

MEMORANDUM

TO: Formal Action Mailing List

FROM: Lauren Lubow, Senior Executive Staff Attorney

DATE: May 13, 2004

Please find below a summary of actions taken or initiated by the State Medical Board of Ohio in April 2004.

CITATIONS/PROPOSED DENIALS

DUNCAN, Gregory David (MT applicant) - Batavia

Proposal to deny application for license to practice massage therapy based on alleged impairment of ability to practice according to acceptable and prevailing standards of care due to alcohol dependency. Notice of opportunity for hearing mailed 4/15/04.

HAJ-HAMED, Ghassan (MD #35-069745) - Cincinnati

Based on doctor's alleged violation of conditions of limitation imposed on license by 11/14/03 consent agreement. Notice of opportunity for hearing mailed 4/30/04. (*See also: Pre-hearing Suspensions, below*)

HAREWOOD, Sandra Kay (MD #35-045538) - Kettering

Based on alleged impairment of ability to practice according to acceptable and prevailing standards of care due to relapse on alcohol; and alleged violation of conditions of limitation imposed on license by 6/03 consent agreement. Notice of opportunity for hearing mailed 4/15/04.

LEON, Alberto A. (MD #35-046211) - Xenia

Based on doctor's pleas of guilty to four felony counts of Deception to Obtain a Dangerous Drug, for which he was found eligible for intervention in lieu of conviction. Notice of opportunity for hearing mailed 4/15/04. (*See also: Pre-hearing Suspensions, below*)

SLINGLUFF, Jack Edwin (DO #34-001265) - Canton

Based on doctor's plea of guilty to one misdemeanor count of Introduction or Delivery for Introduction into Interstate Commerce of an Unapproved Drug, to wit: 30 vials of Laetrile to be shipped from West Palm Beach, Florida to Salem, Ohio in violation of federal law. Notice of opportunity for hearing mailed 4/15/04.

SOUTHERN, Brian Derris (MD training certificate #57-008187) - Cleveland

Based on alleged impairment of ability to practice according to acceptable and prevailing standards of care due to history of substance abuse and relapse. Notice of opportunity for hearing mailed 4/15/04.

THOMPSON, Richard Arthur (MT applicant) - Parma

Proposal to deny application for license to practice massage therapy based on applicant's alleged failure to provide complete and accurate information on licensure application pertaining to criminal violations of which he had been found guilty. Notice of opportunity for hearing mailed 4/15/04.

WEISS, Richard Alan (MD #35-074955) - Beachwood

Based on doctor's alleged failure to advise Ohio Medical Board on licensure renewal application that an Accusation had been filed against him by California's medical board. Notice of opportunity for hearing mailed 4/15/04.

FINAL ORDERS

AHMED, Azzam Nimer (MD #35-040283) - Moreland Hills

Medical license permanently revoked based on doctor having been found guilty of two counts of Rape, seven counts of Sexual Battery, and eleven counts of Sexual Imposition. (Journal Entry - hearing not timely requested) Order mailed 4/27/04; Order effective 4/27/04.

DESHMUKH, Minakshi B. (MD #35-070751) - Midland, MI/Indor, INDIA

Medical license suspended for at least 180 days; conditions for reinstatement and subsequent probationary terms, conditions and limitations for at least ten years established. Based on action against doctor's license by Michigan's medical board in

resolution of previously issued allegations and an order of summary suspension by that state; and on doctor's violation of conditions of limitation imposed on her Ohio medical license by an 8/8/01 consent agreement. Order mailed 4/15/04; Order effective 4/15/04.

FITZ, Charles Raymond (MD #35-074542) - Pittsburgh, PA

Medical license revoked based on doctor's failure to cooperate with a Medical Board investigation about malpractice awards that were made on his behalf. (Review and Journal Entry - no hearing requested) Order mailed 4/15/04; Order effective 4/15/04.

