

**STATE MEDICAL BOARD OF OHIO
FORMAL ACTION REPORT – December 2008**

Prepared by: Sallie J. Debolt, General Counsel

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Listed below is a summary of the disciplinary actions taken or initiated by the State Medical Board of Ohio in December 2008 and an update of Board matters pending in courts as of the date of this document.

PRE-HEARING SUSPENSION

JOHNSON, Gregory Gene (MD #35-048254) - Perrysburg, OH

Pursuant to Section 4731.22(G), O.R.C., medical license summarily suspended based on the Board's determination that there is clear and convincing evidence that doctor is impaired due to use and/or abuse of drugs or other substances and doctor's continued practice presents a danger of immediate and serious harm to the public. Suspension effective 12/10/08; Notice mailed 12/11/08. (See also: Citations & Proposed Denials *below*)

CITATIONS & PROPOSED DENIALS

CHANDRAN, Mohan S. (MD #35-064442) – Sandusky, OH

Based on doctor having been found guilty of five first-degree misdemeanor counts of Assault; the underlying facts involving doctor's conduct toward five specified patients. Notice of opportunity for hearing mailed 12/11/08.

JOHNSON, Gregory Gene (MD #35-048254) – Perrysburg, OH

Based on doctor's alleged impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use and/or abuse of drugs, alcohol, or other substances that impair ability to practice. Notice of opportunity for hearing mailed 12/11/08. (See also: Pre-hearing Suspension *above*)

MADHUN, Zuhayr (MD #35-060483) – Beachwood, OH

Based on doctor's alleged violation of the AMA Code of Ethics by engaging in sexual contact with one specified patient; alleged making a false, fraudulent, deceptive, or misleading statement in relation to the practice of medicine; and alleged failure to cooperate in an investigation conducted by the Board. Notice of opportunity for hearing mailed 12/11/08.

MILLER, David Ronald (MD #35-037602) – Marion, OH

Based on doctor's alleged failure to cooperate in an investigation conducted by the Medical Board. Notice of opportunity for hearing mailed 12/11/08

SYPE, Joshua Nathan (LMT #33-015060) – Oregon, OH

Based on massage therapist's alleged impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use and/or abuse of drugs, alcohol, or other substances that impair ability to practice; and alleged making a false, fraudulent,

deceptive, or misleading statement in securing or attempting to secure a massage therapy license. Notice of opportunity for hearing mailed 12/11/08.

TOLLIVER, David Lee (DO #34-004884) – Bluefield, VA

Based on doctor having been found guilty in U.S. District Court. Southern District of West Virginia, of Filing a False Tax Return, a felony; and on prior action by the West Virginia Board of Osteopathy, based upon the conviction, in suspending doctor's license in that state and imposing probationary terms and conditions. Notice of opportunity for hearing mailed 12/11/08.

FINAL DISCIPLINARY ORDERS

BERRY, Erica Lorell (MT Applicant) – Barberton, OH

Application for massage therapy license permanently denied. Based on applicant's criminal history, including having been found guilty of one count of Theft, a fourth-degree felony and one count of Theft, a first-degree misdemeanor involving moral turpitude; and having made a false, fraudulent, deceptive, or misleading statement in attempting to secure a massage therapy license. Order effective 12/12/08.

GORBETT, Sara Colleen (MT Applicant) – Myrtle Beach, SC

Request to withdraw application denied; massage therapy license granted subject to probationary terms, conditions, and limitations for at least two years. Based on Board's determination that applicant's previous practice as a laser technician constituted the practice of medicine without a license, and that applicant is capable of practicing according to acceptable and prevailing standards of care under probation. Order effective 12/12/08.

HALE, Patricia Ann (MT Applicant) – Columbus, OH

Application for massage therapy certificate permanently denied. Based on applicant having pled guilty to one second-degree felony count of Robbery, the underlying facts including the use of a firearm. Order effective 12/12/08.

LITTLE, Larry John (MD #35-047090) – New Albany, OH

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, and permanent limitation of practice established. Based on Board's determination that doctor failed to conform to minimal standards of care with respect to treatment rendered to specified patients. Order effective 30 days from the date of mailing; doctor to not undertake care of any new patient during the interim period.

MACHERET, Leonid (MD #35-056178) – Cincinnati, OH

Permanent revocation of medical license stayed, subject to suspension for at least one year; conditions for reinstatement, and subsequent probationary terms, conditions and limitations established for at least two years. Based on Board's determination that doctor engaged in sexual conduct with a patient, which constitutes a departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances and violates the AMA Code of Ethics; failed to cooperate in an investigation conducted by the Board; and made a false, fraudulent, deceptive, or misleading statement in relation to the practice of medicine or in securing or attempting to secure a license. Order effective upon mailing of notification of approval by the Board.

VOLKMAN, Paul H. (MD #35-070722) – Chillicothe, OH

Medical license permanently revoked. Based on the DEA's immediate suspension and denial of renewal of doctor's DEA registration, the underlying basis being doctor's prescribing practices. Order effective 12/12/08.

CONSENT AGREEMENTS

BOWERS, Kevin Wayne (DO #34-007885) – Grove City, OH

Medical license suspended for at least on year; 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 relapse on alcohol and Tramadol. Agreement effective 12/13/08.

HEINRICHS, Timothy Arnold (MD #35-055465) – Coldwater, OH

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 admission of having been diagnosed with alcohol abuse and of being impaired in ability to practice according to acceptable and prevailing standards of care. Agreement effective 12/13/08.

LYDON, Joseph Francis, Jr. (MD #35-057047) – Cleveland, OH

Medical license suspended for at least three years; 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 of having been diagnosed with opiate dependence and bipolar disorder, with a history of obtaining Fentanyl, Versed, Adderall, and morphine for self use from residual drugs constituting waste and from a family member's prescription, and on doctor's admission of being determined to be impaired and not capable of practicing according to acceptable and prevailing standards of care. Agreement effective 12/13/08.

