



State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/ 466-3934 • Website: www.state.oh.us/med/

June 9, 1999

Neal R. Glass, M.D.
342 Jefferson Street
Meadville, PA 16335-1457

Dear Doctor Glass:

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 June 9, 1999, including motions granting your request for reconsideration, 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 233 839 288
RETURN RECEIPT REQUESTED

cc: Douglas E. Graff, Esq.
CERTIFIED MAIL RECEIPT NO. Z 233 839 289
RETURN RECEIPT REQUESTED

Mailed 6/28/99

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 June 9, 1999, including motions granting Dr. Glass's request for reconsideration, 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 Neal R. Glass, 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

JUNE 9, 1999
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

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*

NEAL R. GLASS, M.D.

*

ENTRY OF ORDER

This matter came on for reconsideration before the State Medical Board of Ohio on June 9, 1999 after a request for reconsideration was timely filed on behalf of Neal R. Glass, M.D., on or about May 5, 1999.

By Order of the Board on April 14, 1999, effective April 26, 1999, Dr. Glass' medical license was indefinitely suspended for a minimum of 30 days. The Order established conditions for reinstatement and subsequent probationary terms for at least three years. The action was based on the doctor's failure to maintain medical records concerning controlled substance prescriptions issued to a specified patient, in violation of Medical Board rules.

The April 14, 1999 Order states that, prior to reinstatement, Dr. Glass must successfully complete courses dealing with the prescribing of controlled substances; and maintaining adequate and appropriate medical records. Further, the Order requires the doctor to pass an examination on the contents of the D.E.A.'s *Physicians' Manual*.

Dr. Glass was unable to complete the required courses within the minimum 30 day suspension period, in that the courses were not offered until June and July, 1999. The doctor subsequently submitted a timely request for the Board to reconsider and modify its Order so as to allow him to complete the course and examination requirements as part of his probationary, rather than reinstatement requirements, but no later than 120 days from date of reinstatement. The failure to complete the courses in a timely manner would expose Dr. Glass to additional discipline as deemed appropriate by the Board for a violation of the terms of his probation.

WHEREFORE, upon the Report and Recommendation of Sharon W. Murphy, Hearing Examiner, Medical Board, in this matter designated pursuant to O.R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the reconsideration, modification and confirmation of the vote of the Board on

June 9, 1999, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for June 9, 1999:

It is hereby ORDERED that:

1. The certificate of Neal R. Glass, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for a an indefinite period of time, but not less than thirty (30) days.
2. The Board shall not consider reinstatement of Dr. Glass' certificate to practice unless all of the following minimum requirements have been met:
 - a. Dr. Glass shall submit an application for reinstatement, accompanied by appropriate fees.
 - b. Dr. Glass shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which he is practicing.
 - c. Within thirty days of the effective date of this Order, Dr. Glass shall provide a copy of this Order 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. Dr. Glass shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for licensure or reinstatement of licensure. Further, Dr. Glass shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
 - d. Dr. Glass shall refrain from self-treating and from treating any family member, except in the event of life-threatening emergency.
 - e. In the event that Dr. Glass 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 his fitness to resume practice.
3. Upon reinstatement, Dr. Glass's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least three years:

- a. Dr. Glass shall not request modification of the terms, conditions, or limitations of probation for at least one year after their imposition.
- b. Dr. Glass shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which he is practicing.
- c. Within 120 days of reinstatement, Dr. Glass shall:
 - 1) provide acceptable documentation of successful completion of a course dealing with the prescribing of controlled substances. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education [CME] requirements for relicensure for the CME acquisition period(s) in which they are completed;
 - 2) provide acceptable documentation of satisfactory completion of a course on maintaining adequate and appropriate medical records, such course to be approved in advance by the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the CME requirements for relicensure for the CME acquisition period(s) in which they are completed;
 - 3) take and pass an examination to be administered by the Board or its designee related to the content of the *DEA Physician's Manual*, which manual may be obtained from the offices of the Board. In the event that Dr. Glass fails this examination, he must wait at least three months between re-examinations.

Failure by Dr. Glass to complete all of the above stated course and examination requirements within the time specified shall automatically result in the immediate reimposition of the INDEFINITE SUSPENSION of his certificate. Such suspension shall remain in effect until documentation of satisfaction of those requirements is provided to and accepted by the Board, at which time Dr. Glass shall again be subject to these probationary terms, conditions and limitations. Periods of time during which Dr. Glass' license is suspended will not apply to the reduction of this probationary period.

- f. Dr. Glass shall appear in person for interviews before the full Board or its designated representative within three months of the date on which probation

becomes effective, and upon his request for termination of the probationary period, 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. Glass' 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. Glass shall immediately submit to the Board a written request to be notified of his next scheduled appearance.

- g. Dr. Glass 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 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.
- h. Dr. Glass shall refrain from self-treating and from treating any family member, except in the event of life-threatening emergency.
- i. Dr. Glass shall refrain from commencing practice in Ohio without prior written Board approval. Moreover, prior to commencing practice in Ohio, the Board may require that Dr. Glass comply with additional terms, conditions, or limitations, including the following:
 - i. Prior to commencement of practice in Ohio, Dr. Glass shall provide the Board with acceptable documentation evidencing his full and unrestricted licensure in the State of Pennsylvania.
 - ii. Within thirty days of commencement of practice in Ohio, Dr. Glass shall provide a copy of this Order 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. Further, Dr. Glass shall provide a

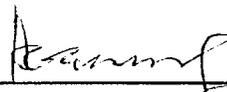
copy of this Order to all employers or entities with which he contracts to provide physician services, or applies for or receives training, and the Chief of Staff at each hospital where Dr. Glass applies for or obtains privileges or appointments.

