

## MEMORANDUM

TO: Formal Action Mailing List

FROM: Lauren Lubow, Senior Executive Staff Attorney

DATE: July 28, 2004

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

### CITATIONS/PROPOSED DENIALS

**EBNER**, Gregory Lee (DO #34-003080) - Cincinnati/Toledo

Based on denial of doctor's application for licensure by Arizona's osteopathic medical board, following that board's determination that doctor's conduct constituted "procuring or attempting to procure a license to practice osteopathic medicine by fraud or misrepresentation." Notice of opportunity for hearing mailed 6/10/04.

**JAIN**, Vikas Kumar (MD #35-076297) - Granville

Based on doctor's alleged failure to conform to minimal standards of care in the course of his treatment of 22 specified patients. Notice of opportunity for hearing mailed 6/10/04.

**PRICE**, Richard Daniel (MD #35-068829) - Birmingham, AL

Proposal to deny application for restoration of medical license based on doctor's plea of guilty to a felony charge of Carrying a Weapon on an Aircraft; prior action against doctor's Alabama and Georgia medical licenses based on that conviction; and alleged inability to practice according to acceptable and prevailing standards of care by reason of mental illness. Notice of opportunity for hearing mailed 6/10/04.

**RICH**, Craig Louis (MD #35-064127) - Canton

Based on alleged impairment of ability to practice according to acceptable and prevailing standards of care due to relapse. Notice of opportunity for hearing mailed 6/10/04.

**THAKER**, Reuben Indravadan (MD training certificate applicant) - Cleveland

Based on doctor's alleged failure to provide complete and accurate information to Ohio and Arizona medical boards and residency training programs pertaining to warnings and disciplinary actions taken against him by training programs in which he had previously participated; and denial of licensure application by Arizona's medical board. Notice of opportunity for hearing mailed 6/10/04.

**THOMAS**, Richard Wallace (MD #35-047608) - Carrollton

Based on doctor's alleged improper prescribing and/or failure to conform to minimal standards of care in the course of his treatment of 17 specified patients. Notice of opportunity for hearing mailed 6/10/04.

**TSENG**, Hsiang Lee (MD training certificate #57-007720) - Cincinnati

Proposal to deny application for medical training certificate based on applicant's alleged failure to provide complete and accurate information to Ohio Medical Board pertaining to his having been found guilty in 1996 of Petty Theft. Notice of opportunity for hearing mailed 6/10/04.

#### FINAL ORDERS

**BLAHNIK**, Gary Allen (MT applicant) - Mason

Application for massage therapy certificate permanently denied based on applicant's inability to practice according to acceptable and prevailing standards of care by reason of mental illness. Order mailed 6/14/04; Order effective 6/14/04.

**CHATFIELD**, Robert H. (DO #34-002208) - Swartz Creek, MI

Medical license suspended indefinitely for at least ninety days; conditions for reinstatement, and subsequent probationary terms, conditions, and limitations for at least five years established. Based on doctor's inability to practice according to acceptable and prevailing standards of care due to history of alcohol dependence and relapse, and mental illness, including major depression; prior action by Michigan's medical board based on doctor's mental and physical impairment; and doctor's alleged failure to self-report relapses as required by Ohio law. (Review and Journal Entry - no hearing requested) Order mailed 6/10/04; Order effective 6/10/04.

**KOHER**, Grant Franklin (DO #34-006892) - Chapel Hill, NC

Medical license suspended for one year, with all but six months stayed; subsequent probationary terms, conditions, and limitations for at least three years established. Based on prior action against doctor's license by North Carolina's medical board, following findings by that board that doctor provided medical services through a corporation via the Internet, and that he prescribed Propecia and Viagra to patients without a physical examination and without any prior physician-patient relationship. Order mailed 7/2/04; Order effective 7/2/04.

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

Medical license permanently revoked; doctor given option of permanent surrender of license if accomplished within two weeks of June 9, 2004. Based on improper prescribing and/or failure to conform to minimal standards of care with respect to treatment of eleven specified patients. Order mailed 7/2/04; Order effective 7/16/04.

**SHERMAN**, Christopher John (MD #35-054258) - Warren

Medical license revoked based on impairment of ability to practice according to acceptable and prevailing standards of care due to habitual or excessive use or abuse of drugs/alcohol due to relapse, as evidenced by doctor's admission that he self-administered Fentanyl and Versed and consumed alcoholic beverages. (Review and Journal Entry - no hearing requested) Order mailed 6/10/04; Order effective 6/10/04. (*See also*: Court Actions, *below*)

**WANKEWYCZ**, Kristopher Nicholas (MT #33-013247) - Parma

Application for massage therapy certificate granted subject to suspension for at least ninety days; interim monitoring conditions, conditions for reinstatement, and subsequent probationary terms, conditions, and limitations for at least five years established. Based on applicant's failure to provide on licensure application complete and accurate information pertaining to past convictions; and based on impairment of ability to practice according to acceptable and prevailing standards of care due to chemical dependency, which was diagnosed pursuant to a Board-ordered examination and for which applicant has sought treatment through a Board-approved provider. Order mailed 6/14/04; Order effective 6/14/04.