TIEMANN, William Elmore (MD #35-083519) – New Orleans, LA

Probationary terms, conditions, and limitations established. Based on doctor's admitted history of chemical dependency and having been diagnosed with opiate, cannabis, and alcohol dependence, for which doctor has sought residential treatment and is monitored by the Louisiana PHP; on doctor having been determined to be capable of practicing according to acceptable and prevailing standards of care; and on doctor's stated intention not to practice medicine in Ohio in the immediate future. Agreement effective 12/12/08; agreement to remain in effect for at least four years prior to any request for termination.

VOLUNTARY SURRENDERS/RETIREMENTS

PORTER, Stephen Randall (MD #35-069802) – Lawrenceburg, IN

Doctor's permanent surrender of medical license accepted by Board in lieu of formal disciplinary proceedings based on doctor's admission of impairment of ability to practice according to acceptable and prevailing standards of care due to habitual or excessive use or abuse of alcohol or other substances, of failing to submit required documentation to the Board, of having violated

conditions of limitation placed on doctor's medical license by 1/10/03 consent agreement, and having been found guilty of felony criminal acts. Effective 12/13/08.

SLINGLUFF, Jack Edwin (DO #34-001265) – Canton, OH

Board Order permanently revoking doctor's medical license as authorized by doctor in lieu of formal disciplinary proceedings based on doctor's alleged inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness. Effective 12/10/08.

PROBATION COMPLETED

SUBLER, David Edward (MD #35-065191) – Newark, OH

Doctor's request for release from the terms of the 12/11/03 Consent Agreement granted by Board vote on 12/10/08. Release from probation effective 12/10/08.

PROBATION – MONITORING TERMS MODIFIED

CASTELLANOS, Andrew John (MD #35-092527; MD Training Certificate #57-014014)-Cincinnati, OH

Monitoring physician approved and frequency and number of charts for review established by Board vote on 12/11/08.

DeFRANCO, Richard Joseph (MD #35-090499) – Cleveland, OH

Doctor's proposed practice plan as an addictionologist approved by Board vote on 12/11/08.

DRAKE, Miles Edward, Jr. (MD #35-047457) – Canal Winchester, OH

Doctor's request to reduce required drugs screens to twice per month, reduce required alcohol and drug rehabilitation meetings to two per week with a total of 10 per month, and reduce required personal appearances to every six months granted by Board vote on 12/11/08.

KOLAKALUR, Sripriya Doss (MD #35-088235) – Akron, OH

Monitoring physician approved and frequency and number of charts for review established by Board vote on 12/11/08.

LEON, Alberto A. (MD #35-046211) – Middletown, OH

Doctor's request to reduce required personal appearances to every six months granted by Board vote on 12/11/08.

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

Doctor's request to eliminate required psychiatric sessions granted by Board vote on 12/11/08.

REED, Steven Thomas (MD #35-092560; MD Training Certificate #57-008822) – Cleveland, OH

Monitoring physician approved and frequency and number of charts for review established by Board vote on 12/11/08.

SPIESS, Patricia Ann (MD #35-049816) – Bay Village, OH

Doctor's request to waive required personal appearances until the required final appearance before the full Board granted by Board vote on 12/11/08.

COURT ACTION UPDATE

ANDERSON, Wilfred Louis (MD applicant) – Cleveland Hts., OH

By Decision and Entry filed 12/2/08, the Court of Common Pleas of Franklin County affirmed the decision of the Board's 6/11/08 Order permanently denying doctor's application for licensure.

D'SOUZA, LEO (MD #35-066032) – Cincinnati, OH

By Decision and Final Judgment filed 12/29/08, the Court of Common Pleas of Franklin County affirmed the Board's 5/14/08 Order permanently revoking doctor's medical license.

GROSS, Robert (DO #34-005966) – Sterling Hts., MI

By Opinion and Judgment Entry filed on 12/23/08, the 10th District Court of Appeals affirmed the judgment of the Franklin County Court of Common Pleas, which had upheld the Board's 7/11/07 Order temporarily limiting and restricting and imposing probationary conditions on doctor's Ohio medical license.

SANDHU, Gurpal Singh (MD #35-086710) – Honolulu, HI

By Decision and Entry filed 12/3/08, the Court of Common Pleas of Franklin County reversed the Board's 5/9/07 Order revoking doctor's medical license and remanded the matter to the Board.

Non-Disciplinary Administrative Actions

Denial of Application

HIGGS, Donald Edward (MD Applicant/MD Training Certificate #57-015780) – Dayton, OH

Application for medical license denied. Based on applicant's failure to complete an examination sequence acceptable to the Board. Order effective upon mailing of notification of approval by the Board. **(Non-disciplinary)**

Approval of Application

FISCHER, Kim Ellen (LMT #33-009092) – Bexley, OH

Application for restoration of certificate to practice massage therapy granted, provided applicant takes and passes the limited branch portion of the massage therapy licensure exam within six months of October 10, 2008. Based on applicant not having been engaged in the active practice of massage therapy for more than two years. (Journal Entry – no hearing requested). Order effective 12/10/08. **(Non-disciplinary)**

NIJMEH, Ruba Wadei (MD Applicant/MD Training Certificate #57-009767) – Dublin, OH

Application for medical license granted. Based on Board's determination that applicant established good cause for not having passed all three steps of the USMLE exam within a seven year period. Order effective upon the mailing of notification of approval by the Board.

Please note that revocation and suspension Orders are not always effective immediately. If you have questions about effective dates or conditions governing a licensee'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://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.