

October 10, 2007

MINUTES

THE STATE MEDICAL BOARD OF OHIO

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Deepak Kumar, M.D., President, called the meeting to order at 1:00 p.m., at the Vern Riffe Center for Government and the Arts, 77 S. High St., Columbus, Ohio 43215, Room #1932, with the following members present: Nandlal Varyani, M.D., Vice-President; Lance A. Talmage, M.D., Secretary; Raymond J. Albert, Supervising Member; David S. Buchan, D.P.M.; Dalsukh Madia, M.D.; R. Gregory Browning, Ph.D.; Jack C. Amato, M.D.; Andrew F. Robbins, Jr., M.D.; and Anita M. Steinbergh, D.O. The following joined the meeting at a later time: Carol L. Egner, M.D.

Also present were: Richard A. Whitehouse, Executive Director; Diann K. Thompson, Assistant Executive Director; Kimberly C. Anderson, Assistant Executive Director; William J. Schmidt, Staff Attorney, Enforcement, Compliance & Investigations; Rebecca J. Marshall, Chief Enforcement Attorney; Mark R. Blackmer, Marcie P. Pastrick, David P. Katko, Karen H. Mortland, Kathleen S. Peterson, Cheryl D. Pokorny, Angela Scott, Daniel S. Zinsmaster, and Lynn Zondorak, Enforcement Attorneys; Barbara J. Pfeiffer, Karen A. Unver, and Kyle C. Wilcox, Assistant Attorneys General; Eileen M. Schmidt, Executive Assistant to the Director; Joan K. Wehrle, Executive Staff Coordinator; Sallie J. Debolt, Executive Staff Attorney; Michael K. Miller, Public Policy & Government Affairs Officer; Karry Thacker, Executive Staff Assistant; Danielle Bickers, Compliance Supervisor; Jean Gillman, Compliance Officer; Barbara Jacobs, Public Services Administrator; Jacqueline A. Moore, Disciplinary Information Assistant.

MINUTES REVIEW

Dr. Kumar advised that the minutes for the September Board meeting are still being transcribed and will be presented to the Board for approval in November.

EXECUTIVE SESSION

DR. STEINBERGH MOVED THAT THE BOARD DECLARE EXECUTIVE SESSION TO CONFER WITH THE ATTORNEY GENERAL'S REPRESENTATIVES ON MATTERS OF PENDING OR IMMINENT COURT ACTION. DR. AMATO SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye

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Dr. Robbins	- aye
Dr. Steinbergh	- aye
Dr. Talmage	- aye
Dr. Kumar	- aye

The motion carried.

Pursuant to Sections 121.22(G) (3), Revised Code, the Board went into executive session.

Dr. Egner joined the meeting during the executive session.

The following joined the meeting after the executive session: Patricia A. Davidson, Acting Chief Hearing Examiner; R. Gregory Porter and Gretchen Petrucci, Hearing Examiners.

REPORTS AND RECOMMENDATIONS

Dr. Kumar announced that the Board would now consider the Reports and Recommendations appearing on its agenda. He asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings of fact, conclusions of law, and orders, and any objections filed in the matters of: Silas Mbasera Chikunguwo, M.D.; Janice Sue Haynes, M.T.; Mounir Khaled Khaled, M.D.; and Ramin Rafie, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Talmage	- aye
	Dr. Kumar	- aye

Dr. Kumar asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye

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Dr. Steinbergh - aye
Dr. Talmage - aye
Dr. Kumar - aye

Dr. Kumar noted that, in accordance with the provision in Section 4731.22(F)(2), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters. They may, however, participate in the matters of Dr. Chikunguwo and Ms. Haynes, as those cases are not disciplinary in nature and concern only qualifications for licensure. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

SILAS MBASERA CHIKUNGUWO, M.D.

Dr. Kumar directed the Board's attention to the matter of Silas Mbasera Chikunguwo, M.D. He advised that no objections were filed to Hearing Examiner Petrucci's Report and Recommendation.

DR. VARYANI MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF SILAS MBASERA CHIKUNGUWO, M.D. DR. MADIA SECONDED THE MOTION.

