

**STATE MEDICAL BOARD OF OHIO  
FORMAL ACTION REPORT – OCTOBER 2009**

Prepared by: Sallie J. Debolt, General Counsel

Date: December 10, 2009

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Listed below is a summary of the disciplinary actions taken or initiated by the State Medical Board of Ohio in October 2009 and an update of Board matters pending in courts as of the date of this document.

**PRE-HEARING SUSPENSION**

**MOUGINIS, Tamyra Lee (MD #35-058913) – Swanton, OH**

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's ability to practice is impaired because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice, and that doctor's continued practice presents a danger of immediate and serious harm to the public. Suspension effective 10/14/09; Notice mailed 10/15/09. (See also: Citations/Proposed Denials *below*)

**SIEVERS, Richard Joseph, II (DO #34-003430) – Dayton, OH**

Pursuant to Section 3719.121(C), O.R.C., medical license immediately suspended based on doctor having been found guilty in the U.S. District Court, Western Division of Ohio, of one felony count of Conspiracy to Dispense and Distribute Controlled Substances, arising from activities involving a conspiracy to dispense and distribute Amphetamine, Oxycodone, and Methadone, all Schedule II controlled substances; Hydrocodone, a Schedule III controlled substance; and Alprazolam, a Schedule IV controlled substance. Suspension effective 6/10/09; Notice mailed 10/15/09. (See also: Citations/Proposed Denials *below*)

**CITATIONS & PROPOSED DENIALS**

**BARKETT, Robert Edward, Jr. (MD #35-062531) – Mansfield, OH**

Based on doctor's alleged violation of the prohibition against a physician engaging in acts constituting sexual conduct with a patient and alleged failure to conform to minimal standards of care, the underlying basis being doctor's alleged sexual conduct, including sexual intercourse, with one specified patient during the ongoing physician-patient relationship. Notice of opportunity for hearing mailed 10/15/09.

**BROWN, Calvin Richard (MD #35-041051) – Akron, OH**

Based on doctor's execution of a Voluntary Surrender of Controlled Substances Privileges to the U.S. Department of Justice – Drug Enforcement Agency, the underlying basis being doctor's alleged failure to comply with federal requirements pertaining to controlled substances. Notice of opportunity for hearing mailed 10/15/09.

**CAMP, Gregory Burnham (MD #35-028433) – Wilmington, NC**

Based on doctor's alleged failure to cooperate in a Board investigation due to failure to answer interrogatories sent by the Board and alleged violation of conditions of limitation placed on medical license by 11/15/07 consent agreement, the underlying basis being doctor's alleged failure to submit required reports, appear for personal interviews, submit to required urine screening, comply with requirements concerning a supervising physician, and maintain required participation in an alcohol and drug rehabilitation program. Notice of opportunity for hearing mailed 10/15/09.

**DAJANI, Hatem Marwan (MD #35-091335) – Westlake, OH**

Based on doctor having been found guilty in the U.S. District Court, Northern District of Ohio, of one count of Wire Fraud, a felony, the underlying facts being doctor's fraudulent receipt from doctor's employer of gross pay totaling approximately \$86,517.61 and net pay of approximately \$55,863.26 to which doctor was not entitled. Notice of opportunity for hearing mailed 10/15/09.

**HALL, Darrell Andre (MD #35-072948) – Toledo, OH**

Based on doctor having executed a Voluntary Surrender of Controlled Substances Privileges to the DEA. Notice of opportunity for hearing mailed 10/15/09.

**KHAJA, Azamuddin (MD Applicant) – Fairfield, OH**

Based on (1) applicant's failure to furnish satisfactory proof of good moral character and (2) prior action by Pennsylvania's board in reprimanding applicant, the underlying basis being the action of the Professional Conduct Committee of the General Medical Council [GMC] in Scotland, United Kingdom, which had suspended doctor for having two criminal convictions, one of which involved doctor's stealing the keys of a female colleague's room and while on call and on hospital premises entering the room and leaving semen on the colleague's bed and clothing, and doctor's failure to furnish satisfactory proof of good moral character to the Pennsylvania board by failing to disclose the GMC suspension on doctor's Pennsylvania licensure application. Notice of opportunity for hearing mailed 10/15/09.

