

MEMORANDUM

TO: Formal Action Mailing List

FROM: Lauren Lubow, Senior Executive Staff Attorney

DATE: August 26, 2004

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

CITATIONS/PROPOSED DENIALS

BAJPAI, Manju (MD applicant) - Sylvania

Proposal to deny application for medical license based on applicant's alleged failure to provide complete and accurate information concerning residency training history, and his failure to pass all three steps of the USMLE licensing examination within seven years, as required by Ohio law. Notice of opportunity for hearing mailed 7/15/04.

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

Based on doctor having been found guilty of illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone, a felony. Notice of opportunity for hearing mailed 7/15/04.

CONNORS, Garrett Michael (DPM #36-003117) - Youngstown

Based on alleged failure to comply with Continuing Medical Education requirements. Notice of opportunity for hearing mailed 7/15/04.

FIERRA, Jeffrey James (MD #35-031774) - Mayfield Heights

Based on doctor's plea of guilty to two misdemeanor counts of Workers Compensation Fraud and one misdemeanor count of Aggravated Theft. Notice of opportunity for hearing mailed 7/15/04.

GILL, Benjamin Lee (DO #34-001453) - Akron

Based on doctor's alleged improper prescribing and failure to conform to minimal standards of care in the course of treatment of 27 specified patients. Notice of opportunity for hearing mailed 7/15/04.

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

Based on alleged violation of conditions of limitation imposed on license by 4/04 consent agreement and impairment of ability to practice according to acceptable and prevailing standards of care due to relapse; and doctor's allegedly having made false, fraudulent, deceptive or misleading statements by failing to reveal his history of cocaine abuse and dependence. Notice of opportunity for hearing mailed 7/15/04. (*See also*: Pre-hearing Suspension, *below*)

HEYD, Timothy John (MD #35-063863) - Kettering

Based on doctor's alleged failure to conform to minimal standards of care and violation of Code of Professional Ethics due to his having repeatedly engaged in sexual contact with a patient despite the existence of an ongoing physician-patient relationship. Notice of opportunity for hearing mailed 7/15/04.

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

Based on action against doctor's license by New Mexico's medical board related to his failure to timely advise a patient and a collateral treating physician that the patient had erroneously been given a medication overdose. Notice of opportunity for hearing mailed 7/15/04.

YANG, Paul Po-Tsang (MD #35-071034) - Westminster, CO

Based on doctor's alleged failure to provide complete and accurate information on license restoration application pertaining to actions against his privileges by the Colorado Permanente Medical Group, Westminster, CO. Notice of opportunity for hearing mailed 7/15/04.

FINAL ORDERS

AMPS, Jeremy (MD training certificate #57-000801) – Cleveland

Suspension of training certificate for thirty days stayed; probationary terms, conditions, and limitations for at least one year established. Based on doctor having been found guilty of two felony counts of Theft of Services, the facts underlying which involved his issuance of prescriptions for Percocet and Oxycontin to his fiancée, in a manner that exceeded the authority granted by his medical training certificate. Order mailed 8/9/04; Order effective 9/9/04.

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

Medical license suspended for at least 180 days; conditions for reinstatement and subsequent probationary terms, conditions, and limitations established. Based on doctor's plea of guilty in U.S. District Court to one felony count of Conspiracy to Violate the Prescription Marketing Act, the acts underlying which involved doctor's receipt of more than \$84,448.06 from billing for free or sample doses of Zoladex he prescribed for prostate cancer patients. Order mailed 8/9/04; Order effective 9/9/04.

BURDGE, Jeremy John (MD #35-042744) - Hilliard

Doctor reprimanded and \$1000 fine imposed; doctor required to document compliance with outstanding Continuing Medical Education obligation and to document compliance for two additional CME acquisition periods thereafter. Based on doctor's failure to comply with Continuing Medical Education requirements. Order mailed 7/15/04; Order effective 8/15/04.

