

## MEMORANDUM

TO: Formal Action Mailing List

FROM: Lauren Lubow, Senior Executive Staff Attorney

DATE: August 24, 2005

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

### CITATIONS/PROPOSED DENIALS

**AMOILS**, Steve (MD #35-059500) - Cincinnati

Based on allegations that doctor failed to conform to minimal standards of care and violated a code of professional ethics by engaging in sexual contact with a specified patient despite an on-going physician-patient relationship. Notice of opportunity for hearing mailed 6/9/05.

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

Based on doctor's alleged violation of conditions of limitation imposed on his practice by 4/10/02 Board Order, and alleged impairment of ability to practice according to acceptable and prevailing standards of care. Notice of opportunity for hearing mailed 6/9/05. (*See also: Pre-hearing Suspensions, below*)

**KELNER**, Paul Evan (MD #35-061460) - Lexington

Based on doctor's alleged failure to conform to minimal standards of care with respect to his treatment of a pregnant emergency room patient, including failure to perform and/or failure to document the performance of a complete abdominal examination, pelvic examination, or rectal examination. Notice of opportunity for hearing mailed 6/9/05.

**LEUVOY**, Randall Don (DO #34-004367) - Lancaster

Based on allegations that doctor signed blank prescription forms for use by his office staff while he was incarcerated and instructed his staff through his wife to issue controlled substance prescriptions for "established medications"; and that doctor failed to conform to minimal standards of care with respect to his treatment of specified patients. Notice of opportunity for hearing mailed 6/9/05.

#### FINAL ORDERS

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

License to practice podiatric medicine permanently revoked 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. (Journal Entry - no hearing requested) Order mailed 6/9/05; Order effective 6/9/05.

#### PRE-HEARING SUSPENSIONS

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

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 4/10/02 Board Order and that his ability to practice according to acceptable and prevailing standards of care is impaired; and that doctor's continued practice presents a danger of immediate and serious harm to the public. Notice mailed 6/9/05; suspension effective 6/9/05.

#### CONSENT AGREEMENTS

**ADKINS**, Paula Clark (MD #35-072775) - Huntington, WV

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 she fraudulently issued prescriptions for Tussionex in the name of a neighbor and obtained such medication for self-use; that she pled guilty in North Carolina to misdemeanor common law forgery related to the aforementioned acts; that she surrendered her North Carolina medical

license in relation to that misdemeanor conviction; that she has a history of recurrent depression and anxiety for which she has been under the care of a psychiatrist; and that a licensed therapist affiliated with a substance abuse treatment program in which doctor participated has opined that, although doctor has been diagnosed with Opioid Abuse, she does not meet the clinical criteria for a diagnosis of substance dependence. Agreement effective 6/8/05.

**BAIRD**, Jeffrey Downes Jr. (MD training certificate #57-008878) - Columbus

Medical training certificate 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 he is chemically dependent on cocaine, for which he has sought treatment through a Board-approved provider; and that he failed to properly advise the Board on his training certificate application of his illegal use of a controlled substance (cocaine). Agreement effective 6/8/05.

**BROWN**, James Robert Jr. (MD #35-041920) - Cleveland Heights

Doctor reprimanded and \$5000 fine imposed; doctor must document compliance with continuing medical education requirements for the 2001-2003 and 2003-2005 CME periods, doctor required to document compliance for two additional CME acquisition periods thereafter. Based on doctor's admission that he certified on license renewal application for the 7/1/03-6/30/05 renewal period that he had completed the requisite hours of CME for the prior biennium when, in fact, he had not done so. Agreement effective 6/8/05.

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

Medical training certificate 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, without the need for psychiatric treatment and without restrictions related to a psychiatric condition; and on his having been accepted into a residency training program in a specialty other than anesthesiology. Agreement effective 6/8/05; agreement to remain in effect for at least five years prior to any request for termination.

