, 2007, Novus contacted him again to see if he might be interested in a locum tenens opportunity at the Veteran's Administration Medical Center [VAMC] in Iowa City, Iowa. Dr. Prasad stated that, originally, the position was to begin in February 2007. Dr. Prasad testified that, in the afternoon on Friday, January 19, 2007, Novus contacted him again and asked if, instead, he could start that position on Monday, January 22 because the need for a radiologist at the Iowa City VAMC was urgent. Dr. Prasad explained that, on January 19, he had agreed to begin the position on January 22, and he had informed Novus that he had to get it approved by the Board. (Tr. at 20-21, 24, 26, 105, 106-107)

Dr. Prasad acknowledged that, prior to beginning work at the Iowa City VAMC, he did not speak to anyone at that facility about his need to have a monitoring physician or a practice plan. He explained that, at that time, he had not known exactly who he would be working for or who would be his supervisor. (Tr. at 27, 107-108)

8. Dr. Prasad indicated that, under normal circumstances, he would have contacted his attorney to draft a practice plan and forward the proposed plan to the Board for consideration. Instead, Dr. Prasad accepted the position on January 19, 2007, with the understanding that he would start working there the following business day. Therefore, Dr. Prasad explained that he had called Ms. Bickers on January 19 in order to "get some kind of permission to start the process," but he did not reach her and he mistakenly did not leave a message. (Tr. at 21, 24)

Dr. Prasad admitted that he had understood that he needed to have an approved practice plan and an approved monitoring physician before he began working at the Iowa City VAMC. Dr. Prasad testified that he had realized that, when in Iowa, he needed: (a) to locate a place where he could provide urine specimens for testing, (b) to obtain a monitoring physician, and (c) to attend recovery group meetings. Dr. Prasad testified that he had thought, however, that he would have time to submit all the documentation to the Board. (Tr. at 22, 106, 119)

Dr. Prasad also noted that, on January 19, his family had reminded him about the need to have an approved practice plan in place before starting work at the Iowa City VAMC. Additionally, Dr. Prasad testified that his family tried, unsuccessfully, to locate laboratories in Iowa City for him to submit urine specimens for testing. (Tr. at 121-122)

9. Dr. Prasad left Ohio on Saturday, January 20, 2007. (Tr. at 28)

Activities at the Iowa City VAMC

10. On January 22, 2007, Dr. Prasad began working at the Iowa City VAMC. Dr. Prasad explained that he had spent much of the first week in orientation, getting to know the department

procedures, facilities and equipment. He acknowledged that he had started “reading films” on his first day at the Iowa City VAMC. (Tr. at 22, 31-32)

11. With respect to the probationary terms, the evidence reflects that, in January, Dr. Prasad spoke with Stanley L. Parker, M.D., about Dr. Parker becoming his monitoring physician. Dr. Parker agreed to carry out those responsibilities. (Tr. at 108, 125, 138, 143, 191)

Also, Dr. Prasad explained that he had tried to have a urine test conducted at the Iowa City VAMC during the week of January 21, 2007. Dr. Prasad, his supervising physician (Dr. Theodore V. Parran, Jr.), and Dr. Parker all testified that Dr. Prasad was not permitted to submit a urine specimen to the laboratory at the Iowa City VAMC because he was not technically an employee of the Iowa City VAMC (he was employed by Novus). Dr. Prasad further testified that he had contacted another laboratory, Mecca Substance Abuse in Iowa City, and was told that he could have a urine test on Saturday, January 27. Dr. Prasad explained that, when he had arrived there on January 27, he was told that they did not conduct urine tests on Saturdays. Dr. Prasad had his next urine test on Monday, January 29, 2007. (Tr. at 108-111, 124-125, 141, 191)

Additionally in January, Dr. Prasad testified that he had begun putting together a practice plan to propose to the Board. (Tr. at 112)

January 30, 2007, Conversation with Ms. Bickers

12. Dr. Prasad and Ms. Bickers both testified that Dr. Prasad had called the Board’s offices on January 30, 2007, to self-report his failure to obtain a urine test during his first week in Iowa City. Ms. Bickers spoke with him that same day. During that conversation, Dr. Prasad informed her that: he was working at the Iowa City VAMC, he had tried to submit a urine specimen for testing but could not, and he had tried to contact his supervising physician, Dr. Parran. Also, Dr. Prasad acknowledged to Ms. Bickers that he did not have a practice plan at that time. (Tr. at 35-36, 41, 75-76, 78)
13. With regard to Dr. Prasad practicing without an approved practice plan, the following exchange took place during the hearing:

Q. [Ms. Pfeiffer] Did Dr. Prasad indicate he was still going to continue to practice without the practice plan being approved and in place?

A. [Ms. Bickers] I did not tell Dr. Prasad to stop practicing. I told Dr. Prasad we had to get a practice plan approved, but I did not tell him to stop practicing.

Q. If Dr. Prasad would have asked you if he could continue to practice, how would you have responded?

- A. I would have said, no, he needed to have a practice plan approved. I was more concerned about getting a practice plan in and approved.

(Tr. at 43-44)

14. Ms. Bickers opined that, with Dr. Prasad's past problems with paperwork compliance, she believed that, in January 2007, he had understood what needed to be in the practice plan. (Tr. at 63)
15. On January 31, 2007, Dr. Prasad proposed a practice plan and sought approval of a monitoring physician. (Tr. at 44; St. Ex. 5; Respondent's Exhibit [Resp. Ex.] D)

Board Consideration of Dr. Prasad's January Practice Plan

16. Ms. Bickers noted that:

[W]e did tell Dr. Prasad in the past that if he got a practice plan in, we could try to get provisional approval from the Secretary and the [S]upervising [M]ember. Even though the Board Order didn't really allow for that, we understood that his practice situation was locum tenens, uh, would come up quickly, and so we told him that we would try to get provisional approval.

(Tr. at 42; see also, Tr. at 57-60)

17. Ms. Bickers submitted Dr. Prasad's January 2007 practice plan to the Secretary and Supervising Member for provisional approval. However, the Secretary and Supervising Member did not grant provisional approval of his January 2007 practice plan. The Board staff did not tell Dr. Prasad that his January 2007 practice plan had not been given provisional approval. (Tr. at 45-46, 64, 66, 112, 188)

Subsequently, his January 2007 practice plan was submitted to the full Board for consideration. On March 15, 2007, the Board approved Dr. Prasad's January 2007 practice plan.² The Board sent written notice of the approval by letter dated May 2, 2007. Dr. Prasad testified that he believes he had been informed of the Board's March 2007 decision shortly after the decision was reached. (Tr. at 69-70, 83-85; St. Ex. 4 at 8; Resp. Ex. E)

Dr. Prasad's Performance at the Iowa City VAMC

18. Although Dr. Prasad was initially going to work at the Iowa City VAMC for only several weeks, he worked there for a total of six months. Dr. Prasad worked at the Iowa City VAMC before submitting his January practice plan, after he had proposed his January practice plan,

²The Board did not make its approval of the January 2007 practice plan retroactive to the time that Dr. Prasad had begun working at the Iowa City VAMC. (Tr. at 83; St. Ex. 4 at 8)

and before he had Board approval of his January practice plan. (Tr. at 33, 112, 113; St. Ex. 5; Resp. Ex. D)

19. Dr. Parker³ was Dr. Prasad's monitoring physician while he was employed at the Iowa City VAMC. Dr. Parker testified that Dr. Prasad's performance was very good, and that other physicians came to rely and consult him on radiological matters. Additionally, Dr. Parker noted that he had reviewed Dr. Prasad's charts, as well as did everyone else on the team, and he stated that no discrepancies were found. Moreover, Dr. Parker stated that, during Dr. Prasad's employment at the Iowa City VAMC, he had no incident or character disruption that would suggest a relapse on alcohol. (Tr. at 138-141, 146-147)

In one of his reports to the Board, Dr. Parker stated that, during Dr. Prasad's employment, he had "displayed high professional and ethical standards" and "conducted himself as a gentleman." Furthermore, Dr. Parker noted that the staff thinks very highly of Dr. Prasad. (Resp. Ex. C)

Testimony of Dr. Prasad's Supervising Physician

20. Dr. Parran⁴ has been Dr. Prasad's supervising physician for nearly 10 years. Dr. Parran explained that part of his responsibilities include reviewing the test results from the urine specimens that Dr. Prasad has provided. Dr. Parran pointed out that Dr. Prasad has been sober for the last eight years. (Tr. at 54-55, 103, 156-160, 168)
21. With regard to the Iowa City VAMC position, Dr. Parran stated that he had spoken with personnel at the Iowa City VAMC and had recommended Dr. Prasad for the position. Once Dr. Prasad got the position, Dr. Parran stated that he had told Dr. Prasad to get his urine tests at the Iowa City VAMC. Dr. Parran was not aware that a practice plan had not been proposed or

³Dr. Parker obtained his undergraduate degree from Jackson State University in Mississippi and his medical degree from the University of Iowa College of Medicine, in Iowa. He completed a diagnostic radiology residency and a one-year fellowship in pediatric radiology at the University of Iowa Hospitals and Clinic. He has held teaching appointments, had a number of items published or submitted, and is involved in several studies. He is licensed in Iowa and Mississippi. Dr. Parker is the Chief of Radiology at the Iowa City VAMC. (Tr. at 134; Resp. Ex. D at 4-13)

⁴Dr. Parran obtained his undergraduate degree from Kenyon College in Ohio and his medical degree from Case Western Reserve University School of Medicine, in Ohio. He completed an internal medicine residency at Baltimore City Hospital, Johns Hopkins University. He has held teaching appointments, had a number of items published, provided numerous lectures, and been involved with numerous research projects. He is licensed in Ohio. He is board-certified in internal medicine, and certified in addiction medicine by the American Society of Addiction Medicine. Currently, Dr. Parran is: (a) an Addiction Medicine Consultant at University Hospitals of Cleveland; (b) Medical Director of the Office of Continuing Medical Education at Case Western Reserve University School of Medicine; (c) Medical Director of the Veterans Addiction Recovery Center at the Lewis Stokes – Cleveland VAMC; (d) Associate Medical Director of Rosary Hall at Saint Vincent Charity Hospital and Health Center; (e) Medical Director of the Cleveland Treatment Center's Methadone Maintenance Center; (f) an Addiction Consultant to University Hospitals Chronic Pain Management Center; (g) Medical Director of the Detoxification Unit at Huron Hospital; (h) Addiction and Medical Consultant at Windsor Hospital; (i) Medical Director of the Harbor Light Detoxification Unit of the Salvation Army; and (j) Associate Medical Director of the Stella Maris Detoxification Center.

approved when Dr. Prasad was called to start the position early. Also, Dr. Parran was surprised when he learned that Dr. Prasad could not get his urine tests through the Iowa City VAMC. He was aware that Dr. Prasad had missed the urine test during his first week in Iowa City. (Tr. at 170-172, 179)

22. Regarding the difficulty in establishing a location in Iowa City for urine testing, Dr. Parran testified as follows:

So at that point, Kolli and I, as his monitoring physician, supervising physician, were faced with the fact that he was there and didn't have monitoring set up. I thought that we were still fine because he had a urine screen like just a day or a -- I think just a day or so before going out there. * * * So it took us -- It took me three phone calls with his local sort of supervisor there in Iowa City and several conversations between Kolli and them.

Granted, this is a radiology department that they're dealing with who are really not used to sort of figuring out how to get tox testing done in the community very easily. V.A. hospitals are exceedingly insular when it comes to knowing much about outside the V.A. community anyway. It took us several days to get that together, so the urine screen was missed.

(Tr. at 173)

23. With regard to the supervising report that included January 2007, Dr. Parran testified that his report probably reflected compliance, even though Dr. Prasad had missed a urine test during the week of January 21 because Dr. Prasad had provided a urine specimen on January 19. (Tr. at 176)
24. Dr. Parran was not concerned about the lack of the one urine test due to the number of years that Dr. Prasad had maintained sobriety. In fact, Dr. Parran questions the utility of the toxicology testing for Dr. Prasad. Dr. Parran stated that he is an advocate for urine testing during the first few years of recovery, but that the tests are not very useful after the first couple of years:

My opinion today is that continued urine toxicology screening monitoring of Dr. Prasad probably at any level of frequency but cert -- except on a, you know, totally random or perhaps, you know, we'll call you if and when we want to get a tox screen quick, at this point is clinically unsupportable, uh, and it's clinically unsupportable because there has been eight years of negative urine screens in a physician and it's a financial burden for him.

Now, I also understand that my -- that my relationship with Dr. Prasad is really not as his personal physician but is as an agent or as an assistant to, you know, the Board's monitoring. So I have to continue, you know, to tell him

that he needs to comply as much as humanly possible with the Board's requirements while he is still being monitored, but that I certainly – the clinical utility and the underlying reason for doing urine tox screening which was exceedingly important for Dr. Prasad in the first few years of his sobriety really has long since vanished.

(Tr. at 167, 183)

Other Information

25. Dr. Prasad testified that he takes action on a daily basis to maintain his sobriety. He stated:

[It's the] same thing every day. I go to three meetings a week. I sponsor people, some of them physicians, some in this country, some from other countries. And even without being an active sponsor, they put my name on the list. I do try to kind of help out. If anybody that wants to attend meetings, I go too. I've gone to a lot of meetings in the past, like two or three a day when I started, uh, for five years. Just, you know, believe in the High Power. I just keep doing what I'm supposed to do. The High Power helps me on the rest.

(Tr. at 100)

26. Since February 1997, Dr. Prasad's Ohio certificate was suspended (or had lapsed due to nonrenewal) for approximately seven years. During the periods when Dr. Prasad's Ohio certificate was active since February 1997, he has held only the following medical positions: (a) Dr. Prasad worked at a VAMC in Danville, Illinois, from approximately February through March 2006; and (b) Dr. Prasad worked at the Iowa City VAMC from January 22 to July 23, 2007. (Tr. at 33, 53-54, 103-105, 113, 116-117)
27. Dr. Prasad submitted another practice plan in April 2007 for a position at the VAMC in Fayetteville, North Carolina. It was a permanent, radiologist position. He delayed signing the employment contract and, then, the facility offered the position to someone else. Dr. Prasad also noted that Metro Health in Cleveland, Ohio, and Knox Community Hospital in Mount Vernon, Ohio, have expressed an interest in hiring him. (Tr. at 113-116)
28. In explaining why he had not been more careful in January 2007 to comply with the Board's requirements, Dr. Prasad testified as follows:

I do regret what it has done to me, but at the same time I think I was thinking of myself when I was going, you know, where people have nowhere to go. They were looking for somebody. They do need somebody there, you know. Sometimes

I get caught between emotions and following the rules. I mean it happens. I [can't] be just like a rock and say, no, I can't.

(Tr. at 192-193)

29. Dr. Prasad testified that he now understands that he will have to have an *approved* practice plan and *approved* monitoring physician before he can begin working again. Additionally, he noted that his sons, his wife, and his attorney are able to help ensure that the paperwork is properly handled. (Tr. at 119-120, 193)

Prior Board Discussions and Deliberations

30. When the Board considered sanctions against Dr. Prasad in May 2005 for failing to comply with the modified 1998 probationary terms, it was noted that the Board should not “tolerate defiance or lack of compliance” with its requirements. Ultimately, the Board imposed a 30-day suspension, which “would send Dr. Prasad a clear message” but would also “give him another shot.” (St. Ex. 2 at 87-77)
31. When the Board considered sanctions against Dr. Prasad in November 2006 for again failing to comply with the modified 1998 probationary terms, his noncompliance was failure to submit compliance paperwork and failure to set up urine screens while he had relocated for a locum tenens position at a VAMC in Illinois. One member expressed the opinion that the Board does not need to protect the public from a licensee who has been sober since 1997, and suggested that the Board not monitor Dr. Prasad so closely. Another member noted that Dr. Prasad’s family had stepped forward to assist him. Ultimately, the Board permanently revoked Dr. Prasad’s certificate, stayed that revocation, imposed a 30-day suspension, and imposed the modified 1998 probationary terms for a period not less than two years. However, several Board members stated that this was a “last chance,” and any further incidents of noncompliance would warrant the revocation of Dr. Prasad’s certificate. (St. Ex. 2 at 25-33)

FINDINGS OF FACT

1. On November 8, 2006, based upon violations of Section 4731.22(B)(15), Ohio Revised Code, the Board issued an Entry of Order [November 2006 Board Order], which permanently revoked the certificate of Kolli Mohan Prasad, M.D., to practice medicine and surgery in Ohio, but stayed that revocation, suspended the certificate for 30 days, and required Dr. Prasad to comply, for a period of not less than two years, with the probationary terms conditions, and limitations set forth in the Entry of Order entered on February 11, 1998 [February 1998 Board Order], as subsequently modified by the Board.
2. Prior to the November 2006 Board Order, Dr. Prasad was subject to an Entry of Order entered on May 18, 2005, based upon his violation of Section 4731.22(B)(15), Ohio Revised Code, which suspended his certificate for 30 days, and required him to continue to abide by

the terms of the February 1998 Board Order. The February 1998 Board Order was based upon Dr. Prasad's violation of Sections 4731.22(B)(15) and (B)(26), Ohio Revised Code, and permanently revoked his certificate, but stayed such revocation, suspended his certificate for an indefinite period of time not less than three years, and established certain terms, conditions, and limitations. Previously, on February 19, 1997, Dr. Prasad had entered into a Consent Agreement with the Board based upon his violation of Section 4731.22(B)(26), Ohio Revised Code, which suspended his license for an indefinite period of time and established certain terms, conditions, and limitations. On November 11, 2003, Dr. Prasad's certificate had been restored.

3. To date, Dr. Prasad remains subject to the November 2006 Board Order, which continued the modified probationary terms of the February 1998 Board Order for a period of not less than two years.
4. Paragraph 3(g) of the February 1998 Board Order, as modified by the Board on July 10, 2002, requires that Dr. Prasad submit to random urine tests for drugs and/or alcohol on a once-weekly basis. Despite that requirement, Dr. Prasad failed to submit to a urine test during the week of January 21, 2007. Moreover, on January 30, 2007, in a telephone conversation with a Board representative, Dr. Prasad admitted that he had not submitted to a urine test during the week of January 21, 2007.
5. Paragraphs 3(l) and 3(m) of the February 1998 Board Order requires Dr. Prasad to submit a practice plan and to obtain the Board's prior approval for any alterations to the practice plan. Despite these requirements, during Dr. Prasad's conversation with a Board representative on January 30, 2007, Dr. Prasad admitted that he had been practicing in Iowa City, Iowa, since January 22, 2007, without an approved practice plan. On March 15, 2007, the Board approved the practice plan that Dr. Prasad had submitted to practice at the Veteran's Administration Medical Center in Iowa City, Iowa.
6. Paragraph 3(l) of the February 1998 Board Order requires Dr. Prasad to have a monitoring physician, approved by the Board, to monitor him in his practice and to provide the Board with reports on his progress and status on a quarterly basis. Despite this requirement, during a conversation with a Board representative on January 30, 2007, Dr. Prasad admitted that he had been practicing in Iowa City, Iowa, since January 22, 2007, without an approved monitoring physician.

CONCLUSION OF LAW

The acts, conduct, and/or omissions of Kolli Mohan Prasad, M.D., as set forth above in Findings of Fact 4 through 6, constitute a "[v]iolation of the conditions of limitation placed by the board upon a certificate to practice," as set forth in Section 4731.22(B)(15), Ohio Revised Code.

* * * * *

Despite the numerous inherent and overt warnings from the Board and its staff, Dr. Prasad has again failed to comply with his probationary requirements. Worse, perhaps, is the fact that, within just three months of hearing the Board's November 2006 words of warning, Dr. Prasad *knowingly* proceeded to ignore the *same* probationary terms and conditions to which he has been subject for many years. There was nothing new or confusing in the requirements.

Dr. Prasad argues in defense that his noncompliance was due to his wish to help the Iowa City VAMC. However, Dr. Prasad does not have authority to place his desires to help a potential employer over the Board's requirements.

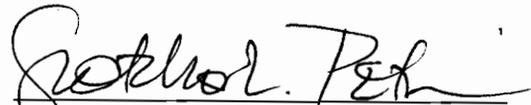
Also, Dr. Prasad emphasizes that there has been no evidence of relapse or impairment. That fact makes the recommendation harder to propose in this matter. Yet, the lack of evidence of a relapse or impairment does not sway the Hearing Examiner that Dr. Prasad is worthy of the privilege of practicing medicine and surgery in Ohio. Dr. Prasad's repeated failures to comply with the probationary terms certainly demonstrate that Dr. Prasad is still making questionable decisions, at best. Moreover, Dr. Prasad's repeated failures to comply with the probationary terms impede the Board's ability to protect the public. The Board has been tolerant in the past and provided ample opportunities to Dr. Prasad. He has responded contrary to the Board's directives. Accordingly, the Board should impose the harshest sanction.

PROPOSED ORDER

It is hereby **ORDERED** that:

The certificate of Kolli Mohan Prasad, M.D., to practice medicine and surgery in Ohio is **PERMANENTLY REVOKED**.

This Order shall become effective immediately upon the mailing of notification of approval by the Board.



Gretchen L. Petrucci
Hearing Examiner

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127



Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

EXCERPT FROM THE DRAFT MINUTES OF JANUARY 9, 2008

REPORTS AND RECOMMENDATIONS

Dr. Varyani announced that the Board would now consider the Reports and Recommendations appearing on its agenda. He asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings of fact, conclusions of law, and orders, and any objections filed in the matters of: Kimberli Jo Burback; Coleen Ann McFarland; and Kolli Mohan Prasad, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

Dr. Varyani 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. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

Dr. Varyani noted that, in accordance with the provision in Section 4731.22(F)(2), 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 these matters. In the matters before the Board today, Dr. Talmage

served as Secretary and Mr. Albert served as Supervising Member.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

KOLLI MOHAN PRASAD, M.D.

Dr. Varyani directed the Board's attention to the matter of Kolli Mohan Prasad, M.D. He advised that objections were filed to Hearing Examiner Petrucci's Report and Recommendation and were previously distributed to Board members. Dr. Varyani advised that this matter was considered by the Board at its December 2007 meeting. At that time, a motion to amend the proposed order and to take no further action on the current citation, and to release Dr. Prasad from the terms of the Board order of November 2006, had passed. A subsequent vote on the order, as amended, received a majority of "aye" votes, but failed to receive six "aye" votes. The motion was ruled as having failed due to the lack of six votes. The Board subsequently passed an amended order to take no further action. Later in the meeting, the Board was advised by counsel that only a majority vote was needed to pass the initial amendment, and that, absent further action by the Board, that amendment would go into effect. The Board subsequently moved to reconsider the matter and tabled it until the January 2008 meeting. Pursuant to the vote for reconsideration, the original proposed order is once again before the Board.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF KOLLI MOHAN PRASAD, M.D. DR. KUMAR SECONDED THE MOTION.

Dr. Varyani stated that he would now entertain discussion in the above matter.

Dr. Steinbergh stated that she is in favor of permanent revocation of this physician's license, noting that he had been warned more than one time that he was headed in that direction if he continued to ignore his consent agreements and Board orders. In January 2007, Dr. Prasad went to work in Iowa without a Board-approved practice plan. He also failed to submit, and to arrange to submit, urine screens that he was supposed to submit.

Dr. Steinbergh stated that, as she reviewed the Report and Recommendation, the missing urine screens were not quite as important to her. She stated that she was convinced by his monitoring physician that Dr. Prasad had been doing well, and the loss of that one urine screen was not that important.

Dr. Steinbergh stated that what was important to her is that Dr. Prasad continued to move on his own terms and without getting appropriate Board approval of his practice-plan. He simply made the decision to go.

Dr. Steinbergh stated that she is totally opposed to releasing Dr. Prasad from his Board Order. She stated that last month there was a divided vote, and she felt, after reviewing the case again, that the best that she could do was to offer up a reprimand and continue his currently effective Order.

Dr. Egner stated that she feels the same way she felt last month and previously. She noted that Dr. Prasad

has been on probation with the Board for eleven years, far beyond what the Board's intention ever was from the beginning. There was an initial relapse very early on, but nothing in the fairly long past. Dr. Egner stated that the argument has been brought to her attention that if someone doesn't comply with every detail of the Board Order, how does the Board know that the person hasn't relapsed? Dr. Egner stated that Dr. Prasad has complied with enough of the terms that she has no concern about relapse.

Dr. Egner stated that the Board wants probationers to comply, but the bottom line is that the Board wants him to be a safe practitioner. She added that she does think that Dr. Prasad, for whatever reason, is incapable of complying with probationary terms. She expressed concern that this is becoming more about a power struggle between the Board and Dr. Prasad than it is about public protection. That's why she is recommending that Dr. Prasad be released from probation.

Dr. Egner stated that, according to the vote last month, her motion to take no further action against Dr. Prasad and to release him from probation passed by a majority vote. She indicated that she didn't think another vote should be taken just because some people don't like the outcome.

DR. EGNER MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF KOLLI MOHAN PRASAD, M.D., TO TAKE NO FURTHER ACTION ON THE CITATION OF APRIL 12, 2007, AND TO RELEASE DR. PRASAD FROM THE TERMS OF THE BOARD'S ORDER OF NOVEMBER 2006. MR. BROWNING SECONDED THE MOTION.

Dr. Varyani stated that he would now entertain discussion in the above matter.

Dr. Kumar spoke against total dismissal, expressing concern that the Board would be setting a precedent that says that a Board Order doesn't mean anything. He stated that he understands that there's no evidence of impairment at this time, but the Board also needs to take into account that its actions need to be taken seriously. Dr. Kumar stated that Dr. Prasad has not fulfilled everything he had to fulfill. This isn't the first time that there has been a problem with this physician. Dr. Kumar again stated that he's not in favor of total dismissal of this case.

Dr. Steinbergh stated that Board orders and agreements have a purpose. When you find someone who consistently doesn't comply, you don't reward him or her with release. She noted that Dr. Prasad is scheduled for release in 2008. She suggested reprimanding him for his last infraction and continuing him under the terms of the November 2006 Board Order. Dr. Steinbergh stated that she feels that to release Dr. Prasad would be inappropriate.

Dr. Egner stated that she's not trying to reward Dr. Prasad's bad behavior.

Dr. Steinbergh stated that that is what the motion on the table is doing.

Dr. Egner stated that she's taking into consideration the fact that Dr. Prasad has been with the Board for eleven years. He has had no major violations of probation. There have been no relapses. She stated that

the Board generally keeps impaired physicians under probation for five years. Dr. Prasad is already three years beyond that. She asked what the Board is trying to prove. Dr. Egner stated that a couple of appearances ago, Dr. Prasad and his attorney said that his family would help him comply, but even this month his son didn't have a handle on it. She stated that, if left on probation, her bet is that he won't comply. If the Board reprimands and keeps him on probation, it will have to hope that he lasts until November without another issue of non-compliance.

Mr. Browning stated that, fundamentally, he agrees that enough is enough. Dr. Prasad came before the Board for an alcohol problem. There has been no evidence of relapse. Dr. Prasad is just incapable of following the Board's rules.

Dr. Talmage returned to the meeting at this time.

MR. BROWNING ASKED DR. EGNER TO ACCEPT A FRIENDLY AMENDMENT TO INCLUDE A REPRIMAND OF DR. PRASAD'S LICENSE. DR. EGNER AGREED TO ACCEPT THE FRIENDLY AMENDMENT. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- nay
	Dr. Steinbergh	- nay
	Dr. Varyani	- aye

The motion carried.

DR. KUMAR MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF KOLLI MOHAN PRASAD, M.D. MR. BROWNING SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye

EXCERPT FROM THE DRAFT MINUTES OF JANUARY 9, 2008
IN THE MATTER OF KOLLI MOHAN PRASAD, M.D.

Page 5

Dr. Kumar	- aye
Dr. Steinbergh	- nay
Dr. Varyani	- aye

The motion carried.



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

April 12, 2007

Kolli Mohan Prasad, M.D.
7427 Eagle Trace
Boardman, OH 44512

Dear Doctor Prasad:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about November 8, 2006, based upon your violation of Section 4731.22(B)(15), Ohio Revised Code, the Board issued an Entry of Order [November 2006 Board Order], a copy of which is attached hereto and fully incorporated herein, which permanently revoked your certificate to practice medicine and surgery in Ohio but stayed such revocation; suspended your certificate for thirty days; and required you to comply, for a period of not less than two years, with the probationary terms, conditions, and limitations set forth in the Entry of Order entered on or about February 11, 1998 [February 1998 Board Order], as subsequently modified by the Board.

Prior to the November 2006 Board Order, you were subject to an Entry of Order entered on May 18, 2005, based upon your violation of Section 4731.22(B)(15), Ohio Revised Code, which suspended your certificate to practice medicine and surgery for thirty days, and required you to continue to abide by the terms of the February 1998 Board Order. The February 1998 Board Order was based upon your violation of Sections 4731.22(B)(15) and (B)(22), Ohio Revised Code, and permanently revoked your certificate to practice medicine and surgery in Ohio but stayed such revocation; suspended your certificate for an indefinite period of time not less than three years; and established certain terms, conditions, and limitations. Previously, on or about February 19, 1997, you entered into a Consent Agreement with the Board, based upon your violation of Section 4731.22(B)(26), Ohio Revised Code, that suspended your license for an indefinite period of time and established certain terms, conditions, and limitations. On or about November 11, 2003, your license to practice medicine in Ohio was restored.

Mailed 4-12-07

To date, you remain subject to the November 2006 Board Order.

- (2) Paragraph 3.g. of the February 1998 Board Order, as modified by vote of the Board on or about July 10, 2002, requires that you submit to random urine screens for drugs and/or alcohol on a once-weekly basis. Despite this requirement, during your conversation with a Board representative on or about January 30, 2007, you admitted that you failed to submit to a urine screen during the week of January 21, 2007.
- (3) Paragraphs 3.l. and 3.m. of the February 1998 Board Order require you to submit a practice plan and to obtain the Board's prior approval for any alterations to the practice plan. Despite these requirements, during your conversation with a Board representative on or about January 30, 2007, you admitted that you have been practicing in Iowa City, Iowa, since January 22, 2007, without an approved practice plan. On or about March 15, 2007, the Board approved the practice plan that you submitted to practice at the VA Medical Center in Iowa City, Iowa.
- (4) Paragraph 3.l of the February 1998 Board Order requires you to have a monitoring physician, approved by the Board, to monitor you in your practice and provide the Board with reports on your progress and status on a quarterly basis. Despite this requirement, during your conversation with a Board representative on or about January 30, 2007, you admitted that you have been practicing in Iowa City, Iowa, since January 22, 2007, without an approved monitoring physician. On or about March 15, 2007, the Board approved your monitoring physician.

Your acts, conduct, and/or omissions as alleged in paragraphs (2) through (4) above, individually and/or collectively, constitute a “[v]iolation of the conditions of limitation placed by the board upon a certificate to practice,” as that clause is used in Section 4731.22(B)(15), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon

consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant a certificate to an applicant, revokes an individual’s certificate to practice, refuses to register an applicant, or refuses to reinstate an individual’s certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/LAZ/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3933 8841 3931
RETURN RECEIPT REQUESTED

cc: Elizabeth Y. Collis, Esq.
Collis, Smiles & Collis, LLC
1650 Lake Shore Drive, Suite 225
Columbus, Ohio 43204

CERTIFIED MAIL #91 7108 2133 3933 8841 3948
RETURN RECEIPT REQUESTED



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

November 8, 2006

Kolli Mohan Prasad, M.D.
7427 Eagle Trace
Boardman, OH 44512

Dear Doctor Prasad:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Patricia A. Davidson, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on November 8, 2006, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of an original Notice of Appeal with the State Medical Board of Ohio and a copy of the Notice of Appeal with the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Lance A. Talmage
Lance A. Talmage, M.D. *RW*
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 7003 0500 0002 4330 1446
RETURN RECEIPT REQUESTED

Cc: Elizabeth Y. Collis, Esq.
CERTIFIED MAIL NO. 7003 0500 0002 4330 1422
RETURN RECEIPT REQUESTED

Mailed 12-11-06

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Patricia A. Davidson, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on November 8, 2006, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Kolli Mohan Prasad, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

Lance A. Talmage
Lance A. Talmage, M.D. RW
Secretary

(SEAL)

November 8, 2006
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

KOLLI MOHAN PRASAD, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on November 8, 2006.

Upon the Report and Recommendation of Patricia A. Davidson, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification, approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby **ORDERED** that:

The certificate of Kolli Mohan Prasad, M.D., to practice medicine and surgery in Ohio is **PERMANENTLY REVOKED**, but such revocation is **STAYED**, and Dr. Prasad's certificate is **SUSPENDED** for 30 days.

For a period of not less than two years from the effective date of this Order, Dr. Prasad shall comply with the probationary terms, conditions and limitations set forth in the Order of February 11, 1998, in the *Matter of Kolli Prasad, M.D.*, as subsequently modified by the Board, unless he obtains a written waiver from the Board or its representative.

This Order shall become effective immediately upon mailing of notification of approval by the Board.

(SEAL)



Lance A. Talmage, M.D. *ew*
Secretary

November 8, 2006

**REPORT AND RECOMMENDATION
IN THE MATTER OF KOLLI MOHAN PRASAD, M.D.**

The Matter of Kolli Mohan Prasad, M.D., was heard by Patricia A. Davidson, Hearing Examiner for the State Medical Board of Ohio, on July 18 and July 31, 2006.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated April 12, 2006, the State Medical Board of Ohio [Board] notified Kolli Mohan Prasad, M.D., that it proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board's action was based on allegations that Dr. Prasad had violated the terms of his consent agreement with the Board and had thus violated "the conditions of limitation placed by the board upon a certificate to practice," as that clause is used in Ohio Revised Code Section [R.C.] 4731.22(B)(15). Specifically, the Board alleged that Dr. Prasad has failed to submit quarterly declarations of compliance with a Board Order, failed to submit timely results of random urine screening as required, and failed to ensure the timely submission of reports from his monitoring and supervising physicians. Accordingly, the Board advised Dr. Prasad of his right to request a hearing. (State's Exhibit 1A)
- B. On May 10, 2006, Dr. Prasad submitted a written hearing request. (State's Exhibit 1B)

II. Appearances

- A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Kyle C. Wilcox, Assistant Attorney General.
- B. On behalf of the Respondent: Elizabeth Y. Collis, Esq.