HOXIE, David Albert (MD #35-071037) - Waverly

Medical license permanently revoked based on doctor's failure to provide complete and accurate information pertaining to past drug-related arrests and/or convictions on applications for Ohio and Virginia licensure, an application for DEA registration, and in response to questions from DEA and Ohio medical board staff; his violation of Board rules by prescribing controlled substance anorectics to a family member in an improper manner; and his issuance of postdated prescriptions to three specified patients. Order mailed 7/15/04; Order effective 7/15/04. (*See also: Court Actions, below*)

JONES, Jeffrey Thomas (PA #50-001782) - Canton

Certificate to practice as a physician assistant suspended for 150 days, such time to be calculated from 2/17/04, the effective date of P.A.'s summary suspension; subsequent probationary terms, conditions and limitations for at least three years established. Based on physician assistant's plea of guilty to one felony count of possession of drugs (anabolic steroids), for which he was found eligible for intervention in lieu of conviction. Order mailed 7/15/04; Order effective 7/15/04.

PARADIES, Karen Mary (MD #35-081388) - Cincinnati

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 certificate by 4/03 Board Order due to relapse. (Review and Journal Entry - no hearing requested) Order mailed 7/15/04; Order effective 7/15/04.

STARR, Tom Reutti (MD #35-026557) - Dayton

Medical license suspended for 15 days; all terms and limitations imposed by 8/8/01 Board Order to remain in effect. Based on doctor's violation of conditions of limitation imposed on license by 8/01 Board Order and impairment of ability to practice according to acceptable and prevailing standards of care due to his use of a medication containing phenobarbital. Order mailed 7/15/04; Order effective 7/15/04.

PRE-HEARING SUSPENSIONS

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

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 4/04 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 of suspension effective upon service of notice on doctor on 7/19/04.

CONSENT AGREEMENTS

HEYSE, Paul Frank (MD #35-043188) - Dayton

Probationary terms, conditions and limitations imposed to monitor practice based on doctor's admission that he has been diagnosed with alcohol dependency, for which he received treatment through a Board-approved provider, and based on his 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 7/14/04; agreement to remain in effect for at least five years prior to any request for termination.

ERIKSEN, David Edwin (MD #35-028222) - Toledo

Doctor reprimanded and \$5000 fine imposed; doctor required to document compliance with outstanding Continuing Medical Education obligation and to document compliance for two additional CME acquisition periods thereafter. Based on doctor's failure to comply with Continuing Medical Education requirements. Agreement effective 7/15/04.

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

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 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.

VOLUNTARY SURRENDERS/RETIREMENTS

MALKIN, Walter (DPM #36-001201) - Youngstown

Permanent revocation of license to practice podiatric medicine authorized by doctor in lieu of formal disciplinary proceedings based on his plea of guilty to Health Care Fraud and/or his commission of acts constituting Health Care Fraud. Effective 7/29/04.

SANTANELLO, Thomas Michael (DO #34-003569) - St. Mary's

Permanent revocation of medical license authorized by doctor in lieu of formal disciplinary proceedings based on doctor having been found guilty of felony counts of Trafficking in Drugs, Illegal Processing of Drug Documents, Theft, and Workers Compensation Fraud. Effective 7/29/04.

SAWKAR, Raghunath T. (MD #35-041647) - Napa, CA

Doctor's permanent voluntary surrender of medical license accepted by Board in lieu of doctor's appearance at an investigatory office conference for which he had been subpoenaed. Effective 7/14/04.

SEYMOUR, Robert Floyd (MD #35-020874) - Cleveland

Doctor's permanent voluntary surrender of medical license accepted by Board in lieu of formal disciplinary proceedings pursuant to Section 4731.22(B)(6), O.R.C., related to inappropriate prescribing involving one patient. Effective 7/14/04.

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

Doctor's permanent voluntary surrender of medical license accepted by Board, based on prior action against doctor's license by Kentucky's medical board following Agreed Findings relative to doctor's inadequate supervision of a physician assistant. Doctor ineligible for licensure in the future. Effective 7/28/04. (*See also: Court Actions, below*)

PROBATION MODIFIED

CAMPANO, Mark Anthony (MD #35-054088) - Dayton

Doctor's request for approval of a new practice plan, which would allow him to perform histories and physicals for ExamOne, granted by vote of the Board on 7/15/04.

HOFSTRA, Richard Manville (MD #35-067160) - Cleveland

Doctor's request to reduce required alcohol and drug rehabilitation meetings to a minimum of two meetings per week, with a minimum of ten per month, granted by vote of the Board on 7/14/04.

MORRIS, Louise Delyte (PA #50-000354) - Cedarville

Physician assistant's request to reduce required drug screens to two random screens per month granted by vote of the Board on 7/15/04.

