

## MEMORANDUM

TO: Formal Action Mailing List

FROM: Lauren Lubow, Senior Executive Staff Attorney

DATE: August 18, 2005

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

### CITATIONS/PROPOSED DENIALS

**AMIEWALAN**, Anthony Oria (MD #35-061785) - Sidney

Based on denial of doctor's application for medical licensure by Kansas' medical board, which was itself based upon doctor's failure to respond to the Kansas board's Response in Opposition to Application for Licensure and Proposed Default Order concerning the doctor's surrender of medical staff privileges at a hospital in Sidney, Ohio, while under investigation for substandard or inadequate care and for filing false reports or falsifying records. Notice of opportunity for hearing mailed 4/14/05.

**BRUMFIELD**, Daniel Howard (MD #35-065317) - Springfield

Based on doctor's alleged violation of conditions of limitation imposed on his license by 1/16/04 consent agreement and impairment of ability to practice according to acceptable and prevailing standards of care due to relapse on cocaine. Notice of opportunity for hearing mailed on 4/14/05. (*See also: Pre-hearing suspensions, below*)

**CARVER**, Joseph Claude (MD #35-062026) - Norwalk

Based on doctor's alleged failure to conform to minimal standards of care with respect to treatment rendered to two specified patients; and his allegedly having engaged in a sexual relationship with a patient. Notice of opportunity for hearing mailed 4/14/05.

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

Based on doctor's alleged violation of conditions of limitation imposed on his license by 5/12/04 consent agreement due to failure to provide urine samples for screening and failure to appear for a quarterly, scheduled interview. Notice of opportunity for hearing mailed 4/14/05. (*See also: Pre-hearing suspensions, below*)

**HALL, Adam Patrick (DO applicant) - Columbus**

Proposal to deny application for medical licensure based on applicant allegedly having made false, fraudulent, deceptive or misleading statements to the Acting Director of Medical Education for his residency program pertaining to his failure to appear or respond to pages when he was on-call. Notice of opportunity for hearing mailed 4/14/05.

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

Based on action against doctor's license by Nevada's medical board following that board's conclusions that doctor's care and treatment of specified patients fell below the standard of care and included medical procedures, services and/or treatment that were inappropriate, inadequate or unnecessary; that his over-prescribing for specified patients constituted malpractice and gross malpractice; and that he continued to prescribe medication while his Nevada license was suspended. Notice of opportunity for hearing mailed 4/14/05.

**MARRERO, Miguel Angel (MD #35-078103) - Pittsburgh, PA**

Based on action against doctor's license by Pennsylvania's medical board following that board's conclusions that doctor was guilty of immoral and unprofessional conduct in his relationships with two specified patients. Notice of opportunity for hearing mailed 4/14/05.

**POLITI, Barry Joseph (MD applicant) - Jackson, MS**

Proposal to deny application for medical licensure based on applicant's alleged failure to provide complete and accurate information to Medical Board pertaining to his having been placed on probation in his residency training program. Notice of opportunity for hearing mailed 4/14/05.

**ROIG, Santiago L. (MD #35-057475) - Steubenville/Oakdale, PA**

Based on doctor's alleged failure to comply with Continuing Medical Education requirements. Notice of opportunity for hearing mailed 4/14/05.

**SCHNEIDER, Andrew (MD #35-053843) - Powell**

Based on doctor's alleged violation of conditions of limitation imposed on his license by 1/13/05 consent agreement by his having obtained Remeron from office sample supplies for his own use. Notice of opportunity for hearing mailed 4/14/05.

**SEMKO**, Daniel David (DPM #36-001978) - Richmond, IN

Based on (1) doctor having been found guilty of one felony count of Fraud; (2) action against doctor's license by Indiana's medical board following findings by that board that the aforementioned conviction was based on a scheme by doctor to defraud the U.S. Veterans Administration while he was employed at a VA medical center and simultaneously carrying on a private podiatric practice; and (3) subsequent action by Indiana's medical board following findings that doctor performed a surgical procedure on a specified patient in Indiana after his license in that state had been suspended. Notice of opportunity for hearing mailed 4/14/05.

**SHOR**, Steven John (MD #35-060259) - Amherst

Based on doctor's alleged violation of conditions of limitation imposed on his license by 3/21/03 consent agreement due to his failure to comply. Notice of opportunity for hearing mailed 4/14/05.