- iii. Upon commencement of practice in Ohio, Dr. Glass shall keep a log of all controlled substances purchased, prescribed, dispensed, or administered. Such log shall be submitted in the format approved by the Board at the time he submits his quarterly declarations, or as otherwise directed by the Board. Further, Dr. Glass shall make his patient records with regard to such prescribing available for review by an agent of the Board upon request.
 - iv. Dr. Glass shall appear in person for interviews before the full Board or its designated representative within three month of commencement of practice in Ohio, at three month intervals thereafter, and upon his request for termination of the probationary period, or as otherwise requested by the Board.
 - j. If Dr. Glass violates probation in any respect, the Board, after giving him notice and the opportunity to be heard, may impose whatever disciplinary action it deems appropriate, up to and including the permanent revocation of Dr. Glass' certificate.
4. Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Glass' certificate will be restored, but shall thereafter be permanently LIMITED and RESTRICTED as follows:

Dr. Glass shall refrain from self-treating and from treating any family member, except in the event of life-threatening emergency.

This Order shall be considered effective April 26, 1999.

(SEAL)



Anand G. Garg, M.D.
Secretary

JUNE 9, 1999
Date



State Medical Board of Ohio

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EXCERPT FROM THE DRAFT MINUTES OF JUNE 9, 1999

REQUEST FOR RECONSIDERATION AND REINSTATEMENT IN THE MATTER OF NEAL R. GLASS, M.D.

Dr. Steinbergh stated that Dr. Glass has requested that the Board reconsider its Order of April 14, 1999, which suspended Dr. Glass' medical license for a minimum of 30 days. Dr. Glass is requesting reinstatement as of June 10, and asking to modify the Board Order to include course completion and D.E.A. Manual examination requirements as conditions of probation rather than as reinstatement requirements, with the proviso that those requirements be satisfied within 120 days of reinstatement.

Mr. Bumgarner stated that Dr. Glass' request for reconsideration of the Order was timely made.

DR. BHATI MOVED TO GRANT DR. GLASS' REQUEST FOR RECONSIDERATION OF THE BOARD'S APRIL 14, 1999 ORDER, AND TO ENTER THE FOLLOWING ORDER IN THE MATTER OF NEAL R. GLASS, M.D.:

It is hereby ORDERED that:

1. The certificate of Neal R. Glass, M.D., to practice medicine and surgery in the State of Ohio shall be **SUSPENDED** for a an indefinite period of time, but not less than thirty (30) days.
2. The Board shall not consider reinstatement of Dr. Glass' certificate to practice unless all of the following minimum requirements have been met:
 - a. Dr. Glass shall submit an application for reinstatement, accompanied by appropriate fees.
 - b. Dr. Glass shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which he is practicing.
 - c. Within thirty days of the effective date of this Order, Dr. Glass shall provide a copy of this Order 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. Dr. Glass shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for licensure or reinstatement of licensure. Further, Dr. Glass shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
 - d. Dr. Glass shall refrain from self-treating and from treating any family member, except

in the event of life-threatening emergency.

- e. In the event that Dr. Glass 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 his fitness to resume practice.
3. Upon reinstatement, Dr. Glass's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least three years:
 - a. Dr. Glass shall not request modification of the terms, conditions, or limitations of probation for at least one year after their imposition.
 - b. Dr. Glass shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which he is practicing.
 - c. Within 120 days of reinstatement, Dr. Glass shall:
 - 1) provide acceptable documentation of successful completion of a course dealing with the prescribing of controlled substances. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education [CME] requirements for relicensure for the CME acquisition period(s) in which they are completed;
 - 2) provide acceptable documentation of satisfactory completion of a course on maintaining adequate and appropriate medical records, such course to be approved in advance by the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the CME requirements for relicensure for the CME acquisition period(s) in which they are completed;
 - 3) take and pass an examination to be administered by the Board or its designee related to the content of the *DEA Physician's Manual*, which manual may be obtained from the offices of the Board. In the event that Dr. Glass fails this examination, he must wait at least three months between re-examinations.

Failure by Dr. Glass to complete all of the above stated course and examination requirements within the time specified shall automatically result in the immediate reimposition of the INDEFINITE SUSPENSION of his certificate. Such suspension shall remain in effect until documentation of satisfaction of those requirements is provided to and accepted by the Board, at which time Dr. Glass

shall again be subject to these probationary terms, conditions and limitations. Periods of time during which Dr. Glass' license is suspended will not apply to the reduction of this probationary period.

- f. Dr. Glass shall appear in person for interviews before the full Board or its designated representative within three months of the date on which probation becomes effective, and upon his request for termination of the probationary period, 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. Glass' 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. Glass shall immediately submit to the Board a written request to be notified of his next scheduled appearance.

- g. Dr. Glass 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 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.
- h. Dr. Glass shall refrain from self-treating and from treating any family member, except in the event of life-threatening emergency.
- i. Dr. Glass shall refrain from commencing practice in Ohio without prior written Board approval. Moreover, prior to commencing practice in Ohio, the Board may require that Dr. Glass comply with additional terms, conditions, or limitations, including the following:
 - i. Prior to commencement of practice in Ohio, Dr. Glass shall provide the Board with acceptable documentation evidencing his full and unrestricted licensure in the State of Pennsylvania.
 - ii. Within thirty days of commencement of practice in Ohio, Dr. Glass shall provide a copy of this Order 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. Further, Dr. Glass 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. Glass applies for or obtains privileges or appointments.