**LISCH, Nancy Jayne (MD #35-061020) – Broadview Hts., OH**

Based on doctor's 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 and alleged violation of conditions of limitation placed on medical license by 2/12/09 consent agreement, the underlying basis being doctor's submission of urine screens testing positive for ethyl alcohol or metabolites of alcohol and doctor's failure to comply with required random urine screen protocols. Notice of opportunity for hearing mailed 10/15/09.

**MOUGINIS, Tamyra Lee (MD #35-058913) – Swanton, OH**

Based on doctor's alleged impairment of ability to practice according to acceptable and prevailing standards of care due to habitual or excessive use of drugs, alcohol, or other substances that impair ability to practice, for which doctor has not completed treatment by a Board-approved treatment provider; alleged making a false, fraudulent, deceptive, or misleading statement on doctor's 2000 and 2004 Ohio licensure renewal applications by failing to disclose previous

diagnoses of alcoholism and marijuana addiction; and on the prior action of the Iowa board, citing doctor for engaging in substance abuse, prohibiting doctor from practicing in Iowa without prior approval of the Iowa board, and placing doctor on probation subject to conditions including monitoring and counseling upon approval to return to practice in Iowa. Notice of opportunity for hearing mailed 10/15/09. (See also: Pre-hearing Suspension)

**PAULINO, Edgardo Delfino (MD #35-037631) – Fairview Park, OH**

Based on doctor's execution of three Voluntary Surrender of Controlled Substances Privileges to the U.S. Department of Justice – Drug Enforcement Agency for practice locations in Ohio, the underlying basis being doctor's alleged failure to comply with federal requirements pertaining to controlled substances. Notice of opportunity for hearing mailed 10/15/09.

**REDDY, Sudesh Sandadi (MD #35-053263) – Marion, OH**

Based on doctor's alleged failure to comply with rules regulating the delegation of medical tasks to an unlicensed person; alleged commission of Complicity and Aiding and Abetting a person who does not hold a license to practice as a physician assistant, which constitutes a misdemeanor for the first offense and a felony for each subsequent offense; alleged serving as the supervising physician for a person who practices as a physician assistant without holding a physician assistant license, which constitutes a misdemeanor in the course of practice for the first offense and a felony for each subsequent offense; and alleged commission of acts constituting the felonies of Complicity and Aiding and Abetting by supervising the practice of medicine by a person who does not hold a medical license. The underlying allegation being that doctor served as the supervising physician for a person, who without holding a physician assistant license, practiced as a physician assistant from in or around August 2007 to in or around January 2008. Notice of opportunity for hearing mailed 10/15/09.

**SIEVERS, Richard Joseph, II (DO #34-003430) – Dayton, OH**

Based on doctor's alleged selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to a violation of federal law regulating the possession, distribution, or use of any drug, and on doctor having been found guilty in U.S. District Court, Southern District of Ohio, of one felony-count of Conspiracy to Dispense and Distribute Controlled Substances, the conduct underlying the conviction being doctor's activities involving a conspiracy to dispense and distribute Amphetamine, Oxycodone, and Methadone, all Schedule II controlled substances; Hydrocodone, a Schedule III controlled substance; and Alprazolam, a Schedule IV controlled substance. Notice of opportunity for hearing mailed 10/15/09. (See also: Pre-hearing Suspension)

**YANDAM, Gabriel John (MD #35-070595) – Coshocton, OH**

Based on doctor's alleged failure, in care rendered to four specified patients, to conform to minimal standards applicable to the selection or administration of drugs or failure to employ acceptable scientific methods in the selection of drugs or other modalities of treatment and conform to minimal standards of care. Notice of opportunity for hearing mailed 10/15/09.

**ZIPFEL, David Kirk (MD #35-030354) – Cincinnati, OH**

Based on doctor's alleged failure, in the provision of liposuction to five specified patients, to conform to minimal standards of care and failure to comply with Board rules regulating office-

based surgeries; alleged underlying acts include that the facility where the procedures were performed was not accredited by an Board-approved accrediting agency, the total aspirate exceeded the maximum allowed, the cannula used was larger than allowed, the total dosage of lidocaine exceeded the amount allowed, and/or doctor failed to meet required training, education, and practice privilege requirements for performing office-based surgery in which moderate sedation/analgesia is used. Notice of opportunity for hearing mailed 10/15/09.