Dr. Kumar stated that he would now entertain discussion in the above matter.

Dr. Egner stated that, on the surface, this is a licensure case. Dr. Chikunguwo took seven years, eleven months to pass Steps 1, 2 and 3 of the U.S.M.L.E. Dr. Egner stated that the Hearing Examiner actually extracts the information given by the Respondent to find that his back injury is the cause for the health exemption to be used. Dr. Egner stated that she really didn't get the sense from Dr. Chikunguwo that he was presenting that as his strongest case.

Dr. Egner stated that she has a couple of concerns. The first is that there are no letters from treating doctors or residency attendings addressing his diagnosis, treatment, or the effect of the back injury during this time period, which he said lasted about two and a half years. His residency was done at two different programs, and he has no letters attesting to the reasons for leaving the first program. In fact, there is mention of the lack of professionalism, problems with work hours and safety. There are no other details given. Dr. Egner stated that Dr. Chikunguwo talks about his scores on in-service exams, and he talks about his history, in general, as being very stellar, with lots of awards. Dr. Egner stated that, when you really go back and look at the actual evidence that was presented, his scores on in-service exams are satisfactory at best. There's a letter from the Cooper residency program stating that a 50th percentile is a passing grade on their in-service exam. At level 1, Dr. Chikunguwo had 53% correct, which was in the 31st percentile. The attending from Cooper writes, "you're close, and we'll let you stay." Dr. Egner stated that she doesn't think that 30 and 50 are close, but that's where Dr. Chikunguwo was. In the next year Dr. Chikunguwo was in the 47 percentile, and in his third year he was in the 46 percentile. So he is close to the passing grade, but they're

not passing grades.

Dr. Egner stated that Dr. Chikunguwo only submitted two letters of recommendation. The first letter is a copy from Dawn L. Cannon, M.D., Assistant Dean for Student Affairs and Admissions, Howard University. Dr. Egner stated that this is the letter that Dr. Cannon wrote for Dr. Chikunguwo to all prospective residency programs. So, this is a letter that Dr. Chikunguwo got as a fourth year medical student. Dr. Egner stated that there has been a lot of time since medical school. Dr. Egner stated that the other letter submitted is from Renato J. Briones, M.D., who said that he worked with Dr. Chikunguwo during his third year at the Cooper Program for three months, from March 2003 to June 2003. He does give Dr. Chikunguwo a nice letter. Dr. Egner stated that there are no letters of reference to his performance at the surgical residency program at Brooklyn Hospital Center in New York or at the Cleveland Clinic. She added that that concerns her.

Dr. Egner stated that, based on the evidence provided at hearing, she does agree that Dr. Chikunguwo has persevered through a lot of adversity. His achievements are not as stellar as Dr. Chikunguwo testified. His in-training exam scores and his scores on the U.S.M.L.E. are marginal. He gives no evidence to back up his back injury, except his own testimony, to say that it occurred. His letter to cancel his U.S.M.L.E. in 2003 makes no mention that he's doing it because of a back injury, nor is there any reason why he's canceling. Dr. Egner stated that, ironically, when she looks back at the date of the letter of recommendation from Dr. Briones, when he says that Dr. Chikunguwo worked with him from March 2003 to June 2003, he indicated that Dr. Chikunguwo's back injury occurred in May 2003, right in the middle of that evaluation time. Dr. Egner stated that she finds it very curious that the only letter Dr. Chikunguwo has is from the doctor he was working with at the time of his "devastating" back injury, and there's no mention in the letter of recommendation that, during the time spent with Dr. Chikunguwo, Dr. Chikunguwo had a significant back injury and whatever it would have said. Dr. Egner stated that she's not sure that Dr. Chikunguwo had a back injury.

Dr. Egner stated that, for these reasons, she would recommend denying Dr. Chikunguwo's licensure application. She added that Dr. Chikunguwo has two options: he can support his case that that's really the reason he took so long to pass the U.S.M.L.E.; or, he can take the steps again.