GAINEY, Michael Shane (MD #35-048972) - Loveland/Park Hills, KY

Medical license suspended for ninety days; subsequent probationary terms, conditions and limitations for at least two years established. Based on doctor's failure to conform to minimal standards of care and violation of Code of Professional Ethics due to his having engaged in oral sex with a patient he had treated in the hospital emergency department. Order mailed 5/4/04; Order effective 6/5/04.

LING, Louis August (MD #35-068329) - Porterville, CA

Doctor reprimanded based on prior action against his Alaska medical license following his admission that he had failed to notify the board in a timely manner of a malpractice claim in the amount of \$24,000 that had been paid on his behalf; and on prior action against doctor's California medical license based on the Alaska Board's action. Order mailed 4/15/04; Order effective 4/15/04.

MCNAMEE, Brian F. (MD #35-035216) - Cleveland

Medical license permanently revoked based on impairment of ability to practice and violation of conditions of limitation imposed on license by 11/02 consent agreement due to relapse on alcohol. Order mailed 5/4/04; Order effective 5/4/04.

MILLER, Lynn Ye (MD #57-006043) - Boardman

Medical training certificate permanently revoked based on doctor's provision of false information on her Ohio training certificate application and a St. Elizabeth Health Center (Youngstown, OH) training program application; her admission to officials at St. Elizabeth that she altered two letters of recommendation in connection with the latter application; and her failure to advise the Medical Board on her training certificate application that she had been placed on probation and had been counseled on several occasions during an undisclosed residency at Wright State University (Dayton, OH). (Review and Journal Entry - no hearing requested) Order mailed 4/15/04; Order effective 4/15/04.

SALWITZ, Michael Theodore (MD #35-041110) - Payson, AZ

Medical license limited and restricted to require doctor to refrain from practice in Ohio until specified conditions are satisfied; subsequent probationary terms, conditions and limitations for at least three years established. Based on prior action against doctor's Arizona medical license for his failure to evaluate, diagnose and treat a patient's gastric ulcer, and improperly discharging the patient from the emergency room with deteriorating vital signs. Order mailed 5/6/04; Order effective 5/6/04.

SHAHAMAT, Ahmad (MD #35-039134) - Westlake

Medical license suspended for at least 90 days; conditions for reinstatement and subsequent probationary terms, conditions and limitations for at least three years established. Based on doctor having been found guilty of one felony count of Worker's Compensation Fraud. Order mailed 5/4/04; Order effective 6/5/04.

SIEGEL-SCHAEFER, Luke A. (MT applicant) - Columbus

Application for certificate to practice massage therapy granted, provided that applicant successfully completes massage therapy licensing examination and subject to probationary terms, conditions and limitations for at least three years. Based on applicant having been found guilty in 1999 of one felony count of Trafficking in Drugs, the acts underlying which involved his having knowingly sold or offered to sell a controlled substance, to wit: mescaline mushrooms. Order mailed 4/15/04; Order effective 4/15/04.

PRE-HEARING SUSPENSIONS

HAJ-HAMED, Ghassan (MD #35-069745) - Cincinnati

Pursuant to §4731.22(G), O.R.C., medical license summarily suspended based on Board's determination that there is clear and convincing evidence that doctor violated conditions of limitation imposed on his license by 11/14/03 consent agreement; and that doctor's continued practice presents a danger of immediate and serious harm to the public. Notice mailed 4/30/04; suspension effective upon personal service of notice on doctor on 4/30/04.

LEON, Alberto A. (MD #35-046211) - Xenia

Pursuant to §3719.121(C), O.R.C., medical license immediately suspended based on doctor's pleas of guilty to four felony counts of Deception to Obtain a Dangerous Drug. Notice mailed 4/15/04; suspension effective on 4/17/04.

CONSENT AGREEMENTS

BRIGHTWELL, Robert Russell (DO #34-003008) - Columbus

3/10/04 summary suspension Order terminated; medical license indefinitely suspended; interim monitoring 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 impairment of ability to practice according to acceptable and prevailing standards of care due to alcohol dependence. Agreement effective 4/15/04. (*See also: Court Actions, below*)

COBB, Marcus Lillard (MD #35-060320) - Fairfield

Doctor reprimanded based on his continued employment and supervision of a physician assistant after the P.A.'s certificate of registration had expired and after doctor's Board-approved Physician Assistant Supervision Agreement with the P.A. had expired. Agreement effective 4/15/04.