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

Based on action against doctor's license by California's medical board following doctor's admission by way of stipulation that he suffers from physical illnesses that have caused cognitive and mental problems and that substantially impair his ability to practice competently and safely. Notice of opportunity for hearing mailed 4/14/05.

#### ORDER ON REMAND

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

Upon reconsideration of Board's 1/14/04 Order pursuant to a 3/19/04 remand order from the Franklin County Court of Common Pleas, doctor's medical license indefinitely suspended; interim monitoring conditions, conditions for reinstatement and subsequent probationary terms, conditions and limitations for at least five years established. Based on Board's determination that, even after disregarding the hearing testimony of a specified witness, the Order adopted by the Board on 1/14/04 was appropriate. Order mailed 4/22/05; Order effective 4/22/05.

#### FINAL ORDERS

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

License to practice podiatric medicine revoked based on doctor's plea of guilty in federal court to one felony count of Health Care Fraud. (Journal Entry - no hearing requested) Order mailed 4/14/05; Order effective 4/14/05.

**GALLO**, Ugo Ernesto (MD #35-055461) - Akron

Doctor reprimanded; subject to mandatory continuing medical education (CME) audits for three biennial registration periods. Based on doctor's failure to timely submit documentation of compliance with CME requirements, although CME hours had, in fact, been timely completed. Order mailed 4/14/05; Order effective 5/15/05.

**LOOMIS**, Kelly Renee (LMT #33-007796) - Delta

License to practice massage therapy indefinitely suspended; conditions for reinstatement established, including requirement that massage therapist enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Order entered due to massage therapist's failure to submit to a Board-ordered examination, which by law constitutes an admission that she is unable to practice according to acceptable and prevailing standards of care by reason of mental or physical illness; and that her ability to practice according to acceptable and prevailing standards of care is impaired due to habitual or excessive use of or abuse of drugs, alcohol, or other substances that impair ability to practice. (Journal Entry). Order mailed 4/14/05; Order effective 4/14/05.

**PORTER**, Stephen Randall (MD #35-069802) - Metamora, IN

Medical license revoked based on impairment of ability to practice according to acceptable and prevailing standards of care and doctor's violation of conditions of limitation imposed on his license by 9/10/03 consent agreement due to relapse on alcohol. (Review and Journal Entry - no hearing requested by doctor) Order mailed 4/14/05; Order effective 4/14/05. (*See also: Court Actions, below*)

**YANG**, Paul Po-Tsang (MD #35-071034) - Wilmington

Medical license suspended for thirty days; subsequent probationary terms, conditions and limitations for at least two years established. Based on doctor's failure to provide complete and accurate information on license restoration application pertaining to actions taken against his privileges by the Colorado Permanente Medical Group, Westminster, CO. Order mailed 4/14/05; Order effective 5/15/05.

#### AUTOMATIC SUSPENSION

**DESAI**, Priyakant K. (MD #35-035954) - Beavercreek

Pursuant to Section 4731.221, O.R.C., medical license automatically suspended effective on or about 4/27/05, upon doctor being adjudged by Greene County Probate Court to be mentally ill or mentally incompetent.

#### PRE-HEARING SUSPENSIONS

**BRUMFIELD**, Daniel Howard (MD #35-065317) - Springfield

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 by 1/16/04 consent agreement and that his ability to practice is impaired due to relapse; and that doctor's continued practice presents a danger of immediate and serious harm to the public. Notice mailed 4/14/05; suspension effective 4/13/05.

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

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 by 5/12/04 consent agreement and that his continued practice presents a danger of immediate and serious harm to the public. Notice mailed 4/14/05; suspension effective 4/13/05.

#### CHILD SUPPORT DEFAULT SUSPENSION

**BROADNAX**, Walter George (MD #35-060685) - Cincinnati

Pursuant to determination by Hamilton County Child Support Enforcement Agency that doctor is in default under a child support order, medical license immediately suspended until such time as Board receives notice from Hamilton County Child Support Enforcement Agency that doctor is no longer determined to be in default. Notice mailed 4/19/05; suspension effective 4/19/05. (*See also: Reinstatements, below*)

#### CONSENT AGREEMENTS

**GIORDANO**, Stephen Robert (DO training certificate #58-001345) - Cleveland

10/13/04 summary suspension terminated; 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 admissions that his ability to practice according to acceptable and prevailing standards of care is impaired due to chemical dependence and that he diverted intravenous Fentanyl

for his personal use by using real and fictitious patient names to access a Pyxis drug dispensing machine. Agreement effective 4/15/05.