DR. EGNER MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF SILAS MBASERA CHIKUNGUWO, M.D., TO DENY DR. CHIKUNGUWO'S REQUEST FOR A WAIVER OF THE SEVEN-YEAR RULE AND TO DENY DR. CHIKUNGUWO'S APPLICATION FOR LICENSURE. DR. ROBBINS SECONDED THE MOTION.

Dr. Kumar stated that he would now entertain further discussion in the above matter.

Dr. Buchan stated that, historically, he's held the harder line in terms of licensure over the years. He stated that he read this case and thought, here we go again. It's seven year and eleven months, and he broke down the times, and he understands the back injury, and he came here anticipating that he would probably go with this Report and Recommendation. However, historically, he feels that the line should be firmer and that the Board should stand on that line. He added that Dr. Egner has given a very compelling argument contrary to this Report and Recommendation, and he's not in disagreement with her.

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Dr. Buchan stated that he agrees that the onus is on Dr. Chikunguwo to describe in more detail why the Board should allow good cause. Dr. Buchan stated that he will change his thinking and suggest that the amendment is in order.

Dr. Robbins stated that he is also in agreement with Dr. Egner's proposal. He stated that he thinks that Dr. Egner did an excellent job summarizing this case. He added that he felt very much the same as he read through this whole review. Another thing that bothered him was Dr. Chikunguwo's explanation that when he took the examination in 2004, he couldn't finish the examination because of his back discomfort. Yet, there was no request for an accommodation before the examination, knowing that this would indeed be a problem if his back injury was as bad as it was reported to be. Dr. Robbins stated that it bothered him that that was not even a consideration. It was only after the examination. Dr. Robbins stated that he thinks that it is every bit as plausible that Dr. Chikunguwo realized that he was not going to pass the exam and just didn't finish it. Dr. Robbins stated that he is not convinced that this is good cause.

A vote was taken on Dr. Egner's motion to amend:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Talmage	- abstain
	Dr. Kumar	- aye

The motion carried.

Dr. Egner stated that she believes that the motion should have included a motion to remove the five-star paragraph following the conclusions of law, as that paragraph contradicts the proposed amended order.

DR. EGNER MOVED TO AMEND THE REPORT AND RECOMMENDATION BY DELETING THE CONCLUSIONARY FIVE-STAR PARAGRAPH AFTER THE CONCLUSIONS OF LAW. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye

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Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye
Dr. Talmage	- abstain
Dr. Kumar	- aye

The motion carried.

DR. BUCHAN MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF SILAS MBASERA CHIKUNGUWO, M.D. DR. EGNER SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Talmage	- abstain
	Dr. Kumar	- aye

The motion carried.

JANICE SUE HAYNES, M.T.

Dr. Kumar directed the Board's attention to the matter of Janice Sue Haynes, M.T. He advised that no objections were filed to Hearing Examiner Petrucci's Report and Recommendation.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS, AND PROPOSED ORDER IN THE MATTER OF JANICE SUE HAYNES, M.T. DR. VARYANI SECONDED THE MOTION.

Dr. Kumar stated that he would now entertain discussion in the above matter.

Dr. Steinbergh stated that she agrees with the Hearing Examiner's Report and Recommendation. Dr. Steinbergh stated that, although she appreciates the information provided by Ms. Haynes at hearing, the bottom line is that she hasn't actively practiced massage therapy in two years. Dr. Steinbergh noted that the Recommendation requires Ms. Haynes to pass the limited branch portion of the massage therapy examination in order for her certificate to be restored.

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Dr. Steinbergh noted that there is one technical correction to the Order, and that is that the word, “with,” should be “within.”

A vote was taken on Dr. Steinbergh’s motion:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- abstain
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Talmage	- abstain

The motion carried.

MOUNIR KHALED KHALED, M.D.

Dr. Kumar directed the Board’s attention to the matter of Mounir Khaled Khaled, M.D. He advised that objections were filed to Hearing Examiner Porter’s Report and Recommendation and were previously distributed to Board members.

Dr. Kumar continued that a request to address the Board has been filed on behalf of Dr. Khaled, but was not filed in a timely manner. He asked whether the Board wished to allow Dr. Khaled to make his address.