EVIDENCE EXAMINED

I. Testimony Heard

- A. Presented by the State: Dr. Prasad, as if on cross-examination, and Danielle Bickers.
- B. Presented by the Respondent: Dr. Prasad and Theodore Parran, M.D.

II. Exhibits Examined

- A. Presented by the State
1. State's Exhibits 1A through 1I: Procedural exhibits.
 2. State's Exhibit 2: Documents maintained by the Board in the *Matter of Kolli Mohan Prasad, M.D.*

B. Presented by the Respondent

1. Respondent's Exhibit 1: Sworn statement by Jagannadharao Brahmamdam, M.D., of United Radiology Services, Corp., in Danville, Illinois.
2. Respondent's Exhibit 2: Sworn statement by Prasad Devabhaktuni, M.D., of United Radiology Services, Corp., in Danville.
3. Respondent's Exhibit 3: Sworn statement by Chilakapati Ramaprasad, M.D., of United Radiology Services, Corp., in Danville.
4. Respondent's Exhibit 4: List prepared by Ravinder Nath, M.D., regarding the medical history of Dr. Prasad from May 2005 to July 14, 2006.
5. Respondent's Exhibit 5: Curriculum vitae of Theodore Parran, M.D.
6. Respondent's Exhibit 6: April 26, 2006 letter from Dr. Parran to Board's compliance section.

[Respondent's Exhibit 7 withdrawn]
7. Respondent's Exhibit 8: December 1, 2005 letter from Dr. Parran to Board's compliance section.

SUMMARY OF THE EVIDENCE

All exhibits and transcripts of testimony, even if not specifically mentioned, were thoroughly reviewed and considered prior to preparing this Report and Recommendation.

Overview

1. Kolli Mohan Prasad, M.D., a radiologist,¹ currently holds an active Ohio certificate to practice medicine, which was renewed in April 2006. He testified that he has no other active license and that he has not practiced medicine since leaving his employment at a veterans medical facility in March 2006, as described more fully below. (Tr. at 18-19)
2. During the hearing, Dr. Prasad made clear that he did not dispute the specific factual allegations set forth in the Board's April 2006 notice of opportunity for hearing with respect to his noncompliance with certain probationary terms and conditions imposed by the Board in its 1998 Board Order. Rather, Dr. Prasad clarified that some of the required materials were eventually submitted to the Board, albeit late. More importantly, Dr. Prasad's defense at the hearing was to present and explain the extenuating circumstances surrounding his noncompliance and to emphasize that there was no evidence of relapse or impairment. *E.g.*, Hearing Transcript [Tr.] at 30, 123.

¹ In a 2005 hearing, Dr. Prasad testified regarding his education, medical training, and employment, and that information is summarized in a Report and Recommendation issued in April 2005. See State's Exhibit 2 at page 11.

Initial Treatment for Alcoholism and 1996 Relapse

3. Dr. Prasad entered treatment for alcoholism at the Cleveland Clinic Foundation in November 1995. Following an aftercare program, he relapsed and was readmitted to the Cleveland Clinic for approximately five days in July 1996. Following discharge, Dr. Prasad failed to participate in Alcoholics Anonymous meetings. In October 1996, Dr. Prasad submitted a urine sample that tested positive for alcohol. He asserted that the positive screen had been caused by taking Nyquil for a cold, but, in November 1996, he admittedly sustained a relapse. (State's Exhibit [St. Ex.] 2 at 66-67; Tr. at 24)

1997 Consent Agreement

4. In February 1997, Dr. Prasad entered into a Consent Agreement with the Board in lieu of proceedings based on his impairment and violation of R.C. 4731.22(B)(26). Under this agreement, Dr. Prasad's certificate was suspended for an indefinite period of time. The agreement required, among other things, complete abstinence from alcohol and random urine screenings on a weekly basis. (St. Ex. 2 at 66-72)

The 1997 Relapse and the 1998 Board Order

5. After entering the Consent Agreement in February 1997, Dr. Prasad relapsed. In October 1997, the Board issued a notice of opportunity for hearing alleging that Dr. Prasad had relapsed, violating R.C. 4731.22(B)(15) and (B)(26). In December 1997, a hearing was held before Hearing Examiner R. Gregory Porter, who issued a Report and Recommendation in January 1998. At the hearing, Dr. Prasad had admitted his relapse in July 1997 but denied a relapse in September 1997. The Hearing Examiner found that Dr. Prasad's denial was not credible in light of other evidence. (St. Ex. 2 at 41-49, 64-65) The Hearing Examiner commented as follows:

It is in Dr. Prasad's favor that he voluntarily reported his relapse to Dr. Collins and to the Board. Nevertheless, it is disturbing that Dr. Prasad would attempt to deceive the Hearing Examiner and the Board by denying under oath a subsequent relapse in September 1997. It is also disturbing that Dr. Prasad denied that his alcoholism was really a problem, despite the fact that Dr. Prasad has taken extraordinary measures to deal with his alcoholism, including inpatient care at the Cleveland Clinic Foundation and four weeks of inpatient care at the Betty Ford Center. * * *

(St. Ex. 2 at 49)

6. In February 1998, the Board approved and confirmed the Hearing Examiner's findings of fact and conclusions of law, determining that Dr. Prasad had violated his 1997 Consent Agreement by consuming alcohol on two occasions in 1997. (St. Ex. 2 at 19-20, 50-63)

In an Entry of Order signed March 11, 1998, which was effective upon mailing on March 12, 1998 [the 1998 Order], the Board permanently revoked Dr. Prasad's certificate but stayed this revocation subject to an indefinite suspension for at least three years. The Board imposed an

array of interim conditions, terms, and limitations for the period of suspension, as well as conditions for reinstatement. (St. Ex. 2 at 30-40)

Paragraph 2(d) of the 1998 Order set forth requirements for the suspension period, including that Dr. Prasad shall abstain completely from the use of alcohol, “shall provide satisfactory quarterly documentation of continuous participation in a drug and alcohol rehabilitation program, such as AA, NA, or Caduceus, no less than six times per week,” shall submit to random urine screenings for drugs and/or alcohol on a random basis at least two times per week, shall ensure that the physician who supervises his urine screens provides quarterly reports to the Board * * * verifying whether all urine screens have been conducted in compliance with this Order [and] whether all urine screens have been negative,” shall submit quarterly declarations stating whether there has been compliance with all the terms of the Order, and shall appear for quarterly interviews. (St. Ex. 2 at 35-36)

7. At its meeting in July 2002, the Board modified the 1998 Order to the extent that the rate of urine screens was reduced to one random screen per week, and the number of required meetings such as AA and Caduceus was reduced to three per week. (Tr. at 76; St. Ex. 1A, minutes pages 12542—12543)

Reinstatement in 2003 under the Terms of the 1998 Board Order

8. On November 12, 2003, the Board granted Dr. Prasad’s request for reinstatement² of his medical certificate, subject to the probationary terms, conditions and limitations in the 1998 Order. Paragraph 3 of the 1998 Order provides that Dr. Prasad’s certificate is subject to these probationary terms for eight years after reinstatement. Thus, pursuant to the terms of the 1998 Order, the probationary period commenced on November 12, 2003, and continues until November 12, 2011. (Tr. at 76-77, 115; St. Ex. 2 at 36-40)

Among the probationary terms, conditions and limitations in the 1998 Order is the requirement in Paragraph 3(c) that Dr. Prasad shall submit quarterly declarations stating whether there had been compliance with all the conditions of probation. (St. Ex. 2 at 36)

In addition, Paragraph 3(f) requires that Dr. Prasad shall abstain completely from the use of alcohol. Paragraph 3(g) requires that, during the probationary period, Dr. Prasad shall submit to random urine screenings for drugs and/or alcohol twice weekly,³ and further requires that Dr. Prasad “shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis.” (St. Ex. 2 at 36-37)

In addition, Paragraph 3(g) requires that Dr. Prasad “shall ensure” that the physician supervising his urine screens “provides quarterly reports to the Board * * * verifying

² The Board used the term “reinstatement” in its 1998 Order with respect to Dr. Prasad’s regaining of his certificate following his suspension, but other documents use the term “restoration.” During the hearing, the parties stipulated to the hearing examiner’s use of the term “reinstatement” in place of the term “restoration” to refer to Dr. Prasad’s regaining of his medical certificate in 2003.

³ As stated above, the Board modified the 1998 order in July 2002, reducing the number of weekly screens to one per week.

whether all urine screens have been conducted in compliance with this Order, and whether the supervising physician remains willing and able to continue in his/her responsibilities.” (St. Ex. 2 at 37)

Paragraph 3(g) also provides as follows:

All screening reports and supervising physician reports required under this paragraph must be received in the Board’s offices no later than the due date for Dr. Prasad’s quarterly declaration. It is Dr. Prasad’s responsibility to ensure that reports are timely submitted. (St. Ex. 2 at 37-38)

Paragraph 3(i) originally provided that, during the probationary period, Dr. Prasad shall maintain participation in an alcohol and drug rehabilitation program such as AA or Caduceus no less than three times per week. (St. Ex. 1 at 38)

Paragraph 3(l) of the 1998 Order requires that Dr. Prasad ensure during his probationary period that quarterly reports from his monitoring physician are forwarded to the Board on a quarterly basis or as otherwise directed by the Board. (St. Ex. 1 at 39)

2004 Violations of Probation followed by Board Order in 2005

9. On November 10, 2004, the Board issued a notice of opportunity for hearing alleging that Dr. Prasad had failed to comply with the terms of the 1998 Order. (St. Ex. 2 at 26-29)

In February 2005, a hearing was held. Dr. Prasad testified that there had been special circumstances making it difficult to comply with his probationary requirements, in that his brother was suffering from terminal cancer in New York and that he had been traveling frequently to assist his brother and family. However, according to Danielle Bickers, the Board’s Compliance Officer, Dr. Prasad knew he could ask to be excused from certain requirements because he had been granted waivers in the past. Ms. Bickers testified that Dr. Prasad had not submitted a written request as he had been instructed to do. Dr. Prasad acknowledged that he should have written to the Board before leaving town, asking to make other arrangements regarding his probationary requirements. (St. Ex. 2 at 9-21)

The Hearing Examiner issued a Report and Recommendation in April 2005, concluding that Dr. Prasad had violated the 1998 Order and thereby violated R.C. 4731.22(B)(15) by failing to submit the required quarterly declarations of compliance, failing to ensure timely submission of weekly urine-screening reports, and failing to submit acceptable documentary evidence of the required participation in a rehabilitation program. (St. Ex. 2 at 9-21)

10. The Board, at its meeting in May 2005, confirmed the findings of fact and conclusions of law. With respect to the appropriate sanction, several Board members noted that a 90-day suspension would prevent Dr. Prasad from accepting work and could effectively end his career. However, it was also noted that the Board should not “tolerate defiance or lack of compliance” with its requirements. One Board member noted that increasing the probationary period rather than suspending the certificate would nonetheless make clear to

Dr. Prasad that he must comply with the Board's requirements. Ultimately, the Board voted to impose a 30-day suspension, which "would send Dr. Prasad a clear message" but would also "give him another shot." (St. Ex. 2 at 22-25)

The Board's Entry of Order was signed on May 18, 2005, and became effective on June 7, 2005 [the 2005 Order]. The Board suspended Dr. Prasad's certificate for 30 days and ordered him to comply with the terms of the 1998 Order. (St. Ex. 2 at 8)

Employment in Danville, Illinois in 2006

11. Dr. Prasad testified that, at the beginning of February 2006, he started work as a radiologist at a veterans medical center in Danville, Illinois.⁴ However, Dr. Prasad testified that his Ohio medical certificate expired on March 31, 2006, because he had failed to submit a renewal request. He stated that he ceased working for the veterans center when his certificate lapsed, although his license was eventually reinstated in late April 2006. Thus, Dr. Prasad worked at the veterans center for about two months, from the beginning of February to the end of March 2006. He testified that, when his license expired at the end of March, he moved back to Youngstown, Ohio. (Tr. at 17-18, 145-146, 156; Resp. Ex. 6)

Noncompliance with Probationary Terms after the 2005 Order: Testimony of Danielle Bickers

12. Danielle Bickers, the Compliance Supervisor for the Board, testified that she personally reviews the probationary terms with licensees upon reinstatement. She further testified that, after Dr. Prasad's certificate was reinstated, she sent him a letter in which she provided a checklist that summarized the terms of the Board's order, including what was required, the due dates, and what Dr. Prasad needed to do to request a waiver of the terms. (Tr. at 61-67, 75)
13. With regard to the importance of the urine screens and other probationary requirements, Ms. Bickers stated that "the drug screens, along with all of the other documentation that the Board requires, are ways for the Board to determine, or * * * be assured that the physician is maintaining sobriety." She further testified: "Without that documentation, we have very little to support any sobriety." (Tr. at 70)
14. Ms. Bickers testified that Dr. Prasad's declarations of compliance were due every quarter, on December 1, March 1, June 1, and September 1, along with the reports from the monitoring and supervising physicians. (St. Ex. 2 at 36-37; Tr. at 61-68, 75, 77-78)
15. Under the terms of the 1998 Order, Dr. Prasad was obliged to submit, no later than December 1, 2005, a quarterly Declaration of Compliance for the three-month period ending November 30, 2005. Ms. Bickers testified that she has no record that Dr. Prasad provided the required declaration for that quarter. (Tr. at 66; Ex. 2 at 36)
16. With regard to the quarterly meeting required under the 1998 Order, Ms. Bickers testified that the Board waived Dr. Prasad's meeting scheduled for December 2005 upon learning of

⁴Dr. Prasad's supervising physician stated in an April 2006 letter to the Board that Dr. Prasad had started this job on January 26, 2006 (Resp. Ex. 6), but the exact date is not material to any issue in the present matter.

the death of his brother in November 2005, “to help accommodate him, in understanding the things that he was going through at the time.” Ms. Bickers testified that, during a telephone conversation in December 2005, she had told Dr. Prasad that the Board would simply have him attend his next regularly scheduled meeting in March 2006, so that he would still meet on the same months as he had since 1998. (Tr. at 74-75)

17. Ms. Bickers testified that Dr. Prasad was required to submit to the Board, on or before March 1, 2006, a quarterly Declaration of Compliance for the quarter ending in February 2006. Ms. Bickers testified that she has no record of receiving the required declaration from Dr. Prasad. (Tr. at 67; Ex. 2 at 36)
18. In addition, Dr. Prasad was obliged to submit weekly urine-screening reports for the period September 2005 to March 2006. Ms. Bickers testified that Dr. Prasad failed to submit screening reports for the period September 2005 to March 2006 in a timely fashion as required under the 1998 Order. (Tr. at 30, 68; St. Ex. 2 at 37)
19. Ms. Bickers testified that, under the 1998 Order, Dr. Prasad was required to submit his weekly urine-screening reports and a report from his supervising physician, Dr. Theodore Parran, no later than December 1, 2005, and March 1, 2006. However, she testified Dr. Prasad did not submit any reports during the required time frame for those quarters, stating that the Board did not receive a timely supervising report from Dr. Parran for the periods from September 2005 to March 2006.⁵ (Tr. at 45-49, 68-72, 87-89, 187-188)
20. Ms. Bickers testified that, on March 13, 2006, she had received a telephone call from Dr. Prasad stating that, because he was living in Danville, he had not received the Board’s notice regarding his March 2006 probationary meeting in time for him to attend. Ms. Bickers stated that, in their telephone conversation, they discussed the status of Dr. Prasad’s compliance with the 1998 Board order, and Dr. Prasad said that he had not submitted any urine screens since January 2006 and that he had not been in contact with Dr. Parran, his supervising physician, about the urine screens. Ms. Bickers testified that she had advised Dr. Prasad to contact Dr. Parran immediately. Further, Ms. Bickers testified that the first time she “had heard of any difficulty that Dr. Prasad had with the screens was when he contacted me by telephone in March 2006.” (Tr. at 69-71, 96)

Ms. Bickers testified that, after the Board issued Dr. Prasad a notice of opportunity for hearing on April 12, 2006, she received “some documentation, not all documentation for compliance, but, yes, some.” She stated that, after the Board issued the notice of opportunity for hearing on April 12, 2006, the Board received the supervising report from Dr. Parran that had been due on March 1, 2006. (Tr. at 45-49, 68-72, 87-89, 187-188; Resp. Ex. 6)

Dr. Prasad agreed that, after he had received the notice of opportunity for hearing in April 2006, he had sent paperwork to Ms. Bickers, including the two non-random urine screens from March 2006 in Danville. He acknowledged that he had not done any urine screens for February or the

⁵The record includes a report from Dr. Parran dated December 1, 2005, but the record does not establish when the Board received it. (Resp. Ex. B, Tr. at 189-190) The date of receipt is not material, however, because the Board has not alleged that Dr. Prasad violated the 1998 Order with respect to the December 2005 supervising report. (St. Ex. 1A)

first part of March 2006. In addition, Dr. Parran acknowledged that his supervising report for the first quarter of 2006 was dated April 26, 2006. (Tr. at 41; 181-188; Resp. Ex. 6)

21. Ms. Bickers testified that, under the 1998 Order, Dr. Prasad was also required to ensure that his monitoring physicians submitted a report to the Board no later than March 1, 2006. Dr. Prasad acknowledged that he was required to ensure that quarterly reports were submitted by his monitoring physicians. Ms. Bickers testified, however, that the Board did not receive a report from Dr. Prasad's monitoring physicians on or before March 1, 2006, as required. (Tr. at 50-51, 72-73, 104)

Dr. Prasad stated that his monitoring physicians were Jagannadharao Brahmamdam, M.D., Prasad Devabhaktuni, M.D., and Chilakapati Ramaprasad, M.D., who had been approved by the Board. (Tr. at 119-121, 135-137)

The record includes a set of monitoring reports from these physicians regarding the first quarter of 2006, but each report is dated July 5, 2006. (Resp. Ex. 1-3)

Dr. Prasad's Testimony regarding Noncompliance following the Board's 2005 Order

22. Dr. Prasad testified, when asked why he had not participated in urine screening during February 2006 and the first half of March 2006, that he had informed his new employer in Illinois of his history of alcoholism and that "they can test me for urine any time they want to if they're in suspicion." He stated that he "was working at a federal facility where drug testing they can do any time, anybody. People working in the federal facility can be tested for drugs and alcohol any time they want to." (Tr. at 39, 41-42, 124)

However, Dr. Prasad also testified that, when he had initially inquired about having his urine screens performed at the facility where he worked, he was not able to do his urine screens there. He stated that his supervisor had informed him that they "don't do urine screens there" and "do only blood screens." (Tr. at 39, 123)

23. Dr. Prasad also explained that it was difficult to arrange for urine screens in Danville, Illinois, because LabCorp, which did his screens in Ohio, did not have a location in Danville. He stated that he had looked in the yellow pages to find a testing laboratory in Danville and had contacted the only laboratory listed, but they had told him "they don't do anything there at all." He testified that, after this inquiry, he had "pretty much stopped" trying to arrange urine screens in the Danville area. (Tr. at 39, 41-43, 123, 125)
24. Dr. Prasad also explained that he had not made arrangements for his urine screens in advance of moving to Danville because his new employer had not given him much notice regarding his start date. (Tr. at 124)

In addition, in explaining why he had not tried harder to get his urine screens arranged when he moved to Danville, Dr. Prasad explained that weekly urine screens are not what keeps him sober; rather, it is AA meetings that help him to stay sober. (Tr. at 43, 113)

25. Dr. Prasad testified further that one of the reasons for his failure to comply with the Board's Order was that his brother had succumbed to cancer in November 2005. In addition, Dr. Prasad stated that he had not submitted certain items in December 2005 as required because he had been told that his December meeting would be omitted or postponed, and he had not realized that the written reports and declaration are due even when he does not have a probationary meeting in person. He stated that he had believed that the documentation requirement was linked to his meeting. (Tr. at 31-32, 52-53, 116, 127, 132-133)
26. Similarly, Dr. Prasad explained that, although the quarterly written materials (AA meeting logs, urine-screening reports, supervising physician report, declaration of compliance) were due on March 1, 2006, prior to his mid-March quarterly meeting, he had gotten confused about when his first quarterly meeting for 2006 would take place. He stated that, after the December 2005 meeting was not held, he had gotten it "stuck in [his] mind" that his next meeting was in April and that "the March meeting did not come into [his] mind at all." (Tr. at 52)

In addition, Dr. Prasad stated that he was not aware of the March 2006 meeting because there was a delay in his receiving the Board's notice about the meeting. He acknowledged, however, that it was his duty to contact the Board to find out when his March meeting would be held but that he had not contacted the Board because he had been thinking that the meeting was scheduled for April. (Tr. at 51-52)

Further, Dr. Prasad stated that he had associated his quarterly reports with his quarterly appointment with Dr. Parran, and that, because he had not met with Dr. Parran during the time he worked in Danville [February and March of 2006], he had no thought of quarterly reports being due. (Tr. at 51-52)

27. With regard to his urine screens, Dr. Prasad stated that he had spoken with Danielle Bickers by telephone in March 2006, telling her that he was having problems getting the urine screens done. He testified that Ms. Bickers had advised him to contact Dr. Parran immediately. However, Dr. Prasad testified that he had not had Dr. Parran's telephone number because he did not have his telephone book with him and did not have the number stored in his cell phone. Dr. Prasad stated that, by the time he talked with Dr. Parran, he had found a place called Polyclinic that would perform non-random urine tests. He testified that Dr. Parran had instructed him to "forget about random anything, just get some screens * * * right now," and to "go ahead and do the screens once every other week," even though they would not be random. Dr. Prasad stated that he had accordingly obtained "non-random urine screens, like, whenever they're free or I'm free." (Tr. at 31-35, 37-41, 43, 125-126)

Dr. Prasad testified that his non-random screens during the last two weeks in March had cost \$170 per screen for a total of \$340. He acknowledged that he had no urine screens at all in February or during the first half of March, but he stated that the two screens in March were negative for prohibited substances. (Tr. at 31-35, 37-41, 43, 127, 148)

28. Further, Dr. Prasad asserted that he had been involved in a car accident while driving from Danville to Youngstown on March 29, 2006. He stated that he had not been hospitalized as

a result of the accident and had refused assistance from the ambulance crew because he “was okay.” (Tr. at 33-35)

Further, Dr. Prasad stated that he had not attended the scheduled meeting with the Board’s compliance representative in April 2006 because he had been “sick during that period with my accident, plus I was taking Advil for my stomach. Just I had ulcer problem, too.” Dr. Prasad asserted that he had become ill on the way to Columbus for his April meeting and had telephoned the Board that he was too sick to travel. He testified that he had spoken with Mr. Albert, but that, due to the time difference of one hour in Indiana, his telephone call had been late. In addition, Dr. Prasad stated that he had been bringing some of the required paperwork to submit at the meeting. He testified that, after he had received the notice of opportunity for hearing mailed on April 12, 2006, he had sent the two Danville urine screens and his logs of AA meetings to Ms. Bickers by the end of April. (Tr. at 30-43)

In addition, when Dr. Prasad was asked why he had ceased having urine screens in April 2006 despite the fact that the 1998 Order was still in effect, he explained that he really was unsure what to do after the Board issued the present notice of opportunity for hearing on April 12, 2006. He further explained that, under the circumstances, saving money on urine testing was helpful. (Tr. at 152-153)

29. With respect to the issue of timely reports from his monitoring physicians, Dr. Prasad did not dispute that the Board’s Order required him to ensure that his monitoring physicians submitted quarterly reports to the Board. Nor does he dispute that he was required to ensure that a report was submitted in early March 2006. Rather, Dr. Prasad explained that he had complied with the Board’s requirements to the extent that his practice was in fact thoroughly monitored by these three physicians, who were approved by the Board, and that the only problem was that he had not ensured that their reports were submitted prior to his scheduled meeting in March 2006. (Tr. at 118-122, 135-137)

In addition, Dr. Prasad explained that he had thought that the reports were not required until after he had worked for three months. He stated that he had not understood, while working in Danville, that he was obliged to ensure that his monitoring physicians submitted a quarterly report by the beginning of March. He stated that, if his monitoring physicians had submitted a report in March, he would have been working with them for “only one month” rather than a quarter, so he had not realized a report was due. (Tr. at 119-122, 135-137)

At hearing, Dr. Prasad presented affidavits from Drs. Devabhaktuni, Brahmamdam, and Ramaprasad, describing their monitoring of Dr. Prasad’s work and commenting on his appearance of sobriety. (Resp. Ex. 1-3)⁶

30. Dr. Prasad testified that another reason that the period of 2005 and early 2006 was difficult for him was that his health was not good. He stated that he had undergone lumbar disk

⁶ These statements were not subject to cross-examination at hearing.

surgery in September 2005 due to a prior failed surgery in which a piece of the disk had not been removed, resulting in foot drop. He testified that the second surgery was successful but painful. In addition, he stated that he had emergency treatment for kidney stones in late 2005 and in January 2006. During one of these visits, he testified, he had noted pain in his chest and neck, and was diagnosed as suffering from a myocardial infarction. He stated that he had undergone emergency angioplasty and stent placement, with further stent placement after the episode had ended. In addition, Dr. Prasad stated that a pancreatic condition had started “acting up again” after the cardiac procedures were completed. (Tr. at 54, 127-128, 139-143; Resp. Ex. 4)

31. Dr. Prasad stated that he had kept Ms. Bickers informed of his situation by telephone or email, but that the Board “always wanted a paper, documentation.” He stated that he was aware he could have sought a waiver of some of his requirements, but that he had not done so. Rather, he said he had tried to comply when he could, and had informed the Board when he could not. (Tr. at 29, 129-131, 159, 161)
32. Dr. Prasad testified that he has not worked since leaving the veterans facility at the end of March 2006, although he has made inquiries, which are pending. (Tr. at 19) When asked to explain to the Board why it should not permanently revoke his certificate, Dr. Prasad stated as follows:

They can take any action they need to take, they want to take; but I tried to enumerate the reasons and the things I was going through as a human being, because I got duties to everyone. You may – this is number one. Yes, it is number one, but at the time of making some choices, in retrospect that they’re bad, they could have been avoided. I don’t know that, how much, knowing what I knew at that time, but what I thought was right decision at that time may not be right decision at this time because I was pressed by too many forces from everywhere. And I’m trying to satisfy all the requirements of me that was required by my family, my professional career. So, as a human being, I’m just trying to make the right decisions * * *.

(Tr. at 58-59)

Testimony of Dr. Prasad’s Supervising Physician

33. Theodore Parran, M.D., testified that he is a board-certified specialist in internal medicine and is also certified by the American Society on Addiction Medicine as an addiction specialist. He stated that he has worked with Dr. Prasad for about eight years under the Board’s 1998 Order, serving as the supervising physician for the urine screening.⁷ He explained that a laboratory arranged to take the urine samples and then sent him the lab results, and that he reviewed these results in preparing a quarterly report to the Board regarding Dr. Prasad’s compliance. In addition, Dr. Parran testified that, in connection with providing these reports, he typically met

⁷Dr. Parran referred several times to the probationary requirements under Dr. Prasad’s “consent agreement,” but the context made clear that he was referring to Dr. Prasad’s probationary requirements under the Board’s 1998 Order. See, e.g., Tr. at 177, 192, 218.

with Dr. Prasad, counseled him, reviewed signed slips from AA meetings, and talked with family members from time to time. (Tr. at 175-184)

34. Dr. Parran stated that he believes he talked with Dr. Prasad twice while Dr. Prasad was in Danville.⁸ Dr. Parran stated that he had encouraged Dr. Prasad to get his urine tests at the hospital where he was working but that had not worked. He was aware that Dr. Prasad had obtained only one or two urine screens during the time he lived in Danville. (Tr. at 185-186)
35. When asked whether one might reasonably conclude that Dr. Prasad could have “found someone to do a weekly urine screen if he had really wanted to find someone to do it,” Dr. Parran agreed that one could reach that conclusion:

*** I think you’re probably right. You know, there’s labs around the country. He told me that he spoke with a treatment program that wanted \$150 for each *** weekly screen. Between him living in an apartment and all the rest of it, that – well, that wasn’t everything that he was making, but that was a fair amount of the money that he was going to be making above and beyond his expenses *** being out there.

And he, you know, felt like that was usury. Actually, I think he feels like much of what he’s spent on tox testing in the last quite a while has been usury, because they charge an awful lot for these things, when most of the dip tests are pretty cheap, like \$6.

I spoke with him about a program. I know it’s a program that has satellites in the Danville, Illinois area, and he said that there were just exorbitantly expensive and he couldn’t do tox testing with them, and that the facility being related to the V.A., he probably couldn’t get it done there, and so I think he just quit.

(Tr. at 219-220)

36. With regard to Dr. Prasad’s medical practice in Danville, Dr. Parran noted that he had spoken with the monitoring physicians and that they had expressed no concerns about Dr. Prasad’s sobriety and had reported that he was doing well, and they “would be interested in having him back.” (Tr. at 186-187)
37. With regard to his supervising report that not submitted by its due date of March 1, 2006, Dr. Parran testified that his report was late because Dr. Prasad was not in town and that, in addition, it was Dr. Parran’s “understanding that the Board was already underway to do something” with Dr. Prasad’s licensure. Thus, he explained, he wanted to see Dr. Prasad and talk with him before the report letter was submitted to the Board. (Tr. at 186-197; Resp Ex. 6)
37. On the question of whether Dr. Prasad had resumed regular urine-screening after moving back to Ohio at the end of March 2006, Dr. Parran testified that he had understood that Dr. Prasad, after he came back to Ohio, would resume his usual urine screens with his local

⁸As set forth above, Dr. Prasad stated that he worked in Danville from the beginning of February through the end of March 2006.

testing lab in Youngstown. However, Dr. Parran said that he had received very few lab results since Dr. Prasad had returned from Danville: “I don’t believe I have gotten hardly any tox screens since April.” (Tr. at 211)

38. However, Dr. Parran was not concerned about the lack of urine screens due to the number of years that Dr. Prasad had maintained sobriety as of this noncompliance with the Board’s 1998 Order. Dr. Parran stated that he is an advocate for urine screening during the first few years of recovery but that screens are not very useful after the first couple of years:

*** Actually, scientifically, the tox screens really aren’t very helpful, especially with alcohol, because alcohol only hangs around in the system for four hours, maybe eight. And so a tox screen’s probably – it certainly is an objective way to try to demonstrate that in that window of time – i.e., the eight hours before that random tox test – the person hadn’t been drinking. But it tends not to be a very sensitive screen. Behavioral issues tend to be way more sensitive than tox testing.

*** [W]hen people with a chemical dependency history relapse, when they are using, it becomes fairly clear fairly quickly based upon their, you know – based upon their behavioral issues.

*** I think tox testing is extremely important, especially in the first couple of years, even potentially three years. ***

It’s one of the tools and probably, you know, from a clinical standpoint in terms of trying to judge whether people are doing well or not, especially with alcohol and especially this far out, the behavioral issues are probably way more useful than tox testing. Again, which is why I’ve periodically recommended to the Board to back way off on this tox testing, because it costs an arm and a leg and it’s not the most useful screening or documentation of sobriety at this stage of the game.

(Tr. at 198-199)

39. With regard to Dr. Prasad’s noncompliance with some probationary terms and conditions, Dr. Parran acknowledged that Dr. Prasad “certainly has blown off, to be perfectly blunt, to some extent, some parts of his consent agreement with you all in the last year.” However, Dr. Parran emphasized that the noncompliance is a “documentation issue” and that there is no evidence that Dr. Prasad has active chemical dependency. (Tr. at 214-215, 218)
40. Dr. Parran stated that, in his opinion, Dr. Prasad has had no relapses and that “clinically, he has done beautifully.” He stated that Dr. Prasad’s wife has corroborated this sobriety, whereas in the past she had “always squealed on him” and told people when he had engaged in drinking alcohol in the past. Further, Dr. Parran expressed the belief that Dr. Prasad has “always told everybody” when he had taken a drink. Dr. Parran concluded that Dr. Prasad’s behavior “has been completely consistent with sobriety” and stated that he has “no” concerns about Dr. Prasad’s sobriety. He testified that there was absolutely no evidence to support that Dr. Prasad had

experienced a relapse or has been “anywhere within a million miles of a relapse in the last few years.” (Tr. at 179, 191-192, 197, 203)

Dr. Parran testified that Dr. Prasad’s wife has been a substantial support to Dr. Prasad since the death of his brother, and that his children are also a support system for him. In addition, Dr. Parran stated that Dr. Prasad had “many support people in the recovering community in the Youngstown area,” including a sponsor and a “couple of recovering docs who he gets together with pretty regularly for breakfast.” Further, Dr. Parran stated that Dr. Prasad sponsors other recovering alcoholics. In his letter of April 26, 2006, Dr. Parran stated that Dr. Prasad had continued to show “strong progress in his sobriety program,” and he stated at hearing the nothing had changed with regard to Dr. Prasad’s sobriety since he wrote the letter in April 2006. (Tr. at 188, 203-205)

FINDINGS OF FACT

1. On February 12, 1997, by Consent Agreement with the Board, the certificate of Kolli Mohan Prasad, M.D., to practice medicine and surgery in Ohio was suspended for an indefinite period of time in lieu of formal proceedings based on Dr. Prasad’s violation of Ohio Revised Code Section [R.C.] 4731.22(B)(26).