#### CHILD SUPPORT DEFAULT SUSPENSION

**DAWSON**, Robert David, Jr. (PA #50-001587) - Willowood

Pursuant to determination by Lawrence County Child Support Enforcement Agency that physician assistant is in default under a child support order, physician assistant registration immediately suspended until such time as Board receives notice from

Lawrence County Child Support Enforcement Agency that physician assistant is no longer determined to be in default. Notice mailed 5/28/04; Suspension effective 5/28/04.

### CONSENT AGREEMENTS

**BIERER**, Craig Lindsay (DO training certificate #58-000448) - Cuyahoga Falls

Medical training certificate 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 conditions are in place. Agreement effective 6/9/04; agreement to remain in effect until doctor has completed at least a five year probationary period prior to any request for termination.

**BRIGHTWELL**, Robert Russell (DO #34-003008) - 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 6/10/04; agreement to remain in effect for at least five years prior to any request for termination.

**EATON**, Lynne Antoinette (MD #35-060149) - 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 she self-reported that she had entered treatment for chemical dependency through a Board-approved provider, and that her drug of choice is Percocet, which she began abusing during or about 11/03 related to migraine headache pain. Effective 6/9/04.

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

Medical training certificate 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 conditions are in place. Agreement effective 6/9/04; agreement to remain in effect until doctor has completed at least a five year probationary period prior to any request for termination.

**LEVY**, David Joseph (MD #35-052773) - Erie, PA

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 provided that treatment and monitoring conditions are in place, including psychiatric follow-up to monitor psychotropic medication. Agreement effective 6/9/04; agreement to remain in effect for at least five years prior to any request for termination.

**MURTAGH**, William Owen, Jr. (MD #35-047907) - Maumee

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 history of alcohol addiction and relapse, for which doctor has sought treatment through a Board-approved provider. Agreement effective 6/10/04.

**PRATT-HARRINGTON**, Dale (DO #34-006970) - Athens

2/04 summary suspension terminated; permanent revocation of medical license stayed, subject to suspension for at least twelve months; 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 violation of conditions of limitation imposed on his license by 2/01 consent agreement and 5/03 addendum to consent agreement. Agreement executed 6/10/04; effective 5/12/04 per agreement of the parties.

**RAMSEY**, Katrina Renee (MT #33-011171) - Irondale

Massage therapist reprimanded based on her plea of guilty to Theft, a fifth degree felony, the acts underlying which involved her having taken \$3,672.61 in 10/01 from a store at which she was employed. Agreement effective 6/9/04.

**ROBERTSON**, William Denny (MD #35-031038) - Medina

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 impairment of ability to practice according to acceptable and prevailing standards of care due to alcohol dependence, and on doctor's admission that he failed to advise the Board on his license renewal application that he had been diagnosed as alcohol dependent, despite the fact that the facility where he had received treatment was not approved by the Board. Effective 6/9/04.

**SCHWACHTER**, Marc H. (MD #35-080114) - Dayton

11/03 consent agreement terminated; medical license suspended until at least 12/31/04; 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, in addition to the alcohol and Adderall abuse to which he previously admitted, he also engaged in the illegal use of cocaine while in residency training, and that he pled guilty in 12/03 to four drug-related counts, including Illegal Processing of Drug Documents and Deception to Obtain a Dangerous Drug, for which he was granted intervention in lieu of conviction. Effective 6/9/04.

**SHAFFER**, Jay Hammond (MD #35-036369) - La Jolla, CA

Permanent revocation of medical license stayed, subject to suspension for at least one year; conditions for reinstatement and subsequent probationary terms, conditions and limitations for at least three years established. Based on prior action against doctor's California medical license in resolution of allegations by that state's medical board that he engaged in a personal and sexual relationship with a patient while he was her treating psychiatrist. Agreement effective 6/9/04; agreement to remain in effect for at least one year prior to any request for termination.

#### VOLUNTARY SURRENDERS/RETIREMENTS

**GARADA**, Hazem (MD #35-070905) - Vienna, VA

Permanent revocation of medical license authorized by doctor in lieu of formal disciplinary proceedings based on his plea of guilty to one felony count of Health Care Fraud and prior action by Virginia's medical board; and in resolution of all obligations arising from 5/13/98 Ohio Board Order. Effective 5/27/04.