**GOTTSCHALK, Todd Gilbert (DO #34-006902) - Las Vegas, NV**

Doctor reprimanded; probationary terms, conditions and limitations imposed for at least two years from the date upon which the doctor reenters the U.S. following his current overseas military service. Based on doctor's admissions that he committed acts involving moral turpitude that would constitute misdemeanor offenses in Ohio by surreptitiously audiotaping or videotaping various erotic incidents involving adult females; and that assessment by the Center for Marital and Sexual Health determined that doctor had never crossed the boundaries of socialization with patients, that he has an adequate conscience to keep his conduct appropriate in the professional setting with patients, and that his mild, multifaceted form of voyeurism and moderately severe social anxiety disorder are amendable to treatment. Agreement effective 4/13/05.

**PANGALANGAN Augusto L. (MD #35-030512) - Westerville**

Medical license permanently limited and restricted to review of files, charts, and medical records, with no actual patient contact; doctor permanently prohibited from prescribing, administering, personally furnishing, ordering, writing orders for, or giving verbal orders for any drugs, including controlled substances, prescription medications, and over-the-counter medications. Based on doctor's admission that, in three specific cases, while he was employed at the Ohio State University Student Health Center, he engaged in behavior involving patients under his care that constituted inappropriate boundary crossings and created ethical conflicts of interest. Effective 4/13/05.

**RISE, Leroy Peri (MD training certificate #57-008684) - Columbus/Gainesville, FL**

Medical training certificate indefinitely suspended; interim monitoring conditions and conditions for reinstatement/issuance of any other certificate established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on doctor's failure to advise the Ohio Board on his 2004 training certificate application that he had engaged in the illegal use of marijuana within the two years prior to the date upon which he submitted such application; and on his admissions that he was diagnosed with and sought treatment for chemical dependency, that his drug of choice is marijuana, and that, in the past, he has engaged in the cultivation of marijuana exclusively for personal use. Agreement effective 4/13/05.

**SHAFFER, David James (MD #35-068595) - Cadiz**

Medical license permanently limited and restricted such that, with the exception of minor surgery as specifically defined, doctor prohibited from engaging in the practice of surgery, including but not limited to performing or assisting in any vascular, general, or major surgical procedures; doctor's practice limited to employment as an emergency

room physician at Harrison Community Hospital unless otherwise authorized by Board. Based on doctor's admissions that between 4/97 and 8/98 he performed surgical procedures on patients in West Virginia that subsequently resulted in at least six malpractices settlements against him; that his staff privileges at two hospitals in West Virginia were revoked; that he suffered a permanent hand injury that rendered him unable to practice his medical specialty, surgery, in accordance with acceptable and prevailing standards of care; and that his license has been limited by West Virginia's medical board such that he may not engage in solo practice or perform any general surgery. Agreement effective 4/13/05.

**TAYLOR, Deborah Lynn (MD #35-051038) - Columbus**

Medical license reinstated subject to probationary terms, conditions and limitations based on doctor having been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring requirements are in place. Agreement effective 4/15/05; agreement to remain in effect for at least five years prior to any request for termination.

**WHITMER, Richard Lee (MD #35-022868) - Dayton**

Medical license permanently restricted to prohibit doctor from prescribing, administering, personally furnishing, ordering, writing orders for, or giving verbal orders for any controlled substance as defined by state or federal law. Based on doctor's admissions that, in treatment of patients presenting with complaints of intractable pain, he utilized controlled substances on a protracted basis, and/or in amounts or combination that may not be appropriate when treating other medical conditions; and that he failed to comply with Board rules pertaining to prescribing for intractable pain. Agreement effective 4/13/05.

#### VOLUNTARY SURRENDERS/RETIREMENTS

**SHARP, Frank Ray (MD #35-078246) - Sacramento, CA**

Permanent revocation of medical license authorized by doctor in lieu of formal disciplinary proceedings based on his admission that he violated conditions of limitation imposed on his license by 7/14/00 consent agreement by committed acts that would constitute the felony offenses of Telecommunications Harassment and/or Pandering Obscenity. Effective 4/14/05.