In the February 1997 Consent Agreement, Dr. Prasad admitted that he had initially entered treatment at The Cleveland Clinic Foundation [Cleveland Clinic] for alcoholism in November 1995. He further admitted that he had relapsed in July 1996 and November 1996, and that he had failed to participate in Alcoholics Anonymous [AA] meetings as part of his treatment plan for aftercare as recommended by the Cleveland Clinic in July 1996.

2. On October 8, 1997, the Board issued to Dr. Prasad a Notice of Opportunity for Hearing alleging that he had violated R.C. 4731.22(B)(15) and (B)(26) by failing to abstain completely from the use of alcohol. By Entry of Order signed on March 11, 1998 [the 1998 Order], which was effective on March 12, 1998, the Board permanently revoked Dr. Prasad’s certificate to practice medicine and surgery in Ohio but stayed that revocation subject to an indefinite suspension for a period of at least three years, with interim terms, conditions and limitations for the period of suspension. In reaching its decision, the Board found that Dr. Prasad had relapsed by drinking alcohol on two occasions in 1997.

The 1998 Order also provided conditions for reinstatement. In addition, the 1998 Order established that, upon reinstatement of his certificate, Dr. Prasad would be subject to probationary terms, conditions and limitations for a period of eight years. The evidence does not support a finding that Dr. Prasad’s certificate was subject to the probationary terms, conditions and limitations for “a minimum period of” eight years.

Subsequently, in July 2002, at Dr. Prasad’s request, the Board modified the above terms, conditions and limitations, reducing the number of required alcohol and drug rehabilitation meetings to three per week and reducing the drug-screen requirement to once per week.

3. On November 12, 2003, the Board granted reinstatement of Dr. Prasad's certificate, subject to the probationary terms, conditions, and limitations in the Board's 1998 Order.
4. On November 10, 2004, the Board issued to Dr. Prasad a Notice of Opportunity for Hearing alleging that he had violated R.C. 4731.22(B)(15) by failing to submit the required quarterly declarations of compliance, failing to ensure timely submission of weekly urine screening reports, and failing to submit acceptable documentary evidence of the required participation in an alcohol and drug rehabilitation program.
5. By Entry of Order signed May 18, 2005, and effective on June 7, 2005 [the 2005 Order], the Board suspended Dr. Prasad's certificate for 30 days and required him to comply with the terms of the 1998 Order.
6. Paragraph 3(c) of the 1998 Order requires Dr. Prasad to submit quarterly declarations stating whether there has been compliance with all the conditions of probation.
 - (a) A quarterly Declaration of Compliance for the period of September through November 2005 was due to be received in the Board offices on or before December 1, 2005. Despite this requirement, Dr. Prasad failed to timely submit this Declaration of Compliance.
 - (b) A quarterly Declaration of Compliance for the period of December 2005 through February 2006 was due to be received in the Board offices on or before March 1, 2006. Despite this requirement, Dr. Prasad failed to timely submit this Declaration of Compliance.
7. Paragraph 3(g) of the 1998 Order, as modified by the Board on July 10, 2002, requires that Dr. Prasad submit to random urine screenings for drugs and/or alcohol on a once-weekly basis. Further, the 1998 Order states that it is Dr. Prasad's responsibility to ensure that such screening reports are timely submitted.
 - (a) Despite these requirements, Dr. Prasad failed to ensure timely submission of weekly screening reports for the period from September 2005 to March 2006.
 - (b) Moreover, on or about March 13, 2006, in a telephone conversation with Board staff, Dr. Prasad stated that he had not submitted to any urine screens since January 2006.
8. Paragraph 3(g) of the February 1998 Board Order, as modified by the Board in July 2002, requires Dr. Prasad to ensure that the supervising physician provides quarterly reports to the Board, verifying whether all urine screens have been conducted in compliance with this Order, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his/her responsibilities. The supervising physician reports are to be received in the Board offices no later than the due date for Dr. Prasad's Quarterly Declaration of Compliance.

Despite this requirement, Dr. Prasad failed to ensure that the supervising physician report due on March 1, 2006, was timely submitted.

9. Paragraph 3(l) of the February 1998 Board Order requires Dr. Prasad to ensure that the quarterly reports from his monitoring physician are forwarded to the Board on a quarterly basis, or as otherwise directed by the Board.

Dr. Prasad failed to ensure that the monitoring physician report due on March 1, 2006, was timely submitted.

CONCLUSIONS OF LAW

The acts of Kolli Mohan Prasad, M.D., as set forth above in Findings of Fact 6 through 9, constitute a “[v]iolation of the conditions of limitation placed by the board upon a certificate to practice,” as that clause is used in Ohio Revised Code 4731.22(B)(15).

* * * * *

After his certificate was reinstated in November 2003, Dr. Prasad began violating his probationary requirements in 2004. However, because the violations were caused in part by his travel for and preoccupation with his brother’s illness, and because a lengthy suspension could end Dr. Prasad’s career, the Board imposed a 30-day suspension and essentially transmitted a message to him in 2005 that he must henceforth comply fully with the probationary terms or obtain a waiver.

Nonetheless, despite the warning inherent in the May 2005 Order, Dr. Prasad again failed to comply with his probationary requirements. Indeed, Dr. Prasad has not complied with the probationary terms and conditions for any significant length of time since his certificate was reinstated in November 2003.

In the present matter, Dr. Prasad did not seek a hardship waiver of the probationary terms and conditions at issue. Nor did he try with due diligence to obtain random urine screens in February and March 2006. Although Dr. Prasad and his supervising physician have opined that the screens are not of significant value in maintaining Dr. Prasad’s sobriety, the fact remains that the Board had clearly put Dr. Prasad on notice that, if he wanted to retain his Ohio medical certificate, he was obliged to comply with the Board’s 1998 Order, which required him to participate in objective screening as part of his probationary requirements, and to ensure that the Board received the screening results every quarter.

While Dr. Prasad has emphasized that his noncompliance was only a matter of documentation and not about sobriety, the matter is not as simple as that. The Board has reason to be concerned with Dr. Prasad’s continued failure to comply with clear instructions. Although Dr. Prasad emphasizes that there is no evidence to prove a relapse, his repeated failures to provide required urine screens, quarterly declarations, and various reports, have prevented the Board from having adequate assurance of his asserted sobriety. The Board would be well within its discretion to order a permanent revocation at this point.

Nevertheless, in the present matter, Dr. Prasad has again presented extenuating circumstances. He has stated that his noncompliance was related to his brother's death, his own poor health, and his move to a new city for a new job. Thus, the Board may choose to impose a suspension as it did in 2005, and again insist that Dr. Prasad shall henceforth comply with the 1998 Order, in the hope that he can make good use of a final chance to comply with his probationary requirements.

However, if the Board chooses to give Dr. Prasad another chance to comply, the Board may wish to extend the probationary period by one or two years due the fact that he did not fully comply with his probationary terms and conditions in 2004, 2005, or 2006. Another consideration is that, although Dr. Prasad has held an active certificate since he renewed it in April 2006, he has not worked as a physician in Ohio since the notice of opportunity for hearing was issued in April 2006.

PROPOSED ORDER

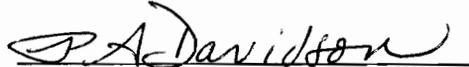
It is hereby **ORDERED** that:

The certificate of Kolli Mohan Prasad, M.D., to practice medicine and surgery in Ohio is **PERMANENTLY REVOKED**, but such revocation is **STAYED**, and Dr. Prasad's certificate is **SUSPENDED** for 30 days.

Dr. Prasad shall comply with the terms, conditions and limitations set forth in the Order of February 11, 1998, in the *Matter of Kolli Prasad, M.D.*, as subsequently modified by the Board, unless he obtains a written waiver from the Board or its representative.

In addition, paragraph 3 of the Order of February 11, 1998, is hereby **MODIFIED** to the extent that Dr. Prasad's certificate shall be subject to the probationary terms, conditions and limitations in the 1998 Order for a period of **NINE** years following reinstatement of his certificate rather than eight years as originally set forth in the February 1998 Order. Thus, based on the reinstatement of Dr. Prasad's certificate on November 12, 2003, the probationary period shall remain in effect until November 12, 2012.

This Order shall become effective immediately upon mailing of notification of approval by the Board.


P. A. Davidson
Hearing Examiner



State Medical Board of Ohio

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EXCERPT FROM THE DRAFT MINUTES OF NOVEMBER 8, 2006

REPORTS AND RECOMMENDATIONS

Dr. Robbins announced that the Board would now consider the findings and orders appearing on the Board's agenda. He asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Fred Andrew Brindle, M.D.; Sudheera Kalepu, M.D.; Kimberly Ann Lee, M.T.; Praveen Menon, M.D.; Charles M. Momah, M.D.; Kolli Mohan Prasad, M.D.; Mark Robert Rosenberg, M.D.; and Mary Mei-Ling Yun, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Madia	- aye
	Dr. Steinbergh	- aye
	Dr. Robbins	- aye

Dr. Robbins 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. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Madia	- aye
	Dr. Steinbergh	- aye
	Dr. Robbins	- aye

Dr. Robbins noted that, in accordance with the provision in Section 4731.22(F)(2), 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 these matters. They may, however, participate in the matters of Dr. Menon and Dr. Kalepu, as those cases are disciplinary in nature and concern only the doctors' qualifications for licensure. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

Dr. Robbins stated that, if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and orders in the above matters. No objections were voiced by Board members present.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

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KOLLI MOHAN PRASAD, M.D.

Dr. Robbins directed the Board's attention to the matter of Kolli Mohan Prasad, M.D. He advised that no objections were filed to Hearing Examiner Davidson's Report and Recommendation.

Dr. Robbins continued that a request to address the Board has been timely filed on behalf of Dr. Prasad. Five minutes would be allowed for that address.

Dr. Prasad was accompanied by attorney Terri Lynne Smiles, who explained that Dr. Prasad's attorney, Elizabeth Y. Collis, was unable to attend this meeting. Ms. Smiles stated that they did not file objections on behalf of Dr. Prasad, because they agree with the Hearing Examiner's recommendation.

Ms. Smiles stated that she would like to address two matters. She stated that, as the Board knows, Dr. Prasad has been monitored by the Board for a number of years. His license was indefinitely suspended, for a minimum of three years, in 1998 due to a relapse on alcohol. He was reinstated on probation in 2003 and has been working under those terms. In 2005, Dr. Prasad's license was suspended for 30 days due to paperwork problems in compliance. That suspension was not based upon a relapse. In fact, Dr. Prasad has been sober since April 1997.

Ms. Smiles stated that they are here today on the notice letter that was sent in April 2006. This was based on the fact that Dr. Prasad failed to submit some of his compliance paperwork and he failed to set up random urine screens for a few weeks that he worked in Illinois in 2006. Ms. Smiles stated that Dr. Prasad recognizes that this is a problem, but there are no allegations that Dr. Prasad has relapsed on alcohol. Dr. Parran, his monitor, testified that he shows no signs of relapse and believes that Dr. Prasad is safe to return to practice at any time.

Ms. Smiles advised that, over the past year, Dr. Prasad has had hundreds of random drug screens. They have all come back clean. She stated that Dr. Prasad understands that these screens are a very important piece for the Board to know that he is staying clean. He is willing to provide the Board with all of the

documentation and all of the screens that are required to continue to maintain his license in Ohio. She advised that Dr. Prasad also recognizes that he has had problems with compliance with paperwork and has gotten himself in some unfortunate situations with respect to his compliance. Dr. Prasad has reached out for help in that respect. His sons have stepped forward to help him submit all of his paperwork on a timely basis and to make sure that all that's happening, and, if he again moves to a new town, to make sure that he gets his screens set up right away so that there isn't any issue with his missing screens for a few weeks. Ms. Smiles continued that Dr. Prasad has also retained her firm to help him through this process and to be another check that he is submitting everything on a timely basis.

Ms. Smiles stated that, given that he did not relapse and that he has been sober since 1997, and that he's now taken some firm steps to make sure that he can continue to comply with this Board's terms, they ask that Dr. Prasad be given the opportunity to continue to practice medicine.

Dr. Prasad at this time addressed the Board. He thanked the Board for the opportunity of appearing before it. He stated that he would like to apologize to the Board. He stated that he has been sober for more than nine years. He's not here before the Board because of a relapse, but he did have significant problems with paperwork and setting up screens when he moved to a new place. He has now made himself, his health and his family top priority. By taking this approach, he has been able to remain sober for the past nine years.

Dr. Prasad stated that, although he appears before the Board for failure to submit certain compliance documentation on time, and for failing to set up the random screens when he was in Illinois during January and March of this year, he wants the Board to know that he doesn't take his agreement with the Medical Board lightly. He takes it very seriously, with as much seriousness as he takes his sobriety.

Dr. Prasad stated that over the past few years he has not only had to work hard to maintain his sobriety, but he also has been faced with the failing health and ultimate death of his brother on November 3, 2005. He has had to endure problems with his own health recently. It has not been easy for him since he has not been employed as a physician. In the middle of 2005, he was offered temporary employment in Danville, Illinois, to work as a radiologist at a V.A. Hospital. He fully informed his employers of his history of alcoholism and his relationship with the Ohio State Medical Board. His three colleagues in Illinois each sent a letter to the Medical Board advising that they worked with him on a daily basis and that all those times he was clean and sober. Dr. Prasad stated that taking the job in Illinois was difficult for him; he had not worked in many years and he had to really work hard to learn a new system, new developments, and the procedures in place. He also had to move to Illinois and live in a hotel during that time.

Dr. Prasad stated that he knew that he had to set up screens by contacting different people at the V.A. Hospital, and they told him that they don't do urine screens; they only do blood screens. That does not satisfy the requirements of the Medical Board, so he had to look for a place. There's only one other lab in the town, and they don't do urine screens either. He stated that, after six weeks, he finally found a place where they do urine screens, and they took him. After that, he began to submit those reports to the Medical Board.

Dr. Prasad stated that he does understand that, to continue to maintain his Ohio license, he has to do random urine screens, as required by the Board. Dr. Prasad stated that he came to Ohio in 1974 and he hasn't moved from Youngstown, Ohio. This is a home to him. He's spent more years in Youngstown than he spent his whole life in India. In the past few months he did acknowledge that he cannot handle all these compliance issues on his own. He retained legal counsel for the first time, and one of his sons agreed to take some responsibility. He could get help, but until now he has refused it. Now, he knows that he does need help and he'll find the right way. Dr. Prasad stated that this is a humbling experience and he continues to learn from it. He does understand the importance of the documentation required by the Ohio State Medical Board. Dr. Prasad stated that Dr. Parran testified on his behalf and said that it's not only the screens that are keeping him sober, but it's the meetings that he attends and his faith in a Higher Power.

Dr. Prasad stated that he's finally at a point where he's healthy and has returned to work. He asked that the Board adopt the Hearing Examiner's proposal. He stated that he's already spent seven months without work. He asked that the Board make any suspension time retroactive. He stated that he would like to return to the practice of medicine, adding that it's the only thing he knows.

Dr. Robbins asked whether the Assistant Attorney General wished to respond.

Mr. Wilcox stated that he won't spend a lot of time going over Dr. Prasad's history; it was well documented in the Report and Recommendation. Dr. Prasad has a lengthy history with this Board, and he has a lengthy history of not following through with what he's supposed to do. He's failed to ensure the paperwork requirements of his consent agreement were met on numerous occasions. What the Board must decide today is whether the Board can effectively monitor this physician.

Mr. Wilcox stated that he doesn't think that Dr. Prasad has demonstrated that this Board can monitor him. He's come before this Board and has expressed that he's had financial problems or family-related problems that have hampered his ability to comply. Mr. Wilcox commented that Dr. Prasad's attitude seems to be that as long as he's sober, everything's fine – it doesn't matter that he doesn't turn in the paperwork. Mr. Wilcox stated that the paperwork in this case is how the Board makes sure that Dr. Prasad remains sober. That's how this Board is able to monitor him; it's the key. Mr. Wilcox stated that he doesn't think that Dr. Prasad understands that. He added that he doesn't know how many times Dr. Prasad can come before this Board and makes excuses for not following through with what he's required to do.

Mr. Wilcox stated that this is a sad case because Dr. Prasad is a nice gentleman. He stated that he met Dr. Prasad's family at the hearing, and they're nice people. He added, however, that, in this situation, Dr. Prasad is not following through with what he has to do for this Board to effectively monitor him. Mr. Wilcox stated that the Board has shown great patience and diligence in trying to help Dr. Prasad through the difficult times. He doesn't feel that the Board has been rewarded with similar patience or commitment from Dr. Prasad.

Mr. Wilcox advised that he disagrees with the recommendation of another 30-day suspension and additional year probation. He questioned what an additional year of probation will do in this case. At this

time, he believes that the only decision the Board should make is to permanently revoke Dr. Prasad's license.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT, CONCLUSIONS, AND PROPOSED ORDER IN THE MATTER OF KOLLI MOHAN PRASAD, M.D. DR. VARYANI SECONDED THE MOTION.

Dr. Robbins stated that he would now entertain discussion in the above matter.

Dr. Egner stated that she would like to go through Dr. Prasad's history with the Board, and then comment on it. She advised that in 1995 Dr. Prasad underwent treatment for impairment. He first relapsed in July 1996, and again in October 1996. Dr. Prasad entered into a consent agreement in February 1997. He had a third relapse in July 1997, and a fourth relapse in September 1997. In March 1998, he underwent a Board Order that included a three-year suspension. In July 2002, Dr. Prasad was granted a decrease in his urine screens. In November 2003, his license was reinstated. In November 2004 he was noncompliant with the Board's Order, was given a 30-day suspension, but not related to relapse. In May 2005, he was again non-compliant with documentation and drug testing for a variety of reasons. Dr. Egner commented that Dr. Prasad should have had better communication with the Board.

Dr. Egner stated that the recommendation before the Board at this time was to add another year of probation to the eight years of probation he previously was under and order another 30-day suspension. Dr. Egner stated that the Board needs to re-look at Dr. Prasad in 2006 and not how the Board looked at him in 1997. She stated that, if the Board looked at this physician today, he would argue, and the Board would agree, that he did not have four relapses; that in a 14-month period of time he never really got adequate treatment. Now, he has not relapsed since 1997 and the Board won't let him go. Dr. Egner stated that, today, the Board would not be holding onto a physician this long. This is a person who has been sober for nine years and has a very low incidence of relapse. The Board now usually puts such physicians on probation for some time between three and five years. If they have not had a relapse, the Board lets them go. Dr. Egner stated that the Board won't let this poor man go. He keeps coming back before the Board, not because the Board is protecting the public so well. Dr. Egner stated that the Board doesn't need to protect the public from a man who has been sober since 1997. According to the way the Board does things today, Dr. Prasad would have been free of the Board in 2002, and now the Hearing Examiner is recommending that the Board keep him around until 2012. Dr. Egner stated that she would go crazy if she had to be under this kind of surveillance, if she had this kind of history.

Dr. Egner stated that she feels the complete opposite of the Attorney General's presentation. She doesn't think that Dr. Prasad should be permanently revoked. She thinks that the Board should quit monitoring Dr. Prasad so closely. He has not given the Board cause to show that he needs to be monitored this closely. She added that now it becomes a power struggle between the rules that the Board has and protecting the public.

Dr. Steinbergh stated that one of the things the Board has not had on a regular basis is proper monitoring,

because Dr. Prasad doesn't do it. He has failed to communicate with the Board if he's going to be moving, if he has a hardship. There's been no communication about that. Dr. Steinbergh agreed that it's been a very, very long time. Dr. Steinbergh stated that one thing she's not certain of is whether he has been sober since April 1997 as he says. She stated that the reason she says that is because one of the things that chemically dependent physicians or others do is lie. The Board doesn't have an ongoing record to support that he was sober. Dr. Prasad says that he was sober. If she's to believe he's sober, she doesn't disagree with Dr. Egner; however, Dr. Prasad has been noncompliant. Dr. Steinbergh stated that those physicians who come before the Board and are compliant, when they finish their term, it's clear. They're done. What drags this out and has dragged others out is the fact that they've been non-compliant and the Board doesn't know for sure that he's been sober. Dr. Prasad says that he's been sober, his attorney says that he's been sober, but how does the Board know that? He has clearly been noncompliant for the number of times Dr. Egner outlined. Dr. Steinbergh stated that she has a problem with that. She added that she thinks that Dr. Prasad is his own worst enemy. He hasn't been compliant and the Board doesn't have that usual picture that it sees when it monitors a physician for five years and can appropriately say, "He's done." Dr. Steinbergh stated that she'd like to agree with Dr. Egner that Dr. Prasad is done. But she's unsure because of his record of non-compliance. Dr. Prasad has asserted sobriety, but the Board hasn't had the appropriate monitoring to document that.

Dr. Egner stated that she thinks that that's part of the reason that the Board also has in place the requirement of personal appearances. The probationers meet with the Secretary and Supervising Member. If sobriety were an issue and not just non-compliance with the screens and paperwork, that would come out in his conferences. She noted that Mr. Albert has a personal relationship with these people.

Dr. Steinbergh again expressed concern about the periods of time when Dr. Prasad didn't submit required urine screens.

Dr. Egner agreed that those can be signs that a physician has relapsed, but there's nothing in here that leads her to believe that he has had relapses that the Board has not caught. If there are, that evidence should have been presented. Dr. Egner again stated that the Board should let this man go.

Dr. Davidson stated that the fact that, in 1998, the Board did a stayed permanent revocation means a lot to her. She agrees that times change and this Board may look at things differently and that the Board may not look at these as relapses now, or as never really attaining any sobriety. She definitely disagrees with the Proposed Order that would permanently revoke him again and stay that again. She stated that "permanent revocation," whether it's stayed or not, has got to be a very significant place to go and the Board shouldn't just choose to try it again.

Dr. Davidson added that she doesn't feel comfortable with more probation. She doesn't think it's worked in the past either. Dr. Davidson stated that, as set forth in the Report and Recommendation, Dr. Prasad has given some of the most ridiculous excuses for non-compliance: he didn't have a phone book; there's an hour time difference in Indiana. She stated that these were reasons she just can't buy. There is the fact that everybody says that they're not aware that he's been drinking, but that happens quite a bit. Even Dr.

Parran says he has “no concerns about Dr. Prasad’s sobriety,” but the Board has seen him be wrong, too. Dr. Davidson stated that compliance is the only way the Board has of getting people back to practice. Dr. Davidson stated that she doesn’t know where to go, but she doesn’t think that another permanent revocation that the Board stays is appropriate.

Dr. Varyani asked whether Dr. Davidson is suggesting that the Board just abandon Dr. Prasad.

Dr. Davidson stated that that’s the way she was leaning. She was interested to see if anybody read this differently. How many times has the Board said that somebody ought to know that they can contact the Board to assist with compliance, but all of the sudden it’s saying, “not here.”

Dr. Varyani stated that this is Dr. Prasad’s second visit before the full Board since he joined the Board. He feels like Dr. Davidson. Dr. Prasad is an adult, a physician, a radiologist, and he’s supposed to be responsible. If a responsible person doesn’t submit paperwork, which is the Board’s way of looking at whether he is or he isn’t using his favorite poisons, Dr. Varyani stated that he doesn’t know. He doesn’t know whether the Board has a process whereby it could suspend Dr. Prasad for a period of time and then he would apply and it would be up to him to tell the Board, rather than the State and the Board keeping him on probation. Dr. Varyani stated that, under the Proposed Order, Dr. Prasad will have six more years under Board monitoring, and he doesn’t know how many times Dr. Prasad will come back. Dr. Varyani stated that he wishes that the Board could modify the Proposed Order in a way to say, “Dr. Prasad, you give us the reports and you’re licensed, but the day you don’t, goodbye.” Dr. Varyani stated that that’s what he would like to do, but he doesn’t know if there’s a means of doing that.

Dr. Davidson suggested a straight revocation.

Dr. Varyani stated that that’s really what he means. The Board could revoke Dr. Prasad’s license, and he can reapply. It will then be up to him to prove to the Board that he has not been drinking.

Dr. Steinbergh stated that, historically, in 1998 the Board did tend to use the language of permanent revocation, and they would stay that permanent revocation. It was significant to the Board. On the other hand, in this time frame, what does the Board do if it has impaired physicians who have relapsed? The Board tends to revoke in a non-permanent way so that they have the option to come back after a marked period of sobriety and can prove that. Otherwise, the Board has permanently revoked those physicians who simply are non-compliant, where the Board has no means of regulating and no means of assuring itself.

Dr. Steinbergh stated that she does understand where Dr. Egner is coming from in terms of public protection and so forth. You can feel sorry for this physician, but he has failed so many times to be compliant with his consent agreements and Board Orders, she doesn’t see that the Board is regulating him at all. He doesn’t take the Board’s discipline seriously. That’s the piece of impairment she wonders about: the poor decision making, the decision that you would take your license so lightly that you would not comply with a Board order, that you would not communicate, that you would not find a way to make your way through this piece if you were really sober and really managing well. When you talk about the ability

to practice medicine, it's this judgment that concerns her. The issue is what to do.

Dr. Egner stated that he does say today that he sees the errors of his ways and that he has taken steps to make sure that these things aren't going to happen again. He has employed counsel, he will have his sons involved. If you believe him, he has taken steps to ensure that this isn't going to happen again.

Mr. Browning stated that he's heard that permanent revocation and then a stay doesn't make sense, and that the probationary period until the end of 2012 doesn't make sense. He suggested suspending Dr. Prasad for 30 days and giving him one year of probation. If he doesn't make it, the Board can do the right thing and stop this process and be done with it, based upon the merits of the case. That will round out a ten-year experience from the last time he drank, and the Board will be done.

MR. BROWNING MOVED TO AMEND THE PROPOSED ORDER BY ELIMINATING THE PROPOSED STAYED PERMANENT REVOCATION, SUSPENDING DR. PRASAD'S LICENSE FOR 30 DAYS AND PLACING HIM ON ONE-YEAR OF PROBATION INSTEAD OF NINE YEARS. DR. EGNER SECONDED THE MOTION.

Dr. Steinbergh stated that, if she were an impaired physician, that Order would mean that, if she's non-compliant, the Board will shorten her probationary term.

Mr. Browning stated that that is not the message here. The message is that one more incident where he doesn't meet the standard, then that's it.

Dr. Steinbergh stated that she doesn't disagree with the suspension, but she doesn't think that one year of probation is enough for that.

Mr. Browning stated that the point is: what is enough? Fifteen years?

Dr. Steinbergh stated that that's where Mr. Browning believes that he's been sober.

Mr. Browning stated that he didn't say that. He's saying that he doesn't see any difference between having him on probation until 2007 or 2012 at this point in his life.

Dr. Varyani asked whether 24 months would make it okay with Dr. Steinbergh.

Dr. Steinbergh stated that she doesn't know.

Dr. Varyani stated that Dr. Steinbergh needs to suggest a number. He added that he is in agreement that the Board should suspend Dr. Prasad's license for 30 days and give him one last chance. He'd go with one year to two years.

Dr. Steinbergh stated that she would agree to two years of probation.

MR. BROWNING AGREED TO THE FRIENDLY AMENDMENT OF A TWO-YEAR PROBATION.

Dr. Steinbergh stated that she understands about the removal of the permanent revocation language but, in 2006 when we have physicians who are non-compliant with their consent agreements or Board orders, this is a serious thing. The language of permanent revocation is a serious thing. She stated that she doesn't disagree with keeping that language in the Proposed Order. Dr. Prasad needs to know that if this happens, he has got to be done. There has got to be an end to it. You cannot just keep excusing away your behavior. She would go back to the permanent revocation language. She does agree that the monitoring term is long. She added that this is not an easy issue. The Board has to expect that physicians are making good judgments and are not making excuses, and that the Board can fully expect them to comply with their orders. To remove the language of permanent revocation at this point would be a mistake.

Ms. Sloan stated that in 2005 the Board actually gave Dr. Prasad the opportunity to comply. The Board also stated that he was on 30-day suspension, and this would send Dr. Prasad a clear message. That was in May. It gave him another shot. What's the difference now?

Dr. Varyani stated that he does not have conclusive evidence that Dr. Prasad is still dependent. He is taking Dr. Prasad's word. Dr. Varyani stated that the non-compliance is, basically, paperwork. He is giving Dr. Prasad the chance on that. That is why he would permanently revoke, suspend the license for 30 days, and then put him on two years of probation. The Board needs to develop language that, if any reports are returned as positive, the revocation will go into effect.

Dr. Davidson asked Dr. Varyani what reports he's talking about.

Dr. Varyani stated that if Dr. Prasad is non-compliant, that is like a positive screen.

Dr. Davidson asked whether that isn't the case today.

Dr. Varyani stated that he understands, but he doesn't know if the Board should give up. He does see that Dr. Prasad's attitude today is a little bit different from the way it was last year. Today he has his family with him. Maybe he will be successful. Dr. Varyani stated that the whole object of giving people chances is that you are hoping that not only the physicians and colleagues help you, but his or her family is now with him or her. This is it; this is the last time. Dr. Varyani stated that if Dr. Prasad ever comes in front of him again, he won't agree to anything other than permanent revocation, even if it's for non-compliance with his paperwork.

Mr. Browning agreed.

Dr. Steinbergh stated that the years and the time and the resources that the Board has spent on this one physician are incredible. Where's the value?

Dr. Varyani stated that the only other thing is to give up and permanently revoke. If most of the Board would go along with that, he will go along with that. Dr. Varyani stated that he's never seen Dr. Prasad's family with him before, and he's just saying that he would give Dr. Prasad a last chance. Dr. Varyani stated that he's heard Dr. Prasad state that the urine screens are ridiculous and that he has to pay a lot of money, things like that. If Dr. Prasad doesn't do what he's told to do, the Board will come after him.

Dr. Robbins commented that he likes what Ms. Sloan said. He referred the Board to page 5, paragraph 10 of the Report and Recommendation, which reads in part:

With respect to the appropriate sanction, several Board members noted that a 90-day suspension would prevent Dr. Prasad from accepting work and could effectively end his career. However, it was also noted that the Board should not "tolerate defiance or lack of compliance" with its requirements.

Dr. Robbins stated that that sounds very similar to what the Board is talking about today. What happened was defiance and non-compliance.

Dr. Varyani stated that he sees non-compliance, but he feels that Dr. Prasad's behavior is different from what it was the last time. He thinks the Board should give him a last chance.

Dr. Steinbergh asked to clarify the motion for amendment. She asked whether the amendment is to modify the Proposed Order to retain the proposed stayed permanent revocation and the proposed 30-day suspension, and then go back to the probationary terms of the February 1998 Board Order, as have been set, for a period of two years.

Mr. Browning noted that Dr. Davidson did not want the permanent revocation language. He stated that if the Board wants that language in, he will be fine with that.

Dr. Varyani asked Ms. Schmidt to recite the motion.

Ms. Schmidt advised that Dr. Browning has moved to amend the Proposed Order to delete the permanent revocation language, to impose a 30-day suspension, and to place Dr. Prasad on probation under the terms of the Board's February 1998 Order for a two-year period.

MR. BROWNING AGREED TO RETAIN THE STAYED PERMANENT REVOCATION LANGUAGE OF THE PROPOSED ORDER.

A vote was taken on Mr. Browning's motion to amend:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye

Dr. Varyani	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Davidson	- nay
Dr. Madia	- aye
Dr. Steinbergh	- nay

The motion carried.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT, CONCLUSIONS, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF KOLLI MOHAN PRASAD, M.D. DR. MADIA SECONDED THE MOTION. A vote was taken:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- nay
	Dr. Madia	- aye
	Dr. Steinbergh	- aye

The motion carried.



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

November 8, 2006

Kolli Mohan Prasad, M.D.
7427 Eagle Trace
Boardman, OH 44512

Dear Doctor Prasad:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Patricia A. Davidson, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on November 8, 2006, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of an original Notice of Appeal with the State Medical Board of Ohio and a copy of the Notice of Appeal with the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Lance A. Talmage
Lance A. Talmage, M.D. *RW*
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 7003 0500 0002 4330 1446
RETURN RECEIPT REQUESTED

Cc: Elizabeth Y. Collis, Esq.
CERTIFIED MAIL NO. 7003 0500 0002 4330 1422
RETURN RECEIPT REQUESTED

Mailed 12-11-06

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Patricia A. Davidson, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on November 8, 2006, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Kolli Mohan Prasad, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

Lance A. Talmage
Lance A. Talmage, M.D. RW
Secretary

(SEAL)

November 8, 2006
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

KOLLI MOHAN PRASAD, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on November 8, 2006.

Upon the Report and Recommendation of Patricia A. Davidson, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification, approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby **ORDERED** that:

The certificate of Kolli Mohan Prasad, M.D., to practice medicine and surgery in Ohio is **PERMANENTLY REVOKED**, but such revocation is **STAYED**, and Dr. Prasad's certificate is **SUSPENDED** for 30 days.

For a period of not less than two years from the effective date of this Order, Dr. Prasad shall comply with the probationary terms, conditions and limitations set forth in the Order of February 11, 1998, in the *Matter of Kolli Prasad, M.D.*, as subsequently modified by the Board, unless he obtains a written waiver from the Board or its representative.

This Order shall become effective immediately upon mailing of notification of approval by the Board.