- iii. Upon commencement of practice in Ohio, Dr. Glass shall keep a log of all controlled substances purchased, prescribed, dispensed, or administered. Such log shall be submitted in the format approved by the Board at the time he submits his quarterly declarations, or as otherwise directed by the Board. Further, Dr. Glass shall make his patient records with regard to such prescribing available for review by an agent of the Board upon request.
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 - j. If Dr. Glass violates probation in any respect, the Board, after giving him notice and the opportunity to be heard, may impose whatever disciplinary action it deems appropriate, up to and including the permanent revocation of Dr. Glass' certificate.
4. Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Glass' certificate will be restored, but shall thereafter be permanently LIMITED and RESTRICTED as follows:

Dr. Glass shall refrain from self-treating and from treating any family member, except in the event of life-threatening emergency.

This Order shall be considered effective April 26, 1999.

DR. STIENECKER SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Bhati	- aye
	Dr. Talmage	- aye
	Dr. Somani	- aye
	Dr. Egner	- nay
	Mr. Browning	- aye
	Dr. Stienecker	- aye
	Dr. Garg	- abstain
	Dr. Buchan	- aye

Dr. Steinbergh - aye

The motion carried.

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Mr. Bumgarner stated that Dr. Glass's request for reinstatement of his license will be considered later in the meeting.



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43266-0315 • (614) 466-3934 • Website: www.state.oh.us/med/

April 14, 1999

Neal R. Glass, M.D.
Pike Professional Building
100 Dawn Lane, Suite 2
Waverly, OH 45690

Dear Doctor Glass:

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 April 14, 1999, 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 233 839 241
RETURN RECEIPT REQUESTED

cc: Douglas E. Graff, Esq.
CERTIFIED MAIL RECEIPT NO. Z 233 839 242
RETURN RECEIPT REQUESTED

Mailed 4/26/99

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 April 14, 1999, 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 Neal R. Glass, 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.



Anand G. Garg, M.D.
Secretary

(SEAL)

April 14, 1999
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

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*

NEAL R. GLASS, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on April 14, 1999.

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 Neal R. Glass, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than thirty days.
2. The Board shall not consider reinstatement of Dr. Glass' certificate to practice unless all of the following minimum requirements have been met:
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 - b. Dr. Glass shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which he is practicing.
 - c. Within thirty days of the effective date of this Order, Dr. Glass shall provide a copy of this Order 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. Dr. Glass shall also provide a copy of this Order by

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 - e. Dr. Glass shall take and pass an examination to be administered by the Board or its designee related to the content of the *DEA Physician's Manual*, which manual may be obtained from the offices of the Board. In the event that Dr. Glass fails this examination, he must wait at least three months between re-examinations. Dr. Glass must pass this examination before submitting his application for reinstatement.
 - f. Upon submission of his application for reinstatement, Dr. Glass shall provide acceptable documentation of successful completion of a course dealing with the prescribing of controlled substances. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education [CME] requirements for relicensure for the CME acquisition period(s) in which they are completed.
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- b. Dr. Glass shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which he is practicing.
- c. Dr. Glass shall appear in person for interviews before the full Board or its designated representative within three months of the date in which probation becomes effective and upon his request for termination of the probationary period, or as otherwise requested by the Board.

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 - i. Prior to commencement of practice in Ohio, Dr. Glass shall provide the Board with acceptable documentation evidencing his full and unrestricted licensure in the State of Pennsylvania.
 - ii. Within thirty days of commencement of practice in Ohio, Dr. Glass shall provide a copy of this Order 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. Further, Dr. Glass shall provide a copy of this Order to all

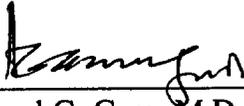
employers or entities with which he contracts to provide physician services, or applies for or receives training, and the Chief of Staff at each hospital where Dr. Glass applies for or obtains privileges or appointments.

- iii. Upon commencement of practice in Ohio, Dr. Glass shall keep a log of all controlled substances purchased, prescribed, dispensed, or administered. Such log shall be submitted in the format approved by the Board at the time he submits his quarterly declarations, or as otherwise directed by the Board. Further, Dr. Glass shall make his patient records with regard to such prescribing available for review by an agent of the Board upon request.
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 - g. If Dr. Glass violates probation in any respect, the Board, after giving him notice and the opportunity to be heard, may impose whatever disciplinary action it deems appropriate, up to and including the permanent revocation of Dr. Glass' certificate.
4. Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Glass' certificate will be restored, but shall thereafter be permanently LIMITED and RESTRICTED as follows:

Dr. Glass shall refrain from self-treating and from treating any family member, except in the event of life-threatening emergency.

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

(SEAL)



Anand G. Garg, M.D.
Secretary

April 14, 1999
Date

**REPORT AND RECOMMENDATION
IN THE MATTER OF NEAL R. GLASS, M.D.**

The Matter of Neal R. Glass, M.D., was heard by Sharon W. Murphy, Attorney Hearing Examiner for the State Medical Board of Ohio, on December 28, 1998.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated August 12, 1998, the State Medical Board of Ohio [Board] notified Neal R. Glass, M.D., that it had proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board based its action on Dr. Glass' alleged prescribing of controlled substances to Patient 1 without maintaining medical records concerning such prescribing.

The Board further alleged that Dr. Glass' conduct constitutes "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Rule 4731-11-02(D), Ohio Administrative Code." In addition, the Board alleged that, pursuant to Rule 4731-11-02(F) of the Ohio Administrative Code, a violation of Rule 4731-11-02(D), Ohio Administrative Code, also constitutes a violations of Sections 4731.22(B)(2) and (B)(6), Ohio Revised Code.

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

- B. On September 11, 1998, Terri-Lynne B. Smiles, Esq., submitted a written hearing request on behalf of Dr. Glass. (State's Exhibit 1D).

II. Appearances

- A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by Anne B. Strait, Assistant Attorney General.
- B. On behalf of the Respondent: Douglas E. Graff, Esq.

99 JAN 21 PM 3:43

EVIDENCE EXAMINED

I. Testimony Heard

A. Presented by the State

1. Neal R. Glass, M.D., as if upon cross-examination
2. John L. Chapman
3. George D. Henderson

B. Presented by the Respondent

Neal R. Glass, M.D.

