

MEMORANDUM

TO: Formal Action Mailing List

FROM: Lauren Lubow, Communications Administrator

DATE: December 30, 2003

Please find below a summary of actions taken or initiated by the State Medical Board of Ohio in December 2003.

CITATIONS/PROPOSED DENIALS

BERKMAN, Robert A. (MD #35-044695) - Columbus

Based on doctor's plea of guilty in U.S. District court of 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. Notice of opportunity for hearing mailed 12/11/03.

BISHOP, Marcia K. (MT #33-008999) - Bucyrus

Based on massage therapist's pleas of guilty to one felony count of Theft of Drugs, and one felony count of Attempted Tampering with Drugs, the acts underlying which involved her theft of Demerol, meperidine and morphine for her own use while working as a registered nurse at Bucyrus Community Hospital. Notice of opportunity for hearing mailed 12/11/03. (*See also: Pre-hearing Suspensions, below*)

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

Based on alleged violation of conditions of limitation imposed on doctor's license by 8/01 consent agreement due to failure to comply with random urine screen requirements and submission of false declarations of compliance. Notice of opportunity for hearing mailed 12/11/03.

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

Based on doctor's alleged 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. Notice of opportunity for hearing mailed 12/11/03.

ESPINOSA, Emilio Aldo (MD #35-033789) - Temperance, MI

Based on doctor's alleged failure to comply with Continuing Medical Education requirements. Notice of opportunity for hearing mailed 12/11/03.

HARTMAN, Charles R. (MD #35-064836) - Clarkes Summit, PA

Based on doctor's alleged failure to comply with Continuing Medical Education requirements. Notice of opportunity for hearing mailed 12/11/03. (*See also: Dismissal, below*)

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

Based on doctor's alleged failure to comply with Continuing Medical Education requirements. Notice of opportunity for hearing mailed 12/11/03.

HUNTER, William W., Jr. (MD #35-040186) - Columbus

Based on doctor's alleged failure to comply with Continuing Medical Education requirements. Notice of opportunity for hearing mailed 12/11/03.

JIRKA, Gerard M. (PA applicant) - Avon Lake

Proposal to deny application for registration as a physician assistant based on alleged impairment of ability to practice according to acceptable and prevailing standards of care due to history of chemical dependency and Board's inability to determine whether P.A. is complying with treatment and/or monitoring requirements. Notice of opportunity for hearing mailed 12/11/03.

SHETH, Neel N. (MD applicant) - Saline, MI

Proposal to deny application for medical licensure based on applicant's alleged failure to provide complete and accurate information on application for Ohio medical licensure and applications to the University of Michigan pertaining to his having been discharged from his position as an EMT and his having been terminated from two residency programs. Notice of opportunity for hearing mailed 12/11/03.

SOLIMAN, Hisham H. (MD applicant) - Orangevale, CA

Proposal to deny application for medical licensure based on applicant's alleged failure to provide complete and accurate information on Ohio and FCVS applications, and/or in investigatory deposition, pertaining to his psychiatric residency training program and his employment with the Fresno County, California Department of Adult Services. Notice of opportunity for hearing mailed 12/11/03.

TIPPIE, Toby James (PA #50-001990) - Lima

Based on physician assistant having pled guilty to two felony counts of Forgery, for which he was found eligible for intervention in lieu of conviction; and alleged impairment of ability to practice according to acceptable and prevailing standards of care due to habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice. Notice of opportunity for hearing mailed 12/11/03.

(*See also*: Pre-hearing Suspensions, *below*)

WANKEWYCZ, Kristopher N. (MT applicant) - Parma

Proposal to deny application for massage therapy certificate based on applicant's alleged failure to provide complete and accurate information on licensure application pertaining to past convictions; and based on alleged 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. Notice of opportunity for hearing mailed 12/11/03.

YUN, Mary Mei-Ling (MD #35-072128) - Loveland

Based on alleged impairment of ability to practice according to acceptable and prevailing standards of care due to mental illness, and alleged failure to comply with conditions of limitation imposed on license by 7/03 consent agreement, as demonstrated by notification to Board from doctor's treating psychiatrist that doctor is actively psychotic and unable to function occupationally or socially, and that she has chosen not to take her recommended medications. Notice of opportunity for hearing mailed 12/11/03. (*See also*: Pre-hearing Suspensions, *below*)

FINAL ORDERS

HELPHENSTINE, James Charles (DO #34-004200) - Miamisburg

Permanent revocation of medical license stayed, subject to indefinite suspension for at least twenty-four months; interim monitoring conditions, conditions for restoration, and subsequent probationary terms, conditions, and limitations for at least five years established. Based on impairment of ability to practice according to acceptable and

prevailing standards of care, as evidenced by urine screen reflecting the presence of benzodiazepines. Order mailed 12/12/03; Order effective 12/12/03.