(SEAL)



Lance A. Talmage, M.D. *ew*
Secretary

November 8, 2006

**REPORT AND RECOMMENDATION
IN THE MATTER OF KOLLI MOHAN PRASAD, M.D.**

The Matter of Kolli Mohan Prasad, M.D., was heard by Patricia A. Davidson, Hearing Examiner for the State Medical Board of Ohio, on July 18 and July 31, 2006.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated April 12, 2006, the State Medical Board of Ohio [Board] notified Kolli Mohan Prasad, M.D., that it proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board's action was based on allegations that Dr. Prasad had violated the terms of his consent agreement with the Board and had thus violated "the conditions of limitation placed by the board upon a certificate to practice," as that clause is used in Ohio Revised Code Section [R.C.] 4731.22(B)(15). Specifically, the Board alleged that Dr. Prasad has failed to submit quarterly declarations of compliance with a Board Order, failed to submit timely results of random urine screening as required, and failed to ensure the timely submission of reports from his monitoring and supervising physicians. Accordingly, the Board advised Dr. Prasad of his right to request a hearing. (State's Exhibit 1A)
- B. On May 10, 2006, Dr. Prasad submitted a written hearing request. (State's Exhibit 1B)

II. Appearances

- A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Kyle C. Wilcox, Assistant Attorney General.
- B. On behalf of the Respondent: Elizabeth Y. Collis, Esq.

EVIDENCE EXAMINED

I. Testimony Heard

- A. Presented by the State: Dr. Prasad, as if on cross-examination, and Danielle Bickers.
- B. Presented by the Respondent: Dr. Prasad and Theodore Parran, M.D.

II. Exhibits Examined

- A. Presented by the State
1. State's Exhibits 1A through 1I: Procedural exhibits.
 2. State's Exhibit 2: Documents maintained by the Board in the *Matter of Kolli Mohan Prasad, M.D.*

B. Presented by the Respondent

1. Respondent's Exhibit 1: Sworn statement by Jagannadharao Brahmamdam, M.D., of United Radiology Services, Corp., in Danville, Illinois.
2. Respondent's Exhibit 2: Sworn statement by Prasad Devabhaktuni, M.D., of United Radiology Services, Corp., in Danville.
3. Respondent's Exhibit 3: Sworn statement by Chilakapati Ramaprasad, M.D., of United Radiology Services, Corp., in Danville.
4. Respondent's Exhibit 4: List prepared by Ravinder Nath, M.D., regarding the medical history of Dr. Prasad from May 2005 to July 14, 2006.
5. Respondent's Exhibit 5: Curriculum vitae of Theodore Parran, M.D.
6. Respondent's Exhibit 6: April 26, 2006 letter from Dr. Parran to Board's compliance section.

[Respondent's Exhibit 7 withdrawn]
7. Respondent's Exhibit 8: December 1, 2005 letter from Dr. Parran to Board's compliance section.

SUMMARY OF THE EVIDENCE

All exhibits and transcripts of testimony, even if not specifically mentioned, were thoroughly reviewed and considered prior to preparing this Report and Recommendation.

Overview

1. Kolli Mohan Prasad, M.D., a radiologist,¹ currently holds an active Ohio certificate to practice medicine, which was renewed in April 2006. He testified that he has no other active license and that he has not practiced medicine since leaving his employment at a veterans medical facility in March 2006, as described more fully below. (Tr. at 18-19)
2. During the hearing, Dr. Prasad made clear that he did not dispute the specific factual allegations set forth in the Board's April 2006 notice of opportunity for hearing with respect to his noncompliance with certain probationary terms and conditions imposed by the Board in its 1998 Board Order. Rather, Dr. Prasad clarified that some of the required materials were eventually submitted to the Board, albeit late. More importantly, Dr. Prasad's defense at the hearing was to present and explain the extenuating circumstances surrounding his noncompliance and to emphasize that there was no evidence of relapse or impairment. *E.g.*, Hearing Transcript [Tr.] at 30, 123.

¹ In a 2005 hearing, Dr. Prasad testified regarding his education, medical training, and employment, and that information is summarized in a Report and Recommendation issued in April 2005. See State's Exhibit 2 at page 11.

Initial Treatment for Alcoholism and 1996 Relapse

3. Dr. Prasad entered treatment for alcoholism at the Cleveland Clinic Foundation in November 1995. Following an aftercare program, he relapsed and was readmitted to the Cleveland Clinic for approximately five days in July 1996. Following discharge, Dr. Prasad failed to participate in Alcoholics Anonymous meetings. In October 1996, Dr. Prasad submitted a urine sample that tested positive for alcohol. He asserted that the positive screen had been caused by taking Nyquil for a cold, but, in November 1996, he admittedly sustained a relapse. (State's Exhibit [St. Ex.] 2 at 66-67; Tr. at 24)

1997 Consent Agreement

4. In February 1997, Dr. Prasad entered into a Consent Agreement with the Board in lieu of proceedings based on his impairment and violation of R.C. 4731.22(B)(26). Under this agreement, Dr. Prasad's certificate was suspended for an indefinite period of time. The agreement required, among other things, complete abstinence from alcohol and random urine screenings on a weekly basis. (St. Ex. 2 at 66-72)

The 1997 Relapse and the 1998 Board Order

5. After entering the Consent Agreement in February 1997, Dr. Prasad relapsed. In October 1997, the Board issued a notice of opportunity for hearing alleging that Dr. Prasad had relapsed, violating R.C. 4731.22(B)(15) and (B)(26). In December 1997, a hearing was held before Hearing Examiner R. Gregory Porter, who issued a Report and Recommendation in January 1998. At the hearing, Dr. Prasad had admitted his relapse in July 1997 but denied a relapse in September 1997. The Hearing Examiner found that Dr. Prasad's denial was not credible in light of other evidence. (St. Ex. 2 at 41-49, 64-65) The Hearing Examiner commented as follows:

It is in Dr. Prasad's favor that he voluntarily reported his relapse to Dr. Collins and to the Board. Nevertheless, it is disturbing that Dr. Prasad would attempt to deceive the Hearing Examiner and the Board by denying under oath a subsequent relapse in September 1997. It is also disturbing that Dr. Prasad denied that his alcoholism was really a problem, despite the fact that Dr. Prasad has taken extraordinary measures to deal with his alcoholism, including inpatient care at the Cleveland Clinic Foundation and four weeks of inpatient care at the Betty Ford Center. * * *

(St. Ex. 2 at 49)

6. In February 1998, the Board approved and confirmed the Hearing Examiner's findings of fact and conclusions of law, determining that Dr. Prasad had violated his 1997 Consent Agreement by consuming alcohol on two occasions in 1997. (St. Ex. 2 at 19-20, 50-63)

In an Entry of Order signed March 11, 1998, which was effective upon mailing on March 12, 1998 [the 1998 Order], the Board permanently revoked Dr. Prasad's certificate but stayed this revocation subject to an indefinite suspension for at least three years. The Board imposed an

array of interim conditions, terms, and limitations for the period of suspension, as well as conditions for reinstatement. (St. Ex. 2 at 30-40)

Paragraph 2(d) of the 1998 Order set forth requirements for the suspension period, including that Dr. Prasad shall abstain completely from the use of alcohol, “shall provide satisfactory quarterly documentation of continuous participation in a drug and alcohol rehabilitation program, such as AA, NA, or Caduceus, no less than six times per week,” shall submit to random urine screenings for drugs and/or alcohol on a random basis at least two times per week, shall ensure that the physician who supervises his urine screens provides quarterly reports to the Board * * * verifying whether all urine screens have been conducted in compliance with this Order [and] whether all urine screens have been negative,” shall submit quarterly declarations stating whether there has been compliance with all the terms of the Order, and shall appear for quarterly interviews. (St. Ex. 2 at 35-36)

7. At its meeting in July 2002, the Board modified the 1998 Order to the extent that the rate of urine screens was reduced to one random screen per week, and the number of required meetings such as AA and Caduceus was reduced to three per week. (Tr. at 76; St. Ex. 1A, minutes pages 12542—12543)

Reinstatement in 2003 under the Terms of the 1998 Board Order

8. On November 12, 2003, the Board granted Dr. Prasad’s request for reinstatement² of his medical certificate, subject to the probationary terms, conditions and limitations in the 1998 Order. Paragraph 3 of the 1998 Order provides that Dr. Prasad’s certificate is subject to these probationary terms for eight years after reinstatement. Thus, pursuant to the terms of the 1998 Order, the probationary period commenced on November 12, 2003, and continues until November 12, 2011. (Tr. at 76-77, 115; St. Ex. 2 at 36-40)

Among the probationary terms, conditions and limitations in the 1998 Order is the requirement in Paragraph 3(c) that Dr. Prasad shall submit quarterly declarations stating whether there had been compliance with all the conditions of probation. (St. Ex. 2 at 36)

In addition, Paragraph 3(f) requires that Dr. Prasad shall abstain completely from the use of alcohol. Paragraph 3(g) requires that, during the probationary period, Dr. Prasad shall submit to random urine screenings for drugs and/or alcohol twice weekly,³ and further requires that Dr. Prasad “shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis.” (St. Ex. 2 at 36-37)

In addition, Paragraph 3(g) requires that Dr. Prasad “shall ensure” that the physician supervising his urine screens “provides quarterly reports to the Board * * * verifying

² The Board used the term “reinstatement” in its 1998 Order with respect to Dr. Prasad’s regaining of his certificate following his suspension, but other documents use the term “restoration.” During the hearing, the parties stipulated to the hearing examiner’s use of the term “reinstatement” in place of the term “restoration” to refer to Dr. Prasad’s regaining of his medical certificate in 2003.

³ As stated above, the Board modified the 1998 order in July 2002, reducing the number of weekly screens to one per week.

whether all urine screens have been conducted in compliance with this Order, and whether the supervising physician remains willing and able to continue in his/her responsibilities.” (St. Ex. 2 at 37)

Paragraph 3(g) also provides as follows:

All screening reports and supervising physician reports required under this paragraph must be received in the Board’s offices no later than the due date for Dr. Prasad’s quarterly declaration. It is Dr. Prasad’s responsibility to ensure that reports are timely submitted. (St. Ex. 2 at 37-38)

Paragraph 3(i) originally provided that, during the probationary period, Dr. Prasad shall maintain participation in an alcohol and drug rehabilitation program such as AA or Caduceus no less than three times per week. (St. Ex. 1 at 38)

Paragraph 3(l) of the 1998 Order requires that Dr. Prasad ensure during his probationary period that quarterly reports from his monitoring physician are forwarded to the Board on a quarterly basis or as otherwise directed by the Board. (St. Ex. 1 at 39)

2004 Violations of Probation followed by Board Order in 2005

9. On November 10, 2004, the Board issued a notice of opportunity for hearing alleging that Dr. Prasad had failed to comply with the terms of the 1998 Order. (St. Ex. 2 at 26-29)

In February 2005, a hearing was held. Dr. Prasad testified that there had been special circumstances making it difficult to comply with his probationary requirements, in that his brother was suffering from terminal cancer in New York and that he had been traveling frequently to assist his brother and family. However, according to Danielle Bickers, the Board’s Compliance Officer, Dr. Prasad knew he could ask to be excused from certain requirements because he had been granted waivers in the past. Ms. Bickers testified that Dr. Prasad had not submitted a written request as he had been instructed to do. Dr. Prasad acknowledged that he should have written to the Board before leaving town, asking to make other arrangements regarding his probationary requirements. (St. Ex. 2 at 9-21)

The Hearing Examiner issued a Report and Recommendation in April 2005, concluding that Dr. Prasad had violated the 1998 Order and thereby violated R.C. 4731.22(B)(15) by failing to submit the required quarterly declarations of compliance, failing to ensure timely submission of weekly urine-screening reports, and failing to submit acceptable documentary evidence of the required participation in a rehabilitation program. (St. Ex. 2 at 9-21)

10. The Board, at its meeting in May 2005, confirmed the findings of fact and conclusions of law. With respect to the appropriate sanction, several Board members noted that a 90-day suspension would prevent Dr. Prasad from accepting work and could effectively end his career. However, it was also noted that the Board should not “tolerate defiance or lack of compliance” with its requirements. One Board member noted that increasing the probationary period rather than suspending the certificate would nonetheless make clear to

Dr. Prasad that he must comply with the Board's requirements. Ultimately, the Board voted to impose a 30-day suspension, which "would send Dr. Prasad a clear message" but would also "give him another shot." (St. Ex. 2 at 22-25)

The Board's Entry of Order was signed on May 18, 2005, and became effective on June 7, 2005 [the 2005 Order]. The Board suspended Dr. Prasad's certificate for 30 days and ordered him to comply with the terms of the 1998 Order. (St. Ex. 2 at 8)

Employment in Danville, Illinois in 2006

11. Dr. Prasad testified that, at the beginning of February 2006, he started work as a radiologist at a veterans medical center in Danville, Illinois.⁴ However, Dr. Prasad testified that his Ohio medical certificate expired on March 31, 2006, because he had failed to submit a renewal request. He stated that he ceased working for the veterans center when his certificate lapsed, although his license was eventually reinstated in late April 2006. Thus, Dr. Prasad worked at the veterans center for about two months, from the beginning of February to the end of March 2006. He testified that, when his license expired at the end of March, he moved back to Youngstown, Ohio. (Tr. at 17-18, 145-146, 156; Resp. Ex. 6)

Noncompliance with Probationary Terms after the 2005 Order: Testimony of Danielle Bickers

12. Danielle Bickers, the Compliance Supervisor for the Board, testified that she personally reviews the probationary terms with licensees upon reinstatement. She further testified that, after Dr. Prasad's certificate was reinstated, she sent him a letter in which she provided a checklist that summarized the terms of the Board's order, including what was required, the due dates, and what Dr. Prasad needed to do to request a waiver of the terms. (Tr. at 61-67, 75)
13. With regard to the importance of the urine screens and other probationary requirements, Ms. Bickers stated that "the drug screens, along with all of the other documentation that the Board requires, are ways for the Board to determine, or * * * be assured that the physician is maintaining sobriety." She further testified: "Without that documentation, we have very little to support any sobriety." (Tr. at 70)
14. Ms. Bickers testified that Dr. Prasad's declarations of compliance were due every quarter, on December 1, March 1, June 1, and September 1, along with the reports from the monitoring and supervising physicians. (St. Ex. 2 at 36-37; Tr. at 61-68, 75, 77-78)
15. Under the terms of the 1998 Order, Dr. Prasad was obliged to submit, no later than December 1, 2005, a quarterly Declaration of Compliance for the three-month period ending November 30, 2005. Ms. Bickers testified that she has no record that Dr. Prasad provided the required declaration for that quarter. (Tr. at 66; Ex. 2 at 36)
16. With regard to the quarterly meeting required under the 1998 Order, Ms. Bickers testified that the Board waived Dr. Prasad's meeting scheduled for December 2005 upon learning of

⁴Dr. Prasad's supervising physician stated in an April 2006 letter to the Board that Dr. Prasad had started this job on January 26, 2006 (Resp. Ex. 6), but the exact date is not material to any issue in the present matter.

the death of his brother in November 2005, “to help accommodate him, in understanding the things that he was going through at the time.” Ms. Bickers testified that, during a telephone conversation in December 2005, she had told Dr. Prasad that the Board would simply have him attend his next regularly scheduled meeting in March 2006, so that he would still meet on the same months as he had since 1998. (Tr. at 74-75)

17. Ms. Bickers testified that Dr. Prasad was required to submit to the Board, on or before March 1, 2006, a quarterly Declaration of Compliance for the quarter ending in February 2006. Ms. Bickers testified that she has no record of receiving the required declaration from Dr. Prasad. (Tr. at 67; Ex. 2 at 36)
18. In addition, Dr. Prasad was obliged to submit weekly urine-screening reports for the period September 2005 to March 2006. Ms. Bickers testified that Dr. Prasad failed to submit screening reports for the period September 2005 to March 2006 in a timely fashion as required under the 1998 Order. (Tr. at 30, 68; St. Ex. 2 at 37)
19. Ms. Bickers testified that, under the 1998 Order, Dr. Prasad was required to submit his weekly urine-screening reports and a report from his supervising physician, Dr. Theodore Parran, no later than December 1, 2005, and March 1, 2006. However, she testified Dr. Prasad did not submit any reports during the required time frame for those quarters, stating that the Board did not receive a timely supervising report from Dr. Parran for the periods from September 2005 to March 2006.⁵ (Tr. at 45-49, 68-72, 87-89, 187-188)
20. Ms. Bickers testified that, on March 13, 2006, she had received a telephone call from Dr. Prasad stating that, because he was living in Danville, he had not received the Board’s notice regarding his March 2006 probationary meeting in time for him to attend. Ms. Bickers stated that, in their telephone conversation, they discussed the status of Dr. Prasad’s compliance with the 1998 Board order, and Dr. Prasad said that he had not submitted any urine screens since January 2006 and that he had not been in contact with Dr. Parran, his supervising physician, about the urine screens. Ms. Bickers testified that she had advised Dr. Prasad to contact Dr. Parran immediately. Further, Ms. Bickers testified that the first time she “had heard of any difficulty that Dr. Prasad had with the screens was when he contacted me by telephone in March 2006.” (Tr. at 69-71, 96)

Ms. Bickers testified that, after the Board issued Dr. Prasad a notice of opportunity for hearing on April 12, 2006, she received “some documentation, not all documentation for compliance, but, yes, some.” She stated that, after the Board issued the notice of opportunity for hearing on April 12, 2006, the Board received the supervising report from Dr. Parran that had been due on March 1, 2006. (Tr. at 45-49, 68-72, 87-89, 187-188; Resp. Ex. 6)

Dr. Prasad agreed that, after he had received the notice of opportunity for hearing in April 2006, he had sent paperwork to Ms. Bickers, including the two non-random urine screens from March 2006 in Danville. He acknowledged that he had not done any urine screens for February or the

⁵The record includes a report from Dr. Parran dated December 1, 2005, but the record does not establish when the Board received it. (Resp. Ex. B, Tr. at 189-190) The date of receipt is not material, however, because the Board has not alleged that Dr. Prasad violated the 1998 Order with respect to the December 2005 supervising report. (St. Ex. 1A)

first part of March 2006. In addition, Dr. Parran acknowledged that his supervising report for the first quarter of 2006 was dated April 26, 2006. (Tr. at 41; 181-188; Resp. Ex. 6)

21. Ms. Bickers testified that, under the 1998 Order, Dr. Prasad was also required to ensure that his monitoring physicians submitted a report to the Board no later than March 1, 2006. Dr. Prasad acknowledged that he was required to ensure that quarterly reports were submitted by his monitoring physicians. Ms. Bickers testified, however, that the Board did not receive a report from Dr. Prasad's monitoring physicians on or before March 1, 2006, as required. (Tr. at 50-51, 72-73, 104)

Dr. Prasad stated that his monitoring physicians were Jagannadharao Brahmamdam, M.D., Prasad Devabhaktuni, M.D., and Chilakapati Ramaprasad, M.D., who had been approved by the Board. (Tr. at 119-121, 135-137)

The record includes a set of monitoring reports from these physicians regarding the first quarter of 2006, but each report is dated July 5, 2006. (Resp. Ex. 1-3)

Dr. Prasad's Testimony regarding Noncompliance following the Board's 2005 Order

22. Dr. Prasad testified, when asked why he had not participated in urine screening during February 2006 and the first half of March 2006, that he had informed his new employer in Illinois of his history of alcoholism and that "they can test me for urine any time they want to if they're in suspicion." He stated that he "was working at a federal facility where drug testing they can do any time, anybody. People working in the federal facility can be tested for drugs and alcohol any time they want to." (Tr. at 39, 41-42, 124)

However, Dr. Prasad also testified that, when he had initially inquired about having his urine screens performed at the facility where he worked, he was not able to do his urine screens there. He stated that his supervisor had informed him that they "don't do urine screens there" and "do only blood screens." (Tr. at 39, 123)

23. Dr. Prasad also explained that it was difficult to arrange for urine screens in Danville, Illinois, because LabCorp, which did his screens in Ohio, did not have a location in Danville. He stated that he had looked in the yellow pages to find a testing laboratory in Danville and had contacted the only laboratory listed, but they had told him "they don't do anything there at all." He testified that, after this inquiry, he had "pretty much stopped" trying to arrange urine screens in the Danville area. (Tr. at 39, 41-43, 123, 125)
24. Dr. Prasad also explained that he had not made arrangements for his urine screens in advance of moving to Danville because his new employer had not given him much notice regarding his start date. (Tr. at 124)

In addition, in explaining why he had not tried harder to get his urine screens arranged when he moved to Danville, Dr. Prasad explained that weekly urine screens are not what keeps him sober; rather, it is AA meetings that help him to stay sober. (Tr. at 43, 113)

25. Dr. Prasad testified further that one of the reasons for his failure to comply with the Board's Order was that his brother had succumbed to cancer in November 2005. In addition, Dr. Prasad stated that he had not submitted certain items in December 2005 as required because he had been told that his December meeting would be omitted or postponed, and he had not realized that the written reports and declaration are due even when he does not have a probationary meeting in person. He stated that he had believed that the documentation requirement was linked to his meeting. (Tr. at 31-32, 52-53, 116, 127, 132-133)
26. Similarly, Dr. Prasad explained that, although the quarterly written materials (AA meeting logs, urine-screening reports, supervising physician report, declaration of compliance) were due on March 1, 2006, prior to his mid-March quarterly meeting, he had gotten confused about when his first quarterly meeting for 2006 would take place. He stated that, after the December 2005 meeting was not held, he had gotten it "stuck in [his] mind" that his next meeting was in April and that "the March meeting did not come into [his] mind at all." (Tr. at 52)

In addition, Dr. Prasad stated that he was not aware of the March 2006 meeting because there was a delay in his receiving the Board's notice about the meeting. He acknowledged, however, that it was his duty to contact the Board to find out when his March meeting would be held but that he had not contacted the Board because he had been thinking that the meeting was scheduled for April. (Tr. at 51-52)

Further, Dr. Prasad stated that he had associated his quarterly reports with his quarterly appointment with Dr. Parran, and that, because he had not met with Dr. Parran during the time he worked in Danville [February and March of 2006], he had no thought of quarterly reports being due. (Tr. at 51-52)

27. With regard to his urine screens, Dr. Prasad stated that he had spoken with Danielle Bickers by telephone in March 2006, telling her that he was having problems getting the urine screens done. He testified that Ms. Bickers had advised him to contact Dr. Parran immediately. However, Dr. Prasad testified that he had not had Dr. Parran's telephone number because he did not have his telephone book with him and did not have the number stored in his cell phone. Dr. Prasad stated that, by the time he talked with Dr. Parran, he had found a place called Polyclinic that would perform non-random urine tests. He testified that Dr. Parran had instructed him to "forget about random anything, just get some screens * * * right now," and to "go ahead and do the screens once every other week," even though they would not be random. Dr. Prasad stated that he had accordingly obtained "non-random urine screens, like, whenever they're free or I'm free." (Tr. at 31-35, 37-41, 43, 125-126)

Dr. Prasad testified that his non-random screens during the last two weeks in March had cost \$170 per screen for a total of \$340. He acknowledged that he had no urine screens at all in February or during the first half of March, but he stated that the two screens in March were negative for prohibited substances. (Tr. at 31-35, 37-41, 43, 127, 148)

28. Further, Dr. Prasad asserted that he had been involved in a car accident while driving from Danville to Youngstown on March 29, 2006. He stated that he had not been hospitalized as

a result of the accident and had refused assistance from the ambulance crew because he “was okay.” (Tr. at 33-35)

Further, Dr. Prasad stated that he had not attended the scheduled meeting with the Board’s compliance representative in April 2006 because he had been “sick during that period with my accident, plus I was taking Advil for my stomach. Just I had ulcer problem, too.” Dr. Prasad asserted that he had become ill on the way to Columbus for his April meeting and had telephoned the Board that he was too sick to travel. He testified that he had spoken with Mr. Albert, but that, due to the time difference of one hour in Indiana, his telephone call had been late. In addition, Dr. Prasad stated that he had been bringing some of the required paperwork to submit at the meeting. He testified that, after he had received the notice of opportunity for hearing mailed on April 12, 2006, he had sent the two Danville urine screens and his logs of AA meetings to Ms. Bickers by the end of April. (Tr. at 30-43)

In addition, when Dr. Prasad was asked why he had ceased having urine screens in April 2006 despite the fact that the 1998 Order was still in effect, he explained that he really was unsure what to do after the Board issued the present notice of opportunity for hearing on April 12, 2006. He further explained that, under the circumstances, saving money on urine testing was helpful. (Tr. at 152-153)

29. With respect to the issue of timely reports from his monitoring physicians, Dr. Prasad did not dispute that the Board’s Order required him to ensure that his monitoring physicians submitted quarterly reports to the Board. Nor does he dispute that he was required to ensure that a report was submitted in early March 2006. Rather, Dr. Prasad explained that he had complied with the Board’s requirements to the extent that his practice was in fact thoroughly monitored by these three physicians, who were approved by the Board, and that the only problem was that he had not ensured that their reports were submitted prior to his scheduled meeting in March 2006. (Tr. at 118-122, 135-137)

In addition, Dr. Prasad explained that he had thought that the reports were not required until after he had worked for three months. He stated that he had not understood, while working in Danville, that he was obliged to ensure that his monitoring physicians submitted a quarterly report by the beginning of March. He stated that, if his monitoring physicians had submitted a report in March, he would have been working with them for “only one month” rather than a quarter, so he had not realized a report was due. (Tr. at 119-122, 135-137)

At hearing, Dr. Prasad presented affidavits from Drs. Devabhaktuni, Brahmamdam, and Ramaprasad, describing their monitoring of Dr. Prasad’s work and commenting on his appearance of sobriety. (Resp. Ex. 1-3)⁶

30. Dr. Prasad testified that another reason that the period of 2005 and early 2006 was difficult for him was that his health was not good. He stated that he had undergone lumbar disk

⁶ These statements were not subject to cross-examination at hearing.

surgery in September 2005 due to a prior failed surgery in which a piece of the disk had not been removed, resulting in foot drop. He testified that the second surgery was successful but painful. In addition, he stated that he had emergency treatment for kidney stones in late 2005 and in January 2006. During one of these visits, he testified, he had noted pain in his chest and neck, and was diagnosed as suffering from a myocardial infarction. He stated that he had undergone emergency angioplasty and stent placement, with further stent placement after the episode had ended. In addition, Dr. Prasad stated that a pancreatic condition had started “acting up again” after the cardiac procedures were completed. (Tr. at 54, 127-128, 139-143; Resp. Ex. 4)

31. Dr. Prasad stated that he had kept Ms. Bickers informed of his situation by telephone or email, but that the Board “always wanted a paper, documentation.” He stated that he was aware he could have sought a waiver of some of his requirements, but that he had not done so. Rather, he said he had tried to comply when he could, and had informed the Board when he could not. (Tr. at 29, 129-131, 159, 161)
32. Dr. Prasad testified that he has not worked since leaving the veterans facility at the end of March 2006, although he has made inquiries, which are pending. (Tr. at 19) When asked to explain to the Board why it should not permanently revoke his certificate, Dr. Prasad stated as follows:

They can take any action they need to take, they want to take; but I tried to enumerate the reasons and the things I was going through as a human being, because I got duties to everyone. You may – this is number one. Yes, it is number one, but at the time of making some choices, in retrospect that they’re bad, they could have been avoided. I don’t know that, how much, knowing what I knew at that time, but what I thought was right decision at that time may not be right decision at this time because I was pressed by too many forces from everywhere. And I’m trying to satisfy all the requirements of me that was required by my family, my professional career. So, as a human being, I’m just trying to make the right decisions * * *.

(Tr. at 58-59)

Testimony of Dr. Prasad’s Supervising Physician

33. Theodore Parran, M.D., testified that he is a board-certified specialist in internal medicine and is also certified by the American Society on Addiction Medicine as an addiction specialist. He stated that he has worked with Dr. Prasad for about eight years under the Board’s 1998 Order, serving as the supervising physician for the urine screening.⁷ He explained that a laboratory arranged to take the urine samples and then sent him the lab results, and that he reviewed these results in preparing a quarterly report to the Board regarding Dr. Prasad’s compliance. In addition, Dr. Parran testified that, in connection with providing these reports, he typically met

⁷Dr. Parran referred several times to the probationary requirements under Dr. Prasad’s “consent agreement,” but the context made clear that he was referring to Dr. Prasad’s probationary requirements under the Board’s 1998 Order. See, e.g., Tr. at 177, 192, 218.

with Dr. Prasad, counseled him, reviewed signed slips from AA meetings, and talked with family members from time to time. (Tr. at 175-184)

34. Dr. Parran stated that he believes he talked with Dr. Prasad twice while Dr. Prasad was in Danville.⁸ Dr. Parran stated that he had encouraged Dr. Prasad to get his urine tests at the hospital where he was working but that had not worked. He was aware that Dr. Prasad had obtained only one or two urine screens during the time he lived in Danville. (Tr. at 185-186)
35. When asked whether one might reasonably conclude that Dr. Prasad could have “found someone to do a weekly urine screen if he had really wanted to find someone to do it,” Dr. Parran agreed that one could reach that conclusion:

*** I think you’re probably right. You know, there’s labs around the country. He told me that he spoke with a treatment program that wanted \$150 for each *** weekly screen. Between him living in an apartment and all the rest of it, that – well, that wasn’t everything that he was making, but that was a fair amount of the money that he was going to be making above and beyond his expenses *** being out there.

And he, you know, felt like that was usury. Actually, I think he feels like much of what he’s spent on tox testing in the last quite a while has been usury, because they charge an awful lot for these things, when most of the dip tests are pretty cheap, like \$6.

I spoke with him about a program. I know it’s a program that has satellites in the Danville, Illinois area, and he said that there were just exorbitantly expensive and he couldn’t do tox testing with them, and that the facility being related to the V.A., he probably couldn’t get it done there, and so I think he just quit.

(Tr. at 219-220)

36. With regard to Dr. Prasad’s medical practice in Danville, Dr. Parran noted that he had spoken with the monitoring physicians and that they had expressed no concerns about Dr. Prasad’s sobriety and had reported that he was doing well, and they “would be interested in having him back.” (Tr. at 186-187)
37. With regard to his supervising report that not submitted by its due date of March 1, 2006, Dr. Parran testified that his report was late because Dr. Prasad was not in town and that, in addition, it was Dr. Parran’s “understanding that the Board was already underway to do something” with Dr. Prasad’s licensure. Thus, he explained, he wanted to see Dr. Prasad and talk with him before the report letter was submitted to the Board. (Tr. at 186-197; Resp Ex. 6)
37. On the question of whether Dr. Prasad had resumed regular urine-screening after moving back to Ohio at the end of March 2006, Dr. Parran testified that he had understood that Dr. Prasad, after he came back to Ohio, would resume his usual urine screens with his local

⁸As set forth above, Dr. Prasad stated that he worked in Danville from the beginning of February through the end of March 2006.

testing lab in Youngstown. However, Dr. Parran said that he had received very few lab results since Dr. Prasad had returned from Danville: “I don’t believe I have gotten hardly any tox screens since April.” (Tr. at 211)

38. However, Dr. Parran was not concerned about the lack of urine screens due to the number of years that Dr. Prasad had maintained sobriety as of this noncompliance with the Board’s 1998 Order. Dr. Parran stated that he is an advocate for urine screening during the first few years of recovery but that screens are not very useful after the first couple of years:

*** Actually, scientifically, the tox screens really aren’t very helpful, especially with alcohol, because alcohol only hangs around in the system for four hours, maybe eight. And so a tox screen’s probably – it certainly is an objective way to try to demonstrate that in that window of time – i.e., the eight hours before that random tox test – the person hadn’t been drinking. But it tends not to be a very sensitive screen. Behavioral issues tend to be way more sensitive than tox testing.

*** [W]hen people with a chemical dependency history relapse, when they are using, it becomes fairly clear fairly quickly based upon their, you know – based upon their behavioral issues.

*** I think tox testing is extremely important, especially in the first couple of years, even potentially three years. ***

It’s one of the tools and probably, you know, from a clinical standpoint in terms of trying to judge whether people are doing well or not, especially with alcohol and especially this far out, the behavioral issues are probably way more useful than tox testing. Again, which is why I’ve periodically recommended to the Board to back way off on this tox testing, because it costs an arm and a leg and it’s not the most useful screening or documentation of sobriety at this stage of the game.

(Tr. at 198-199)

39. With regard to Dr. Prasad’s noncompliance with some probationary terms and conditions, Dr. Parran acknowledged that Dr. Prasad “certainly has blown off, to be perfectly blunt, to some extent, some parts of his consent agreement with you all in the last year.” However, Dr. Parran emphasized that the noncompliance is a “documentation issue” and that there is no evidence that Dr. Prasad has active chemical dependency. (Tr. at 214-215, 218)
40. Dr. Parran stated that, in his opinion, Dr. Prasad has had no relapses and that “clinically, he has done beautifully.” He stated that Dr. Prasad’s wife has corroborated this sobriety, whereas in the past she had “always squealed on him” and told people when he had engaged in drinking alcohol in the past. Further, Dr. Parran expressed the belief that Dr. Prasad has “always told everybody” when he had taken a drink. Dr. Parran concluded that Dr. Prasad’s behavior “has been completely consistent with sobriety” and stated that he has “no” concerns about Dr. Prasad’s sobriety. He testified that there was absolutely no evidence to support that Dr. Prasad had

experienced a relapse or has been “anywhere within a million miles of a relapse in the last few years.” (Tr. at 179, 191-192, 197, 203)

Dr. Parran testified that Dr. Prasad’s wife has been a substantial support to Dr. Prasad since the death of his brother, and that his children are also a support system for him. In addition, Dr. Parran stated that Dr. Prasad had “many support people in the recovering community in the Youngstown area,” including a sponsor and a “couple of recovering docs who he gets together with pretty regularly for breakfast.” Further, Dr. Parran stated that Dr. Prasad sponsors other recovering alcoholics. In his letter of April 26, 2006, Dr. Parran stated that Dr. Prasad had continued to show “strong progress in his sobriety program,” and he stated at hearing the nothing had changed with regard to Dr. Prasad’s sobriety since he wrote the letter in April 2006. (Tr. at 188, 203-205)

FINDINGS OF FACT

1. On February 12, 1997, by Consent Agreement with the Board, the certificate of Kolli Mohan Prasad, M.D., to practice medicine and surgery in Ohio was suspended for an indefinite period of time in lieu of formal proceedings based on Dr. Prasad’s violation of Ohio Revised Code Section [R.C.] 4731.22(B)(26).