II. Exhibits Examined

A. Presented by the State

1. State's Exhibits 1A-1N, 1P-1Y: Procedural Exhibits. (Note: State's Exhibit 1B is a patient key, which is sealed to protect patient confidentiality.)
- * 2. State's Exhibit 2: Copy of a subpoena duces tecum pertaining to medical records for Patient 1, served upon an agent of Dr. Glass on July 1, 1997.
3. State's Exhibit 3: Copy of a July 7, 1997, notarized letter to the Board from Dr. Glass.
- * 4. State's Exhibits 4-16: Original prescriptions written in the name of Patient 1 and bearing what appear to be Dr. Glass' signature. (Note: copies of the original prescriptions will be distributed to the Board; however, the original prescriptions will be maintained in the Board's offices for Board member review.)

B. Presented by the Respondent

- * 1. Respondent's Exhibit A: Excerpts from medical records for Patient 1 maintained by the Ohio State Pain Control Center.
- * 2. Respondent's Exhibit B: Medical records for Patient 1 maintained by James M. Hunter, M.D.

Note: All exhibits marked with an asterisk [*] have been sealed to protect patient confidentiality.

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SUMMARY OF THE EVIDENCE

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

1. Neal R. Glass, M.D., testified that he graduated from the State University of New York, Downstate Medical Center, in Brooklyn, New York, in 1972. Dr. Glass completed his first year of a general surgery residency at the University of Hawaii. Thereafter, Dr. Glass returned to the Downstate Medical Center in Brooklyn where, in 1978, he completed a five year transplant fellowship. (Hearing Transcript [Tr.] at 15).

Dr. Glass testified that, after completing the transplant fellowship, he accepted an academic appointment at the University of Wisconsin as a member of the transplant team. He remained in Wisconsin until 1985. In 1985, Dr. Glass moved to Lubbock, Texas, to help initiate a new transplant program. Dr. Glass stated that, in 1989, he relocated to St. Louis, Missouri, and spent eighteen months as the co-director of an abdominal organ transplant program. Dr. Glass also testified that, in approximately 1989, he moved to Camden, New Jersey, to direct another transplant program. In March 1993, Dr. Glass relocated to Waverly, Ohio, and started a general surgery/family practice. Dr. Glass testified that he had moved to Waverly because he had tired of cities and academics, and had hoped for a change of lifestyle. Finally, in January 1998, Dr. Glass moved to Meadville, Pennsylvania, where, at the time of the hearing, he was practicing general surgery. (Tr. at 14-16, 79).

2. Detective John L. Chapman of the Clinton County Sheriff's Department testified on behalf of the State. Det. Chapman testified that he is assigned to the Southwest Regional Drug Unit, Narcotics. In that capacity, Det. Chapman participated in an investigation of prescriptions ostensibly written by Dr. Glass in the name of Dr. Glass' wife [Patient 1]. Det. Chapman stated that, during the course of the investigation, he had contacted pharmacies in the Waverly area and had located a number of "questionable" prescriptions. (Tr. at 29-31). Det. Chapman further stated that, on May 8, 1996, he had interviewed Dr. Glass regarding the questionable prescriptions. (Tr. at 31-33; State's Exhibits [St. Exs.] 9-14). The following prescriptions were discussed:

<u>Controlled Drug</u>	<u>Schedule</u>	<u>Date</u>	<u>Quantity</u>	<u>Refills</u>	<u>Exhibit</u>
Lorcet Plus	III	09-07-95	50	5	St. Ex. 9
Lorcet Plus	III	09-27-95	30	5	St. Ex. 10
Lorcet Plus	III	12-07-95	30	3	St. Ex. 11
Lorcet Plus	III	12-14-95	30	3	St. Ex. 12
Lorcet Plus	III	02-17-96	30	3	St. Ex. 13
Lorcet Plus	III	04-03-96	40	3	St. Ex. 14

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Det. Chapman stated that his purpose in interviewing Dr. Glass regarding the prescriptions was to determine whether the prescriptions had been fraudulently created by someone other than Dr. Glass. Det. Chapman stated that he had asked Dr. Glass to examine the handwriting on the prescriptions to determine if Dr. Glass had, in fact, written them. Det. Chapman stated that Dr. Glass did so, but would not definitely establish that he had written the prescriptions. Det. Chapman stated that Dr. Glass had merely advised that the signatures appeared to be his. (Tr. at 31-33, 50).

Det. Chapman further testified that he had asked Dr. Glass if Dr. Glass had maintained medical records for Patient 1 which might help Dr. Glass determine whether the prescriptions were genuine. Dr. Glass acknowledged that he had not maintained medical records for Patient 1. (Tr. at 33).

3. Board Investigator George D. Henderson testified on behalf of the State. Mr. Henderson stated that he had become involved with the investigation of Dr. Glass because the Board had received information that Patient 1 had presented forged prescriptions to several pharmacies in southern Ohio. (Tr. at 58-60). Mr. Henderson further stated that, during the course of his investigation, he had obtained the following prescriptions written in the name of Patient 1 and bearing Dr. Glass' signature:

<u>Controlled Drug</u>	<u>Schedule</u>	<u>Date</u>	<u>Quantity</u>	<u>Refills</u>	<u>Exhibit</u>
Lorcet Plus	III	10-28-94	30	5	St. Ex. 4
Tussi-Organidin plus Codeine	V	01-07-95	150 ml	0	St. Ex. 5
Lorcet Plus	III	03-07-95	50	5	St. Ex. 6
Lorcet Plus	III	06-22-95	50	5	St. Ex. 7
Lorcet Plus	III	08-30-95	50	5	St. Ex. 8

(Tr. at 58-60). Mr. Henderson also stated that, in August 1996, he had interviewed Dr. Glass. Mr. Henderson testified that Dr. Glass had admitted writing prescriptions for his wife in order to avoid asking Patient 1's out of state physician to contact local pharmacies. (Tr. at 61, 63). Mr. Henderson also testified that, during the interview with Dr. Glass, he had advised Dr. Glass that the Board had taken a position against physicians writing prescriptions for family members. Mr. Henderson further stated that he had not discussed the requirement that Dr. Glass maintain medical records for patients to whom he prescribes controlled substances. (Tr. at 61, 70-71).