**GUIDI**, Claude Bernard (MD #35-064995) - Tampa, FL

Doctor's permanent voluntary surrender of medical license accepted by Board, based on doctor's admission that a Final Order entered by Florida's medical board in 6/01 constituted a violation of Ohio Revised Code 4731.22(B)(22). Doctor ineligible for licensure in the future. Effective 6/7/04. (*See also: Court Actions, below*)

**HELPHENSTINE**, James Charles (DO #34-004200) - Franklin

Permanent voluntary surrender of medical license accepted by Board in lieu of further formal disciplinary proceedings, based on doctor's admitted impairment of ability to practice according to acceptable and prevailing standards of care due to habitual or excessive use or abuse of drugs/alcohol, as evidenced by urine screen reflecting the presence of THC; and his violation of conditions of limitation imposed on his license by 12/03 Board Order. Doctor ineligible for licensure in the future. Effective 6/9/04.

**MACLEAN**, Bruce F. (MD #35-027583) - Springfield

Permanent voluntary surrender of medical license accepted by Board effective 5/26/04; doctor ineligible for licensure in the future.

**PAYNE**, Frederic James (MD #35-057794) - Wheeling, WV

Permanent voluntary surrender of medical license accepted by Board in lieu of formal disciplinary proceedings based on prior actions against doctor's licenses by medical boards in Kentucky and North Dakota. Doctor ineligible for licensure in the future. Effective 5/26/04.

**THOMAS**, Walter Alvin (MD #35-021901) - Columbus

Permanent voluntary retirement of medical license accepted by Board in lieu of further investigation and/or disciplinary proceedings pursuant to Sections 4731.22(B)(6) and (19), O.R.C.; doctor ineligible for licensure in the future. Effective 5/27/04.

**TOMCZAK**, Rodney Louis (DPM #36-001889) - Columbus

Permanent revocation of license to practice podiatric medicine authorized by doctor in lieu of formal proceedings pursuant to §4731.22(B)(19) and (26), O.R.C., and in resolution of all obligations arising from doctor's 6/02 consent agreement. Effective 6/8/04.

**VOLSKY**, Michael D. (MD #35-036938) - Beachwood

Permanent voluntary retirement of medical license accepted by Board in lieu of formal disciplinary proceedings pursuant to Section 4731.22(B)(19), O.R.C.; doctor ineligible for licensure in the future. Effective 5/27/04.

#### PROBATION MODIFIED

**DAIBER**, Robert Raymond (MD #35-064194) - Toledo

Doctor's request for authorization to administer, dispense or possess controlled substances granted by vote of the Board on 6/10/04, subject to his continued maintenance of a drug log.

**SMITH**, Leonard K. (MD #35-036580) - Kenton

Doctor's request for authorization to administer, dispense or possess controlled substance anorectics granted by vote of the Board on 6/10/04 subject to subject to his continued maintenance of a drug log.

## REINSTATEMENTS

**DOUGHERTY**, David Andrew (DO #34-006330) - Akron

Doctor's request for reinstatement of medical license granted by vote of the Board on 6/10/04, subject to probationary terms, conditions and limitations established by 4/10/02 Board Order.

## PROBATION TERMINATED

**COLEMAN**, Paul Donald (MD #35-052048) - Wadsworth

Doctor's request for release from terms of 5/13/99 consent agreement granted by vote of the Board on 6/9/04.

## COURT ACTIONS

**DAHLQUIST**, Glenda Mae (MD #35-061900) - Dayton

By Decision filed 6/29/04 and documented by Entry filed on 7/19/04, Franklin County Court of Common Pleas affirmed Board's 1/04 permanent revocation Order.

**GUIDI**, Claude Bernard (MD #35-064995) - Tampa, FL

Pursuant to terms of 6/9/04 settlement agreement, pending appeal in the Tenth District Court of Appeals dismissed on 6/11/04, doctor's permanent voluntary surrender of medical license accepted by Board on 6/7/04, and Board's 5/14/03 Order vacated upon Board's acceptance of surrender.

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

Notice of dismissal of appeal and termination of stay filed by doctor with Franklin County Court of Common Pleas on 6/11/04.

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

Pursuant to 4/27/04 decision of the Tenth District Court of Appeals, Franklin County Court of Common Pleas affirmed Board's 8/14/02 revocation Order by Journal Entry filed 6/15/04.

**SHERMAN**, Christopher John (MD #35-054258) - Warren

Notice of appeal of Board's 6/9/04 revocation Order filed by doctor with Franklin County Court of Common Pleas on 6/25/04.

**SHIN**, Cheung Soo (MD #35-033143) - Middlesboro, KY

Notice of appeal of Board's 5/12/04 revocation Order filed by doctor with Franklin County Court of Common Pleas on 5/27/04. By Order filed on 6/3/04, Common Pleas Court granted doctor's motion to stay Board's 5/12/04 revocation Order during the pendency of this appeal, or until 15 months after 5/27/04, whichever occurs first; doctor ordered not to practice medicine in Ohio.

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.