In the February 1997 Consent Agreement, Dr. Prasad admitted that he had initially entered treatment at The Cleveland Clinic Foundation [Cleveland Clinic] for alcoholism in November 1995. He further admitted that he had relapsed in July 1996 and November 1996, and that he had failed to participate in Alcoholics Anonymous [AA] meetings as part of his treatment plan for aftercare as recommended by the Cleveland Clinic in July 1996.

2. On October 8, 1997, the Board issued to Dr. Prasad a Notice of Opportunity for Hearing alleging that he had violated R.C. 4731.22(B)(15) and (B)(26) by failing to abstain completely from the use of alcohol. By Entry of Order signed on March 11, 1998 [the 1998 Order], which was effective on March 12, 1998, the Board permanently revoked Dr. Prasad’s certificate to practice medicine and surgery in Ohio but stayed that revocation subject to an indefinite suspension for a period of at least three years, with interim terms, conditions and limitations for the period of suspension. In reaching its decision, the Board found that Dr. Prasad had relapsed by drinking alcohol on two occasions in 1997.

The 1998 Order also provided conditions for reinstatement. In addition, the 1998 Order established that, upon reinstatement of his certificate, Dr. Prasad would be subject to probationary terms, conditions and limitations for a period of eight years. The evidence does not support a finding that Dr. Prasad’s certificate was subject to the probationary terms, conditions and limitations for “a minimum period of” eight years.

Subsequently, in July 2002, at Dr. Prasad’s request, the Board modified the above terms, conditions and limitations, reducing the number of required alcohol and drug rehabilitation meetings to three per week and reducing the drug-screen requirement to once per week.

3. On November 12, 2003, the Board granted reinstatement of Dr. Prasad's certificate, subject to the probationary terms, conditions, and limitations in the Board's 1998 Order.
4. On November 10, 2004, the Board issued to Dr. Prasad a Notice of Opportunity for Hearing alleging that he had violated R.C. 4731.22(B)(15) by failing to submit the required quarterly declarations of compliance, failing to ensure timely submission of weekly urine screening reports, and failing to submit acceptable documentary evidence of the required participation in an alcohol and drug rehabilitation program.
5. By Entry of Order signed May 18, 2005, and effective on June 7, 2005 [the 2005 Order], the Board suspended Dr. Prasad's certificate for 30 days and required him to comply with the terms of the 1998 Order.
6. Paragraph 3(c) of the 1998 Order requires Dr. Prasad to submit quarterly declarations stating whether there has been compliance with all the conditions of probation.
 - (a) A quarterly Declaration of Compliance for the period of September through November 2005 was due to be received in the Board offices on or before December 1, 2005. Despite this requirement, Dr. Prasad failed to timely submit this Declaration of Compliance.
 - (b) A quarterly Declaration of Compliance for the period of December 2005 through February 2006 was due to be received in the Board offices on or before March 1, 2006. Despite this requirement, Dr. Prasad failed to timely submit this Declaration of Compliance.
7. Paragraph 3(g) of the 1998 Order, as modified by the Board on July 10, 2002, requires that Dr. Prasad submit to random urine screenings for drugs and/or alcohol on a once-weekly basis. Further, the 1998 Order states that it is Dr. Prasad's responsibility to ensure that such screening reports are timely submitted.
 - (a) Despite these requirements, Dr. Prasad failed to ensure timely submission of weekly screening reports for the period from September 2005 to March 2006.
 - (b) Moreover, on or about March 13, 2006, in a telephone conversation with Board staff, Dr. Prasad stated that he had not submitted to any urine screens since January 2006.
8. Paragraph 3(g) of the February 1998 Board Order, as modified by the Board in July 2002, requires Dr. Prasad to ensure that the supervising physician provides quarterly reports to the Board, verifying whether all urine screens have been conducted in compliance with this Order, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his/her responsibilities. The supervising physician reports are to be received in the Board offices no later than the due date for Dr. Prasad's Quarterly Declaration of Compliance.

Despite this requirement, Dr. Prasad failed to ensure that the supervising physician report due on March 1, 2006, was timely submitted.

9. Paragraph 3(l) of the February 1998 Board Order requires Dr. Prasad to ensure that the quarterly reports from his monitoring physician are forwarded to the Board on a quarterly basis, or as otherwise directed by the Board.

Dr. Prasad failed to ensure that the monitoring physician report due on March 1, 2006, was timely submitted.

CONCLUSIONS OF LAW

The acts of Kolli Mohan Prasad, M.D., as set forth above in Findings of Fact 6 through 9, constitute a “[v]iolation of the conditions of limitation placed by the board upon a certificate to practice,” as that clause is used in Ohio Revised Code 4731.22(B)(15).

* * * * *

After his certificate was reinstated in November 2003, Dr. Prasad began violating his probationary requirements in 2004. However, because the violations were caused in part by his travel for and preoccupation with his brother’s illness, and because a lengthy suspension could end Dr. Prasad’s career, the Board imposed a 30-day suspension and essentially transmitted a message to him in 2005 that he must henceforth comply fully with the probationary terms or obtain a waiver.

Nonetheless, despite the warning inherent in the May 2005 Order, Dr. Prasad again failed to comply with his probationary requirements. Indeed, Dr. Prasad has not complied with the probationary terms and conditions for any significant length of time since his certificate was reinstated in November 2003.

In the present matter, Dr. Prasad did not seek a hardship waiver of the probationary terms and conditions at issue. Nor did he try with due diligence to obtain random urine screens in February and March 2006. Although Dr. Prasad and his supervising physician have opined that the screens are not of significant value in maintaining Dr. Prasad’s sobriety, the fact remains that the Board had clearly put Dr. Prasad on notice that, if he wanted to retain his Ohio medical certificate, he was obliged to comply with the Board’s 1998 Order, which required him to participate in objective screening as part of his probationary requirements, and to ensure that the Board received the screening results every quarter.

While Dr. Prasad has emphasized that his noncompliance was only a matter of documentation and not about sobriety, the matter is not as simple as that. The Board has reason to be concerned with Dr. Prasad’s continued failure to comply with clear instructions. Although Dr. Prasad emphasizes that there is no evidence to prove a relapse, his repeated failures to provide required urine screens, quarterly declarations, and various reports, have prevented the Board from having adequate assurance of his asserted sobriety. The Board would be well within its discretion to order a permanent revocation at this point.

Nevertheless, in the present matter, Dr. Prasad has again presented extenuating circumstances. He has stated that his noncompliance was related to his brother's death, his own poor health, and his move to a new city for a new job. Thus, the Board may choose to impose a suspension as it did in 2005, and again insist that Dr. Prasad shall henceforth comply with the 1998 Order, in the hope that he can make good use of a final chance to comply with his probationary requirements.

However, if the Board chooses to give Dr. Prasad another chance to comply, the Board may wish to extend the probationary period by one or two years due the fact that he did not fully comply with his probationary terms and conditions in 2004, 2005, or 2006. Another consideration is that, although Dr. Prasad has held an active certificate since he renewed it in April 2006, he has not worked as a physician in Ohio since the notice of opportunity for hearing was issued in April 2006.

PROPOSED ORDER

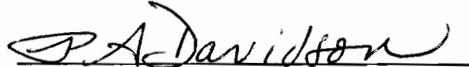
It is hereby **ORDERED** that:

The certificate of Kolli Mohan Prasad, M.D., to practice medicine and surgery in Ohio is **PERMANENTLY REVOKED**, but such revocation is **STAYED**, and Dr. Prasad's certificate is **SUSPENDED** for 30 days.

Dr. Prasad shall comply with the terms, conditions and limitations set forth in the Order of February 11, 1998, in the *Matter of Kolli Prasad, M.D.*, as subsequently modified by the Board, unless he obtains a written waiver from the Board or its representative.

In addition, paragraph 3 of the Order of February 11, 1998, is hereby **MODIFIED** to the extent that Dr. Prasad's certificate shall be subject to the probationary terms, conditions and limitations in the 1998 Order for a period of **NINE** years following reinstatement of his certificate rather than eight years as originally set forth in the February 1998 Order. Thus, based on the reinstatement of Dr. Prasad's certificate on November 12, 2003, the probationary period shall remain in effect until November 12, 2012.

This Order shall become effective immediately upon mailing of notification of approval by the Board.


P. A. Davidson
Hearing Examiner



State Medical Board of Ohio

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EXCERPT FROM THE DRAFT MINUTES OF NOVEMBER 8, 2006

REPORTS AND RECOMMENDATIONS

Dr. Robbins announced that the Board would now consider the findings and orders appearing on the Board's agenda. He asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Fred Andrew Brindle, M.D.; Sudheera Kalepu, M.D.; Kimberly Ann Lee, M.T.; Praveen Menon, M.D.; Charles M. Momah, M.D.; Kolli Mohan Prasad, M.D.; Mark Robert Rosenberg, M.D.; and Mary Mei-Ling Yun, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Madia	- aye
	Dr. Steinbergh	- aye
	Dr. Robbins	- aye

Dr. Robbins 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. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Madia	- aye
	Dr. Steinbergh	- aye
	Dr. Robbins	- aye

Dr. Robbins noted that, in accordance with the provision in Section 4731.22(F)(2), 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 these matters. They may, however, participate in the matters of Dr. Menon and Dr. Kalepu, as those cases are disciplinary in nature and concern only the doctors' qualifications for licensure. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

Dr. Robbins stated that, if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and orders in the above matters. No objections were voiced by Board members present.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

.....
KOLLI MOHAN PRASAD, M.D.

Dr. Robbins directed the Board's attention to the matter of Kolli Mohan Prasad, M.D. He advised that no objections were filed to Hearing Examiner Davidson's Report and Recommendation.

Dr. Robbins continued that a request to address the Board has been timely filed on behalf of Dr. Prasad. Five minutes would be allowed for that address.

Dr. Prasad was accompanied by attorney Terri Lynne Smiles, who explained that Dr. Prasad's attorney, Elizabeth Y. Collis, was unable to attend this meeting. Ms. Smiles stated that they did not file objections on behalf of Dr. Prasad, because they agree with the Hearing Examiner's recommendation.

Ms. Smiles stated that she would like to address two matters. She stated that, as the Board knows, Dr. Prasad has been monitored by the Board for a number of years. His license was indefinitely suspended, for a minimum of three years, in 1998 due to a relapse on alcohol. He was reinstated on probation in 2003 and has been working under those terms. In 2005, Dr. Prasad's license was suspended for 30 days due to paperwork problems in compliance. That suspension was not based upon a relapse. In fact, Dr. Prasad has been sober since April 1997.

Ms. Smiles stated that they are here today on the notice letter that was sent in April 2006. This was based on the fact that Dr. Prasad failed to submit some of his compliance paperwork and he failed to set up random urine screens for a few weeks that he worked in Illinois in 2006. Ms. Smiles stated that Dr. Prasad recognizes that this is a problem, but there are no allegations that Dr. Prasad has relapsed on alcohol. Dr. Parran, his monitor, testified that he shows no signs of relapse and believes that Dr. Prasad is safe to return to practice at any time.

Ms. Smiles advised that, over the past year, Dr. Prasad has had hundreds of random drug screens. They have all come back clean. She stated that Dr. Prasad understands that these screens are a very important piece for the Board to know that he is staying clean. He is willing to provide the Board with all of the

documentation and all of the screens that are required to continue to maintain his license in Ohio. She advised that Dr. Prasad also recognizes that he has had problems with compliance with paperwork and has gotten himself in some unfortunate situations with respect to his compliance. Dr. Prasad has reached out for help in that respect. His sons have stepped forward to help him submit all of his paperwork on a timely basis and to make sure that all that's happening, and, if he again moves to a new town, to make sure that he gets his screens set up right away so that there isn't any issue with his missing screens for a few weeks. Ms. Smiles continued that Dr. Prasad has also retained her firm to help him through this process and to be another check that he is submitting everything on a timely basis.

Ms. Smiles stated that, given that he did not relapse and that he has been sober since 1997, and that he's now taken some firm steps to make sure that he can continue to comply with this Board's terms, they ask that Dr. Prasad be given the opportunity to continue to practice medicine.

Dr. Prasad at this time addressed the Board. He thanked the Board for the opportunity of appearing before it. He stated that he would like to apologize to the Board. He stated that he has been sober for more than nine years. He's not here before the Board because of a relapse, but he did have significant problems with paperwork and setting up screens when he moved to a new place. He has now made himself, his health and his family top priority. By taking this approach, he has been able to remain sober for the past nine years.

Dr. Prasad stated that, although he appears before the Board for failure to submit certain compliance documentation on time, and for failing to set up the random screens when he was in Illinois during January and March of this year, he wants the Board to know that he doesn't take his agreement with the Medical Board lightly. He takes it very seriously, with as much seriousness as he takes his sobriety.

Dr. Prasad stated that over the past few years he has not only had to work hard to maintain his sobriety, but he also has been faced with the failing health and ultimate death of his brother on November 3, 2005. He has had to endure problems with his own health recently. It has not been easy for him since he has not been employed as a physician. In the middle of 2005, he was offered temporary employment in Danville, Illinois, to work as a radiologist at a V.A. Hospital. He fully informed his employers of his history of alcoholism and his relationship with the Ohio State Medical Board. His three colleagues in Illinois each sent a letter to the Medical Board advising that they worked with him on a daily basis and that all those times he was clean and sober. Dr. Prasad stated that taking the job in Illinois was difficult for him; he had not worked in many years and he had to really work hard to learn a new system, new developments, and the procedures in place. He also had to move to Illinois and live in a hotel during that time.

Dr. Prasad stated that he knew that he had to set up screens by contacting different people at the V.A. Hospital, and they told him that they don't do urine screens; they only do blood screens. That does not satisfy the requirements of the Medical Board, so he had to look for a place. There's only one other lab in the town, and they don't do urine screens either. He stated that, after six weeks, he finally found a place where they do urine screens, and they took him. After that, he began to submit those reports to the Medical Board.

Dr. Prasad stated that he does understand that, to continue to maintain his Ohio license, he has to do random urine screens, as required by the Board. Dr. Prasad stated that he came to Ohio in 1974 and he hasn't moved from Youngstown, Ohio. This is a home to him. He's spent more years in Youngstown than he spent his whole life in India. In the past few months he did acknowledge that he cannot handle all these compliance issues on his own. He retained legal counsel for the first time, and one of his sons agreed to take some responsibility. He could get help, but until now he has refused it. Now, he knows that he does need help and he'll find the right way. Dr. Prasad stated that this is a humbling experience and he continues to learn from it. He does understand the importance of the documentation required by the Ohio State Medical Board. Dr. Prasad stated that Dr. Parran testified on his behalf and said that it's not only the screens that are keeping him sober, but it's the meetings that he attends and his faith in a Higher Power.

Dr. Prasad stated that he's finally at a point where he's healthy and has returned to work. He asked that the Board adopt the Hearing Examiner's proposal. He stated that he's already spent seven months without work. He asked that the Board make any suspension time retroactive. He stated that he would like to return to the practice of medicine, adding that it's the only thing he knows.

Dr. Robbins asked whether the Assistant Attorney General wished to respond.

Mr. Wilcox stated that he won't spend a lot of time going over Dr. Prasad's history; it was well documented in the Report and Recommendation. Dr. Prasad has a lengthy history with this Board, and he has a lengthy history of not following through with what he's supposed to do. He's failed to ensure the paperwork requirements of his consent agreement were met on numerous occasions. What the Board must decide today is whether the Board can effectively monitor this physician.

Mr. Wilcox stated that he doesn't think that Dr. Prasad has demonstrated that this Board can monitor him. He's come before this Board and has expressed that he's had financial problems or family-related problems that have hampered his ability to comply. Mr. Wilcox commented that Dr. Prasad's attitude seems to be that as long as he's sober, everything's fine – it doesn't matter that he doesn't turn in the paperwork. Mr. Wilcox stated that the paperwork in this case is how the Board makes sure that Dr. Prasad remains sober. That's how this Board is able to monitor him; it's the key. Mr. Wilcox stated that he doesn't think that Dr. Prasad understands that. He added that he doesn't know how many times Dr. Prasad can come before this Board and makes excuses for not following through with what he's required to do.

Mr. Wilcox stated that this is a sad case because Dr. Prasad is a nice gentleman. He stated that he met Dr. Prasad's family at the hearing, and they're nice people. He added, however, that, in this situation, Dr. Prasad is not following through with what he has to do for this Board to effectively monitor him. Mr. Wilcox stated that the Board has shown great patience and diligence in trying to help Dr. Prasad through the difficult times. He doesn't feel that the Board has been rewarded with similar patience or commitment from Dr. Prasad.

Mr. Wilcox advised that he disagrees with the recommendation of another 30-day suspension and additional year probation. He questioned what an additional year of probation will do in this case. At this

time, he believes that the only decision the Board should make is to permanently revoke Dr. Prasad's license.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT, CONCLUSIONS, AND PROPOSED ORDER IN THE MATTER OF KOLLI MOHAN PRASAD, M.D. DR. VARYANI SECONDED THE MOTION.

Dr. Robbins stated that he would now entertain discussion in the above matter.

Dr. Egner stated that she would like to go through Dr. Prasad's history with the Board, and then comment on it. She advised that in 1995 Dr. Prasad underwent treatment for impairment. He first relapsed in July 1996, and again in October 1996. Dr. Prasad entered into a consent agreement in February 1997. He had a third relapse in July 1997, and a fourth relapse in September 1997. In March 1998, he underwent a Board Order that included a three-year suspension. In July 2002, Dr. Prasad was granted a decrease in his urine screens. In November 2003, his license was reinstated. In November 2004 he was noncompliant with the Board's Order, was given a 30-day suspension, but not related to relapse. In May 2005, he was again non-compliant with documentation and drug testing for a variety of reasons. Dr. Egner commented that Dr. Prasad should have had better communication with the Board.

Dr. Egner stated that the recommendation before the Board at this time was to add another year of probation to the eight years of probation he previously was under and order another 30-day suspension. Dr. Egner stated that the Board needs to re-look at Dr. Prasad in 2006 and not how the Board looked at him in 1997. She stated that, if the Board looked at this physician today, he would argue, and the Board would agree, that he did not have four relapses; that in a 14-month period of time he never really got adequate treatment. Now, he has not relapsed since 1997 and the Board won't let him go. Dr. Egner stated that, today, the Board would not be holding onto a physician this long. This is a person who has been sober for nine years and has a very low incidence of relapse. The Board now usually puts such physicians on probation for some time between three and five years. If they have not had a relapse, the Board lets them go. Dr. Egner stated that the Board won't let this poor man go. He keeps coming back before the Board, not because the Board is protecting the public so well. Dr. Egner stated that the Board doesn't need to protect the public from a man who has been sober since 1997. According to the way the Board does things today, Dr. Prasad would have been free of the Board in 2002, and now the Hearing Examiner is recommending that the Board keep him around until 2012. Dr. Egner stated that she would go crazy if she had to be under this kind of surveillance, if she had this kind of history.

Dr. Egner stated that she feels the complete opposite of the Attorney General's presentation. She doesn't think that Dr. Prasad should be permanently revoked. She thinks that the Board should quit monitoring Dr. Prasad so closely. He has not given the Board cause to show that he needs to be monitored this closely. She added that now it becomes a power struggle between the rules that the Board has and protecting the public.

Dr. Steinbergh stated that one of the things the Board has not had on a regular basis is proper monitoring,

because Dr. Prasad doesn't do it. He has failed to communicate with the Board if he's going to be moving, if he has a hardship. There's been no communication about that. Dr. Steinbergh agreed that it's been a very, very long time. Dr. Steinbergh stated that one thing she's not certain of is whether he has been sober since April 1997 as he says. She stated that the reason she says that is because one of the things that chemically dependent physicians or others do is lie. The Board doesn't have an ongoing record to support that he was sober. Dr. Prasad says that he was sober. If she's to believe he's sober, she doesn't disagree with Dr. Egner; however, Dr. Prasad has been noncompliant. Dr. Steinbergh stated that those physicians who come before the Board and are compliant, when they finish their term, it's clear. They're done. What drags this out and has dragged others out is the fact that they've been non-compliant and the Board doesn't know for sure that he's been sober. Dr. Prasad says that he's been sober, his attorney says that he's been sober, but how does the Board know that? He has clearly been noncompliant for the number of times Dr. Egner outlined. Dr. Steinbergh stated that she has a problem with that. She added that she thinks that Dr. Prasad is his own worst enemy. He hasn't been compliant and the Board doesn't have that usual picture that it sees when it monitors a physician for five years and can appropriately say, "He's done." Dr. Steinbergh stated that she'd like to agree with Dr. Egner that Dr. Prasad is done. But she's unsure because of his record of non-compliance. Dr. Prasad has asserted sobriety, but the Board hasn't had the appropriate monitoring to document that.

Dr. Egner stated that she thinks that that's part of the reason that the Board also has in place the requirement of personal appearances. The probationers meet with the Secretary and Supervising Member. If sobriety were an issue and not just non-compliance with the screens and paperwork, that would come out in his conferences. She noted that Mr. Albert has a personal relationship with these people.

Dr. Steinbergh again expressed concern about the periods of time when Dr. Prasad didn't submit required urine screens.

Dr. Egner agreed that those can be signs that a physician has relapsed, but there's nothing in here that leads her to believe that he has had relapses that the Board has not caught. If there are, that evidence should have been presented. Dr. Egner again stated that the Board should let this man go.

Dr. Davidson stated that the fact that, in 1998, the Board did a stayed permanent revocation means a lot to her. She agrees that times change and this Board may look at things differently and that the Board may not look at these as relapses now, or as never really attaining any sobriety. She definitely disagrees with the Proposed Order that would permanently revoke him again and stay that again. She stated that "permanent revocation," whether it's stayed or not, has got to be a very significant place to go and the Board shouldn't just choose to try it again.

Dr. Davidson added that she doesn't feel comfortable with more probation. She doesn't think it's worked in the past either. Dr. Davidson stated that, as set forth in the Report and Recommendation, Dr. Prasad has given some of the most ridiculous excuses for non-compliance: he didn't have a phone book; there's an hour time difference in Indiana. She stated that these were reasons she just can't buy. There is the fact that everybody says that they're not aware that he's been drinking, but that happens quite a bit. Even Dr.

Parran says he has “no concerns about Dr. Prasad’s sobriety,” but the Board has seen him be wrong, too. Dr. Davidson stated that compliance is the only way the Board has of getting people back to practice. Dr. Davidson stated that she doesn’t know where to go, but she doesn’t think that another permanent revocation that the Board stays is appropriate.

Dr. Varyani asked whether Dr. Davidson is suggesting that the Board just abandon Dr. Prasad.

Dr. Davidson stated that that’s the way she was leaning. She was interested to see if anybody read this differently. How many times has the Board said that somebody ought to know that they can contact the Board to assist with compliance, but all of the sudden it’s saying, “not here.”

Dr. Varyani stated that this is Dr. Prasad’s second visit before the full Board since he joined the Board. He feels like Dr. Davidson. Dr. Prasad is an adult, a physician, a radiologist, and he’s supposed to be responsible. If a responsible person doesn’t submit paperwork, which is the Board’s way of looking at whether he is or he isn’t using his favorite poisons, Dr. Varyani stated that he doesn’t know. He doesn’t know whether the Board has a process whereby it could suspend Dr. Prasad for a period of time and then he would apply and it would be up to him to tell the Board, rather than the State and the Board keeping him on probation. Dr. Varyani stated that, under the Proposed Order, Dr. Prasad will have six more years under Board monitoring, and he doesn’t know how many times Dr. Prasad will come back. Dr. Varyani stated that he wishes that the Board could modify the Proposed Order in a way to say, “Dr. Prasad, you give us the reports and you’re licensed, but the day you don’t, goodbye.” Dr. Varyani stated that that’s what he would like to do, but he doesn’t know if there’s a means of doing that.

Dr. Davidson suggested a straight revocation.

Dr. Varyani stated that that’s really what he means. The Board could revoke Dr. Prasad’s license, and he can reapply. It will then be up to him to prove to the Board that he has not been drinking.

Dr. Steinbergh stated that, historically, in 1998 the Board did tend to use the language of permanent revocation, and they would stay that permanent revocation. It was significant to the Board. On the other hand, in this time frame, what does the Board do if it has impaired physicians who have relapsed? The Board tends to revoke in a non-permanent way so that they have the option to come back after a marked period of sobriety and can prove that. Otherwise, the Board has permanently revoked those physicians who simply are non-compliant, where the Board has no means of regulating and no means of assuring itself.

Dr. Steinbergh stated that she does understand where Dr. Egner is coming from in terms of public protection and so forth. You can feel sorry for this physician, but he has failed so many times to be compliant with his consent agreements and Board Orders, she doesn’t see that the Board is regulating him at all. He doesn’t take the Board’s discipline seriously. That’s the piece of impairment she wonders about: the poor decision making, the decision that you would take your license so lightly that you would not comply with a Board order, that you would not communicate, that you would not find a way to make your way through this piece if you were really sober and really managing well. When you talk about the ability

to practice medicine, it's this judgment that concerns her. The issue is what to do.

Dr. Egner stated that he does say today that he sees the errors of his ways and that he has taken steps to make sure that these things aren't going to happen again. He has employed counsel, he will have his sons involved. If you believe him, he has taken steps to ensure that this isn't going to happen again.

Mr. Browning stated that he's heard that permanent revocation and then a stay doesn't make sense, and that the probationary period until the end of 2012 doesn't make sense. He suggested suspending Dr. Prasad for 30 days and giving him one year of probation. If he doesn't make it, the Board can do the right thing and stop this process and be done with it, based upon the merits of the case. That will round out a ten-year experience from the last time he drank, and the Board will be done.

MR. BROWNING MOVED TO AMEND THE PROPOSED ORDER BY ELIMINATING THE PROPOSED STAYED PERMANENT REVOCATION, SUSPENDING DR. PRASAD'S LICENSE FOR 30 DAYS AND PLACING HIM ON ONE-YEAR OF PROBATION INSTEAD OF NINE YEARS. DR. EGNER SECONDED THE MOTION.

Dr. Steinbergh stated that, if she were an impaired physician, that Order would mean that, if she's non-compliant, the Board will shorten her probationary term.

Mr. Browning stated that that is not the message here. The message is that one more incident where he doesn't meet the standard, then that's it.

Dr. Steinbergh stated that she doesn't disagree with the suspension, but she doesn't think that one year of probation is enough for that.

Mr. Browning stated that the point is: what is enough? Fifteen years?

Dr. Steinbergh stated that that's where Mr. Browning believes that he's been sober.

Mr. Browning stated that he didn't say that. He's saying that he doesn't see any difference between having him on probation until 2007 or 2012 at this point in his life.

Dr. Varyani asked whether 24 months would make it okay with Dr. Steinbergh.

Dr. Steinbergh stated that she doesn't know.

Dr. Varyani stated that Dr. Steinbergh needs to suggest a number. He added that he is in agreement that the Board should suspend Dr. Prasad's license for 30 days and give him one last chance. He'd go with one year to two years.

Dr. Steinbergh stated that she would agree to two years of probation.

MR. BROWNING AGREED TO THE FRIENDLY AMENDMENT OF A TWO-YEAR PROBATION.

Dr. Steinbergh stated that she understands about the removal of the permanent revocation language but, in 2006 when we have physicians who are non-compliant with their consent agreements or Board orders, this is a serious thing. The language of permanent revocation is a serious thing. She stated that she doesn't disagree with keeping that language in the Proposed Order. Dr. Prasad needs to know that if this happens, he has got to be done. There has got to be an end to it. You cannot just keep excusing away your behavior. She would go back to the permanent revocation language. She does agree that the monitoring term is long. She added that this is not an easy issue. The Board has to expect that physicians are making good judgments and are not making excuses, and that the Board can fully expect them to comply with their orders. To remove the language of permanent revocation at this point would be a mistake.

Ms. Sloan stated that in 2005 the Board actually gave Dr. Prasad the opportunity to comply. The Board also stated that he was on 30-day suspension, and this would send Dr. Prasad a clear message. That was in May. It gave him another shot. What's the difference now?

Dr. Varyani stated that he does not have conclusive evidence that Dr. Prasad is still dependent. He is taking Dr. Prasad's word. Dr. Varyani stated that the non-compliance is, basically, paperwork. He is giving Dr. Prasad the chance on that. That is why he would permanently revoke, suspend the license for 30 days, and then put him on two years of probation. The Board needs to develop language that, if any reports are returned as positive, the revocation will go into effect.

Dr. Davidson asked Dr. Varyani what reports he's talking about.

Dr. Varyani stated that if Dr. Prasad is non-compliant, that is like a positive screen.

Dr. Davidson asked whether that isn't the case today.

Dr. Varyani stated that he understands, but he doesn't know if the Board should give up. He does see that Dr. Prasad's attitude today is a little bit different from the way it was last year. Today he has his family with him. Maybe he will be successful. Dr. Varyani stated that the whole object of giving people chances is that you are hoping that not only the physicians and colleagues help you, but his or her family is now with him or her. This is it; this is the last time. Dr. Varyani stated that if Dr. Prasad ever comes in front of him again, he won't agree to anything other than permanent revocation, even if it's for non-compliance with his paperwork.

Mr. Browning agreed.

Dr. Steinbergh stated that the years and the time and the resources that the Board has spent on this one physician are incredible. Where's the value?

Dr. Varyani stated that the only other thing is to give up and permanently revoke. If most of the Board would go along with that, he will go along with that. Dr. Varyani stated that he's never seen Dr. Prasad's family with him before, and he's just saying that he would give Dr. Prasad a last chance. Dr. Varyani stated that he's heard Dr. Prasad state that the urine screens are ridiculous and that he has to pay a lot of money, things like that. If Dr. Prasad doesn't do what he's told to do, the Board will come after him.

Dr. Robbins commented that he likes what Ms. Sloan said. He referred the Board to page 5, paragraph 10 of the Report and Recommendation, which reads in part:

With respect to the appropriate sanction, several Board members noted that a 90-day suspension would prevent Dr. Prasad from accepting work and could effectively end his career. However, it was also noted that the Board should not "tolerate defiance or lack of compliance" with its requirements.

Dr. Robbins stated that that sounds very similar to what the Board is talking about today. What happened was defiance and non-compliance.

Dr. Varyani stated that he sees non-compliance, but he feels that Dr. Prasad's behavior is different from what it was the last time. He thinks the Board should give him a last chance.

Dr. Steinbergh asked to clarify the motion for amendment. She asked whether the amendment is to modify the Proposed Order to retain the proposed stayed permanent revocation and the proposed 30-day suspension, and then go back to the probationary terms of the February 1998 Board Order, as have been set, for a period of two years.

Mr. Browning noted that Dr. Davidson did not want the permanent revocation language. He stated that if the Board wants that language in, he will be fine with that.

Dr. Varyani asked Ms. Schmidt to recite the motion.

Ms. Schmidt advised that Dr. Browning has moved to amend the Proposed Order to delete the permanent revocation language, to impose a 30-day suspension, and to place Dr. Prasad on probation under the terms of the Board's February 1998 Order for a two-year period.

MR. BROWNING AGREED TO RETAIN THE STAYED PERMANENT REVOCATION LANGUAGE OF THE PROPOSED ORDER.

A vote was taken on Mr. Browning's motion to amend:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye

Dr. Varyani	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Davidson	- nay
Dr. Madia	- aye
Dr. Steinbergh	- nay

The motion carried.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT, CONCLUSIONS, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF KOLLI MOHAN PRASAD, M.D. DR. MADIA SECONDED THE MOTION. A vote was taken:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- nay
	Dr. Madia	- aye
	Dr. Steinbergh	- aye

The motion carried.



State Medical Board of Ohio

777 High St., 15th Floor • Columbus, OH 43215-4127 • (614) 466-3954 • Fax: (614) 466-3955 • Secretary@medboard.ohio.gov

April 12, 2006

Kolli Mohan Prasad, M.D.
7427 Eagle Trace
Boardman, Ohio 44512

Dear Doctor Prasad:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about February 12, 1997, by Consent Agreement with the Board, your certificate to practice medicine and surgery in Ohio was suspended for an indefinite period of time in lieu of formal proceedings, based upon your violations of Section 4731.22(B)(26), Ohio Revised Code.

Your admissions included that you initially entered treatment at the Cleveland Clinic Foundation [CCF] for alcoholism in November 1995, that you subsequently relapsed in July 1996 and November 1996, and that you failed to participate in local Alcoholics Anonymous meetings as part of your treatment plan for aftercare as recommended by CCF in July 1996.

- (2) On or about October 8, 1997, the Board issued to you a Notice of Opportunity for Hearing alleging you had violated Sections 4731.22(B)(15) and (B)(26), Ohio Revised Code, by failing to abstain from the use of alcohol.

By Entry of Order on or about February 11, 1998, effective on or about March 12, 1998 [February 1998 Board Order], your certificate to practice medicine and surgery in Ohio was permanently revoked; the permanent revocation was stayed, subject to indefinite suspension for a period of at least three years, with interim terms, conditions and limitations. The Board found that you had relapsed by drinking alcohol on two occasions in 1997.

Further, the February 1998 Board Order provided conditions for reinstatement, and probationary terms, conditions and limitations for a minimum period of eight years. A copy of the February 1998 Board Order is attached hereto and incorporated herein.

Mailed 4-13-06

Subsequently, on or about July 10, 2002, at your request, the Board modified the above terms, conditions and limitations, thereby reducing your alcohol and drug rehabilitation meetings to three per week and your drug screen requirement to once per week. A copy of the applicable Board Minutes is attached hereto and incorporated herein.