4. Dr. Glass admitted he had prescribed controlled pain medications for his wife, but had not maintained medical records regarding her care. He reasoned that medical records had not been necessary because he did not bill for her care. Dr. Glass stated that he generally keeps medical records only for patients he bills. Nevertheless, Dr. Glass admits that billing is not the only purpose for keeping a medical record. (Tr. at 108-109).

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Dr. Glass further testified that, after his meetings with Det. Chapman and Mr. Henderson, he had realized that he is required to maintain records for any patient to whom he prescribes controlled substances. Dr. Glass testified that, after the meetings, he had ceased writing prescriptions for Patient 1, with the exception of the following two prescriptions:

<u>Controlled Drug</u>	<u>Schedule</u>	<u>Date</u>	<u>Quantity</u>	<u>Refills</u>	<u>Exhibit</u>
Darvocet N-100	IV	03-30-97	50	0	St. Ex. 15
Fiorinal	III	06-14-97	30	0	St. Ex. 16

(Tr. at 26, 80-81).

5. Dr. Glass reviewed the prescriptions written in the name of Patient 1 and bearing what appears to be Dr. Glass' signature. When asked if he had personally written the prescriptions, Dr. Glass testified that he can not determine with certainty whether he had written the prescriptions at issue in this matter. Nevertheless, regarding the individual prescriptions, Dr. Glass testified that all appear to bear his signature. Nevertheless, some of the prescriptions appear to have been altered, with the addition of refills and an increase in the number of tablets prescribed. Moreover, Dr. Glass stated that some of the prescriptions appear to have been traced or copied from another legitimately written by Dr. Glass. (Tr. at 18-21, 100-104, 106-108; St. Ex. 5-14).

Dr. Glass further stated that, after becoming aware of Det. Chapman's concerns, Dr. Glass made efforts to prevent any additional abuse. He stated that he had started locking prescription pads in his office. He also discussed the matter with Patient 1. Dr. Glass explained that he took these actions to prevent any opportunity Patient 1 may have had to fraudulently imitate his prescriptions. He stated that Patient 1 had been employed in his office, so she may have had access to his prescription blanks. (Tr. at 82, 93-94; Resp. Ex. A).

6. Dr. Glass testified that he met his wife, Patient 1, in 1985. Two years earlier, Patient 1 had sustained injuries in a motor vehicle accident. As a result of the accident, Patient 1 sustained two fractured cervical vertebrae, which resulted in unrelenting pain problems. Dr. Glass testified that Patient 1 has since undergone approximately fifteen surgical procedures on the muscles and nerves in her neck and hands. The most recent surgical intervention occurred in October 1998. (Tr. at 86-91, 109-110; Respondent's Exhibit [Resp. Ex.] B at 2).

Dr. Glass testified that, throughout the treatment of Patient 1's injuries, she has been involved in an ongoing pain control regimen, which included the prescribing of hydrocodone. In May 1996, Patient 1 began treatment at the Ohio State Pain Control Clinic. While participating in that program, she was prescribed oxycodone, Neurontin or Fiorinal, Soma, Paxil or Triavil, Elavil, and Klonopin. As of February 1997, the last visit included in the record, Patient 1 was taking oxycodone, Fiorinal, Paxil and Klonopin. (Tr. at 86-91, 109-110; Resp. Ex. A).

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Dr. Glass further testified that Patient 1 is no longer being treated at the Pain Control Clinic. Dr. Glass indicated that Patient 1 is currently being treated by James M. Hunter, M.D., at the Hand & Nerve Clinic in Philadelphia, Pennsylvania, and by a psychiatrist, a psychologist, and a family practitioner. Dr. Glass testified that Patient 1 is currently receiving Lorcet for pain management. (Tr. at 86-91, 109-110; Resp. Ex. A; Resp. Ex. B).

Dr. Glass testified that Dr. Hunter had maintained an ongoing pain control regimen for Patient 1, which included the use of Lorcet. Dr. Glass further stated that when he had written prescriptions for Patient 1, Dr. Hunter had been unavailable and Patient 1 was in pain. Dr. Glass testified that he had given Patient 1 a limited number of the drugs she was taking at that time. (Tr. at 26, 90-91, 104-106).

When asked if he had arranged a system of communication with Dr. Hunter regarding Dr. Glass' writing prescriptions for Patient 1, Dr. Glass stated that he and Dr. Hunter communicated regularly about her care. Dr. Glass stated that "It was verbal communication, and generally what happened was he sent her home with a supply, and if she needed it beyond that, I would refill it." (Tr. at 106).