DR. ROBBINS MOVED TO ALLOW DR. KHALED TO ADDRESS THE BOARD.

DR. STEINBERGH SECONDED THE MOTION. All members voted aye. The motion carried.

Dr. Kumar advised that five minutes would be allowed for Dr. Khaled’s address.

Dr. Khaled was accompanied by his attorney, Kevin Kerns. Mr. Kerns thanked the Board for allowing Dr. Khaled to address it.

Mr. Kerns stated that, throughout his representation, Dr. Khaled has expressed remorse for the mistakes that he made at Dr. Adas’ office. He expressed remorse at the hearing. Mr. Kerns stated that he believes that Dr. Khaled’s life since leaving Dr. Adas’ office in 2001 has been exemplary. On the personal side, Dr. Khaled has married, he and his wife have had a child, they have three other children they are raising, and his wife is going to have another child. Mr. Kerns stated that Dr. Khaled excelled in his residency, as evidenced by the testimony of the four doctors from the Medical College of Ohio (MCO), who testified.

Mr. Kerns stated that he attended and read the depositions that a very skilled lawyer, Dave Katko, took, and he can tell the Board from the deepest part of his heart, that he doesn’t believe that Dr. Khaled intended in

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any way to deceive Mr. Katko or this Board when he responded to those questions. Mr. Kerns stated that he understands that Mr. Porter has a different view of that, and he's sure that the Board members have reviewed that deposition. Mr. Kerns stated that he firmly believes that Dr. Khaled never intended to deceive this Board. As a result, they've noted some objections to Mr. Porter's decision. Mr. Kerns asked that the Board determine that a finding of moral turpitude with respect to Dr. Khaled, in this case, is misplaced.

Mr. Kerns asked the Board to consider that Dr. Khaled realizes that he made mistakes at Dr. Adas' office, and he has excelled since then. Mr. Kerns at this time again thanked the Board for allowing the address, and he deferred to Dr. Khaled.

Dr. Khaled thanked the Board for allowing him to address the Board. He apologized from deep in his heart for what happened at Dr. Adas' office. He apologized for everyone who got hurt from his participation. Dr. Khaled stated that, immediately after he left Dr. Adas' office, when he was able to attend school, he entered a program to obtain a Master's degree in Public Health Administration. Dr. Khaled stated that, after obtaining his degree, he couldn't get a residency right away due to the factor of time, so he was granted a full grant for another Master's degree in the science of occupational health, due to his GPA. After that, he volunteered in internal medicine, in the department of nephrology, and he had contact with professors. He was then accepted into a residency.

Dr. Khaled stated that, during his residency, in many of his evaluations, he was told that he was a role model, although he tends to disagree with that. In the meantime he married, has had a child, is taking care of three stepchildren, and his wife is expecting a child in February. Dr. Khaled stated that he has made all efforts since he left Dr. Adas' office to improve and to be his best, personally and professionally.

Dr. Kumar asked whether the Assistant Attorney General wished to respond.

Mr. Wilcox advised that this case was handled by Mr. Clifford, but he has read the hearing record and the Report and Recommendation, and he does have a few comments in this matter.

Mr. Wilcox stated that the Report and Recommendations, the Conclusions of Law and the evidence at hearing revealed that Dr. Khaled committed the following acts: he was found guilty of a misdemeanor count of attempted practice of medicine without a certificate in Lucas County Common Pleas Court. This conviction was found by the Hearing Examiner to be a violation of the Medical Practices Act, involving acts of moral turpitude. Dr. Khaled was also found to be deceptive or fraudulent in his Board deposition. Finally, there was a finding that Dr. Khaled failed to cooperate in a Board investigation.

Mr. Wilcox stated that Dr. Khaled did all these things, yet the fifth Conclusion of Law states that the evidence was "insufficient to support a conclusion that Dr. Khaled engaged in conduct that constitutes a failure to furnish satisfactory proof of good moral character." Mr. Wilcox stated that he would submit, after reading the laundry list of allegations, this record shows that Dr. Khaled has failed to show to this Board that he has the moral character required by law. Mr. Wilcox stated that he thinks that such a finding should be part of any order in this matter. Mr. Wilcox stated that whether an additional finding will alter the Board's ultimate discipline in this matter is up to the Board.