ESSA, Yazeed Mansi (MD #35-072322) - Akron

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, following a Board-ordered evaluation, he was determined to be alcohol dependent and impaired in his ability practice according to acceptable and prevailing standards of care due to the habitual or excessive use or abuse of alcohol. Agreement effective 4/15/04.

GREER, Steven Franklin (MD training certificate #57-007242) - Cleveland

Medical training certificate 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, following a Board-ordered evaluation, he was determined to be chemically dependent and impaired in his ability practice according to acceptable and prevailing standards of care due to the habitual or excessive use of alcohol. Agreement effective 4/15/04.

HENDRIXSON, Michael L. (DO #34-006426) - Cincinnati

Doctor reprimanded; subject to mandatory CME audits for three biennial registration periods; \$1000 fine imposed. Based on doctor's admission that he certified on his license renewal application that he had completed the required CME hours when, in fact, those hours had not been timely completed. (Remaining hours have since been completed.) Agreement effective 4/15/04.

HOLLADAY, Jeffrey Scott (MT #33-011044) - Napoleon

Massage therapist reprimanded for failing to advise Board on certificate renewal application that he had been treated for and diagnosed as suffering from drug and alcohol

dependency and abuse. Certificate to practice massage therapy indefinitely suspended; interim monitoring conditions and conditions for reinstatement established, including requirement that massage therapist enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice, based on his admitted history of alcohol dependence and marijuana abuse, treatment and relapse. Agreement effective 4/15/04.

JUNGBLUT, Melanie E. (MD #35-062650) - Norwalk

Probationary terms, conditions and limitations imposed to monitor practice based on doctor's admission that she has been diagnosed with and is being treated for mental illness, including intermittent major depression, attention deficit hyperactivity disorder, and bipolar disorder; and 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 4/15/04; agreement to remain in effect for at least five years prior to any request for termination.

MCGINNIS, James Martin (DO #34-005660) - Wheelersburg

Medical license suspended for at least 90 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 admitted history of alcohol dependence, for which he has sought treatment through a Board-approved provider. Agreement effective 4/15/04.

NICHOLS, Billy Michael (MD #35-057408) - Cincinnati/Grovetown, GA

Doctor reprimanded based on his continued employment and supervision of a physician assistant after the P.A.'s certificate of registration had expired and after doctor's Board-approved Physician Assistant Supervision Agreement with the P.A. had expired. Agreement effective 4/15/04.

SPEARS, David Paul (DO training certificate #58-001123) - Marietta

Medical training certificate suspended for at least 90 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 admitted history of opiate dependence, treatment and relapse. Agreement effective 4/15/04.

INTERIM AGREEMENT

LUTZ, Gary Ray (DO #34-003249) - Las Vegas, NV

Probationary terms that were established by 11/16/98 Board Order to remain in effect; doctor's practice limited such that he will not practice osteopathic medicine and surgery in any form in Ohio. Based on Emergency Order of Summary Suspension of doctor's Nevada license issued by that state's medical board in 2/04. Agreement effective 4/15/04.

VOLUNTARY SURRENDERS/RETIREMENTS

BISHOP, Marcia Kathleen (MT #33-008999) - Bucyrus

Permanent voluntary surrender of certificate authorized by massage therapist in lieu of formal disciplinary proceedings pursuant to Sections 4731.22(B)(9) and (B)(26), O.R.C. Effective 4/1/04.

PROBATION MODIFIED

BROCK, David Todd (DO #34-007161) – London

Doctor's request to engage in the private practice of medicine pursuant to an approved practice plan granted by vote of the Board on 4/15/04.

BURKE, Paul Webber, Jr. (MD #35-053125) - Parkersburg, WV

Doctor's request to reduce required personal appearances to every six months granted by vote of the Board on 4/15/04.