KRALIK, Rita Marie (MD #35-050161) - Gates Mills

Application for reinstatement of medical license denied; 4/17/96 indefinite suspension Order terminated and superceded by this Order of indefinite suspension; conditions for reinstatement established. Order entered due to doctor's failure to comply with Board-ordered examination, resulting in Board's finding, pursuant to Section 4731.22(B)(19), O.R.C., that doctor is unable to practice according to acceptable and prevailing standards of care by reason of mental or physical illness. (Journal Entry) Notice mailed 12/11/03; personal and mail service refused; notice remailed 12/30/03. Order to become effective upon successful service of notice.

PRE-HEARING SUSPENSIONS

BISHOP, Marcia K. (MT #33-008999) - Bucyrus

Pursuant to Section 3719.121(C), O.R.C., massage therapy license immediately suspended based on massage therapist's pleas of guilty to one felony count of Theft of Drugs, and one felony count of Attempted Tampering with Drugs. Notice mailed 12/11/03.

TIPPIE, Toby James (PA #50-001990) - Lima

Pursuant to Section 3719.121(C), O.R.C., certificate to practice as a physician assistant immediately suspended based on P.A.'s pleas of guilty to two felony counts of Forgery. Notice mailed 12/11/03; suspension effective upon service of notice on 12/13/03.

YUN, Mary Mei-Ling (MD #35-072128) - Loveland

Pursuant to Section 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 7/03 consent agreement and that her ability to practice according to acceptable and prevailing standards of care is impaired due to mental illness; and that doctor's continued practice presents a danger of immediate and serious harm to the public. Notice mailed 12/11/03; suspension effective upon service of notice on doctor on 12/15/03.

DISMISSAL

HARTMAN, Charles R. (MD #35-064836) - Clarkes Summit, PA

By Entry and Order issued on 12/19/03, Board dismissed 12/10/03 notice of opportunity for hearing following determination that doctor had responded to continuing medical education audit notices insofar as he had requested extensions of time to submit the required documentation.

CONSENT AGREEMENTS

AUGSPURGER, Richard Roy (MD #35-036028) - Wheat Ridge, CO

Following findings that prior action against doctor's license by Colorado's medical board constituted a violation of Ohio law, Ohio Board found that letter of admonition from Colorado Board adequately addressed doctor's conduct (failure to notify his partner about a patient's hospital admission) and that no further sanction was required. Doctor required to affirmatively notify specified entities of consent agreement for one year. Agreement effective 12/11/03.

HIGHBERGER, W. Andrew (MD #35-056976) - Marysville

July 2002 consent agreement amended to permit doctor to perform operative anesthesia and to add required screenings for Fentanyl. Based on doctor having been deemed capable of practicing operative anesthesia according to acceptable and prevailing standards of care, so long as certain treatment and monitoring requirements are in place. Effective 12/11/03.

HILLMAN, Rodney (PA #50-001265) - Cincinnati

Physician assistant certificate restored; P.A. reprimanded and required to affirmatively notify specified entities of consent agreement for five years. Based on P.A.'s admission that he worked as a P.A. without a current certificate of registration and without a current Board-approved physician assistant supervision agreement from 2/01 through 4/02. Agreement effective 12/11/03.

STORROW, Alan B. (MD #35-060445) - Cincinnati/Villa Hills, KY

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 12/11/03; agreement to remain in effect for at least five years prior to any request for termination.

SUBLER, David Edward (MD #35-065191) - 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 conditions are in

place. Agreement effective 12/11/03; agreement to remain in effect for at least five years prior to any request for termination.

VOLUNTARY SURRENDERS/RETIREMENTS

GELBARD, Steven David (MD #35-052771) - Coral Springs, FL

Doctor's permanent voluntary surrender of medical license accepted by Board effective 12/19/03 in lieu of formal disciplinary action based on doctor's violations of 5/12/00 Board Order and on prior action against doctor's license by Florida's medical board. Doctor ineligible for reinstatement in the future.

MUNOZ, Cayetano Sanchez (MD #35-033007) - Lake Havasu, AZ

Doctor's permanent voluntary surrender of medical license accepted by Board effective 11/27/03 in resolution of requirements of 10/13/00 Board Order, and in lieu of formal disciplinary action based on doctor's violation of that Order and on 8/14/03 disciplinary action by Arizona's medical board. Doctor ineligible for reinstatement in the future.

RAFFERTY, George Anthony (MD #35-051018) - Buffalo, NY

Doctor's voluntary retirement accepted by Board on 11/25/03, in lieu of his further compliance with 7/14/99 Board Order. Doctor ineligible for reinstatement in the future. **(Non-disciplinary)**

SHIPPEL, Allan Hendley (MD #35-042499) - Canton, GA

Doctor's permanent voluntary surrender of medical license accepted by Board on 12/11/03, in lieu of his further compliance with terms of 7/03 consent agreement. Doctor ineligible for reinstatement in the future. **(Non-disciplinary)**

WALKER, Richard Winston (MD #35-019772) - Rock Springs, WY

Doctor's permanent voluntary surrender of medical license accepted by Board, in lieu of formal disciplinary action based on prior action against doctor's license by Wyoming's medical board following that board's receipt of information that doctor was arrested for driving under the influence of alcohol. Doctor ineligible for reinstatement in the future. Effective 12/9/03.

