

MEMORANDUM

TO: Formal Action Mailing List

FROM: Lauren Lubow, Senior Executive Staff Attorney

DATE: April 20, 2005

Please find below a summary of actions taken or initiated by the State Medical Board of Ohio in February 2005.

CITATIONS/PROPOSED DENIALS

FERTAL, Bruce Douglas (DPM #36-001582) - Canal Fulton

Based on doctor's plea of guilty in federal court to one felony count of Health Care Fraud. Notice of opportunity for hearing mailed 2/10/05.

FISCHKELTA, Joseph William (PA #50-001459) - Springfield

Based on physician assistant's alleged impairment of ability to practice according to acceptable and prevailing standards of care and violation of conditions of limitation imposed on certificate of registration by 2/11/04 Board Order due to positive drug screen (alcohol). Notice of opportunity for hearing mailed 2/10/05.

HANYAK, John Paul (MD #35-053965) - Westerville

Based on alleged impairment of doctor's ability to practice according to acceptable and prevailing standards of care for the reason that a Board-ordered psychiatric evaluation indicated that he suffers from Cognitive Disorder Not Otherwise Specified due to the residual effects of a brain tumor. Notice of opportunity for hearing mailed 2/10/05.

PRADA, German Virgilio (MD #35-039814) - Dayton

Based on doctor having allegedly engaged in the practice of medicine while his license was suspended; and his alleged failure to conform to minimal standards of care with respect to his conduct with and/or his care of a specified patient. Notice of opportunity for hearing mailed 2/10/05.

ROBERTS, Handel Jay (MD #35-076944) - Windber, PA

Based on doctor's alleged violation of conditions of limitation imposed on license by 12/13/00 consent agreement due to non-compliance with interim monitoring conditions. Notice of opportunity for hearing mailed 2/10/05.

FINAL ORDERS

DORIOTT, Elizabeth A. (DO #34-006593) - Springboro

Medical license indefinitely suspended; conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Order entered due to doctor's failure to comply with Board-ordered examination, resulting in Board's finding, pursuant to Section 4731.22(B)(26), O.R.C., that doctor's ability to practice according to acceptable and prevailing standards of care is impaired because of habitual or excessive use or abuse of drugs, alcohol or other substances that impair ability to practice. (Journal Entry) Order mailed 2/10/05; Order effective 2/10/05. (*See also*, Court Actions, *below*)

EKWULUGO, Emeka Obinna (MD #35-062617) - Erie, PA

Application for restoration of medical license permanently denied based on applicant's alleged failure to provide complete and accurate information on application pertaining to his participation in and actions taken against him in residency training programs. Order mailed 2/10/05; Order effective 2/10/05.

FERGUSON, JoCinda Kay (MT applicant) - Middleport

Application to practice massage therapy denied. Order entered due to applicant's failure to comply with Board-ordered examination, resulting in Board's finding, pursuant to Section 4731.22(B)(26), O.R.C., that applicant's ability to practice according to acceptable and prevailing standards of care is impaired because of habitual or excessive use or abuse of drugs, alcohol or other substances that impair ability to practice. (Journal Entry) Order mailed 2/10/05; Order effective 2/10/05.

GOEL, Mahesh Chand (MD #35-082727) - Cleveland

Medical license permanently revoked based on (1) doctor's failure to provide complete and accurate information on applications for licensure, training certificate renewal, hospital credentialing and prospective privileging, pertaining to the suspension of his

hospital employment, on full pay, in the United Kingdom as a result of a series of events that led to the performance of wrong-site surgery; (2) doctor's failure to provide complete and accurate information on Ohio licensure applications and Department of Insurance Standardized Credentialing Form pertaining to his having been arrested and criminally charged in the United Kingdom with unlawfully killing a patient; and (3) prior action against doctor's medical registration by the General Medical Council of the United Kingdom following findings that he was guilty of serious professional misconduct. Order mailed 3/1/05; Order effective 3/1/05. (*See also, Court Actions, below*)

JOSEY, Willie Leroy (MD #35-055467) - Portsmouth, OH/South Shore, KY

Medical license permanently revoked based on impairment of ability to practice according to acceptable and prevailing standards of care, and violation of conditions of limitation imposed on license by 3/02 Board Order due to positive urine screen. Order mailed 2/10/05; Order effective 2/10/05. (*See also, Court Actions, below*)

CONSENT AGREEMENTS

BANKS, Mark Andrew (MD #35-071099) - Lancaster

Medical license reinstated subject to probationary terms, conditions and limitations imposed to monitor practice based on doctor having been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring conditions are in place. Agreement effective 2/9/05; agreement to remain in effect for at least five years prior to any request for termination.

CESTONE, Patrick Brian Jr. (MD #35-070978) - Youngstown

Doctor reprimanded; medical license suspended for at least 180 days; interim monitoring conditions and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on doctor's admissions that he was initially prescribed opiates for pain management; that he subsequently obtained opiates by forging the signature of one of his partners on prescriptions and/or by writing prescriptions in the name of a patient/friend and filling them himself; that he has been diagnosed as being opiate dependent; and that he has sought treatment through a Board-approved provider. Agreement effective 2/10/05.