- (3) On or about November 12, 2003, the Board granted your request for restoration of your certificate to practice medicine and surgery, subject to probationary terms, conditions and limitations established by the above February 1998 Board Order.
- (4) On or about November 10, 2004, the Board issued to you a Notice of Opportunity for Hearing alleging that you had violated Section 4731.22(B)(15), Ohio Revised Code, in that you failed to submit required Quarterly Declarations of Compliance; failed to ensure timely submission of weekly screening reports; and failed to submit acceptable documentary evidence of compliance with the required participation in an alcohol and drug rehabilitation program.
- (5) By Entry of Order on or about May 18, 2005, effective on or about June 7, 2005, [May 2005 Board Order] your certificate to practice medicine and surgery in Ohio was suspended for 30 days, and you were required to continue to abide by the terms of the February 1998 Board Order. A copy of the May 2005 Board Order is attached hereto and incorporated herein.
- (6) Paragraph 3. c. of the February 1998 Board Order requires you to submit quarterly declarations stating whether there has been compliance with all the conditions of probation.
 - (a) A quarterly Declaration of Compliance for the period September through November 2005, was due to be received in the Board offices on or before December 1, 2005. Despite this requirement, you failed to timely submit this Declaration of Compliance.
 - (b) A quarterly Declaration of Compliance for the period December 2005 through February 2006, was due to be received in the Board offices on or before March 1, 2006. Despite this requirement, you failed to timely submit this Declaration of Compliance.
- (7) Paragraph 3. g. of the February 1998 Board Order, as modified by vote of the Board on or about July 10, 2002, requires that you submit to random urine screenings for drugs and/or alcohol on a once weekly basis. Further, it is your responsibility to ensure that such screening reports are timely submitted.
 - (a) Despite these requirements, you failed to ensure timely submission of weekly screening reports for the period from September 2005 to March 2006.

- (b) Further, despite these requirements, on or about March 13, 2006, in a telephone conversation with Board staff, you stated that you have failed to submit to any urine screens since January 2006.
- (8) Paragraph 3. g. of the February 1998 Board Order, as modified by vote of the Board on or about July 10, 2002, additionally requires that you ensure that the supervising physician provides quarterly reports to the Board, verifying whether all urine screens have been conducted in compliance with this Order, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his/her responsibilities. The supervising physician reports are to be received in the Board offices no later than the due date for your Quarterly Declaration of Compliance. Despite this requirement, you failed to ensure that the supervising physician report due March 1, 2006, was timely submitted.
- (9) Paragraph 3. l. of the February 1998 Board Order, requires you to ensure the quarterly reports from your monitoring physician are forwarded to the Board on a quarterly basis, or as otherwise directed by the Board. Despite this requirement, you failed to ensure that the monitoring physician report due March 1, 2006, was timely submitted.

Your acts, conduct, and/or omissions, as alleged in paragraphs (6) through (9) above, individually and/or collectively, constitute a “[v]iolation of the conditions of limitation placed by the board upon a certificate to practice,” as that clause is used in Section 4731.22(B)(15), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant a certificate to an applicant, revokes an individual’s certificate to practice, refuses to register an applicant, or refuses to reinstate an individual’s certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter

ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lance A. Talmage".

Lance A. Talmage, M.D.
Secretary

LAT/jjv
Enclosures

CERTIFIED MAIL # 7003 0500 0002 4330 8278
RETURN RECEIPT REQUESTED



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

May 18, 2005

Kolli Mohan Prasad, M.D.
7427 Eagle Trace
Boardman, OH 44512

Dear Doctor Prasad:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Sharon W. Murphy, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on May 18, 2005, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of an original Notice of Appeal with the State Medical Board of Ohio and a copy of the Notice of Appeal with the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Lance A. Talmage MD/RAW
Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 7002 2410 0002 3141 3970
RETURN RECEIPT REQUESTED

MAILED 6/07/05

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on May 18, 2005, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Kolli Mohan Prasad, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

Lance A. Talmage MD/RAW
Lance A. Talmage, M.D.
Secretary

(SEAL)

May 18, 2005
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

KOLLI MOHAN PRASAD, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on May 18, 2005.

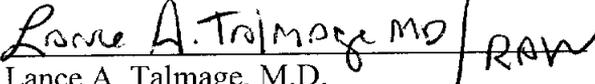
Upon the Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification, approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

. It is hereby ORDERED that:

1. The certificate of Kolli Mohan Prasad, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for thirty days.
2. Dr. Prasad shall continue to abide by the terms of the February 11, 1998, Board Order issued in the Matter of Kolli Prasad, M.D.

This Order shall become effective immediately upon mailing of notification of approval by the Board.

(SEAL)


Lance A. Talmage, M.D.
Secretary

May 18, 2005
Date

**STATE MEDICAL BOARD
OF OHIO**

2005 APR 18 A 11: 57

**REPORT AND RECOMMENDATION
IN THE MATTER OF KOLLI MOHAN PRASAD, M.D.**

The Matter of Kolli Mohan Prasad, M.D., was heard by Sharon W. Murphy, Esq., Hearing Examiner for the State Medical Board of Ohio, on February 22, 2005.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated November 10, 2004, the State Medical Board of Ohio [Board] notified Kolli Mohan Prasad, M.D., that it had proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board based its proposed action on an allegation that Dr. Prasad, who has a lengthy history of impairment and Board intervention, had violated a 1998 Board Order by failing to submit required urine specimens for drug screening, quarterly declarations of compliance, or documentation of his participation in an alcohol and drug rehabilitation program.

The Board further alleged that Dr. Prasad's conduct constitutes a "[v]iolation of the conditions of limitation placed by the Board upon a certificate to practice,' as that clause is used in Section 4731.22(B)(15), Ohio Revised Code."

Accordingly, the Board advised Dr. Prasad of his right to request a hearing in this matter. (State's Exhibit 1A).

- B. On December 8, 2004, Dr. Prasad submitted a written hearing request to the Board. (State's Exhibit 1B).

II. Appearances

- A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Kyle C. Wilcox, Assistant Attorney General.
- B. On behalf of the Respondent: Dr. Prasad, having been apprised of his right to be represented by counsel, appeared at the hearing on his own behalf.

EVIDENCE EXAMINED

I. Testimony Heard

A. Presented by the State

1. Kolli Mohan Prasad, M.D., as upon cross-examination
2. Danielle Bickers

B. Presented by the Respondent

Kolli Mohan Prasad, M.D.

II. Exhibits Examined

A. Presented by the State

1. State's Exhibits 1A through 1G: Procedural exhibits.
2. State's Exhibit 2: Certified copies of records maintained by the Board concerning Kolli Mohan Prasad, M.D.
3. State's Exhibit 3: Copy of a September 1, 2004, letter to the Board from Ted Parran Jr., M.D., F.A.C.P., Director of Addiction Fellowships, Medical Director of the Program in CME, and Associate Clinical Professor of Medicine at the Case Western Reserve University School of Medicine.
4. State's Exhibit 4: Copy of Dr. Prasad's Alcoholic Anonymous [AA] attendance logs for January through May 2004. (Note: This exhibit is sealed to protect the confidentiality of AA participants.)
5. State's Exhibit 5: Copy of the 2004 Drug Screen/AA Log Calendar pertaining to Dr. Prasad maintained by the Board.
6. State's Exhibit 6: Copy of a check sheet documenting Dr. Prasad's compliance with the Board's probationary requirements for the year 2004.

B. Presented by the Respondent

1. Respondent's Exhibit A: Copy of a February 18, 2005, letter to the Board from Dr. Parran.
2. Respondent's Exhibit B: Copies of Dr. Prasad's certificates of attendance at Continuing Medical Education in August 2004.

SUMMARY OF THE EVIDENCE

All exhibits and transcripts of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

1. Kolli Mohan Prasad, M.D., testified that he had obtained his Doctor of Medicine degree in 1971 from the medical college at Andhra University in Andhra Pradesh, India. Dr. Prasad further testified that, after graduating, he trained in cardiology for one year in India. Dr. Prasad came to the United States in 1974. He participated in a rotating internship at Mercy Hospital in Toledo, Ohio, from 1974 through 1975. From 1975 through 1978, Dr. Prasad participated in a residency in radiology in Youngstown, Ohio, at a hospital that is now part of the Western Reserve Care System. Dr. Prasad testified that he had practiced radiology at that hospital for eighteen years. (Hearing Transcript [Tr.] at 14-16; State's Exhibit [St. Ex.] 2 at 18).

Dr. Prasad testified that he is not employed at this time. (Tr. at 14).

2. On February 12, 1997, Dr. Prasad entered into a Consent Agreement with the Board. (St. Ex. 2 at 41-47). In that Consent Agreement, Dr. Prasad made the following admissions:
 - Dr. Prasad first entered treatment for alcoholism at The Cleveland Clinic Foundation [Cleveland Clinic] in November 1995.
 - After completing an aftercare program at the Cleveland Clinic, Dr. Prasad relapsed on alcohol in July 1996.
 - Dr. Prasad was admitted to the Cleveland Clinic Day Care Program for re-assessment on July 9, 1996, and was discharged to outpatient aftercare four days later.
 - After discharge to the outpatient aftercare program in July 1996, Dr. Prasad failed to participate in local Alcoholics Anonymous [AA] meetings which had been recommended as a part of his treatment plan by the Cleveland Clinic.
 - In October 1996, Dr. Prasad submitted a urine sample that tested positive for alcohol. Dr. Prasad attributed that positive result to having taken NyQuil to relieve cold symptoms.
 - Dr. Prasad again relapsed on alcohol in November 1996.

(St. Ex. 2 at 41-42).

By the terms of the February 12, 1997, Consent Agreement, Dr. Prasad's certificate to practice medicine and surgery in Ohio was suspended for an indefinite period of time, in lieu of formal proceedings, based upon Dr. Prasad's violations of Section 4731.22(B)(26), Ohio Revised Code. Moreover, the Consent Agreement contained interim terms, conditions, and limitations, as well as conditions for reinstatement. Among the interim conditions, Dr. Prasad agreed that he would "abstain completely from the use of alcohol." (St. Ex. 2 at 41, 42-46).

3. By letter dated July 15, 1997, Gregory B. Collins, M.D., Section Head, Alcohol and Drug Recovery Center at The Cleveland Clinic, notified the Board that Dr. Prasad had been "unsuccessful in his efforts to maintain sobriety recently." Dr. Collins further wrote that Dr. Prasad had had extensive inpatient and outpatient treatment at the Cleveland Clinic, and had had further treatment at the Betty Ford Center. Dr. Collins indicated that Dr. Prasad's relapse had occurred despite active involvement in AA, Caduceus, individual psychotherapy, and weekly random urine screens. (St. Ex. 2 at 19).
4. On August 14, 1997, Dr. Prasad made an appearance before the Board's Supervising Member and members of the Board's staff pursuant to the terms of his Consent Agreement. During this meeting, Dr. Prasad volunteered that he had relapsed on alcohol about one month earlier. As reported in the Memorandum for that meeting, Dr. Prasad indicated that the relapse had been "a one day thing." Dr. Prasad further indicated that it had occurred because he had been angry with his family, and he had consumed one bottle of wine. (St. Ex. 2 at 19).
5. On October 8, 1997, the Board issued to Dr. Prasad a notice of opportunity for hearing alleging that Dr. Prasad had violated Sections 4731.22(B)(15) and (B)(26), Ohio Revised Code, by failing to abstain completely from the use of alcohol. (St. Ex. 2 at 39-40). In an administrative hearing based on the October 1997 notice of opportunity for hearing, Dr. Prasad testified that he did not have a problem with alcohol. Dr. Prasad further testified that his drinking did not cause any problems for him professionally, and that he did not drink when he was on call. He admitted, however, that he had been drinking between six and twelve beers on the weekends, and that his drinking created problems at home because his wife cannot tolerate even a slight smell of alcohol. Dr. Prasad further testified that he had tried to quit drinking on his own, but had been unable to do so which was the reason he had contacted the Cleveland Clinic. (St. Ex. 2 at 21).

Following the administrative hearing, on February 11, 1998, the Board found that Dr. Prasad had relapsed by drinking alcohol on two occasions in 1997. The Board issued an Order in which Dr. Prasad's certificate to practice medicine and surgery in Ohio was permanently revoked. In addition, the permanent revocation was stayed, subject to indefinite suspension for a period of at least three years, with interim terms, conditions, and limitations. Further, the Order provided conditions for reinstatement, and probationary terms, conditions and limitations for a minimum period of eight years. (St. Ex. 2 at 7-15).

6. Paragraph 3c of the February 1998 Board Order requires Dr. Prasad to submit quarterly Declarations of Compliance stating whether there had been compliance with all the conditions of the Board Order. (St. Ex. 2 at 11).

Paragraph 3g of the February 1998 Board Order, as modified by vote of the Board July 10, 2002, requires Dr. Prasad to submit to random urine screening for drugs and/or alcohol on a once weekly basis. In addition, the February 1998 Board Order provides that it is Dr. Prasad's responsibility to ensure that reports of the results of the urine screens are timely submitted to the Board. (St. Ex. 2 at 12-13, 48-49).

Paragraph 3i of the February 1998 Order requires Dr. Prasad to maintain participation in an alcohol and drug rehabilitation program, such as AA, Narcotics Anonymous [NA], or Caduceus, no less than three times per week. In addition, at Dr. Prasad's appearances before the Board or its designated representative, Dr. Prasad is required to submit acceptable documentary evidence of continuing compliance with this program. (St. Ex. 2 at 13).

7. On November 12, 2003, the Board granted Dr. Prasad's request for restoration of his certificate to practice medicine and surgery in Ohio, subject to the probationary terms, conditions and limitations established by the February 1998 Board Order. (St. Ex. 2 at 50-51).
8. Danielle Bickers testified at hearing on behalf of the State. Ms. Bickers testified that she is the Compliance Officer for the Board. In that position, Ms. Bickers monitors Board licensees who are subject to the terms of Board Orders and Consent Agreements. Ms. Bickers testified that she has held this position since September 1999. (Tr. at 59-60).

Ms. Bickers testified that she has been working with Dr. Prasad since September 1999, pursuant to the terms of his February 1998 Board Order. During her testimony, Ms. Bickers reviewed records she maintains for the Board which document Dr. Prasad's compliance with the Board's probationary terms. In doing so, Ms. Bickers explained that Dr. Prasad had submitted Alcoholic Anonymous [AA] attendance logs for January through May 2004, and that the logs contain no evidence that Dr. Prasad attended any AA meetings during the month of May 2004. (St. Ex. 4 at 2; Tr. at 60, 67).

Ms. Bickers further testified that she monitors probationers' submission of required quarterly Declarations of Compliance. Ms. Bickers testified that Dr. Prasad had failed to submit a quarterly Declaration of Compliance for the period June through August 2004, which had been due in the Board offices on or before September 1, 2004. Moreover, Ms. Bickers testified that, as of the date of the hearing, Dr. Prasad had not submitted a Declaration of Compliance for that period. (St. Ex. 6; Tr. at 70).

Ms. Bickers also referred to a 2004 Drug Screen/AA Log Calendar, which she maintains to track Dr. Prasad's submission of urine for toxicology screening and attendance at AA

meetings. Ms. Bickers explained that the 2004 Drug Screen/AA Log Calendar indicates that Dr. Prasad had failed to ensure timely submission of any weekly urine screening reports for the weeks of February 1, February 8, March 28, April 4, April 11, April 18, May 16, June 13, July 18, and July 25, 2004. In addition, Dr. Prasad failed to ensure timely submission of any weekly screening reports for the entire month of August 2004. (St. Ex. 5; Tr. at 68-69).

Furthermore, Ms. Bickers testified that Dr. Prasad had presented for a quarterly office conference on June 8, 2004, and that Dr. Prasad's missing drug screens were discussed at that meeting. Ms. Bickers testified that Dr. Prasad had stated that his failure to submit the required screens had been due to the facts that he had not had the necessary forms, and that he had been in New York caring for his brother who was ill. (Tr. at 70-71).

Additionally, Ms. Bickers testified that Dr. Prasad's failure to submit quarterly Declarations of Compliance had been discussed during the June 8, 2004, office conference. Ms. Bickers testified that Dr. Prasad had offered to sign a Declaration of Compliance form at that office conference. Nevertheless, Ms. Bickers had explained to him that, based on his failure to provide urine screens, he was not in compliance with his Board Order at that time. Therefore, Dr. Prasad was advised to not sign the Declaration of Compliance, but to take the form to his supervising physician, to review the missing weeks with his supervising physician, and to submit the declaration when he had accounted for the missing urine screens. Ms. Bickers testified that, despite these instructions, at the time of the hearing, Dr. Prasad had not submitted the completed form. (Tr. at 71-72).

Ms. Bickers testified that, in the past, Dr. Prasad had submitted written requests to the Board asking to be excused from a particular term of the Board Order. Ms. Bickers stated that some of those requests had been granted. Nevertheless, with regard to the March and the August issues, Dr. Prasad did not submit a request in writing as he had been instructed. (Tr. at 73).

Ms. Bickers stated that, historically, Dr. Prasad's compliance with the Board Order had been "not very good." Ms. Bickers explained that she had discussed with Dr. Prasad on several occasions the fact that he had not completed the requisite number of urine screens or attended the requisite number of AA meetings. She further testified that, prior to the reinstatement of Dr. Prasad's certificate in November 2003, the Board had not had authority to take action against Dr. Prasad based on his failure to provide urine screens or declarations of compliance. (Tr. at 74-75).

Ms. Bickers testified that she has seen no evidence supporting a conclusion that Dr. Prasad has relapsed. Nevertheless, she added that, without full compliance with the terms of the Board Order, there is room for doubt. (Tr. at 75-76).

9. By letter dated September 1, 2004, Ted Parran Jr., M.D., F.A.C.P., Director of Addiction Fellowships, Medical Director of the Program in CME, and Associate Clinical Professor of

Medicine at the Case Western Reserve University School of Medicine, wrote to the Board concerning Dr. Prasad. Dr. Parran advised that Dr. Prasad was strongly committed to his recovery program despite his failure to obtain the requisite urine screens. (St. Ex. 3). Dr. Parran serves as Dr. Prasad's supervising physician. (Tr. at 64-65).

10. By letter dated February 18, 2005, Dr. Parran advised the Board that he was aware of Dr. Prasad's failure to comply with the drug screening aspect of the Board Order. Nevertheless, Dr. Parran stated that Dr. Prasad continued to be committed to his recovery program. Dr. Parran described Dr. Prasad's recovery program as follows:
 - Dr. Prasad meets with Dr. Parran every twelve weeks, and speaks with him every few weeks. Dr. Parran explained that Dr. Prasad had initiated increased contact as Dr. Prasad prepared himself for a return to practice.
 - Dr. Prasad has continued to maintain consistent participation in his sobriety program and has provided Dr. Parran with documentation of such, including:
 - Attendance at AA meetings;
 - Meeting with his psychiatrist;
 - Compliance with his anti-depressant medication regimen;
 - Continued meeting with Dr. Parran; and
 - Continued sobriety over a seven-year period.
 - Dr. Prasad maintains a cordial but distant relationship with his wife.
 - Dr. Prasad is supportive of his three children and their graduate studies, including two children who are in medical school. Nevertheless, Dr. Prasad's inability to provide for them financially has been a tremendous strain.
 - Dr. Prasad is the primary family support person for his physician brother in New York who has metastatic cancer of the liver.
 - Dr. Prasad has been participating in an extraordinary number of radiology CME courses, including mini-residency type courses, to help prepare himself for a return to practice.
 - Dr. Prasad has applied for several radiology positions with no offers of permanent employment. He was offered a locum tenens position which had been scheduled to start in March 2005. Dr. Parran opined that, once Dr. Prasad had completed one temporary assignment, future employment endeavors would be easier for Dr. Prasad.

Respondent's Exhibit [Resp. Ex.] A).

11. In the February 18, 2005, letter, Dr. Parran addressed Dr. Prasad's failure to obtain the required urine toxicology testing. Dr. Parran offered several mitigating circumstances in that regard:

1) He has had 6.5 years of testing done which has all been 'normal.'
2) He has never had a drug problem—so technically the indication for testing is 'iffy.'
3) He has spent probably over \$35,000 on toxicology testing in the past seven years—all the while not working.
4) He has spent more money than usual in these past 9 months taking CME courses and traveling to be with his brother.
5) When he relapsed in the past—according to Dr. Collins at the Cleveland Clinic Foundation and according to his wife—Dr. Prasad has made no attempt to hide the fact, and has actually volunteered the information.

I would certainly not presume to advise you all on what to do at this point with Dr. Prasad. You have to act with the best interest of the Board, and the public, in mind and have much more experience with these sorts of situations than I. I would urge you to approach Dr. Prasad and his current circumstance (certainly resulting from his own choices), within the context of the last seven years of his actions and with the knowledge that all indications are the he has established solid, uninterrupted, and resilient sobriety.

(Resp. Ex. A).

12. Dr. Prasad testified that, in 1995, he had entered the Cleveland Clinic voluntarily for help to stop drinking alcohol. Dr. Prasad testified that he had liked to drink beer, but his wife could not tolerate the smell of alcohol. Dr. Prasad had tried to stop drinking beer on several occasions, but had not been successful. Therefore, although he had not considered himself to be an alcoholic, he had sought help in controlling his drinking. (Tr. at 16-17, 20).

Dr. Prasad explained that, for many years, he had not believed that he was an alcoholic. He added that he had never had any trouble professionally as a result of his drinking. Therefore, after his treatment at the Cleveland Clinic, he had experimented with alcohol again believing that it was safe for him to do. Nevertheless, after the multiple relapses, he had come to accept that he is an alcoholic. He stated that he truly wants to stop drinking, and that he is committed to his recovery. (Tr. at 17-19, 21).

13. Dr. Prasad testified that the past year has been very difficult for him. He stated he had missed urine screens due to family emergencies related to his brother's illness for which Dr. Prasad had had to leave town. Dr. Prasad acknowledged that the Board allows probationers to miss screens so long as the probationer first makes arrangements with the Board. Dr. Prasad testified that he should have written a letter to the Board prior to leaving town asking for permission to leave or to make other arrangements for obtaining urine screening. (Tr. at 43-46).

Nevertheless, Dr. Prasad testified that he believes that he had been in compliance with his Board Order at the time of his office conference in June 2004. He stated that the Board has provisions that allow a probationer to miss urine screens in emergency situations. (Tr. at 47-48). Dr. Prasad stated that he believed this to be true because,

[The Board Order] does not say anywhere for an emergency, for a family member being sick with cancer, terminally ill, that I cannot attend. * * * I'm a human being, after all, you know. Somebody is dying. You think I'm going to sit back and wait for a written request to be approved by the medical board. I'm not. Even today I will not.

(Tr. at 48).

14. Dr. Prasad testified that he had not submitted a Declaration of Compliance in September 2004 because he had not had a copy of the Declaration of Compliance form. Dr. Prasad acknowledged, however, that it had been his responsibility to obtain and submit the Declarations of Compliance in a timely manner. (Tr. at 49-53).
15. Dr. Prasad testified that he had failed to attend the required AA meetings in March 2004 because he had been traveling frequently to New York to care for his terminally ill brother. (Tr. at 58-59).
16. Dr. Prasad testified that he had not submitted urine screens in June and July 2004 because he had been caring for his brother. Dr. Prasad testified that, for approximately a year, he had been spending at least a couple of weeks each month in New York with his brother. Dr. Prasad testified that it had been very difficult for him to watch his brother deteriorate, alone in New York, with no family other than Dr. Prasad. (Tr. at 57-58).

Dr. Prasad testified that, in August 2004, he had been participating in medical education in Cincinnati and that he had been unable to obtain urine screens. Dr. Prasad further testified that, by that time, he could no longer afford to pay for urine screening. (Tr. at 55-57; Resp. Ex. B).

17. Dr. Prasad testified that, "it really hurts [him] that this came down to this." Dr. Prasad explained that he had diligently attended AA meetings over the years, and has worked hard to maintain his sobriety. Dr. Prasad testified that he has been fully committed to his recovery since 1998. He stated that, for the first several years, he had attended an average of eighteen meetings per week. Dr. Prasad testified that during the first three years of his Board Order he had attended eighteen meetings per week. Moreover, over the years, he has spent close to \$50,000 on urine screens, and all of that time he had been unemployed. Dr. Prasad added that he has been having his urine screened since 1997, and that he has not had a single positive screen. Moreover, Dr. Prasad testified that, in the past, when he did relapse, he has always volunteered that information to the Board. Therefore, the Board should not fear that he has relapsed at this time. (Tr. at 34, 88, 97, 100-101).

Dr. Prasad further stated that,

[After the relapse in 1996] I was told I never received proper treatment initially under Dr. Collins. I never received any proper treatment from him, and my expert tells me that if you did not receive proper treatment you cannot call them relapses, but I accepted them as relapses, went through the process, lost my license, lost my life, spent all my money getting my urines done, putting three kids through college during the time I was not working, and trying to stay alive and go to enough meetings so I can be more—learn about what I am going to do in radiology.

In the past six months, I've spent twenty-five to \$30,000 just for the meetings and fellowship, learning things. I didn't want to do a lousy job, and if I can't afford other things at the same time, I can't. No. I can't be everything at one time.

There are some priorities, and the priorities are, number one—that's what AA taught me—you act like a human being, help others, pray to God, clean house. Those are the three things I go by. I did my—as a human being I finished—not I finished—I did what I needed to do. If this is what the government wants, that's fine with me. They can penalize me. I do accept my responsibility for not submitting things on time in the past. I do rebut Ms. Bickers' statement that in the past I've not been cooperative. If so, you need to prove the fact. I know this is not easy. Everybody is trying to do their own jobs. I'm trying to do what I can to stay alive, and I have nothing else to say.

(Tr. at 102-103).

18. When asked if he would be able to comply with the terms of his Board Order at this time, Dr. Prasad testified he would. He explained that he had finished his radiology retraining and that he had had a job that he was to start in mid-March. He added that, once he had a job, he would be able to pay for urine screens. Dr. Prasad testified that his life is getting under control at this point, and he would make compliance the priority. (Tr. at 103-106).

Dr. Prasad testified that the last year had been very difficult in large part due to his brother's cancer. Dr. Prasad testified that his brother had been ill with cancer of the colon which had metastasized to his brain, liver, and lungs. Dr. Prasad stated that his brother is younger than Dr. Prasad, and that they are very close. He stated that he has been overwhelmed by the impending loss of his brother. He noted, however, that, despite the difficulties, he has maintained his sobriety. He added that, without his recovery program, he probably would have destroyed himself drinking. (Tr. at 98, 115-117).

FINDINGS OF FACT

1. On February 12, 1997, by Consent Agreement with the Board, the certificate of Kolli Mohan Prasad, M.D., to practice medicine and surgery in Ohio was suspended for an indefinite period of time, in lieu of formal proceedings. This action was based upon Dr. Prasad's violations of Section 4731.22(B)(26), Ohio Revised Code. In the February 1997 Consent Agreement, Dr. Prasad admitted that he had initially entered treatment at The Cleveland Clinic Foundation [Cleveland Clinic] for alcoholism in November 1995. He further admitted that he had relapsed in July 1996 and November 1996, and that he had failed to participate in Alcoholics Anonymous [AA] meetings as part of his treatment plan for aftercare as recommended by the Cleveland Clinic in July 1996.

The February 1997 Consent Agreement provided interim terms, conditions and limitations, as well as conditions for reinstatement, and was modified by vote of the Board on July 10, 2002

2. On October 8, 1997, the Board issued to Dr. Prasad a Notice of Opportunity for Hearing alleging that Dr. Prasad had violated Sections 4731.22(B)(15) and (B)(26), Ohio Revised Code, by failing to abstain completely from the use of alcohol. Subsequently, the Board issued an Order, effective February 11, 1998, which found that Dr. Prasad had relapsed by drinking alcohol on two occasions in 1997.

In the February 1998 Board Order, Dr. Prasad's certificate to practice to practice medicine and surgery in Ohio was permanently revoked, but the permanent revocation was stayed, subject to indefinite suspension for a period of at least three years, with interim terms, conditions and limitations. Further, the February 1998 Board Order provided conditions for reinstatement, and probationary terms, conditions and limitations for a minimum period of eight years.

3. On November 12, 2003, the Board granted Dr. Prasad's request for restoration, subject to the probationary terms, conditions and limitations established by the February 1998 Order.
4. Paragraph 3c of the February 1998 Board Order requires Dr. Prasad to submit quarterly Declarations of Compliance stating whether there has been compliance with all the conditions of probation.
 - a. A quarterly Declaration of Compliance for the period March through May 2004, was due to be received in the Board offices on or before June 1, 2004. At a Board office conference on June 8, 2004, Dr. Prasad admitted he had not submitted the required quarterly Declaration of Compliance, and offered to sign one at that time, thus stating he had been in compliance for the March through May 2004 period. Nevertheless, Dr. Prasad was advised, based upon statements he had made about his

non-compliance with other requirements of the February 1998 Board Order, that he was not in compliance.

Further, Dr. Prasad was instructed to take the blank Declaration of Compliance form with him, to contact his Supervising Physician that day, and to review his records of compliance. Dr. Prasad was instructed to then submit the Declaration of Compliance for the March through May 2004 period, noting on it any exceptions to his compliance with the February 1998 Board Order. Nevertheless, as of the date of the hearing, Dr. Prasad had not submitted the Declaration of Compliance for the quarter preceding June 1, 2004.

- b. A quarterly Declaration of Compliance for the period June through August 2004, was due to be received in the Board offices on or before September 1, 2004. As of the date of the hearing, Dr. Prasad had not submitted the Declaration of Compliance for the period June through August 2004.
5. Paragraph 3g of the February 1998 Board Order, as modified by vote of the Board on July 10, 2002, requires Dr. Prasad to submit to random urine screenings for drugs and/or alcohol on a once weekly basis. Further, it is Dr. Prasad's responsibility to ensure that reports are timely submitted.

Nevertheless, Dr. Prasad failed to ensure timely submission of any weekly screening reports for the weeks of February 1, February 8, March 28, April 4, April 11, April 18, May 16, June 13, July 18, and July 25, 2004. Moreover, Dr. Prasad failed to ensure timely submission of any weekly screening reports for the entire month of August 2004.

6. Paragraph 3i of the February 1998 Board Order requires Dr. Prasad to maintain participation in an alcohol and drug rehabilitation program, such as AA, Narcotics Anonymous [NA], or Caduceus, no less than three times per week. In addition, at his appearances before the Board or its designated representative, Dr. Prasad is required to submit acceptable documentary evidence of continuing compliance with this program.

On June 8, 2004, at his appearance before a designated representative of the Board, Dr. Prasad was required to submit acceptable documentary evidence of compliance for the period March through May 2004. Nevertheless, Dr. Prasad failed to submit any documentary evidence of his participation in any alcohol and drug rehabilitation program for the month of March 2004.

CONCLUSIONS OF LAW

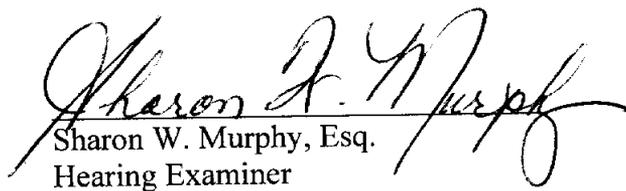
The conduct of Kolli Mohan Prasad, M.D., as set forth in Findings of Fact 4 through 6, constitutes a "[v]iolation of the conditions of limitation placed by the board upon a certificate to practice," as that clause is used in Section R.C. 4731.22(B)(15)."

PROPOSED ORDER

It is hereby ORDERED that:

1. The certificate of Kolli Mohan Prasad, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for ninety days.
2. Dr. Prasad shall continue to abide by the terms of the February 11, 1998, Board Order issued in the Matter of Kolli Prasad, M.D.

This Order shall become effective immediately upon mailing of notification of approval by the Board.


Sharon W. Murphy, Esq.
Hearing Examiner



State Medical Board of Ohio

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EXCERPT FROM THE DRAFT MINUTES OF MAY 18, 2005

REPORTS AND RECOMMENDATIONS

Dr. Davidson announced that the Board would now consider the findings and orders appearing on the Board's agenda. She asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Timothy J. Heyd, M.D., and Kolli Mohan Prasad, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Saxena	- aye
	Dr. Steinbergh	- aye
	Dr. Davidson	- aye

Dr. Davidson 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. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Saxena	- aye
	Dr. Steinbergh	- aye
	Dr. Davidson	- aye

Dr. Davidson noted that, in accordance with the provision in Section 4731.22(F)(2), 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 these matters.

Dr. Davidson stated that, if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and orders in the above matters. No objections were voiced by Board members present.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

KOLLI MOHAN PRASAD, M.D.

Dr. Davidson directed the Board's attention to the matter of Kolli Mohan Prasad, M.D. She advised that objections were filed to Hearing Examiner Murphy's Report and Recommendation and were previously distributed to Board members.

Dr. Davidson continued that a request to address the Board has been timely filed on behalf of Dr. Prasad. Five minutes would be allowed for that address.

It was at this time noted that Dr. Prasad was not present. Subsequently it was announced that Dr. Prasad had indicated in his letter requesting permission to address the Board that, due to health reasons, he may not be able to appear.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF KOLLI MOHAN PRASAD, M.D. MS. SLOAN SECONDED THE MOTION.