PADHIAR, Ashok Vishram (MD #35-052511) - Steubenville

Doctor's requests to reduce frequency of psychiatric sessions to every three months and Board appearances to every six months granted by vote of the Board on 7/15/04.

SUMMERS, Robert R. (DO #34-006606) - Defiance

Doctor'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 7/15/04.

VJECHA, Michael Joseph (MD #35-049553) - Washington, DC

Doctor'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 7/15/04.

WILSON, Paul Wesley (DO #34-002939) - Toledo

Doctor's request to reduce chart review requirement to five charts per month granted by vote of the Board on 7/15/04.

WINDOM, Reginald Odester (MD #35-059407) - Chillicothe/Warren

Doctor's requests to reduce frequency of psychiatric sessions to once per month granted by vote of the Board on 7/15/04.

STURMI, James Edward (MD #35-060676) - Mt. Vernon

Doctor's request to reduce required personal appearances to every six months granted by vote of the Board on 7/15/04.

MODIFICATION OF PROBATION DENIED

GOVIER, Ann Verlene (MD #35-051156) - Newark

Doctor's requests for permission to increase work hours to 40 hours per week, participate in an on-call schedule for one night each week, reduce saliva testing to once per week and discontinue psychotherapy denied by vote of the Board on 7/14/04.

PADHIAR, Ashok Vishram (MD #35-052511) - Steubenville

Doctor's request to reduce urine screening and saliva testing requirements denied by vote of the Board on 7/14/04.

REINSTATEMENTS

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

Physician assistant's request for reinstatement of P.A. registration granted by vote of the Board on 7/15/04, subject to probationary terms and conditions and limitations established by 2/11/04 Board Order.

LITTLE, Larry John (MD #35-047090) - Newark

Doctor's request for reinstatement of medical license granted by vote of the Board on 7/15/04, subject to probationary terms and conditions and limitations established by 1/14/04 Board Order.

PROBATION TERMINATED

COLLIER, Bert David, Jr. (MD #35-079929) - Milwaukee, WI

Doctor's request for release from terms of 6/13/01 Board Order granted by vote of the Board on 7/14/04.

SABATO, Silvana A. (LMT #33-007211) - Cincinnati

Massage therapist's request for release from terms of 7/1/99 consent agreement granted by vote of the Board on 7/14/04.

SCHNEIDER, Andrew (MD #35-053843) - Dublin

Doctor's request for release from terms of 5/13/99 consent agreement granted by vote of the Board on 7/14/04.

STARR, Philip Andrew, III (DO #34-007632) - Youngstown

Doctor's request for release from terms of 6/13/01 Board Order granted by vote of the Board on 7/14/04, effective 7/31/04.

COURT ACTIONS

HOXIE, David Albert (MD #35-071037) - Waverly

Notice of appeal of Board's 7/14/04 permanent revocation Order filed by doctor with Franklin County Court of Common Pleas on 7/19/04. By Order filed 7/27/04, Franklin County Court of Common Pleas granted doctor's motion for a stay of Board's 7/14/04 permanent revocation Order pending the court's decision on the merits of doctor's appeal.

ISTANBOOLY, Faye Fatina (MD #35-060216) - Chicago, IL

By Opinion and Entry filed 7/13/04, Tenth District Court of Appeals affirmed the 12/03 decision of the Court of Common Pleas, which had affirmed in part and reversed in part the Board's suspension Order.

JONES, Miles James (MD #35-079363) - Lee's Summit, MO

Notice of appeal of Board's 2/11/04 Order, which was served on doctor via publication effective 7/9/04, filed by doctor with Franklin County Court of Common Pleas on 7/26/04.

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

Notice of appeal of Board's 6/9/04 permanent revocation Order filed by doctor with Franklin County Court of Common Pleas on 7/13/04. By Order filed 7/15/04, Common Pleas Court granted doctor's motion for a stay of Board's Order until the filing of court's final decision or order, provided that doctor close her medical office, not evaluate or treat any patients, and limit her practice to activities necessary to fulfill her duties as Deputy Coroner of Richland County, Ohio.

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

Pursuant to terms of 7/28/04 settlement agreement, pending appeal in the Tenth District Court of Appeals dismissed on 8/2/04, doctor's permanent voluntary surrender of medical license accepted by Board on 7/28/04, and Board's 5/12/04 Order vacated upon Board's acceptance of surrender.

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.