PROBATION MODIFIED

HALLE, Mark Thomas (MD #35-058051) - Columbus

Doctor's request to reduce required personal appearances to every six months granted by vote of the Board on 12/10/03.

KIM, Bak Chul (MD #35-039154) - Lima

Doctor's request to reduce frequency of required psychiatric sessions to every three months granted by vote of the Board on 12/10/03.

LOTHERS, Eric Williams (MD #35-055417) - Delaware

Doctor's request to reduce required attendance of alcohol and drug rehabilitation meetings to two per week granted by vote of the Board on 12/10/03.

STANEK, Michael James (DO #34-004882) - Columbus

Doctor's requests to reduce required personal appearances to every six months and to reduce required drug screens to two per month granted by vote of the Board on 12/10/03.

COURT ACTIONS

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

By Decision filed 12/1/03, Franklin County Court of Common Pleas denied doctor's motion for a stay of Board's 11/12/03 summary suspension Order.

ISTANBOOLY, Faye Fatina (MD #35-060216) - St. Joseph, MO

By Decision filed 12/5/03, Franklin County Court of Common Pleas affirmed Board's findings, reversed Board's imposition of suspension based on doctor's violation of R.C. 4731.22(A), and affirmed Board's suspension Order on the basis of doctor's violation of 4731.22(B)(5). Entry filed on 12/22/03 affirming in part, reversing in part, and lifting previously imposed stay order.

NON-DISCIPLINARY ADMINISTRATIVE ACTIONS

CITATIONS/PROPOSED DENIALS

AKANDE, Ezekiel (MD applicant) - West Springfield, MA

Proposal to deny application for medical license issued based on applicant's failure to complete an examination sequence acceptable to the Board, as required by Ohio law.

Notice of opportunity for hearing mailed 11/25/03. (**Non-disciplinary**) (*See also: Application Withdrawn, below*)

GRUBB, Nancy F. (MD applicant) - Canton

Proposal issued to approve application for medical license provided that applicant takes and passes SPEX or the American Board of Family Practice recertification exam within six months. Based on applicant not having been engaged in the active practice of medicine for more than two years. Notice of opportunity for hearing mailed on 12/15/03. (**Non-disciplinary**)

REGUEYRA, Francisco Ignacio (MD #35-029725) - Perrysburg

Proposal issued to approve application for restoration of medical license provided that applicant takes and passes SPEX exam within six months. Based on applicant not having been engaged in the active practice of medicine for more than two years. Notice of opportunity for hearing mailed on 11/25/03. (**Non-disciplinary**)

SHULGA, Irene (MD applicant/MD training certificate #57-002434) - Cleveland Heights

Proposal to deny application for medical license issued based on applicant's failure to complete an examination sequence acceptable to the Board, as required by Ohio law. Notice of opportunity for hearing mailed 12/8/03. (**Non-disciplinary**)

FINAL ORDERS

FLEITER, Thorsten Roger (MD visiting faculty certificate applicant) - Cleveland

Application for visiting faculty certificate denied based on fact that applicant had previously been granted such a certificate and, pursuant to Ohio law, only one visiting faculty certificate may be granted to an applicant. (Journal Entry - no hearing requested) Order mailed 12/11/03; Order effective 12/11/03. (**Non-disciplinary**)

JUNG, Everett Leroy (MD #35-024859) - Hamilton

Application for restoration of medical license approved, provided that applicant takes and passes SPEX exam within six months of 10/3/03. Based on applicant not having been engaged in the active practice of medicine for more than two years. (Journal Entry - no hearing requested) Order mailed 12/11/03; Order effective 12/11/03. (**Non-disciplinary**)

RABINOVITZ, Mordechai (MD applicant) - Pittsburgh, PA

Application for medical license denied based on fact that applicant (1) does not hold a license from another state that would permit the Board to grant a license without examination, and (2) has not passed the medical examination required by Ohio law. (Journal Entry - no hearing requested). Order mailed 12/11/03; Order effective 12/11/03. **(Non-disciplinary)**

DISMISSAL

WARD, Bonita Shelby (MD #35-083700) - Columbus

Notice of opportunity for hearing issued on 8/21/03 dismissed following Board's receipt of verification that doctor has now completed an examination sequence acceptable to the Board, as required by 4731.14, O.R.C, and Rule 4731-6-14, O.A.C. Effective 12/16/03. **(Non-disciplinary)**

APPLICATION WITHDRAWN

AKANDE, Ezekiel (MD applicant) - West Springfield, MA

Applicant's request to withdraw application for medical licensure accepted on behalf of Board effective 12/11/03. **(Non-disciplinary)**

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.