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

Dr. Kumar stated that it is unfortunate that Dr. Prasad is not here. There is obviously no question about the fact that Dr. Prasad has not been compliant with his Consent Agreement. It's also a fact that Dr. Prasad has not been found impaired during the last several years either. He has been having difficulty in providing urine samples and so forth, and he throws out the reason that cost is a factor. Dr. Kumar stated that, even if the Board suspends Dr. Prasad's license, his probation ends next year. Dr. Kumar stated that the Board needs to look at increasing Dr. Prasad's probationary period and, perhaps, staying the suspension. Suspending Dr. Prasad's license again may set him back, not allowing him to work. Dr. Kumar suggested that a compassionate approach would be to stay the suspension period and increase his probationary term for another year or so, so at least Dr. Prasad understands that he has to comply with these things.

Dr. Steinbergh spoke against extending Dr. Prasad's probation. She noted that Dr. Prasad has not been compliant with his Consent Agreement, but the Board doesn't have legitimate documentation of a relapse. In fact, the documentation suggests otherwise. Dr. Parran's letter indicates that he believes that Dr. Prasad

is committed to his sobriety. She stated that she thinks this is a vicious cycle for Dr. Prasad. He's had significant financial problems, issues with his family, and traveling to conferences to prepare himself for work. To suspend Dr. Prasad's license is to put on hold again a possible locums job. Dr. Steinbergh stated that she doesn't know whether or not Dr. Prasad is currently working. She noted that he was supposed to start a locums job in mid March. Dr. Steinbergh suggested staying the proposed suspension and giving Dr. Prasad a last chance to get back on track. She thinks that the Board should give Dr. Prasad a chance to see what he'll do.

Ms. Thompson advised that the probationary period begins at the time of licensure reinstatement. Dr. Prasad's license was reinstated in 2003, at which time his eight-year probationary period began. She noted that Dr. Prasad has several more years of probation with the Board.

Dr. Buchan stated he cannot tolerate defiance or lack of compliance with an agreement. The Board needs to stand firm on that. He added that he believes a period of suspension is necessary.

Dr. Robbins agreed with Dr. Buchan. The fact that Dr. Prasad is not here bothers him. Dr. Robbins stated that, if he's going to err, he's going to err on coming down on the physician for not complying in the way he has to comply. A suspension is absolutely warranted in this case.

Dr. Steinbergh stated that her reasoning for not wanting a suspension is that she sees this as a vicious cycle for Dr. Prasad. Dr. Prasad has no money, and he's trying his best, but he has a lot of problems. He's caught between a rock and a hard place.

Mr. Browning suggested a compromise of a 30-day suspension. He agreed with Dr. Steinbergh that a 90-day suspension will end Dr. Prasad's career. Mr. Browning added that he wouldn't say this if Dr. Parran hadn't opined the way he did. It seems that the Board would send Dr. Prasad a clear message with that suspension, and give him another shot. The difference is an economic sanction. The 30-day suspension will send the message.

MR. BROWNING MOVED TO AMEND THE SUSPENSION PERIOD IN THE PROPOSED ORDER TO 30 DAYS. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

VOTE:	Mr. Albert	- abstain
	Dr. Talmage	- abstain
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Saxena	- aye
	Dr. Steinbergh	- aye

The motion carried.

DR. BUCHAN MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF KOLLI MOHAN PRASAD, M.D. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

VOTE:	Mr. Albert	- abstain
	Dr. Talmage	- abstain
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Saxena	- aye
	Dr. Steinbergh	- aye

The motion carried.



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

November 10, 2004

Kolli Mohan Prasad, M.D.
7427 Eagle Trace
Boardman, Ohio 44512

Dear Doctor Prasad:

In accordance with R.C. Chapter 119., you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about February 12, 1997, by Consent Agreement with the State Medical Board of Ohio (Board) your certificate to practice medicine and surgery in Ohio, was suspended indefinite period of time, in lieu of formal proceedings based upon your violations of R.C. 4731.22(B)(26) [February 1997 Consent Agreement].

Your admissions included that you initially entered treatment at the Cleveland Clinic Foundation (CCF) for alcoholism in November 1995, and subsequently relapsed in July 1996 and November 1996, and that you failed to participate in local Alcoholics Anonymous (AA) meetings as part of your treatment plan for aftercare as recommended by the CCF in July 1996.

The above Consent Agreement provided interim terms, conditions and limitations, as well as conditions for reinstatement. A copy of the February 1997 Consent Agreement is attached hereto and incorporated herein.

The February 1997 Consent Agreement was modified by vote of the Board July 10, 2002 (Applicable Board Minutes are attached hereto and incorporated herein).

- (2) On or about October 8, 1997, the Board issued to you a Notice of Opportunity for Hearing [October 1997 Citation] alleging you had violated R.C. 4731.22(B)(15) and (B)(26) by failing to abstain completely from the use of alcohol.

Effective on or about February 11, 1998, by Board Order [February 1998 Order], your certificate to practice to practice medicine and surgery in Ohio was

Mailed 11-12-04

permanently revoked; the permanent revocation was stayed, subject to indefinite suspension for a period of at least three (3) years, with interim terms, conditions and limitations.

Further, the Order provided conditions for reinstatement, and probationary terms, conditions and limitations for a minimum period of eight (8) years. The Board found you had relapsed by drinking alcohol on two occasions in 1997. A copy of the February 1998 Board Order is attached hereto and incorporated herein.

- (3) On or about November 12, 2003, the Board granted your request for restoration, subject to probationary terms, conditions and limitations established by the above February 1998 Order (Applicable Board Minutes are attached hereto and incorporated herein).
- (4) Paragraph 3 c. of the February 1998 Board Order requires you to submit quarterly declarations stating whether there has been compliance with all the conditions of probation.
 - (a) A quarterly Declaration of Compliance for the period March through May 2004, was due to be received in the Board offices on or before June 1, 2004. At a Board office conference on or about June 8, 2004, you admitted you had not submitted the required quarterly declaration, and offered to sign one at that time, thus stating you had been in compliance for the March through May 2004 period.

You were advised, based upon statements you had just made about your non-compliance with other requirements of the February 1998 Board Order, that you were not in compliance.

Further, you were instructed to take the blank Declaration of Compliance form with you, to contact your Supervising Physician that day, and review your records of compliance. You were instructed to then submit the Declaration of Compliance for the March through May 2004 period, noting on your Declaration of Compliance any exceptions to your compliance with the above Board Order. As of this date, you have failed to submit your Declaration of Compliance for the quarter preceding June 1, 2004.

- (b) A quarterly Declaration of Compliance for the period June through August 2004, was due to be received in the Board offices on or before September 1, 2004. As of this date, you have failed to submit your Declaration of Compliance for the period June through August 2004.
- (5) Paragraph 3 g. of the February 1998 Board Order, as modified by vote of the Board July 10, 2002, requires you to submit to random urine screenings for

drugs and/or alcohol on a once weekly basis. Further, it is your responsibility to ensure that reports are timely submitted.

- (a) You failed to ensure timely submission of any weekly screening reports for the weeks of 2/1/04, 2/8/04, 3/28/04, 4/4/04, 4/11/04, 4/18/04, and 5/16/04.
 - (b) You failed to ensure timely submission of any weekly screening reports for the weeks of 6/13/04, 7/18/04, and 7/25/04.
 - (c) You failed to ensure timely submission of any weekly screening reports for the entire month of August 2004.
- (6) Paragraph 3 i. of the February 1998 Order, requires you to maintain participation in an alcohol and drug rehabilitation program, such as AA, NA, or Caduceus, no less than three times per week. In addition, at your appearances before the Board or its designated representative, you are required to submit acceptable documentary evidence of continuing compliance with this program.

On or about June 8, 2004, at your appearance before a designated representative of the Board you were required to submit the above acceptable documentary evidence for the period March through May 2004.

You failed to submit any documentary evidence of your participation in any alcohol and drug rehabilitation program for the month of March 2004.

Your acts, conduct, and/or omissions, as alleged in paragraphs four (4) through six (6) above, individually and/or collectively, constitute a “[v]iolation of the conditions of limitation placed by the board upon a certificate to practice,” as that clause is used in Section R.C. 4731.22(B)(15).

Pursuant to R.C. Chapter 119., you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently

revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, R.C. 4731.22(L), provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lance A. Talmage".

Lance A. Talmage, M.D.
Secretary

LAT/cw
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5149 5957
RETURN RECEIPT REQUESTED



State Medical Board of Ohio

77 S. High St., 17th Fl., Columbus, OH 43215-3000 • Telephone: (614) 464-3300 • Website: www.smb.state.oh.us

February 11, 1998

Kolli Prasad, M.D.
7427 Fagle Trace
Boardman, OH 44512

Dear Doctor Prasad:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of R. Gregory Porter, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on February 11, 1998 including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal may be taken to the Franklin County Court of Common Pleas only.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Anand G. Garg, M.D.
Secretary

AGG:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. Z 233 895 225
RETURN RECEIPT REQUESTED

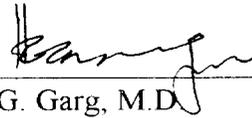
Mailed 3/12/98

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of R. Gregory Porter, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on February 11, 1998, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the Matter of Kolli Prasad, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

(SEAL)



Anand G. Garg, M.D.
Secretary



Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

KOLLI PRASAD, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on February 11, 1998.

Upon the Report and Recommendation of R. Gregory Porter, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification, approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

1. The certificate of Kolli M. Prasad, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED. Such revocation is STAYED, and Dr. Prasad's certificate is SUSPENDED for an indefinite period of time, but not less than three (3) years.
2. The Board shall not consider reinstatement of Dr. Prasad's certificate to practice unless all of the following minimum requirements have been met:
 - a. Dr. Prasad shall submit an application for reinstatement, accompanied by appropriate fees. Dr. Prasad shall not make such application for at least thirty-four (34) months from the effective date of this Order.
 - b. Within sixty days of the effective date of this Order, or as otherwise approved by the Board, Dr. Prasad shall commence appropriate psychiatric treatment, as determined by an informed assessment of his current needs. Such assessment and treatment shall be performed by a psychiatrist approved in advance by the Board. Prior to the initial assessment, Dr. Prasad shall furnish the approved

provider copies of the Board's Order, including the Summary of the Evidence, Findings of Fact, Conclusions, Order, and any other documentation from the hearing record which the Board may deem appropriate or helpful to that provider. Within ten (10) days after the completion of the initial assessment, Dr. Prasad shall cause a written report to be submitted to the Board from the approved provider, which report shall include:

- i. A detailed plan of recommended treatment based upon the provider's informed assessment of Dr. Prasad's current needs; and
 - ii. Any reports upon which the treatment recommendation is based, including reports of physical examination and psychological or other testing.
- c. Within thirty (30) days of the effective date of this Order, Dr. Prasad shall submit to the Board for its prior approval the name of a supervising physician to whom Dr. Prasad shall submit urine specimens as required in paragraphs 2(d)(v) and 3(g), below. The supervising physician shall ensure that the urine specimens are obtained on a random basis, that the giving of the specimen is witnessed by a reliable person, and that appropriate control over the specimen is maintained. In addition, the supervising physician shall immediately inform the Board of any positive screening results.
- d. For the duration of the suspension period:
- i. Dr. Prasad shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of Dr. Prasad's history of chemical dependency.
 - ii. Dr. Prasad shall abstain completely from the use of alcohol.
 - iii. Dr. Prasad shall provide satisfactory quarterly documentation of continuous participation in a drug and alcohol rehabilitation program, such as AA, NA, or Caduceus, no less than six times per week. Substitution of any other specific program must receive prior Board approval.
 - iv. Dr. Prasad shall provide the Board with acceptable documentation evidencing compliance with the plan of recommended psychiatric treatment, if any, pursuant to paragraph 2(b), above, on a quarterly basis, or as otherwise directed by the Board.

- v. Dr. Prasad shall submit to random urine screenings for drugs and/or alcohol on a random basis at least two times per week, or as otherwise directed by the Board. Dr. Prasad shall submit the urine specimens to the supervising physician approved by the Board pursuant to paragraph 2(c), above. The drug testing panel utilized must be acceptable to the Secretary of the Board.

Dr. Prasad shall ensure that the supervising physician provides quarterly reports to the Board, on forms approved or provided by the Board, verifying whether all urine screens have been conducted in compliance with this Order, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his responsibilities.

In the event that the designated supervising physician becomes unable or unwilling to so serve, Dr. Prasad must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Prasad shall further ensure that the previously designated supervising physician also notifies the Board directly of the inability to continue to serve and the reasons therefor.

The first quarterly report must be received in the Board's offices on the first day of the third month following the month in which this Order becomes effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly report must be received in the Board's offices on the first day of the fourth month following. Subsequent quarterly reports must be received in the Board's offices on or before the first day of every third month.

- vi. Dr. Prasad shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment providers and/or supervising physicians to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations.
- vii. Dr. Prasad shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all of the conditions of this Order. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which this Order becomes

effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the Board's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

- viii. Dr. Prasad shall appear in person for quarterly interviews before the full Board or its designated representative, or as otherwise directed by the Board.

If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled. Although the Board will normally give him written notification of scheduled appearances, it is Dr. Prasad's responsibility to know when personal appearances will occur. If he does not receive written notification from the Board by the end of the month in which the appearance should have occurred, Dr. Prasad shall immediately submit to the Board a written request to be notified of his next scheduled appearance.

- e. At the time he submits his application for reinstatement, Dr. Prasad shall provide the Board with a written report of evaluation by a psychiatrist acceptable to the Board indicating that Dr. Prasad's ability to practice has been assessed and that he has been found capable of practicing in accordance with acceptable and prevailing standards of care. The report shall describe with particularity the bases for this determination, and shall set forth any recommended treatment for Dr. Prasad and/or recommended limitations on his practice.
- f. At the time he submits his application for reinstatement, Dr. Prasad shall provide the Board with a written report of evaluation by a drug and/or alcohol treatment provider other than the psychiatrist noted in paragraph 2(e), above, and who acceptable to the Board, indicating that Dr. Prasad's ability to practice has been assessed and that he has been found capable of practicing in accordance with acceptable and prevailing standards of care. The report shall describe with particularity the bases for this determination, and shall set forth any recommended treatment for Dr. Prasad and/or recommended limitations on his practice.
- g. At the time he submits his application for reinstatement, Dr. Prasad shall submit to the Board and receive its approval for a plan of practice in Ohio which, until otherwise determined by the Board, shall be limited to a

supervised structured environment in which Dr. Prasad's activities will be directly supervised and overseen by a monitoring physician approved in advance by the Board. The monitoring physician shall monitor Dr. Prasad and his patient charts, as set forth in paragraph 3(1), below. The monitoring physician shall provide the Board with reports on Dr. Prasad's progress and status and on the status of his patient charts as directed by the Board.

- h. In the event that Dr. Prasad has not been engaged in active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of his fitness to resume practice. In addition, Dr. Prasad shall take and pass the SPEX examination or any similar written examination which the Board may deem appropriate to assess his clinical competency.
3. Upon reinstatement, Dr. Prasad's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of eight (8) years:
 - a. Dr. Prasad shall not request modification of the terms, conditions, or limitations of probation for at least one year after imposition of these probationary terms, conditions, and limitations.
 - b. Dr. Prasad shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
 - c. Dr. Prasad shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of probation. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which the probation becomes effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the Board's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
 - d. Dr. Prasad shall appear in person for interviews before the full Board or its designated representative within three months of the reinstatement of his certificate and at three month intervals thereafter, or as otherwise requested by the Board.

If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally

scheduled. Although the Board will normally give him written notification of scheduled appearances, it is Dr. Prasad's responsibility to know when personal appearances will occur. If he does not receive written notification from the Board by the end of the month in which the appearance should have occurred, Dr. Prasad shall immediately submit to the Board a written request to be notified of his next scheduled appearance.

- e. Dr. Prasad shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of Dr. Prasad's history of chemical dependency.
- f. Dr. Prasad shall abstain completely from the use of alcohol.
- g. Dr. Prasad shall submit to random urine screenings for drugs and/or alcohol on a twice weekly basis or as otherwise directed by the Board. Dr. Prasad shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board.

The supervising physician approved by the Board prior to reinstatement, pursuant to paragraph 2(c), above, shall ensure that the urine specimens are obtained on a random basis, that the giving of the specimen is witnessed by a reliable person, and that appropriate control over the specimen is maintained. In addition, the supervising physician shall immediately inform the Board of any positive screening results.

Dr. Prasad shall ensure that the supervising physician provides quarterly reports to the Board, on forms approved or provided by the Board, verifying whether all urine screens have been conducted in compliance with this Order, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his responsibilities.

In the event that the designated supervising physician becomes unable or unwilling to so serve, Dr. Prasad must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Prasad shall further ensure that the previously designated supervising physician also notifies the Board directly of the inability to continue to serve and the reasons therefor.

All screening reports and supervising physician reports required under this paragraph must be received in the Board's offices no later than the due date

for Dr. Prasad's quarterly declaration. It is Dr. Prasad's responsibility to ensure that reports are timely submitted.

- h. Dr. Prasad shall submit blood and/or urine specimens for analysis without prior notice at such times as the Board may request, at Dr. Prasad's expense.
- i. Dr. Prasad shall maintain participation in an alcohol and drug rehabilitation program, such as AA, NA, or Caduceus, no less than three times per week. Substitution of any other specific program must receive prior Board approval. In addition, at his appearances before the Board or its designated representative, Dr. Prasad shall submit acceptable documentary evidence of continuing compliance with this program.
- j. Dr. Prasad shall provide the Board with acceptable documentation evidencing compliance with the plan of recommended psychiatric treatment, if any, pursuant to paragraph 2(e), above, on a quarterly basis, or as otherwise directed by the Board.

Dr. Prasad shall maintain compliance with the plan of recommended psychiatric treatment, if any, until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require quarterly reports from the approved treatment provider. Dr. Prasad shall ensure that reports are forwarded by the treatment provider to the Board on a quarterly basis, or as otherwise directed by the Board. It is Dr. Prasad's responsibility to ensure that the quarterly reports are received in the Board's offices no later than the due date for Dr. Prasad's quarterly declaration.

- k. Dr. Prasad shall provide the Board with acceptable documentation evidencing compliance with the plan of recommended drug and/or alcohol treatment, if any, pursuant to paragraph 2(f), above, on a quarterly basis, or as otherwise directed by the Board.

Dr. Prasad shall maintain compliance with the plan of recommended drug and/or alcohol treatment, if any, until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require quarterly reports from the approved treatment provider. Dr. Prasad shall ensure that reports are forwarded by the treatment provider to the Board on a quarterly basis, or as otherwise directed by the Board. It is Dr. Prasad's responsibility to ensure that the quarterly reports are received in the Board's offices no later than the due date for Dr. Prasad's quarterly declaration.

- l. Dr. Prasad shall comply with the practice plan approved by the Board prior to reinstatement of his certificate, as set forth in paragraph 2(g), above. The monitoring physician shall monitor Dr. Prasad and provide the Board with reports on Dr. Prasad's progress and status on a quarterly basis. All monitoring physician reports required under this paragraph must be received in the Board's offices no later than the due date for Dr. Prasad's quarterly declaration. It is Dr. Prasad's responsibility to ensure that the reports are timely submitted.

In the event that the approved monitoring physician becomes unable or unwilling to serve, Dr. Prasad shall immediately notify the Board in writing and shall make arrangements for another monitoring physician as soon as practicable. Dr. Prasad shall refrain from practicing until such supervision is in place, unless otherwise determined by the Board. Dr. Prasad shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefor.

- m. Dr. Prasad shall obtain the Board's prior approval for any alteration to the practice plan which was approved by the Board prior to the reinstatement of his certificate.
- n. Dr. Prasad shall not prescribe, administer, dispense, order, write orders for, give verbal orders for, or possess (except as prescribed for his use by another so authorized by law) any controlled substances, without prior Board approval.
- o. Dr. Prasad shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment providers, monitoring physicians, and supervising physicians to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations.
- p. Within thirty (30) days of the reinstatement of his certificate, Dr. Prasad shall provide a copy of this Order to all employers or entities with which he is under contract to provide physician services, and the Chief of Staff at each hospital where Dr. Prasad has privileges or appointments. Further, Dr. Prasad shall provide a copy of this Order to all employers or entities with which he contracts to provide physician services, or applies for or receives training, and the Chief of Staff at each hospital where Dr. Prasad applies for or obtains privileges or appointments.

- q. In the event that Dr. Prasad should leave Ohio for three consecutive months, or reside or practice outside the State, Dr. Prasad must notify the Board in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this probationary period, unless otherwise determined by motion of the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.
 - r. If Dr. Prasad violates probation in any respect, the Board, after giving him notice and the opportunity to be heard, may set aside the stay order and impose the permanent revocation of his certificate.
4. This Order shall supercede the February 12, 1997 consent agreement entered into between Dr. Prasad and the Board.
5. Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Prasad's certificate will be fully restored.

This Order shall become effective immediately upon the mailing of notification of approval by the State Medical Board of Ohio.

(SEAL)



Anand G. Garg, M.D.
Secretary

3/11/98

Date

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**REPORT AND RECOMMENDATION
IN THE MATTER OF KOLLI M. PRASAD, M.D.**

The matter of Kolli M. Prasad, M.D., was heard by R. Gregory Porter, Esq., Attorney Hearing Examiner for the State Medical Board of Ohio, on December 11, 1997.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated October 8, 1997 (State's Exhibit 1), the State Medical Board [Board] notified Kolli M. Prasad, M.D., that it proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board alleged that Dr. Prasad violated the terms of his February 12, 1997, Consent Agreement by relapsing on alcohol.

The Board alleged that Dr. Prasad's acts, conduct, and/or omissions, individually and/or collectively, constituted: "(v)iolation of the conditions of limitation placed by the board upon a certificate to practice or violation of the conditions of limitation upon which a limited or temporary registration or certificate to practice is issued,' as that clause is used in Section 4731.22(B)(15), Ohio Revised Code"; and/or "(i)mpairment 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,' as that clause is used in Section 4731.22(B)(26), Ohio Revised Code."

Dr. Prasad was advised of his right to request a hearing in this matter.

- B. By document received by the Board on November 7, 1997 (State's Exhibit 2), Dr. Prasad requested a hearing.

II. Appearances

- A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by Christopher E. Wasson, Assistant Attorney General.
- B. On behalf of the Respondent: Kolli M. Prasad, M.D., having been apprised of his right to be represented by an attorney, appeared on his own behalf.

EVIDENCE EXAMINED

I. Testimony Heard

A. Presented by the State

1. Jan E. Sussex
2. William M. Melago

B. Presented by the Respondent

Kolli M. Prasad, M.D.

II. Exhibits Examined

In addition to State's Exhibits 1 and 2, noted above, the following exhibits were identified by the State and admitted into evidence:

- A. State's Exhibit 3: Copy of a November 10, 1997, letter to Dr. Prasad from the Board, advising that a hearing had been set for November 17, 1997, but further advising that the hearing had been postponed pursuant to Section 119.09, Ohio Revised Code; copies of certified mail receipts are attached. (2 pp.)
- B. State's Exhibit 4: Copy of a November 18, 1997, letter to Dr. Prasad from the Board, scheduling the hearing for December 11, 1997; a copy of the certified mail return receipt is attached. (2 pp.)
- C. State's Exhibit 5: Copy of the February 12, 1997, Consent Agreement between Dr. Prasad and the Board. (7 pp.)
- D. State's Exhibit 6: Copy of a July 15, 1997, letter to the Board from Gregory B. Collins, M.D., Section Head, Alcohol and Drug Recovery Center, the Cleveland Clinic Foundation, in which Dr. Collins reported that Dr. Prasad had relapsed on alcohol.
- E. State's Exhibit 7: Copy of an August 14, 1997, Memorandum of the Board concerning Dr. Prasad's August 14, 1997, probationary appearance. (3 pp.)

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SUMMARY OF THE EVIDENCE

All transcripts of testimony and exhibits, whether or not specifically referred to hereinafter, were thoroughly reviewed and considered by the Attorney Hearing Examiner prior to preparing this Report and Recommendation.

1. Kolli M. Prasad, M.D., testified that he obtained his Doctor of Medicine degree in 1971 from the medical school in Guntur, India. Dr. Prasad further testified that, after graduating, he trained in cardiology for one year in India. Dr. Prasad came to the United States in 1974 and completed a rotating internship in Toledo, Ohio, from 1974 through 1975. From 1975 through 1978, Dr. Prasad participated in a residency in radiology in Youngstown, Ohio, at a hospital that is now part of the Western Reserve Care System. Dr. Prasad testified that he has practiced radiology at that hospital since that time. (Transcript at pages [Tr.] 48-50)
2. On or about February 12, 1997, Dr. Prasad entered into a Consent Agreement with the Board. In that Consent Agreement, Dr. Prasad made the following admissions:
 - Dr. Prasad admitted that he had first entered treatment for alcoholism at the Cleveland Clinic Foundation in November 1995.
 - Dr. Prasad admitted that he had relapsed on alcohol in July 1996 after having completed the evening aftercare program at the Cleveland Clinic Foundation.
 - Dr. Prasad admitted "that he was re-admitted to the Cleveland Clinic Foundation Day Care Program for re-assessment on July 9, 1996, and was discharged to outpatient aftercare on July 13, 1996."
 - Dr. Prasad admitted "that he failed to participate in local A.A. meetings as a part of his treatment plan as recommended by the Cleveland Clinic Foundation upon his discharge to outpatient aftercare in July 1996."
 - Dr. Prasad admitted that a urine sample that he had submitted in October 1996 had tested positive for alcohol, although he attributed that positive result to having taken NyQuil to relieve cold symptoms.
 - Dr. Prasad admitted that he had again relapsed on alcohol in November 1996.

(State's Exhibit [St. Ex.] 5, pp. 1-2)

3. Under the terms of the February 12, 1997, Consent Agreement between Dr. Prasad and the Board, Dr. Prasad's certificate to practice medicine and surgery in Ohio was suspended for an indefinite period of time. Conditions for reinstatement were imposed. In addition, the agreement contained a number of mutual promises. Among these, in Paragraph 3., Dr. Prasad agreed that he would "abstain completely from the use of alcohol." (St. Ex. 5, p. 2)
4. By letter dated July 15, 1997, Gregory B. Collins, M.D., Section Head, Alcohol and Drug Recovery Center, the Cleveland Clinic Foundation, notified the Board that Dr. Prasad "has been unsuccessful in his efforts to maintain sobriety recently." Dr. Collins further wrote that Dr. Prasad had had extensive inpatient and outpatient treatment at the Cleveland Clinic, and had had further treatment at the Betty Ford Center. Dr. Collins indicated that his relapse had occurred despite active involvement in Alcoholics Anonymous [AA], Caduceus, individual psychotherapy, and weekly random urine screens. (St. Ex. 6)
5. On August 14, 1997, Dr. Prasad made an appearance before the Board's Supervising Member and members of the Board's staff pursuant to the terms of his Consent Agreement. During this meeting, Dr. Prasad volunteered that he had relapsed on alcohol about one month earlier. As reported in the Memorandum for that meeting, Dr. Prasad indicated that the relapse "was a one day thing." Dr. Prasad further indicated that it had occurred because Dr. Prasad had been angry with his family, and he had consumed one bottle of wine. (St. Ex. 7)
6. William M. Melago testified that he is an investigator for the Board, and that he has held that position for four years. (Tr. 19)

Mr. Melago testified that in August 1997 he was requested to contact Dr. Prasad to investigate Dr. Prasad's relapse. Mr. Melago further testified that he contacted Dr. Prasad at Dr. Prasad's residence on September 19, 1997, at about 3:00 p.m. In addition, Mr. Melago stated that when Dr. Prasad answered the door he was dressed in pajamas and told Mr. Melago that he had been sleeping. Mr. Melago further testified that Dr. Prasad invited Mr. Melago into his home and excused himself in order to change clothing. Mr. Melago added that "Dr. Prasad appeared a little disoriented and to me his speech sounded somewhat slurred at that time." (Tr. 20-21)

Mr. Melago testified that he asked Dr. Prasad when he had last taken alcohol, and Dr. Prasad replied that it had been in July. Mr. Melago further testified

that Dr. Prasad told him about his relapse, saying that he had been upset about the recent death of his father and uncle. Mr. Melago stated that Dr. Prasad also told him that none of his urine screens had come back positive, but that Dr. Prasad had wanted to be honest with Dr. Collins. Mr. Melago additionally testified that "it was at that time [Dr. Prasad] said that he wanted to be honest with me also, and that is when he told me that, yes, he did have a drink about 1:00 o'clock that afternoon." Moreover, Mr. Melago testified that Dr. Prasad told him that he planned to call Dr. Collins immediately to inform Dr. Collins that he had been drinking that day and to see about continuing in treatment. Finally, Mr. Melago stated that he then thanked Dr. Prasad for speaking with him and left Dr. Prasad's residence. (Tr. 21-22, 30-32)

7. During cross-examination, Mr. Melago denied that Dr. Prasad had told him that he had had a drink one month ago, or one hour ago. Mr. Melago emphatically stated that Dr. Prasad had told him that he had had a drink at 1:00 that afternoon. (Tr. 31-32)

Mr. Melago further denied that he had attempted to call Dr. Prasad on the telephone prior to his visit. He stated that he had gone to Dr. Prasad's residence in the morning, but that nobody had answered the door. (Tr. 25-26)

8. Dr. Prasad testified that, prior to Mr. Melago's visit on September 19, 1997, Dr. Prasad had been sleeping. Dr. Prasad further testified that Mr. Melago came to his door at 1:30 p.m. Dr. Prasad further testified that he had asked Mr. Melago if Mr. Melago had an appointment, and that Mr. Melago had told him that he had called him between 11:00 and 11:30 a.m. Dr. Prasad denied that he was wearing pajamas when Mr. Melago arrived, but was wearing *lungis*, which are traditional Indian clothing. (Tr. 27, 39)

Dr. Prasad testified that he had probably been speaking fast when talking to Mr. Melago. Dr. Prasad speculated that Mr. Melago may have misunderstood Dr. Prasad's fast speech as being slurred speech. (Tr. 40-41, 46-47)

Dr. Prasad testified that when Mr. Melago asked him when his last drink was, Dr. Prasad replied that it had been one month ago. Dr. Prasad testified that he knows that was incorrect, because Mr. Melago visited him in September and his relapse had been in July, but that he had just woken up and had gotten the time-span mixed up. Dr. Prasad speculated that Mr. Melago may have misheard or misunderstood this statement. Dr. Prasad further testified that, when Mr. Melago thanked him for his honesty, he wondered what Mr. Melago was talking about. (Tr. 41)

9. On cross-examination, Dr. Prasad testified that he was aware of the time that Mr. Melago arrived, 1:30 p.m., because when the doorbell awoke him, he looked at the clock because his children come home from school at 3:00 p.m. Nevertheless, Dr. Prasad testified that the time may have been 2:00 p.m. because the clock does not work properly and he does not wear a watch. (Tr. 42-43)
10. When asked when he started having a problem with alcohol, Dr. Prasad testified that he would not call it a problem. Dr. Prasad testified that his drinking did not cause any problems for him professionally, and that he did not drink when he was on call. He stated that he used to enjoy drinking beer during the weekend, particularly while watching football games. He further stated that during the last two or three years of his drinking he would drink between six and twelve beers on the weekends. Dr. Prasad testified that this created problems at home because his wife cannot tolerate even a slight smell of alcohol. (Tr. 50)

Dr. Prasad testified that he tried to quit drinking on his own, but was unable to do so. Dr. Prasad further testified that a friend who is a psychiatrist suggested to him that he contact the Cleveland Clinic Foundation, which he did. (Tr. 50)

11. Dr. Prasad stated that he voluntarily completed one week of inpatient treatment at the Cleveland Clinic Foundation in 1995. Dr. Prasad further testified that he entered aftercare, and everything went well until July 1996. Dr. Prasad stated that, in July 1996, someone at his hospital complained to the Chairman of having smelled alcohol on Dr. Prasad's breath one weekend during the day. At the hearing, Dr. Prasad denied that he had relapsed at that time, but testified that he had not wanted to fight. (Tr. 50-51, 55)

Dr. Prasad testified concerning a relapse that occurred in November 1996. Dr. Prasad stated that, on that occasion, he had had severe chest pain, and that all he could think of before going to the hospital was having a beer. Dr. Prasad testified that he had thought that, since he was going to die anyway, he might just as well drink a couple of beers. Dr. Prasad testified that after drinking two beers he went to the hospital for an angiogram and was discharged three days later. (Tr. 51-52)

Following his discharge from the hospital, Dr. Prasad testified that he immediately went to the Cleveland Clinic Foundation for two weeks of inpatient treatment, and one week of outpatient treatment. Dr. Prasad testified that, following that, on December 3, 1996, he underwent four weeks of outpatient treatment at the Betty Ford Center in Rancho Mirage, California. (Tr. 52)

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12. Dr. Prasad testified that he currently see Dr. Collins once per month. In addition Dr. Prasad testified that he sees another psychiatrist, Dr. Brian Sullivant, every seven to ten days. Dr. Prasad testified that he also participates in group therapy supervised by Joseph Janesz on a weekly basis. Moreover, Dr. Prasad testified that he plans to increase his AA meeting attendance to seven per week, starting in January 1998. Dr. Prasad testified that he had been attending as many as 20 meetings per week, but had cut back to three or four per week because he had been neglecting home responsibilities. (Tr. 53-54)
13. Dr. Prasad testified that his license is still under suspension pursuant to the terms of his February 12, 1997, Consent Agreement. Dr. Prasad further testified that he is currently just taking care of things at home, reading journals, and going to meetings. (Tr. 57)

ANALYSIS

The testimony of Dr. Prasad and Mr. Melago conflicted on the issue of whether Dr. Prasad had admitted to Mr. Melago, during Mr. Melago's September 19, 1997, meeting with Dr. Prasad, that he had consumed alcohol that day. Mr. Melago testified that Dr. Prasad had initially indicated that his last drink occurred during his July relapse, but later told Mr. Melago that he wanted to be honest with Mr. Melago, and told Mr. Melago that he had consumed alcohol at 1:00 that afternoon. Mr. Melago further testified that Dr. Prasad told Mr. Melago that Dr. Prasad planned to contact Dr. Collins to tell him about his drinking that day and see about continuing in his treatment. On the other hand, Dr. Prasad denied that he had made any such statements, and speculated that Mr. Melago may have misunderstood a statement by Dr. Prasad that Dr. Prasad's last drink of alcohol had occurred one month earlier.