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DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. PORTER'S FINDINGS OF FACT, CONCLUSIONS, AND PROPOSED ORDER IN THE MATTER OF MOUNIR KHALED KHALED, M.D. DR. VARYANI SECONDED THE MOTION.

Dr. Kumar stated that he would now entertain discussion in the above matter.

Dr. Egner stated that she would like to talk about this in three different parts. First of all, the time table. Dr. Khaled practiced medicine without a license in 1998 and 2001, and he has a misdemeanor criminal conviction to the above in 2003. In 2004, Dr. Khaled was accepted into an internal medicine residency at MCO, and he applied for a training certificate. He received a letter from the Board in November 2005, stating that the Board may take action against his license. A hearing was held in October 2006. Now it's October 2007, and the Board is considering the Report and Recommendation. At this point, he's finished his residency. Dr. Egner commented that he's now before the Board for acts done before he was ever in training.

Dr. Egner stated that the facts she gleaned from this case are that Dr. Khaled practiced without a license. He presented himself, and allowed Dr. Adas to present him, as a licensed physician. Dr. Egner stated that Dr. Khaled portrays his acts as acts of omission. He would only state that he was not licensed if a patient directly asked him. Dr. Egner stated that she has been in practice for 22 years, and she has never had a patient ask her the status of her Ohio license. It just isn't done, and everyone knows that. All the patients in the Report and Recommendation stated that they thought he was a physician, meaning that he was allowed to practice. No patient was presented stating that Dr. Khaled told them that he did not have a license. Even a P.A. student was assigned to that office and the P.A. student thought that Dr. Khaled was a licensed physician. That student had enough sense to know that this was not a good training environment, and he left after a week and a half.

Dr. Egner stated that the Medical Board's untimeliness in this matter affects the outcome. She stated that she believes that this case was supposed to be heard in January 2006. If the Board were deciding this case in a more timely fashion, she would suggest that the Board would have permanently denied Dr. Khaled a license. Dr. Egner asked what the Board does three years later to a man who has Dr. Khaled's history, but who completed his residency without a training certificate. His three years at MCO seem to have been done with a good record and good letters of recommendation. Dr. Egner stated that this puts the Board in a very bad position. She stated that she honestly doesn't know what to do. She added that she thinks that the 90-day suspension and probation for a year is too light, in light of what he did.

Dr. Steinbergh agreed with Dr. Egner that this is a difficult case in terms of the dates, etc. She added, however, that this is a physician who obtained his medical degree in 1993 in Romania, and came to the United States in 1998. He has no license. He's had a degree since 1993, did a year of internship in Lebanon, has no United States training, no U.S.M.L.E. Dr. Steinbergh commented that Dr. Khaled doesn't meet any of the requirements for licensure, and yet, because of his association with Dr. Adas' office, he participated in the medical care of patients. He practiced medicine without a license. Dr. Steinbergh stated that Dr. Khaled was found guilty of practicing medicine without a license in September 2003.

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Dr. Steinbergh stated that it is very troublesome to know what Dr. Khaled did in Dr. Adas' office. He saw patients, signed prescriptions, both in 1998 and 2001. Dr. Steinbergh stated that she has concerns about how the billing was done for Dr. Khaled's services. Dr. Steinbergh stated that she agrees with Dr. Egner with regard to the fact that Dr. Khaled has now completed his residency in internal medicine.

Dr. Steinbergh referred to Conclusions of Law, paragraph 5, which states, "(a)lthough the evidence indicates that Dr. Khaled had provided deceptive testimony during a Board investigative deposition, the evidence does not indicate that Dr. Khaled makes a habit of being deceptive." Dr. Steinbergh stated that she suspects that Mr. Porter says that because of the recommendations and recent training. Dr. Steinbergh added that she agrees that that's a questionable issue.