Nevertheless, the medical records maintained by Dr. Hunter for Patient 1 do not support Dr. Glass' testimony. There is no indication that Dr. Hunter prescribed any medication for Patient 1 other than a prescription for Percocet in May 1990, a prescription for Percocet in April 1996, and a prescription for a Medrol Dosepak in April 1996. (Resp. Ex. B at 63-65). Moreover, in May 1996, Dr. Hunter noted that Patient 1 had requested Percocet. Dr. Hunter had refused her request, and indicated that he would prefer that her pain medication be prescribed through the pain clinic. (Resp. Ex. B at 61). In addition, a note written by Dr. Hunter on August 1, 1996, states as follows:

I can understand now at home in eastern Ohio with no therapist, no support, a general surgeon, a husband who is very well meaning for her but it does present problems and she did track off to the Ohio State Pain Clinic. As I informed her in all the surgeries that [another surgeon] and I have done on any of our patients we have never had a situation like this arise and it does point out to us that there are some difficult problems not only with communication but with an understanding of what therapy is appropriate and what is not and how can we get [Patient 1] rehabilitated. The concerns were quite clear in the operating room at the time of this recent ulnar nerve surgery when it became apparent that she was taking about 6 different tranquilizers. We had a discussion about this and I have told her that the only drugs she should be taking would be those prescribed by her physiatrist and no one else.

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(Resp. Ex. B at 59). Finally, in a history and physical completed in April 1997, Dr. Hunter listed the medications Patient 1 was taking at that time. The list did not include any controlled pain medication. (Resp. Ex. B at 30).

FINDINGS OF FACT

Neal R. Glass, M.D., prescribed Schedule III, IV, and V controlled substances to Patient 1 between October 1994 and April 1996, and in March and June 1997. Despite such prescribing, Dr. Glass failed to keep any medical records concerning Patient 1.

CONCLUSIONS OF LAW

1. The conduct of Neal R. Glass, M.D., constitutes “[v]iolating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board,” as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Rule 4731-11-02(D), Ohio Administrative Code. Rule 4731-11-02(D), Ohio Administrative Code, requires that a physician who prescribes controlled substances “shall complete and maintain accurate medical records reflecting his examination, evaluation, and treatment.”
2. Rule 4731-11-02(F), Ohio Administrative Code, provides that a violation of any provision of Rule 4731-11-02(D) also constitutes violations of Sections 4731.22(B)(2) and (B)(6), Ohio Revised Code. Therefore, the conduct of Dr. Glass, in violating Rule 4731-11-02(D), Ohio Administrative Code, constitutes violations of Sections 4731.22(B)(2) and (B)(6), Ohio Revised Code.

PROPOSED ORDER

It is hereby ORDERED that:

1. The certificate of Neal R. Glass, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than ninety days.
2. The Board shall not consider reinstatement of Dr. Glass’ certificate to practice unless all of the following minimum requirements have been met:
 - a. Dr. Glass shall submit an application for reinstatement, accompanied by appropriate fees.

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- b. Dr. Glass shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which he is practicing.
- c. Within thirty days of the effective date of this Order, Dr. Glass shall provide a copy of this Order 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. Dr. Glass shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for licensure or reinstatement of licensure. Further, Dr. Glass shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
- d. Dr. Glass shall refrain from self-treating and from treating any family member, except in the event of life-threatening emergency.
- e. Dr. Glass shall take and pass an examination to be administered by the Board or its designee related to the content of the *DEA Physician's Manual*, which manual may be obtained from the offices of the Board. In the event that Dr. Glass fails this examination, he must wait at least three months between re-examinations. Dr. Glass must pass this examination before submitting his application for reinstatement.
- f. Upon submission of his application for reinstatement, Dr. Glass shall provide acceptable documentation of successful completion of a course dealing with the prescribing of controlled substances. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education [CME] requirements for relicensure for the CME acquisition period(s) in which they are completed.
- g. Upon submission of his application for reinstatement, Dr. Glass shall provide acceptable documentation of satisfactory completion of a course on maintaining adequate and appropriate medical records, such course to be approved in advance by the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the CME requirements for relicensure for the CME acquisition period(s) in which they are completed.
- h. In the event that Dr. Glass 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 his fitness to resume practice.

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3. Upon reinstatement, Dr. Glass' certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least three years:
- a. Dr. Glass 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. Glass shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which he is practicing.
 - c. Dr. Glass shall appear in person for interviews before the full Board or its designated representative within three months of the date in which probation becomes effective and upon his request for termination of the probationary period, 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. Glass' 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. Glass shall immediately submit to the Board a written request to be notified of his next scheduled appearance.
 - d. Dr. Glass 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 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.
 - e. Dr. Glass shall refrain from self-treating and from treating any family member, except in the event of life-threatening emergency.
 - f. Dr. Glass shall refrain from commencing practice in Ohio without prior written Board approval. Moreover, prior to commencing practice in Ohio, the Board may require that Dr. Glass comply with additional terms, conditions, or limitations, including the following:
 - i. Prior to commencement of practice in Ohio, Dr. Glass shall provide the Board with acceptable documentation evidencing his full and unrestricted licensure in the State of Pennsylvania.

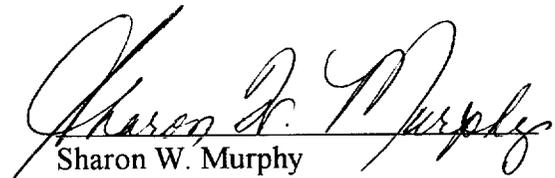
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- ii. Within thirty days of commencement of practice in Ohio, Dr. Glass shall provide a copy of this Order to all employers or entities with which he is under contract to provide physician services or is receiving training, and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Glass 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. Glass applies for or obtains privileges or appointments.
 - iii. Upon commencement of practice in Ohio, Dr. Glass shall keep a log of all controlled substances purchased, prescribed, dispensed, or administered. Such log shall be submitted in the format approved by the Board at the time he submits his quarterly declarations, or as otherwise directed by the Board. Further, Dr. Glass shall make his patient records with regard to such prescribing available for review by an agent of the Board upon request.
 - iv. Dr. Glass shall appear in person for interviews before the full Board or its designated representative within three months of commencement of practice in Ohio, at three month intervals thereafter, and upon his request for termination of the probationary period, or as otherwise requested by the Board.
 - g. If Dr. Glass violates probation in any respect, the Board, after giving him notice and the opportunity to be heard, may impose whatever disciplinary action it deems appropriate, up to and including the permanent revocation of Dr. Glass' certificate.
4. Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Glass' certificate will be restored, but shall thereafter be permanently LIMITED and RESTRICTED as follows:

Dr. Glass shall refrain from self-treating and from treating any family member, except in the event of life-threatening emergency.