### **FINAL DISCIPLINARY ORDERS**

#### **BADRI, Rafael A. (MD #35-050410) – Cleveland, OH**

Permanent revocation of medical license stayed, subject to suspension of at least six months; conditions for reinstatement or restoration established, subsequent permanent limitation/restriction prohibiting doctor from prescribing controlled substances to assist in weight reduction established, and subsequent probationary terms, conditions, and limitations established for at least five years. Based on Board's determination that doctor failed to conform to minimal standards of care in the selection or administration of drugs, prescribed drugs for other than legal and legitimate therapeutic purposes, and departed from the minimal standard of care as a result of doctor's use of controlled substance anorectics for weight loss in the treatment of 10 specified patients. Order effective 11/12/09.

#### **BROADNAX, Walter George (MD #35-060685) – Cincinnati, OH**

Medical license permanently revoked. Based on doctor having been found guilty of one count of Conspiracy to Distribute and Possess Controlled Substances and one count of Willful Failure to Pay Employment Taxes, the underlying facts including doctor's admission of having conspired to distribute OxyContin and Percocet by writing prescriptions for persons who were not patients. Order effective 10/14/09. (Journal Entry - no hearing requested)

#### **DAVIS, Ericka Lynn (PA Applicant / #50-003005) – Kettering, OH**

Physician assistant license granted, subject to suspension for an indefinite period of time, conditions for reinstatement or restoration established, and subsequent probationary terms, conditions, and limitations established for at least five years. Based on Board's determination that physician assistant is impaired in ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice. Order effective 10/16/09.

#### **HOPE, Candy Lee (LMT #33-006586) – Brookfield, OH**

Massage therapy license restored provided all other requirements are met; subsequent suspension of license for 60 days; and subsequent probationary terms, conditions, and limitations established for at least two years. Based on Board's determination that massage therapist practiced massage therapy without a license from on or about 8/31/05 to on or around 4/09. Order effective 10/16/09.

#### **MADAN, Ravi Dutt (MD #35-075868) – Lima, OH**

Revocation of medical license stayed, subject to suspension for at least one year commencing April 8, 2009; interim monitoring conditions and conditions for reinstatement or restoration

established; and subsequent probationary terms, conditions, and limitations established for at least five years. Based on Board's determination that doctor violated the conditions of limitation placed on doctor's medical license by the 10/8/08 Consent Agreement by submitting urine specimens that tested positive for EtG and in refusing to provide a urine specimen as requested by a Board investigator; made false, fraudulent, deceptive, or misleading statements in relation to the practice of medicine; and failed to cooperate in a Board investigation. Order effective 10/16/09.

**NELSON, Charles Wayne (LMT #33-013065) – Brooklyn, OH**

Massage therapy license permanently revoked. Based on Board's determination that massage therapist had been found guilty of Robbery, a second-degree felony, and Attempted Kidnapping, a second-degree felony; made a false, fraudulent, deceptive, or misleading statement on the 2007 renewal application by failing to disclose the convictions; and failed to cooperate in a Board investigation. Order effective 10/15/09. (Review and Journal Entry - no hearing requested)

**SMITH, Randall Jay (DO #34-004172) – Toledo, OH**

Application to restore medical license permanently denied. Based on prior action by Oregon's medical board in revoking doctor's license in that state, in part based on doctor's sexual contact with a patient during medical appointments and on doctor's guilty plea to one count of making a false claim for health care payment, and on the Ohio Board's determination that doctor violated medical ethics, the underlying basis being doctor's sexual contact with two specified patients, doctor having been convicted of one count constituting a misdemeanor in the course of practice based upon doctor's billing for appointments during which doctor had sexual relations with one of the specified patients, and doctor's failure to submit satisfactory evidence of good moral character. Order effective 10/16/09.