Dr. Steinbergh stated that, after reading the hearing record, she felt that this was a very fair Proposed Order. It grants Dr. Khaled's application for a training certificate, which then covers his internal medicine residency years. If Dr. Khaled decides to apply for a certificate to practice medicine, that license should be suspended. It would be important for Dr. Khaled to take time out to understand what he did. Every experience that Dr. Khaled had indicates to the Board that he did not make the right decision. Dr. Khaled had no right to present himself as a physician in the State of Ohio, nor did Dr. Adas. But Dr. Khaled had the moral responsibility to say that it was not appropriate, no matter who says it is. Dr. Steinbergh again stated that she feels that the Proposed Order is fair in terms of granting him a training certificate to cover the years he trained. Should he apply for a full license, if the Board agrees to license him, the Board would have a right to suspend the certificate and place him under probationary terms. She noted that the Hearing Examiner suggests a year suspension, and she would agree that that is appropriate. He would also be required to take a personal and professional course on ethics, which she thinks would be very important. Dr. Steinbergh stated that the Board has no evidence at this point that Dr. Khaled is not practicing appropriately or that he wouldn't meet the standard of practice because of his residency training and recommendations.

Dr. Varyani stated that he believes that Dr. Khaled presented his case very well, but his problem with this case is with Dr. Adas, who is licensed in Ohio, and who allowed this to happen. Dr. Varyani stated that this should be investigated further. Dr. Adas knew very well that Dr. Khaled was not a licensed physician. There were many instances where Dr. Adas would tell a patient that either his cousin, his partner or his associate would take care of the patient. Dr. Varyani stated that he thinks that the Board needs to look into that as well.

Dr. Kumar stated that he was going to make those comments as well. If the Board is not already looking at Dr. Adas, it needs to.

Dr. Robbins asked for clarification. He asked what the implication would be for not granting Dr. Khaled a training certificate if he's completed his training.

Dr. Kumar stated that he believes that the program would say that he did not do his residency training. He stated that the Board had a case where a physician was required to re-do his residency, although that was a bit of a different case.

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Dr. Robbins stated that it's certainly a conundrum. Dr. Khaled has already done the training and has done it, from what he can see, in a fairly stellar way.

Ms. Thompson stated that the training certificate was, in fact, issued in this case. That's how training certificates work. Dr. Khaled applied for a training certificate, received an acknowledgment letter from the Board; and by the time that acknowledgment letter expires, if the Board hasn't started an action by issuing a cite, the training certificate is issued. Dr. Khaled did, in fact, have a training certificate that was renewed for each year. That training certificate is now expired because he's now out of his training program. It's not a question of retroactively granting him a training certificate back to 2004. That training certificate, in fact, was issued.

Dr. Kumar asked what happens to the residency training Dr. Khaled already did, if the Board at this time denies Dr. Khaled a training certificate.

Ms. Thompson stated that she doesn't know how the Board can deny the certificate when it's already been issued. The action the Board would be taking is against the training certificate that was issued. That training certificate has expired.

Dr. Buchan stated that, in the event that Dr. Khaled applies for a license to practice, he would like to go on record as suggesting that this is an extremely lenient order. Dr. Buchan stated that he can't imagine practicing medicine without a license would engender this kind of Report and Recommendation. Dr. Buchan stated that he's okay with this, as the Board has discussed it. He just feels that, should he apply for an Ohio license, Dr. Khaled would be very fortunate if the Board grants him one.

A vote was taken on Dr. Steinbergh's motion:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- nay
	Dr. Amato	- aye
	Dr. Robbins	- nay
	Dr. Steinbergh	- aye
	Dr. Talmage	- abstain

The motion carried.

At this time Dr. Kumar recognized the presence of students from the Ohio University School of Osteopathic Medicine.

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RAMIN RAFIE, M.D.

Dr. Kumar directed the Board's attention to the matter of Ramin Rafie, M.D. He advised that objections were filed to Hearing Examiner Davidson's Report and Recommendation and were previously distributed to Board members.

Dr. Kumar continued that a request to address the Board has been timely filed on behalf of Dr. Khaled. Five minutes would be allowed for that address.