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


Sharon W. Murphy
Attorney Hearing Examiner



State Medical Board of Ohio

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EXCERPT FROM THE DRAFT MINUTES OF APRIL 14, 1999

REPORTS AND RECOMMENDATIONS

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

Dr. Steinbergh 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 Loren Scott Carlson, D.O.; Bharesh Dedhia, M.D.; Neal Ronald Glass, M.D.; Raymond A. Morehead, M.D.; Harry P. Nguyen, M.D.; and Robert B. McFaul, D.O. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Bhati	- aye
	Dr. Talmage	- aye
	Dr. Somani	- aye
	Dr. Egner	- aye
	Mr. Browning	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Buchan	- aye
	Dr. Steinbergh	- aye

Dr. Steinbergh asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Bhati	- aye
	Dr. Talmage	- aye
	Dr. Somani	- aye
	Dr. Egner	- aye
	Mr. Browning	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Buchan	- aye
	Dr. Steinbergh	- aye

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. Steinbergh 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.

Dr. Steinbergh added that the matter of Robert B. McFaul, D.O., will be considered by the Board the following morning, to allow his attorney to be present during deliberations.

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

.....

NEAL RONALD GLASS, M.D.

Dr. Steinbergh directed the Board's attention to the matter of Neal Ronald Glass, M.D. She advised that objections were filed to Hearing Examiner Murphy's Report and Recommendation and were previously distributed to Board members.

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

Mr. Graff stated that the case before the Board is a recordkeeping case based on Dr. Glass' prescribing for family members. He admits the violation of not keeping the record. The case has an unusual background in that Dr. Glass was approached by a detective concerning some prescriptions that were a problem at the local pharmacy. Dr. Glass took immediate action. He got his family member into treatment, went to each and every one of the individual pharmacies and told them never to accept a prescription from him for that patient again. There were no others ever written, except two later on. He went to the pharmacies personally and wrote them out in front of the pharmacist because he felt that was necessary at that time. The problem was that he didn't realize the recordkeeping violation. It wasn't raised in the initial problem. Mr. Graff stated that the propriety of the prescriptions written is not in question. It's simply a recordkeeping violation. The Board now has new rules in place about family prescribing that would make Dr. Glass' conduct a problem outside those rules.

Mr. Graff continued that he believes the suspension is unwarranted and that the time frame out effectively serves no interest of this Board. He asked that the Board reduce the sanction to a reprimand.

Dr. Glass thanked the Board for allowing him to be present. He stated that he feels that he was placed in a very difficult situation, confronted by a narcotics officer asking him to validate some violations that he thought Dr. Glass' wife was guilty of. He did a little bit of soul searching. He wanted to do the right thing, and didn't think that creating criminal charges against his wife was in anyone's best interest. He refused to give the police officer the validation that he needed. He doesn't want anyone to interpret that as not taking the issue seriously. He took a number of steps addressing the validity: the authorization for prescriptions; he put his wife into a treatment plan and kept her there. The treatment included a psychiatrist, a psychologist, and medications. She's also under the care of a number of other physicians for medical problems. He made a personal visit to each and every pharmacy in the community and asked them not to fill a prescription unless they saw him write it. He locked up all of the prescription pads in his office and made sure that he could account for them at all times. All of this was done as an effort to address what he thought was the issue, the validity of the authorization of the prescriptions. Even after his first meeting with Mr. Henderson, he still believed that that was the issue and that he had taken appropriate steps to deal with that.

Dr. Glass stated that he did not keep a medical record. The patient in question is his wife. He's guilty of not keeping records as he should have. The only two prescriptions that appeared after Mr. Henderson's visit were written in the pharmacy by him on the pharmacy's prescription pad. Those are the only two prescriptions involved in this case that he is certain were not altered. The rest were altered, but not by him. He is guilty and takes responsibility for not keeping an appropriate medical record.

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

Ms. Strait stated that she agrees that this case is about Dr. Glass' failure to keep medical records on Patient 1. That is what the Board charged him with. Ms. Strait continued that what she doesn't buy is Dr. Glass' excuse for why he didn't do that. The patient was his wife, but he was treating her and records should have been kept. Dr. Glass should have known that records should have been kept. He is a surgeon who has spent time in some of the major transplant programs in this country. He should have known that keeping medical records is a requirement. In fact, his failure to keep medical records in this case seriously impeded a police investigation. Ms. Strait stated that she finds it fascinating that today, finally, Dr. Glass has admitted that he did not tell the detective the truth. She asked him about this at the hearing, and he still would not tell the truth. Today he's finally come clean. Ms. Strait stated that that calls into question Dr. Glass' general credibility.

Ms. Strait continued that, contrary to statements made today and contrary to the objections, time out of practice does serve the purposes of this Board in protecting the public. Although it's true that Dr. Glass is no longer practicing in the state of Ohio, he does practice in Pennsylvania, and he could come back. This Board certainly has the authority and the responsibility to protect the public. It has the authority and the responsibility to assure that physicians with Ohio licenses, wherever they may practice medicine, know the laws and rules governing the prescribing of controlled substances. The provisions in the Proposed Order are appropriate. The proposed suspension time is short, and the reinstatement conditions require that Dr.

Glass take the D.E.A. test and a controlled substance course. That is the kind of remedial education Dr. Glass needs. She also suggested that a course in ethics would be appropriate. Ms. Strait urged the Board to adopt Ms. Murphy's Report and Recommendation.