Given Mr. Melago's testimony, it would appear unlikely that he misunderstood what Dr. Prasad had told him. Not only had Dr. Prasad told him that he drank at 1:00 that afternoon, but Dr. Prasad told him that he wanted to be honest with him, and that he planned to contact Dr. Collins concerning the issue. It is very unlikely that all of this could have been a misunderstanding on Mr. Melago's part. Accordingly, Mr. Melago's testimony on this issue is found to be credible, and Dr. Prasad's version of these events is rejected.

FINDINGS OF FACT

1. Kolli M. Prasad, M.D., entered into a Consent Agreement with the Board on or about February 12, 1997, based upon his violation of Section 4731.22(B)(26), Ohio Revised Code. In that agreement, Dr. Prasad admitted that he had suffered relapses of his alcoholism in July 1996 and November 1996. By the terms of that agreement, Dr. Prasad's certificate to practice medicine in Ohio was suspended for an indefinite period of time, and requirements for the reinstatement of his certificate were imposed.

Paragraph 3 of the February 12, 1997, Consent Agreement stated that "Doctor Prasad shall abstain completely from the use of alcohol."

2. Despite the provision of the Consent Agreement that prohibited his consumption of alcohol, Dr. Prasad relapsed by drinking alcohol on one occasion in July 1997. This relapse was substantiated by a July 16, 1997, letter to the Board by Dr. Gregory Collins, Dr. Prasad's supervising physician; by Dr. Prasad's admission during an August 14, 1997, office conference with the Board; and by Dr. Prasad's admission during the present hearing.
3. On or about September 19, 1997, an investigator for the Board visited Dr. Prasad's home to discuss Dr. Prasad's July 1997 relapse. The investigator noted that Dr. Prasad appeared to be disoriented and that his speech was somewhat slurred. During this visit, Dr. Prasad admitted to the investigator that he had consumed alcohol at about 1:00 p.m. that day.

CONCLUSIONS OF LAW

As set forth in the Findings of Fact, above, the acts, conduct, and/or omissions of Kolli M. Prasad, M.D., individually or collectively, constitute "(v)iolation of the conditions of limitation placed by the board upon a certificate to practice or violation of the conditions of limitation upon which a limited or temporary registration or certificate to practice is issued," as that clause is used in Section 4731.22(B)(15), Ohio Revised Code; and "(i)mpairment 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," as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.

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The evidence is undisputed that Dr. Prasad entered into a Consent Agreement with the Board on February 12, 1997. It is further undisputed that Dr. Prasad violated the terms of that Consent Agreement by relapsing on alcohol in July 1997.

It is in Dr. Prasad's favor that he voluntarily reported his relapse to Dr. Collins and to the Board. Nevertheless, it is disturbing that Dr. Prasad would attempt to deceive the Hearing Examiner and the Board by denying under oath a subsequent relapse in September 1997. It is also disturbing that Dr. Prasad denied that his alcoholism was really a problem, despite the fact that Dr. Prasad has taken extraordinary measures to deal with his alcoholism, including inpatient care at the Cleveland Clinic Foundation and four weeks of outpatient care at the Betty Ford Center. Such deception and/or minimization of a serious problem, combined with Dr. Prasad's history of relapses, indicate that Dr. Prasad's prospects for recovery and a return to the practice of medicine are not encouraging.

PROPOSED ORDER

It is hereby ORDERED that the certificate of Kolli M. Prasad, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED.

This Order shall become effective immediately upon the mailing of notification of approval by the State Medical Board of Ohio.


R. Gregory Rorter
Attorney Hearing Examiner



State Medical Board of Ohio

125 E. Ross St., Columbus, OH 43260-1000, 614-464-5300, Fax: 614-464-5301, www.ohio-state-mb.com

EXCERPT FROM THE DRAFT MINUTES OF FEBRUARY 11, 1998

REPORTS AND RECOMMENDATIONS

Dr. Buchan announced that the Board would now consider the findings and orders appearing on the Board's agenda.

Dr. Buchan asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Ahmad Hosseinipour, M.D.; Kettering Cardiothoracic & Vascular Surgeons, Inc.; Donald A. Koehler, P.A.; and Kolli Prasad, M.D.

A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Bhati	- aye
	Dr. Heidt	- aye
	Dr. Egner	- aye
	Mr. Sinnott	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Dr. Buchan	- aye

Dr. Stienecker recused himself from consideration of the Hosseinipour case.

Dr. Garg indicated that he would recuse himself from two cases. He will announce which at the time the Board considers them.

Dr. Buchan 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. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Bhati	- aye
	Dr. Heidt	- aye
	Dr. Egner	- aye
	Mr. Sinnott	- aye

Dr. Stienecker - aye
Dr. Agresta - aye
Dr. Garg - aye
Dr. Steinbergh - aye
Dr. Buchan - aye

In accordance with the provision in Section 4731.22(C)(1), 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 these matters.

Dr. Buchan stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and orders in the above matters. No objections were voiced by Board members present.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

.....
KOLLI M. PRASAD, M.D.

Dr. Buchan directed the Board's attention to the matter of Kolli M. Prasad, M.D. He advised that objections to Hearing Examiner Porter's Report and Recommendation were filed and previously distributed to Board members. Dr. Buchan stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and Order in the above matter. No objections were voiced by Board members present.

Dr. Garg stated that he would recuse himself from this case, due to a conflict of interest.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF KOLLI M. PRASAD, M.D. DR. AGRESTA SECONDED THE MOTION.

Dr. Buchan stated that he would now entertain discussion in the above matter.

Dr. Heidt stated that Dr. Prasad underwent treatment at the Cleveland Clinic in November 1995. He relapsed in July 1996. He underwent more treatment, and relapsed again in November 1996. Dr. Prasad then entered into a consent agreement with the Board in February 1997. He relapsed again in July 1997, and informed the Board about the relapse at the time of his appearance in August 1997. Dr. Heidt stated that Dr. Prasad has had too many tries at remaining sober, and revocation is in order in this case.

Dr. Bhati spoke against revocation, stating that Dr. Prasad is definitely impaired. There is no question in his mind or anyone else's about this fact. Dr. Prasad reported himself for treatment in 1995. He relapsed in July and November 1996, reported the relapse, and then returned to treatment. Then there were additional problems. At the August 1997 meeting, Dr. Prasad disclosed the fact that he had relapsed. He also voluntarily reported this relapse when the investigator went to his home. Dr. Bhati stated that he is impressed with Dr. Prasad's continued efforts to let the person who is treating him know that he is coming back. He agrees that there are significant lapses, but the Board must take into consideration the facts that there was no patient involvement, nor was there any theft of drugs.

DR. BHATI MOVED THAT THE PROPOSED ORDER IN THE MATTER OF KOLLI PRASAD, M.D., BE AMENDED BY SUBSTITUTING THE FOLLOWING:

It is hereby ORDERED that:

1. The certificate of Kolli M. Prasad, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED. Such revocation is STAYED, and Dr. Prasad's certificate is SUSPENDED for an indefinite period of time, but not less than one (1) year.
2. The Board shall not consider reinstatement of Dr. Prasad's certificate to practice unless all of the following minimum requirements have been met:
 - a. Dr. Prasad shall submit an application for reinstatement, accompanied by appropriate fees. Dr. Prasad shall not make such application for at least ten (10) months from the effective date of this Order.
 - b. Within sixty days of the effective date of this Order, or as otherwise approved by the Board, Dr. Prasad shall commence appropriate psychiatric treatment, as determined by an informed assessment of his current needs. Such assessment and treatment shall be performed by a psychiatrist approved in advance by the Board. Prior to the initial assessment, Dr. Prasad shall furnish the approved provider copies of the Board's Order, including the Summary of the Evidence, Findings of Fact, Conclusions, Order, and any other documentation from the hearing record which the Board may deem appropriate or helpful to that provider. Within ten (10) days after the completion of the initial assessment, Dr. Prasad shall cause a written report to be submitted to the Board from the approved provider, which report shall include:
 - i. A detailed plan of recommended treatment based upon the provider's informed assessment of Dr. Prasad's current needs; and
 - ii. Any reports upon which the treatment recommendation is based, including reports of physical examination and psychological or other testing.

- c. Within thirty (30) days of the effective date of this Order, Dr. Prasad shall submit to the Board for its prior approval the name of a supervising physician to whom Dr. Prasad shall submit urine specimens as required in paragraphs 2(d)(v) and 3(g), below. The supervising physician shall ensure that the urine specimens are obtained on a random basis, that the giving of the specimen is witnessed by a reliable person, and that appropriate control over the specimen is maintained. In addition, the supervising physician shall immediately inform the Board of any positive screening results.
- d. For the duration of the suspension period:
 - i. Dr. Prasad shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of Dr. Prasad's history of chemical dependency.
 - ii. Dr. Prasad shall abstain completely from the use of alcohol.
 - iii. Dr. Prasad shall provide satisfactory quarterly documentation of continuous participation in a drug and alcohol rehabilitation program, such as AA, NA, or Caduceus, no less than six times per week. Substitution of any other specific program must receive prior Board approval.
 - iv. Dr. Prasad shall provide the Board with acceptable documentation evidencing compliance with the plan of recommended psychiatric treatment, if any, pursuant to paragraph 2(b), above, on a quarterly basis, or as otherwise directed by the Board.
 - v. Dr. Prasad shall submit to random urine screenings for drugs and/or alcohol on a random basis at least two times per week, or as otherwise directed by the Board. Dr. Prasad shall submit the urine specimens to the supervising physician approved by the Board pursuant to paragraph 2(c), above. The drug testing panel utilized must be acceptable to the Secretary of the Board.

Dr. Prasad shall ensure that the supervising physician provides quarterly reports to the Board, on forms approved or provided by the Board, verifying whether all urine screens have been conducted in compliance with this Order, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his responsibilities.

In the event that the designated supervising physician becomes unable or

unwilling to so serve, Dr. Prasad must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Prasad shall further ensure that the previously designated supervising physician also notifies the Board directly of the inability to continue to serve and the reasons therefor.

The first quarterly report must be received in the Board's offices on the first day of the third month following the month in which this Order becomes effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly report must be received in the Board's offices on the first day of the fourth month following. Subsequent quarterly reports must be received in the Board's offices on or before the first day of every third month.

- vi. Dr. Prasad shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment providers and/or supervising physicians to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations.
- e. At the time he submits his application for reinstatement, Dr. Prasad shall provide the Board with a written report of evaluation by a psychiatrist acceptable to the Board indicating that Dr. Prasad's ability to practice has been assessed and that he has been found capable of practicing in accordance with acceptable and prevailing standards of care. The report shall describe with particularity the bases for this determination, and shall set forth any recommended treatment for Dr. Prasad and/or recommended limitations on his practice.
- f. At the time he submits his application for reinstatement, Dr. Prasad shall provide the Board with a written report of evaluation by a drug and/or alcohol treatment provider other than the psychiatrist noted in paragraph 2(e), above, and who acceptable to the Board, indicating that Dr. Prasad's ability to practice has been assessed and that he has been found capable of practicing in accordance with acceptable and prevailing standards of care. The report shall describe with particularity the bases for this determination, and shall set forth any recommended treatment for Dr. Prasad and/or recommended limitations on his practice.
- g. At the time he submits his application for reinstatement, Dr. Prasad shall submit to the Board and receive its approval for a plan of practice in Ohio which, until otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Prasad's activities will be directly supervised and overseen by a monitoring physician approved in advance by the Board. The monitoring physician shall monitor

Dr. Prasad and his patient charts, as set forth in paragraph 3(l), below. The monitoring physician shall provide the Board with reports on Dr. Prasad's progress and status and on the status of his patient charts as directed by the Board.

- h. In the event that Dr. Prasad has not been engaged in active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of his fitness to resume practice.
3. Upon reinstatement, Dr. Prasad's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of eight (8) years:
 - a. Dr. Prasad shall not request modification of the terms, conditions, or limitations of probation for at least one year after imposition of these probationary terms, conditions, and limitations.
 - b. Dr. Prasad shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
 - c. Dr. Prasad shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of probation. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which the probation becomes effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the Board's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
 - d. Dr. Prasad shall appear in person for interviews before the full Board or its designated representative within three months of the reinstatement of his certificate and at three month intervals thereafter, or as otherwise requested by the Board.

If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled. Although the Board will normally give him written notification of scheduled appearances, it is Dr. Prasad's responsibility to know when personal appearances will occur. If he does not receive written notification from the Board by the end of the month in which the appearance should have occurred, Dr. Prasad shall immediately submit to the Board a written request to be notified of his next scheduled appearance.

- e. Dr. Prasad shall abstain completely from the personal use or possession of drugs, except

those prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of Dr. Prasad's history of chemical dependency.

- f. Dr. Prasad shall abstain completely from the use of alcohol.
- g. Dr. Prasad shall submit to random urine screenings for drugs and/or alcohol on a twice weekly basis or as otherwise directed by the Board. Dr. Prasad shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board.

The supervising physician approved by the Board prior to reinstatement, pursuant to paragraph 2(c), above, shall ensure that the urine specimens are obtained on a random basis, that the giving of the specimen is witnessed by a reliable person, and that appropriate control over the specimen is maintained. In addition, the supervising physician shall immediately inform the Board of any positive screening results.

Dr. Prasad shall ensure that the supervising physician provides quarterly reports to the Board, on forms approved or provided by the Board, verifying whether all urine screens have been conducted in compliance with this Order, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his responsibilities.

In the event that the designated supervising physician becomes unable or unwilling to so serve, Dr. Prasad must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Prasad shall further ensure that the previously designated supervising physician also notifies the Board directly of the inability to continue to serve and the reasons therefor.

All screening reports and supervising physician reports required under this paragraph must be received in the Board's offices no later than the due date for Dr. Prasad's quarterly declaration. It is Dr. Prasad's responsibility to ensure that reports are timely submitted.

- h. Dr. Prasad shall submit blood and/or urine specimens for analysis without prior notice at such times as the Board may request, at Dr. Prasad's expense.
- i. Dr. Prasad shall maintain participation in an alcohol and drug rehabilitation program, such as AA, NA, or Caduceus, no less than three times per week. Substitution of any other specific program must receive prior Board approval. In addition, at his appearances before the Board or its designated representative, Dr. Prasad shall submit

acceptable documentary evidence of continuing compliance with this program.

- j. Dr. Prasad shall provide the Board with acceptable documentation evidencing compliance with the plan of recommended psychiatric treatment, if any, pursuant to paragraph 2(e), above, on a quarterly basis, or as otherwise directed by the Board.

Dr. Prasad shall maintain compliance with the plan of recommended psychiatric treatment, if any, until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require quarterly reports from the approved treatment provider. Dr. Prasad shall ensure that reports are forwarded by the treatment provider to the Board on a quarterly basis, or as otherwise directed by the Board. It is Dr. Prasad's responsibility to ensure that the quarterly reports are received in the Board's offices no later than the due date for Dr. Prasad's quarterly declaration.

- k. Dr. Prasad shall provide the Board with acceptable documentation evidencing compliance with the plan of recommended drug and/or alcohol treatment, if any, pursuant to paragraph 2(f), above, on a quarterly basis, or as otherwise directed by the Board.

Dr. Prasad shall maintain compliance with the plan of recommended drug and/or alcohol treatment, if any, until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require quarterly reports from the approved treatment provider. Dr. Prasad shall ensure that reports are forwarded by the treatment provider to the Board on a quarterly basis, or as otherwise directed by the Board. It is Dr. Prasad's responsibility to ensure that the quarterly reports are received in the Board's offices no later than the due date for Dr. Prasad's quarterly declaration.

- l. Dr. Prasad shall comply with the practice plan approved by the Board prior to reinstatement of his certificate, as set forth in paragraph 2(g), above. The monitoring physician shall monitor Dr. Prasad and provide the Board with reports on Dr. Prasad's progress and status on a quarterly basis. All monitoring physician reports required under this paragraph must be received in the Board's offices no later than the due date for Dr. Prasad's quarterly declaration. It is Dr. Prasad's responsibility to ensure that the reports are timely submitted.

In the event that the approved monitoring physician becomes unable or unwilling to serve, Dr. Prasad shall immediately notify the Board in writing and shall make arrangements for another monitoring physician as soon as practicable. Dr. Prasad shall refrain from practicing until such supervision is in place, unless otherwise determined by the Board. Dr. Prasad shall ensure that the previously designated monitoring

physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefor.

- m. Dr. Prasad shall obtain the Board's prior approval for any alteration to the practice plan which was approved by the Board prior to the reinstatement of his certificate.
 - n. Dr. Prasad shall not prescribe, administer, dispense, order, write orders for, give verbal orders for, or possess (except as prescribed for his use by another so authorized by law) any controlled substances, without prior Board approval.
 - o. Dr. Prasad shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment providers, monitoring physicians, and supervising physicians to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations.
 - p. Within thirty (30) days of the reinstatement of his certificate, Dr. Prasad shall provide a copy of this Order to all employers or entities with which he is under contract to provide physician services, and the Chief of Staff at each hospital where Dr. Prasad has privileges or appointments. Further, Dr. Prasad shall provide a copy of this Order to all employers or entities with which he contracts to provide physician services, or applies for or receives training, and the Chief of Staff at each hospital where Dr. Prasad applies for or obtains privileges or appointments.
 - q. In the event that Dr. Prasad should leave Ohio for three consecutive months, or reside or practice outside the State, Dr. Prasad must notify the Board in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this probationary period, unless otherwise determined by motion of the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.
 - r. If Dr. Prasad violates probation in any respect, the Board, after giving him notice and the opportunity to be heard, may set aside the stay order and impose the permanent revocation of his certificate.
- 4. This Order shall supersede the February 12, 1997 consent agreement entered into between Dr. Prasad and the Board.
 - 5. Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Prasad's certificate will be fully restored.

This Order shall become effective immediately upon the mailing of notification of approval by the State Medical Board of Ohio.

DR. AGRESTA SECONDED THE MOTION.

Dr. Stienecker stated that the proposed amendment indefinitely suspends Dr. Prasad's license for a period not less than one year. He noted that Dr. Prasad has already been out of practice for some time. If the suspension period is more than a year, he should be required to pass the SPEX. Dr. Stienecker stated that he couldn't find that requirement in the proposed amendment.

Ms. Lubow stated that the amendment does allow the Board discretion to require additional evidence of the doctor's fitness to resume practice, should Dr. Prasad not be engaged in the active practice of medicine for a period in excess of two years.

Dr. Stienecker stated that the Order should specifically state that he shall be required to take and pass the SPEX for reinstatement.

DR. BHATI ACCEPTED DR. STIENECKER'S RECOMMENDATION TO REQUIRE THE SPEX AS A FRIENDLY AMENDMENT. DR. AGRESTA, AS SECOND, AGREED.

Dr. Agresta asked whether the Board had only one previous consent agreement with Dr. Prasad.

Dr. Bhati stated that it did.

Dr. Agresta stated that Dr. Prasad has a severe alcohol addiction problem that will be lifelong. The question is whether he can be helped. He has fallen off the wagon on more than one occasion. Dr. Agresta stated that he does take note of the fact that, as far as the Board knows, there was no involvement in patient care, nor was there any theft of drugs. For those reasons, he will support the amendment. Whether Dr. Prasad will be able to handle this condition long-term, he doesn't know.

Dr. Egner stated that these cases are difficult for the Board. The Board has asked before, how many relapses are too many? She doesn't propose that the Board set a definite number. She is not opposed to revocation in this case. Dr. Prasad's relapses occur at such short time intervals that it affects her judgment of him. The Board has seen other cases involving relapses, but usually there have been years between the events. In this case, the relapse intervals are short. Dr. Prasad is not recovered. Short of revocation, she would be in favor of keeping him out of practice three to five years. This is a discussion the Impairment Committee has had concerning such cases. Dr. Prasad needs to demonstrate, under monitoring, that he has spent a significant period of time in recovery. He hasn't demonstrated that at all. Dr. Egner asked that the suspension period be changed to at least three years, if the Board decides against revocation. Dr. Prasad needs to demonstrate his commitment to recovery.

Dr. Egner continued that she always makes the assumption in cases such as this that there is patient harm. A physician can't be addicted and practice medicine to the best of his or her ability. Even though the Board can't demonstrate specific patient harm in this case, she will make the assumption that Dr. Prasad has not practiced to the best of his ability.

Dr. Steinbergh agreed with Dr. Egner, stating that three years' suspension time is appropriate in this case. She would also continue the probationary period for eight years.

DR. BHATI AGREED TO ACCEPT THE FRIENDLY AMENDMENT OF REQUIRING THREE YEARS MINIMUM SUSPENSION TIME. DR. AGRESTA, AS SECOND, AGREED.

Dr. Buchan noted that this would also change paragraph 2 (a) to indicate that Dr. Prasad shall not submit an application for reinstatement for at least 34 months from the effective date of the Order.

DR. BHATI AND DR. AGRESTA ACCEPTED THE AMENDMENT.

Mr. Sinnott stated that Dr. Egner's amendment improves the proposed amendment, and he does find it acceptable.

Dr. Heidt agreed.

A vote was taken on Dr. Bhati's motion to amend:

VOTE:	Mr. Albert	- abstain
	Dr. Bhati	- aye
	Dr. Heidt	- aye
	Dr. Egner	- aye
	Mr. Sinnott	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye
	Dr. Buchan	- aye

The motion carried.

DR. HEIDT MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF KOLLI M. PRASAD, M.D. DR. AGRESTA SECONDED THE MOTION. A vote was taken:

VOTE:	Mr. Albert	- abstain
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Dr. Bhati	- aye
Dr. Heidt	- aye
Dr. Egnor	- aye
Mr. Sinnott	- aye
Dr. Stienecker	- aye
Dr. Agresta	- aye
Dr. Garg	- abstain
Dr. Steinbergh	- aye
Dr. Buchan	- aye

The motion carried.

.....

Dr. Bhati advised that he wished to add to the amendment in the above-captioned matter.

Mr. Bumgarner suggested that he prepare language for the Board and ask for reconsideration.

.....

DR. STIENECKER MOVED TO REMOVE THE MATTER OF KOLLI M. PRASAD, M.D., FROM THE TABLE. DR. BHATI SECONDED THE MOTION. A vote was taken:

VOTE:	Mr. Albert	- abstain
	Dr. Bhati	- aye
	Dr. Heidt	- aye
	Dr. Egnor	- aye
	Mr. Sinnott	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye
	Dr. Buchan	- aye

The motion carried.

DR. BHATI MOVED THAT THE BOARD RECONSIDER THE ORDER IN THE MATTER OF KOLLI M. PRASAD, M.D. HE FURTHER MOVED THAT THE ORDER BE AMENDED BY ADDING THE FOLLOWING TO THE REQUIRED MONITORING CONDITIONS DURING SUSPENSION:

- 2 d. vii. Dr. Prasad shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all of the conditions of this Order. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which this Order becomes effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the Board's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
- 2 d. viii. Dr. Prasad shall appear in person for quarterly interviews before the full Board or its designated representative, or as otherwise directed by the Board.

If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled. Although the Board will normally give him written notification of scheduled appearances, it is Dr. Prasad's responsibility to know when personal appearances will occur. If he does not receive written notification from the Board by the end of the month in which the appearance should have occurred, Dr. Prasad shall immediately submit to the Board a written request to be notified of his next scheduled appearance.

DR. STIENECKER SECONDED THE MOTION. A vote was taken:

VOTE:	Mr. Albert	- abstain
	Dr. Bhati	- aye
	Dr. Heidt	- aye
	Dr. Egner	- aye
	Mr. Sinnott	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye
	Dr. Buchan	- aye

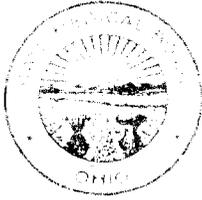
The motion carried.

DR. BHATI MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF PRASAD M. KOLLI, M.D. DR. HEIDT SECONDED THE MOTION. A vote was taken:

VOTE:

Mr. Albert	- abstain
Dr. Bhati	- aye
Dr. Heidt	- aye
Dr. Egner	- aye
Mr. Sinnott	- aye
Dr. Stienecker	- aye
Dr. Agresta	- aye
Dr. Garg	- abstain
Dr. Steinbergh	- aye
Dr. Buchan	- aye

The motion carried.



STATE MEDICAL BOARD OF OHIO
3000 THE UNIVERSITY CENTER, COLUMBUS, OHIO 43210-1392

October 8, 1997

Kolli Prasad, M.D.
7427 Eagle Trace
Boardman, OH 44512

Dear Doctor Prasad:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- (1) On or about February 12, 1997, you entered into a Consent Agreement with the State Medical Board of Ohio in lieu of formal proceedings based upon your violation of Section 4731.22(B)(26), Ohio Revised Code. The Agreement suspended your certificate to practice medicine and surgery for an indefinite period of time, and required that you comply with certain terms, conditions, and requirements prior to any Board consideration of reinstatement. In the Agreement, you admitted that you had suffered relapses of your alcoholism in July and November 1996. A copy of the February 1997 Consent Agreement is attached hereto and incorporated herein.
- (2) Under Paragraph one of the February 1997 Consent Agreement, you were required to abstain completely from the use of alcohol.
 - (a) Despite this provision, on or about July 16, 1997, the Board received a report from your supervising physician, Gregory Collins, M.D., of The Cleveland Clinic, that you had relapsed.
 - (b) Further, during a probationary office conference on or about August 14, 1997, you stated that you had relapsed approximately one month prior to the date of the office conference.
 - (c) Further, on or about September 19, 1997, an investigator for the Board appeared at your home to discuss your July 1997 relapse. The investigator noted that your speech was slurred and that you appeared to be disoriented. When the investigator advised you of his observations, you stated that you had not had a drink since August of 1997. However, after further discussion, you admitted that you had been drinking that day, and stated that your last drink was at approximately 1:00 p.m.

Mailed 10/9/97

Your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute a "(v)iolation of the conditions of limitation placed by the board upon a certificate to practice or violation of the conditions of limitation upon which a limited or temporary registration or certificate to practice is issued," as that clause is used in Section 4731.22(B)(15), Ohio Revised Code.

Your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "(i)mpairment 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," as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink, appearing to read "T. E. Gretter, M.D.", with a stylized flourish at the end.

Thomas E. Gretter, M.D.
Secretary

TEG/caf
Enclosures

CERTIFIED MAIL #P 152 984 784
RETURN RECEIPT REQUESTED

**CONSENT AGREEMENT
BETWEEN
KOLLI PRASAD, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

This CONSENT AGREEMENT is entered into by and between KOLLI PRASAD, M.D., and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

KOLLI PRASAD, M.D., enters into this Agreement being fully informed of his rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

This CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions and understandings:

- A. THE STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22(B)(26), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for "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."
- B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon the violation of Section 4731.22(B)(26), Ohio Revised Code, as detailed in paragraph (D) below, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Agreement.
- C. KOLLI PRASAD, M.D., is licensed to practice medicine and surgery in the State of Ohio.
- D. KOLLI PRASAD, M.D., ADMITS that he initially entered treatment for alcoholism at The Cleveland Clinic Foundation in November 1995.

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DOCTOR PRASAD further ADMITS that he suffered a relapse of his alcoholism in July 1996, following completion of the evening aftercare program at The Cleveland Clinic Foundation.

DOCTOR PRASAD further ADMITS that he was re-admitted to The Cleveland Clinic Foundation Day Care Program for re-assessment on July 9, 1996, and was discharged to outpatient aftercare on July 13, 1996.

DOCTOR PRASAD further ADMITS that he failed to participate in local A.A. meetings as a part of his treatment plan as recommended by The Cleveland Clinic Foundation upon his discharge to outpatient aftercare in July 1996.

DOCTOR PRASAD further ADMITS that he submitted a urine for toxicology screen in October 1996, that tested positive alcohol.

DOCTOR PRASAD STATES that he attributed the positive result to his ingestion of NyQuil for cold symptoms.

DOCTOR PRASAD further ADMITS that he suffered a second relapse of his alcoholism in November 1996.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, KOLLI PRASAD, M.D., knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following terms, conditions and limitations:

1. The certificate of DOCTOR PRASAD to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time.
2. DOCTOR PRASAD shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of DOCTOR PRASAD's history of chemical dependency;
3. DOCTOR PRASAD shall abstain completely from the use of alcohol;
4. DOCTOR PRASAD shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for DOCTOR PRASAD's chemical dependency

or related conditions, or for purposes of complying with the CONSENT AGREEMENT, whether such treatment or evaluation occurred before or after the effective date of this CONSENT AGREEMENT. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. DOCTOR PRASAD further agrees to provide the BOARD written consent permitting any treatment provider from whom he obtains treatment to notify the BOARD in the event he fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this CONSENT AGREEMENT.

5. DOCTOR PRASAD shall appear in person for quarterly interviews before the BOARD or its designated representative, or as otherwise directed by the BOARD.

If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled. (Example: The first quarterly appearance is scheduled for February, but based upon the doctor's serious personal illness he is permitted to delay appearance until April. The next appearance will still be scheduled for May, three months after the appearance as originally scheduled.) Although the BOARD will normally give DOCTOR PRASAD written notification of scheduled appearances, it is DOCTOR PRASAD's responsibility to know when personal appearances will occur. If he does not receive written notification from the BOARD by the end of the month in which the appearance should have occurred, DOCTOR PRASAD shall immediately submit to the BOARD a written request to be notified of his next scheduled appearance;

6. DOCTOR PRASAD shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the BOARD. DOCTOR PRASAD shall ensure that all screening reports are forwarded directly to the BOARD on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board;

Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR PRASAD shall submit to the BOARD for its prior approval the name of a supervising physician to whom DOCTOR PRASAD shall submit the required urine specimens. The supervising

physician shall ensure that the urine specimens are obtained on a random basis, that the giving of the specimen is witnessed by a reliable person, and that appropriate control over the specimen is maintained. In addition, the supervising physician shall immediately inform the BOARD of any positive screening results;

DOCTOR PRASAD shall ensure that the supervising physician provides quarterly reports to the BOARD, on forms approved or provided by the BOARD, verifying whether all urine screens have been conducted in compliance with this CONSENT AGREEMENT, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his responsibilities;

In the event that the designated supervising physician becomes unable or unwilling to so serve, DOCTOR PRASAD must immediately notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable. DOCTOR PRASAD shall further ensure that the previously designated supervising physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefor;

All screening reports and supervising physician reports required under this paragraph must be received in the BOARD's offices no later than the due date for DOCTOR PRASAD's quarterly declaration. It is DOCTOR PRASAD's responsibility to ensure that reports are timely submitted;

7. The BOARD shall not consider reinstatement of DOCTOR PRASAD's certificate to practice medicine and surgery unless and until all of the following conditions are met:
 - a. DOCTOR PRASAD shall submit an application for reinstatement, accompanied by appropriate fees, if any;
 - b. DOCTOR PRASAD shall demonstrate to the satisfaction of the BOARD that he can resume practice in compliance with acceptable and prevailing standards of care under the provisions of his certificate. Such demonstration shall include but shall not be limited to the following:
 - i. Certification from a treatment provider approved under Section 4731.25 of the Revised Code that DOCTOR

PRASAD has successfully completed any required inpatient treatment:

- ii. Evidence of continuing full compliance with an aftercare contract or consent agreement;
 - iii. Two written reports indicating that DOCTOR PRASAD's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the BOARD for making such assessments and shall describe the basis for this determination.
- c. DOCTOR PRASAD shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the BOARD or, if the BOARD and DOCTOR PRASAD are unable to agree on the terms of a written CONSENT AGREEMENT, then DOCTOR PRASAD further agrees to abide by any terms, conditions and limitations imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Ohio Revised Code.

Further, upon reinstatement of DOCTOR PRASAD's certificate to practice medicine and surgery in this state, the BOARD shall require continued monitoring which shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Revised Code and, upon termination of the consent agreement or Board Order, submission to the BOARD for at least two years of annual progress reports made under penalty of BOARD disciplinary action or criminal prosecution stating whether DOCTOR PRASAD has maintained sobriety.

8. In the event that DOCTOR PRASAD has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement, the BOARD may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of DOCTOR PRASAD's fitness to resume practice.

9. Within thirty (30) days of the effective date of this Agreement, DOCTOR PRASAD shall provide a copy of this CONSENT AGREEMENT by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds a license to practice. DOCTOR PRASAD further agrees to provide a copy of this CONSENT AGREEMENT by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for licensure or reinstatement of licensure. Further, DOCTOR PRASAD shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.
10. Within thirty (30) days of the effective date of this Agreement, DOCTOR PRASAD shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he is under contract to provide physician services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments.

The above described terms, conditions and limitations may be amended or terminated in writing at any time upon the agreement of both parties.

If, in the discretion of the Secretary and Supervising Member of THE STATE MEDICAL BOARD OF OHIO, DOCTOR PRASAD appears to have violated or breached any term or condition of this Agreement, THE STATE MEDICAL BOARD OF OHIO reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Agreement.

DOCTOR PRASAD acknowledges that he has had an opportunity to ask questions concerning the terms of this Agreement and that all questions asked have been answered in a satisfactory manner.

Any action initiated by the BOARD based on alleged violations of this CONSENT AGREEMENT shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

DOCTOR PRASAD hereby releases THE STATE MEDICAL BOARD OF OHIO, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. It is expressly understood that this CONSENT