CLARK, Kevin Robert (MD #35-058506) - Brecksville

Doctor's request to reduce alcohol and drug rehabilitation meeting requirement to at least two meetings per week, with a minimum of ten meetings per month, granted by vote of the Board on 4/15/04.

CRAWFORD, William Lawrence (MD #35-032527) - Warren

Doctor's request to reduce required personal appearances to every six months granted by vote of the Board on 4/15/04.

FRAGATOS, Peter (MD #35-083165) - Broadview Heights

Doctor's request to return to the performance and/or the supervision of surgery without a physician observer present granted by vote of the Board on 4/15/04.

KLEINER, Laurence Irwin (MD #35-080822) - Kettering

Doctor's request to reduce required psychiatric sessions to once every three months granted by vote of the Board on 4/15/04.

MCNUTT, Robert A. (MD #35-065130) - Westlake

Doctor's request to reduce required psychiatric sessions to every three months granted by vote of the Board on 4/15/04.

PATTERSON, Steven Todd (DO #34-005118) - Springfield

Doctor's request to reduce alcohol and drug rehabilitation meeting requirement to at least two meetings per week, with a minimum of ten meetings per month, granted by vote of the Board on 4/15/04.

MODIFICATION OF PROBATION DENIED

KLEINER, Laurence Irwin (MD #35-080822) - Kettering

Doctor's requests to eliminate work hour restriction and reduce frequency of monitoring reports denied by vote of the Board on 4/15/04.

PROBATION TERMINATED

BOOTH, William J. (PA #50-000525) - Dayton

Physician Assistant's request for release from terms of 9/9/98 Board Order granted by vote of the Board on 4/14/04.

BRECHBUHLER, Wayne Stanford (MD #35-031729) - Ashland

Doctor's request for release from terms of 4/15/99 consent agreement granted by vote of the Board on 4/14/04.

DAY, Richard Graham (MD #35-061831) - New Concord

Doctor's request for release from terms of 4/2/03 consent agreement granted by vote of the Board on 4/14/04.

COURT ACTIONS

BOLTON, Brett (DO #34-007377) - Ft. Lauderdale, FL

By Journal Entry filed on 4/27/04, Tenth District Court of Appeals dismissed doctor's appeal due to his failure to timely file a brief.

BRIGHTWELL, Robert Russell (DO #34-003008) - Hilliard

By Entry filed on 4/26/04, Franklin County Court of Common Pleas dismissed doctor's appeal of Board's 3/10/04 summary suspension Order with prejudice based on Board's ratification of 4/15/04 consent agreement that terminated summary suspension and made appeal moot.

PAAT, Erdulfo Paz (MD #35-034225) - North Olmsted

Notice of appeal of Board's 3/10/04 suspension Order refiled by doctor on or about 4/1/04 with Franklin County Court of Common Pleas. By Order filed 4/1/04, the Court granted doctor's motion for a stay of Board's suspension Order until filing of a final decision or order by Common Pleas Court in the appeal, conditioned upon doctor having a chaperone present in the room with him during all of his examinations of female patients.

POLITI, Barry J. (MD applicant) - Pittsburgh, PA

By Decision and Entry filed on 4/14/04, Franklin County Court of Common Pleas affirmed Board's 4/2/03 Order denying medical licensure.

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

Notice of appeal of Board's 3/10/04 indefinite suspension Order filed by doctor with Franklin County Court of Common Pleas on 4/2/04.

ROSS, Michael Reiff (MD #35-064760) - Towson, MD

By Opinion and Judgment Entry filed on 4/27/04, Tenth District Court of Appeals reversed decision of Franklin County Court of Common Pleas that had overturned Medical Board's revocation Order, and remanded matter to Common Pleas Court for further proceedings consistent with the appellate court's ruling.

URBAN, Edward John (DO #34-003523) - Chagrin Falls

By Entry filed on 4/14/04, Ohio Supreme Court denied doctor's motion for a stay of Board's 12/12/01 permanent revocation Order pending appeal.

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.