DR. SOMANI MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF NEAL RONALD GLASS, M.D. DR. BHATI SECONDED THE MOTION.

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

Dr. Stienecker stated that, even though Dr. Glass was the miscreant's husband and was the one who ended up taking the fall for this, he was involved in the care program, at least peripherally. The Hunter Clinic referred the patient to him for follow-up following surgery for removal of her drains, sutures, etc. The physical therapy at home was also referred to him by the O.S.U. Pain Clinic because he was a doctor. Unfortunately, as his counsel says, Dr. Glass kept no patient records of this. This is a real records problem. It is very difficult, as the Board has often seen, when physicians begin taking care of their family members and don't keep records. Physicians view family members differently, even though they are filling a provider roll.

Dr. Stienecker stated that the requirements the Board has in its reinstatement conditions will probably take a while to fulfill. Probably a suspension of something less than 90 days is appropriate. In order to fulfill that it will take him a while anyway. Although Dr. Stienecker feels that the Board really needs to make the point that a suspension is in order, he would feel more comfortable with a suspension period of 30 to 60 days rather than 90 days.

DR. STIENECKER MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF NEAL RONALD GLASS, M.D., TO PUT IN PLACE A MINIMUM SUSPENSION PERIOD OF 30 DAYS, RATHER THAN 90 DAYS. DR. BHATI SECONDED THE MOTION.

Dr. Somani stated that his only concern is that even Dr. Glass' statement today indicates that he continues to believe something the Board has not really accepted, and that is that it is all right to take care of a family member. That led to Dr. Glass' problem because he did so without keeping records. Dr. Glass' statement today suggests that he still has not fully appreciated the fact that he should refrain from taking care of family members. Because of that, he is somewhat reluctant to support reducing the minimum suspension period.

Dr. Egner stated that if the Board is to believe Dr. Glass today, that he wrote none of the prescriptions, she's not sure that that's consistent with the record the Board saw. She admitted that the Board doesn't know what the truth is, but she added that she doesn't know that what Dr. Glass said today is the truth. She feels this is more than just a recordkeeping problem. Today Dr. Glass says that he didn't write any of those prescriptions and that his wife is addicted; however, in looking at the signatures on the prescription, and Dr.

Egner admitted that she is not a handwriting expert, they varied greatly. Some of the signatures looked like Dr. Glass' signature and some didn't. The Board knows that Dr. Glass wrote two more prescriptions in front of a pharmacist. Dr. Egner stated that that makes no difference to her. In fact, it says to her that he really doesn't take the investigation by the Board very seriously. She stated that she doesn't think Dr. Glass gets it at all. She believes he has covered up for his wife and she believes he was part of writing prescriptions for her. Dr. Egner spoke in support of staying with the 90-day suspension.

A vote was taken on Dr. Stienecker's motion to amend:

VOTE:	Mr. Albert	- abstain
	Dr. Bhati	- aye
	Dr. Talmage	- aye
	Dr. Somani	- nay
	Dr. Egner	- nay
	Mr. Browning	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Buchan	- aye
	Dr. Steinbergh	- aye

The motion carried.

DR. BHATI MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF NEAL RONALD GLASS, M.D. DR. AGRESTA SECONDED THE MOTION. A vote was taken:

VOTE:	Mr. Albert	- abstain
	Dr. Bhati	- aye
	Dr. Talmage	- aye
	Dr. Somani	- nay
	Dr. Egner	- aye
	Mr. Browning	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Buchan	- aye
	Dr. Steinbergh	- aye

The motion carried.



State Medical Board of Ohio

August 12, 1998

Neal Ronald Glass, M.D.
Pike Professional Building
100 Dawn Lane, Suite #2
Waverly, Ohio 45690

Dear Doctor Glass:

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. You prescribed Schedule III, IV, and V controlled substances to Patient 1 (as identified on the attached Patient Key - Key confidential and not subject to public disclosure) as follows:

<u>Controlled Substance</u>	<u>Schedule</u>	<u>Date</u>	<u>Quantity</u>	<u>Refills</u>
Lorcet Plus	III	10-28-94	30	5
Tussi-Organidin plus Codeine	V	01-07-95	150 ml	0
Lorcet Plus	III	03-07-95	50	5
Lorcet Plus	III	06-22-95	50	5
Lorcet Plus	III	08-30-95	50	5
Lorcet Plus	III	09-07-95	50	5
Lorcet Plus	III	09-27-95	30	5
Lorcet Plus	III	12-07-95	30	3
Lorcet Plus	III	12-14-95	30	3
Lorcet Plus	III	02-17-96	30	3
Lorcet Plus	III	04-03-96	40	3

However, on or about August 15, 1996, you admitted to a State Medical Board Investigator that you failed to keep any medical records concerning Patient 1. Moreover, you failed to keep any medical records concerning the following prescriptions that you subsequently issued to Patient 1:

<u>Controlled Substance</u>	<u>Schedule</u>	<u>Date</u>	<u>Quantity</u>	<u>Refills</u>
Darvocet N-100	IV	03-30-97	50	0
Fiorinal	III	06-14-97	30	0

Mailed 8/13/98

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Section 4731-11-02(D), Ohio Administrative Code. Pursuant to Section 4731-11-02(F) of the Ohio Administrative Code, violation of Rule 4731-11-02(D), Ohio Administrative Code also violates Sections 4731.22(B)(2) and (6), 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,

Anand G. Garg, M.D. RFB

Secretary

AGG/bjs
Enclosures

CERTIFIED MAIL #Z 395 591 284
RETURN RECEIPT REQUESTED

DUPLICATE MAILING: 505 Poplar Street
Meadville, PA 16335

CERTIFIED MAIL # Z 395 591 278
RETURN RECEIPT REQUESTED