**HABERBERGER**, Tammy Marie (DO training certificate #58-000626) - Columbus/St. Mary's, PA

Probationary terms, conditions and limitations imposed based on doctor's admissions that she was diagnosed, following a Board-ordered evaluation, with Attention Deficit Disorder, Mild, and Impulse Control Disorder, Mild, for which ongoing treatment with a psychiatrist and mental health counselor was recommended; that she was released from her residency training program related to her conduct of issuing an Ambien prescription intended for self-use in the name of a neighbor; and that she was convicted of Disorderly

Conduct related to an incident during which she kicked a police officer in the torso after being advised that she was going to be taken into custody for her own safety in response to comments indicating that she might harm herself. Agreement to remain in effect for at least two years; all subsequent training certificates and/or any other certificate granted by the Board shall be subject to the same probationary terms, conditions and limitations, unless otherwise determined by the Board, until at least 7/1/07.

**LEVITT**, Stephen Barry (MD #35-041936) - Dayton

Doctor reprimanded; probationary terms, conditions and limitations for at least three years established. Based on doctor's admissions that, although he was not a notary, he purported to notarize a financial worksheet submitted to a domestic relations court, which worksheet contained an incorrect statement that understated a party's monies available for child support; and that such conduct resulted in a misdemeanor conviction that has since been expunged. Agreement effective 6/8/05.

**MARTINEZ**, Jose O. (MD #35-040795) - Cincinnati

Doctor reprimanded; required to successfully complete specified controlled substance management course within one year. Based on doctor's admission that he failed to comply with Medical Board rules relating to controlled substances by prescribing Adipex-P to an employee and that employee's sister for purposes of weight reduction without maintaining medical records or meeting face-to-face with the employee's sister every thirty days as required. Agreement effective 6/8/05.

**MCALLISTER**, Mark Stephen (MD #35-072741) - North Olmstead

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, subject to certain monitoring and conditions. Agreement effective 6/8/05; agreement to remain in effect for at least five years prior to any request for termination.

**MEJIA**, Juan Carlos (MD #35-077484) - Cincinnati

Medical license subject to probationary terms, conditions and limitations to monitor practice. Action taken in resolution of allegations issued by Ohio Board on 3/12/03 and pursuant to terms of 6/11/03 consent agreement, following issuance of an Order by Kentucky's medical board in 3/05 that placed doctor's Kentucky medical license on probation until 2/7/08. Agreement effective 6/8/05; agreement to remain in effect until 2/7/08 or the date on which Kentucky's medical board restores doctor's Kentucky license to a full and unrestricted status, whichever is later.

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

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 requirements are in place. Agreement effective 6/9/05; agreement to remain in effect for at least five years prior to any request for termination.

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

Doctor reprimanded; probationary terms, conditions and limitations for at least three years established. Based on doctor's admissions that he submitted a false statement that understated his income to a domestic relations court, which conduct resulted in a misdemeanor conviction that has since been expunged; and that he failed to advise the Board on a license renewal application submitted in 10/03 that he had pled guilty to and been found guilty of Driving Under the Influence of Alcohol or Drugs. Agreement effective 6/8/05.

**WILLOWS**, Barbara Jean (DO #34-002857) - Columbus

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 history of chemical dependency and relapse; and on her admission that she failed to advise the Board on a license renewal application submitted in 9/03 that she had been convicted of OMVI, a misdemeanor. Agreement effective 6/9/05.

#### PROBATION MODIFIED

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

Doctor's requests to reduce required urine screens to twice per month and required personal appearances to every six months granted by vote of the Board on 6/9/05.

**LEWIS**, Carol E. (MD #35-061461) - Cleveland

Doctor's request for authorization to apply for reinstatement of full DEA privileges granted by vote of the Board on 6/9/05.

**SOUTHIERE**, George Armand Jr. (MD #35-070885) - Providence, RI

Doctor's requests to reduce required urine screens to twice per month and required personal appearances to every six months granted by vote of the Board on 6/9/05.

## REINSTATEMENTS

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

Doctor's request for reinstatement granted by vote of the Board on 6/9/05, subject to probationary terms, conditions and limitations established by 4/13/05 Board Order.

## PROBATION TERMINATED

**LINN**, Robert Francis (DO #34-006798) - Huber Heights

Doctor's request for release from terms of 6/11/03 consent agreement granted by vote of the Board on 6/8/05.

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

Doctor's request for release from terms of 11/17/99 consent agreement granted by vote of the Board on 6/8/05.

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