**St. ONGE, Rick D. (MD #35-066328) – Gallipolis, OH**

Permanent revocation of medical license stayed subject to suspension for not less than two years; interim monitoring conditions and conditions for reinstatement or restoration established; and subsequent probationary terms, conditions, and limitations established for at least five years. Based on Board's determination that doctor has an inability to practice according to acceptable and prevailing standards of care by reason of mental illness and engaged in sexual contact with one specified patient, and on prior action by the West Virginia board in accepting doctor's licensure surrender with the condition that doctor not apply for any license in that state in the future, the underlying basis being doctor's sexual conduct with one specified patient. Order effective 11/12/09.

**STRASEK, Frank Murray (DPM #36-001720) – Rocky River, OH**

Podiatric medical license permanently revoked. Based on Board's determination that doctor violated the conditions of limitation imposed by the 7/12/06 Board Order by failing to attend required personal appearances before the Board. Order effective 10/15/09. (Review and Journal Entry - no hearing requested)

**TUCKER, Jennifer Marie (MT Applicant) – Marshallville, OH**

Application for massage therapy license denied. Based on Board's determination that applicant is impaired in ability to practice according to acceptable and prevailing standards of care because

of a diagnosis of alcohol dependence for which applicant has not completed treatment by a Board-approved treatment provider. Order effective 10/15/09. (Review and Journal Entry - no hearing requested)

### **CONSENT AGREEMENTS**

#### **CULLEN, William B. (MD #35-056037) – Ashland, OH**

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 conditions are in place. Agreement effective 10/14/09; agreement to remain in effect for at least five years prior to any request for termination.

#### **GORDON, Julian A. (MD #35-040438) – Beachwood, OH**

Revocation of medical license stayed subject to suspension for at least 90 days; interim monitoring conditions and conditions for reinstatement or restoration established; and subsequent probationary terms established for at least five years. Based on doctor's admission of having been found guilty of one first-degree misdemeanor count of Assault, the underlying facts being doctor's conduct with a patient during a medical consultation. Agreement effective 10/16/09; agreement to remain in effect for at least five years prior to any request for termination.

#### **SHRAMO, Richard J. (DPM #36-001549) – Bellefontaine, OH**

Podiatric medical license suspended for at least one year and conditions for reinstatement established. Based on doctor's admission of having violated the APMA Code of Ethics by engaging in sex acts with a patient. Agreement effective 10/16/09.

#### **SUESS, Steven Hermann (MD #35-050485) – Florence, SC**

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 conditions are in place. Agreement effective 10/14/09; agreement to remain in effect for at least five years prior to any request for termination.

#### **WOLF, Bradley Rex (MD #35-052721) – Cincinnati, OH**

Permanent revocation of medical license stayed subject to suspension for at least one year, with 7/9/08 Board Order terminated; 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 history of misuse of hydrocodone, which doctor primarily obtained by authorizing prescriptions in the name of a patient, colleague, friend, or office staff member when the drugs were intended for self-use; on doctor's diagnosis of opiate addiction by a Board-approved treatment provider; and doctor's admission of submitting a false statement of compliance with the 7/9/08 Board Order. Agreement effective 10/14/09.

**VOLUNTARY SURRENDERS/RETIREMENTS**

**FRANKLIN, Samantha (LMT #33-009100) – Salem, OH**

Board Order permanently revoking massage therapy license as authorized by massage therapist in lieu of further investigation of massage therapist's possible inability to practice according to acceptable and prevailing standards of care due to physical or mental illness and impairment of ability to practice due to habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice. Effective 10/14/09.

**LICENSES REINSTATED**

**SCHWARTZ, Steven Edward (PA #50-000297) – Cambridge, OH**

Physician assistant's request for reinstatement approved by vote of the Board on 10/14/09, subject to probationary terms, conditions and limitations established by 11/11/08 Board Order.

**PROBATION COMPLETED**

**DIAMANTIS, Nicholas Constantine (MD #35-069292) – Lakewood, OH**

Doctor's request for release from the terms of the 9/30/04 Consent Agreement granted by vote of the Board on 10/14/09. Release from probation effective 10/14/09.

**PROBATION – MONITORING TERMS MODIFIED**

**ANTHONY, James J. (MD #35-032632) – Cincinnati, OH**

Monitoring physician approved and frequency and number of charts for review established by 10/14/09 Board vote.