#### APPLICATION WITHDRAWN

**SCHWARTZ, Bradley Allen (LMT applicant) - Mansfield**

Request to withdraw application for massage therapy certificate accepted by Board in lieu of formal disciplinary proceedings based on applicant's admissions (1) that he pled no contest to a charge of Theft for having taken Darvon and Xanax for his own use from the shelves of a pharmacy at which he was employed as a pharmacist; and (2) that his request for admission into the Richland County Drug Abuse Treatment Court constitutes independent proof of impairment. Applicant agrees not to apply for a massage therapy license or any other certificate issued by the Board for at least one year. Effective 4/14/05.

PROBATION MODIFIED

**BYKOV**, Victor (MD #35-068421) - Garrettsville

Doctor's request to eliminate chart monitoring requirement granted by vote of the Board on 4/13/05.

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

Doctor's request to reduce saliva testing requirement to once per week granted by vote of the Board on 4/13/05.

**GLEICH**, Lyon Lance (MD #35-066287) - Cincinnati

Doctor's request to reduce required personal appearances to every six months granted by vote of the Board on 4/13/05.

**GOVIER**, Ann Verlene (MD #35-051156) - Granville

Doctor's request to reduce saliva testing requirement to once per week granted by vote of the Board on 4/13/05.

**HIRSCH**, Norman Isak (DO #34-002533) - Cincinnati

Doctor's request to reduce required personal appearances to once per year granted by vote of the Board on 4/13/05.

**MARTIN**, Adam Samuel (MD training certificate #57-006661) - Cleveland

Doctor's requests to reduce required urine screens to twice per month and personal appearances to every six months granted by vote of the Board on 4/13/05.

**POJE**, Joanne (MD #35-078117) - Columbus/Sidney

Doctor's requests to reduce required counseling sessions to once every three weeks and to approve her new practice plan to work in an outpatient setting for physicians locum tenens granted by vote of the Board on 4/14/05.

**SHEDLOCK**, Marie Therese (PA #50-000789) - Middleburg Heights

Physician assistant's requests to reduce required personal appearances to every six months and drug screens to twice per month granted by vote of the Board on 4/13/05.

**TORE**, Joseph Anthony (MD training certificate #57-002244) - Toledo

Doctor's request to reduce required psychiatric sessions to two per month granted by vote of the Board on 4/13/05.

### REINSTATEMENTS

**BERKMAN**, Robert Allen (MD #35-044695) - Columbus

Doctor's request for reinstatement of medical license granted by vote of the Board on 4/14/05, subject to probationary terms and conditions and limitations established by 7/14/04 Board Order.

**BROADNAX**, Walter George (MD #35-060685) - Cincinnati

License reinstated effective 4/21/05 pursuant to Notice to Reinstate/Reissue Professional License from Hamilton County Child Support Enforcement Agency.

**GREER**, Steven Franklin (MD training certificate #57-007242) - South Euclid

Doctor's request for reinstatement of medical training certificate granted by vote of the Board on 4/14/05, effective 5/4/05, subject to probationary terms and conditions and limitations established by 1/12/05 Board Order.

**NEIDHART**, Jeffrey David (MD #35-071376) - Farmington, NM

Doctor's request for reinstatement of medical license granted by vote of the Board on 4/14/05, subject to probationary terms and conditions and limitations established by 12/8/04 Board Order.

### PROBATION TERMINATED

**CARLSON**, Loren Scott (DO #34-002395) - Sarasota, FL

Doctor's request for release from terms of 4/14/99 Board Order granted by vote of the Board on 4/13/05.

**GLASS**, Neal Ronald (MD #35-064644) - Roslyn, NY

Doctor's request for release from terms of 6/9/99 Board Order granted by vote of the Board on 4/13/05.

**SONNIE**, Clifford Michael (MD #35-049066) - Medina

Doctor's request for release from terms of 5/13/98 Board Order granted by vote of the Board on 4/13/05.

### COURT ACTIONS

**CHECK**, Lynne Ellen Zegiob (MD #35-033827) - Garfield Heights

By Decision filed on 3/21/05 and documented by Judgment Entry filed on 4/1/05, Franklin County Court of Common Pleas granted Board's motion to dismiss doctor's appeal of Board's 1/12/05 summary suspension Order.

**PORTER**, Stephen Randall (MD #35-069802) - Harrison, OH/Metamora, IN

Notice of appeal of Board's 4/13/05 revocation Order filed by doctor with Franklin County Court of Common Pleas on 4/28/05.

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 "Licensee Profile and Status." If you have questions or need additional details about specific cases, please contact Annette Jones at (614) 728-3686.