COOPER, L. Jean (MD #35-69638) - Cincinnati

Doctor reprimanded; medical license suspended for at least 180 days; interim monitoring conditions and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on doctor's admission that she relapsed on alcohol, for which she has sought treatment through a Board-approved provider; and that

she failed to provide complete and accurate information pertaining to her relapse on her licensure renewal application as required. Agreement effective 2/9/05.

DRAKE, Miles Edward Jr. (MD #35-047457) - Columbus

Medical license indefinitely suspended; interim monitoring conditions and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on doctor's admission that he is alcohol dependent and has sought treatment through a Board-approved provider. Agreement effective 2/9/05.

NORTH, Phillip Thiele (MD #35-057152) - Columbus

Medical license suspended for at least 60 days; interim monitoring conditions and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on doctor's admission that he was diagnosed, pursuant to a Board-ordered evaluation, with alcohol dependence and bipolar disorder, and that he has sought treatment through a Board-approved provider. Agreement effective 2/9/05.

PROBATION MODIFIED

GOLDSMITH, Mark Edward (MD #35-038474) - Westerville

Doctor's requests to reduce required personal appearances to every six months and required drug screens to twice per month granted by vote of the Board on 2/10/05.

PURYEAR, Aki Sefaro (MD #35-082438) - St. Louis, MO

Doctor's request to reduce required personal appearances to every six months granted by vote of the Board on 2/10/05.

PROBATION TERMINATED

IBEN, Glenn Allan (MD #35-053297) - Columbus

Doctor's request for release from terms of 12/11/02 consent agreement granted by vote of the Board on 2/9/05.

KAREL, Douglas B. (MD #35-071689) - Lima

Doctor's request for release from terms of 2/11/04 consent agreement granted by vote of the Board on 2/9/05, effective 2/11/05.

COURT ACTIONS

ADAMSON, Wallace Cobner (MD #35-049575) - Delaware

By Entry filed on 2/16/05, Ohio Supreme Court declined to accept jurisdiction of doctor's appeal of Board's 12/11/02 permanent revocation Order.

ALLEN, Mark L. (MD #35-063078) - Parma

By Decision filed on 1/27/05 and documented by Judgment Entry filed on 2/10/05, Franklin County Court of Common Pleas affirmed Board's 1/14/04 Order, but remanded case to Board to reconsider its sanction in light of the Court's finding that testimony of a specified witness must be disregarded as unreliable. Pursuant to Court's decision, Board's 1/14/04 Order suspended until Board enters an order reflecting reconsideration.

BRINDLE, Fred Andrew (MD #35-052438) - Sandusky

By Decision and Entry filed on 2/14/05, Franklin County Court of Common Pleas denied doctor's motion for a stay of Board's 11/10/04 indefinite suspension Order.

DORIOTT, Elizabeth A. (DO #34-006593) - Springboro

Notice of appeal of Board's 2/9/05 indefinite suspension Order filed by doctor with Franklin County Court of Common Pleas on or about 2/23/05. By Entry filed 3/11/05, Common Pleas Court denied doctor's motion for a Temporary Restraining Order and Suspension of Board's Order.

GOEL, Mahesh Chand (MD #35-082727) - Cleveland

Notice of appeal of Board's 2/9/05 permanent revocation Order filed by doctor with Franklin County Court of Common Pleas on or about 3/16/05.

JOSEY, Willie Leroy (MD #35-055467) - Portsmouth, OH/South Shore, KY

Notice of appeal of Board's 2/9/05 permanent revocation Order filed by doctor with Franklin County Court of Common Pleas on or about 2/18/05.

OLSEN, Thomas George (MD #35-046058) - Dayton

By Decision and Entry filed on 1/13/05 and documented by Judgment Entry filed on 1/28/05, Franklin County Court of Common Pleas granting Board's motion to dismiss doctor's Complaint for Declaratory and Injunctive Relief.

REED, Barbara Anne (MD #35-016377) - Mansfield

By Decision filed on 2/3/05 and documented by Entry filed on 2/16/05, Franklin County Court of Common Pleas affirmed Board's 6/9/04 permanent revocation Order. By Order filed on 2/17/05, Franklin County Court of Common Pleas granted doctor's motion for a further stay of Board's 6/9/04 permanent revocation Order until 10/15/05 or the filing of a final Decision and Order by the Tenth District Court of Appeals, whichever occurs first. Stay conditioned upon doctor 1) closing her medical office and not evaluating or treating any patients and 2) limiting her practice of medicine to what is necessary to fulfill her duties as Richland County Deputy Coroner.

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

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

Most current citation letters, Board Orders, consent agreements and voluntary surrenders or retirements are available on the Medical Board's website at <http://www.med.ohio.gov/> under "Physician Profile and Status." If you have questions or need additional details about specific cases, please contact Annette Jones at (614) 728-3686.