**COLEMAN, Robert Stanley, Jr. (MD #35-075738) – Chardon, OH**

Doctor's request to reduce required personal appearances to an annual appearance granted by 10/14/09 Board vote.

**PALAZZO, Kurt J. (MD #35-067200) – Belpre, OH**

Monitoring physician approved and frequency and number of charts for review established by 10/14/09 Board vote.

**PHEN, Lovsho (MD #35-055007) – Portola, CA**

Doctor's request to reduce required personal appearances to the final appearance in 5/2011 granted by 10/14/09 Board vote.

**SCHERRY, Kimberly Marie (PA #50-000380) – Lorain, OH**

Physician assistant's request to reduce required psychiatric sessions to every three months granted by 10/14/09 Board vote.

**SCROGGINS, Timothy Allen (MD #35-079345) – Spencer, OH**

Monitoring physician approved and frequency and number of charts for review established by 10/14/09 Board vote.

**THOMAS, Gregory Michael (MD #35-048215) – Toledo, OH**

Monitoring physician approved and frequency and number of charts for review established by 10/14/09 Board vote.

**WHITLOCK, Randall Gregory, Jr. (PA #50-001262) – Cincinnati, OH**

Physician assistant's requests to reduce required personal appearances to every six months and reduce required alcohol and drug rehabilitation meetings to two per week, with a minimum of 10 per month granted, by 10/14/09 Board vote.

**COURT ACTION UPDATE**

**BANKS, Brenda Louise (MD #35-079787) – Waverly, OH**

By Decision and Entry filed on 10/22/09, the Franklin County Court of Common Pleas affirmed Board's 12/11/08 Order staying the permanent revocation of doctor's medical license subject to suspension for at least two years.

**BROADNAX, Walter George (MD #35-060685) – Cincinnati, OH**

Notice of appeal of Board's 10/14/09 Order permanently revoking doctor's medical license filed by doctor with the Franklin County Court of Common Pleas on 10/29/09.

**GRIFFIN, Brian Frederic (MD #35-044328) – Columbus, OH**

Notice of Appeal to the Ohio Supreme Court of the 9/15/09 Entry and Decision of the 10<sup>th</sup> District Court of Appeals.

**LEVINE, Jack Mark (DO #34-004736) – Piketon, OH**

Notice of Appeal of Board's 9/9/09 Order permanently revoking doctor's medical license filed by doctor with the Franklin County Court of Common Pleas on 10/29/09.

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

By Decision and Entry filed on 9/2/09, the Franklin County Court of Common Pleas affirmed Board's 1/7/09 Order staying the permanent revocation of doctor's medical license subject to suspension for at least one year.

Notice of Appeal to the 10<sup>th</sup> District Court of Appeals of the 9/2/09 Decision and Entry of the Franklin County Court of Common Pleas, which affirmed the Board's 1/7/09 Order staying the permanent revocation of doctor's medical license subject to suspension for at least one year, filed on 9/10/09.

**TAYLOR, Julie A. (MD #35-066117) – Fort Worth, TX**

By Entry filed 9/28/09, Franklin County Court of Common Pleas granted motion for stay of the Board's 9/9/09 Order placing doctor's medical license under temporary limitations.

By Agreed Amended Entry filed 10/16/09, Franklin County Court of Common Pleas granted a stay of the Board's 9/9/09 Order as long as doctor agrees to limit medical practice to jurisdictions outside of the State of Ohio.

Non-Disciplinary Administrative Actions

**Withdrawal of Application**

**BANO, Fasahat (MD Applicant / MD Training Certificate #57-011241) – Cleveland, OH**

Applicant's request to withdraw application for medical license accepted by Board in resolution of allegations set forth in the 7/9/09 notice of opportunity for hearing. Effective 10/16/09. **(Non-disciplinary)**

**Approval of Application**

**ZARLINGA, Shaunna Lynn (LMT #33-008947) – Broadview Heights, OH**

Application for restoration of certificate to practice massage therapy granted, provided applicant takes and passes the limited branch portion of the massage therapy exam within six months of 7/23/09. Based on applicant not have been engaged in the active practice of massage therapy for more than two years. Order effective 10/14/09. (Journal Entry – no hearing requested) **(Non-disciplinary)**

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**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.**