Dr. Rafie was accompanied by his attorney, Kevin P. Byers.

Mr. Byers stated that he's not sure that it's clear from the Report and Recommendation that not everything about Dr. Rafie's training and medical education is in the negative. Dr. Rafie did receive thirteen of fourteen months of credit for the residency training that is at issue. The program director suggested that Dr. Rafie would be a very good candidate for internal medicine because his problem areas in that residency clinically related to pediatrics or obstetrics, areas that are typically not part of an internal medicine practice or residency. Mr. Byers stated that Dr. Rafie has been cooperative throughout the process. Every communication he has had with this Board has involved some kind of offer to talk to the Board. He initially communicated with Mr. Blackmer, who spoke with him for well over an hour by telephone. Mr. Byers stated that Dr. Rafie has certainly learned a lesson about attention to detail and following up on any questions and how to answer a question. Mr. Byers stated that, as evidence of that, Dr. Rafie has already revised his FCVS information, based upon the ongoing process with this Board and the issues that were brought forward.

Mr. Byers stated that it is also important to highlight a couple of comments from the letters that the Hearing Examiner noted were supportive of Dr. Rafie. Mr. Byers referred to a letter from Peter G. Striegel, M.D., of Visiting Physicians Associates in Columbus, Ohio, Dr. Rafie's employer. Mr. Byers noted that Dr. Striegel has indicated that there has been a significant improvement in patient care since Dr. Rafie came on board as an M.A. Other letters noted that Dr. Rafie is logical, organized, has an excellent work ethic, broad and deep medical knowledge, and good clinical intuition. Mr. Byers stated that those were all points raised by the Hearing Examiner in the Report and Recommendation. Dr. Striegel also noted that Dr. Rafie had unusual strength of character. Mr. Byers stated that he would simply submit that, while errors were made in the application process, they believe that Dr. Rafie is deserving of licensure, competent and qualified.

Dr. Rafie thanked the Board for their time today. He stated that he appreciates the opportunity to finally speak to the Board. Dr. Rafie stated that he would first like to admit to his faults and to take full responsibility for the actions he took in filling out the application incorrectly both for the State Medical Board of Ohio and the FCVS application. He realizes that he should not have rushed through it as he did when he filled it out back on August 23, 2006. He realizes that he should have spent more time filling it out and given more time and attention to the detail on the application.

Dr. Rafie stated that he would like to emphasize that he has never had the intention to mislead any medical board, nor will he ever have the intention to mislead any medical board. Dr. Rafie stated that it is also

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important to consider that this is his very first application for medical licensure in this country, and it has turned out to become a very important learning experience for him. He stated that, as he mentioned previously, he's learned to take a lot more time, attention and detail in filling out such applications. He's already gone back on line to amend his FCVS application accordingly, for the future when he does use it to apply for licensure with other medical boards.

Dr. Rafie stated that he would be lying if he said that he would never make another mistake. He's fallible, and he thinks that this is most likely probable when it comes to somebody being asked to fill out a form which he's never done before and he doesn't have any experience in doing. There are many forms like this that physicians come across throughout their careers. Dr. Rafie stated that he would like to state that he understands that public safety does supersede everything, and he acknowledges that the Board's purpose is to protect public safety. However, at this point in time he's quite anxious and hopeful to move forward with his life and his career. He's fortunate to have a job opportunity waiting for him as a staff physician with visiting physicians and, as evident by the letter written by Dr. Striegel on his behalf, he has been able to help improve patient care significantly. Dr. Rafie stated that he looks forward to the opportunity to continue to do that as a licensed physician.

Dr. Rafie stated that, at this point in time, he'd be more than happy to answer any questions the Board members may have regarding his case.

Dr. Kumar asked whether the Assistant Attorney General wished to respond.

Ms. Pfeiffer stated that, for the first time, Dr. Rafie has acknowledged some fault and responsibility in this case. He exhibited none of that in the hearing process. She commented that, even when he does admit fault, he has to qualify it, stating that he rushed through it and it's not going to happen again, hopefully.

Ms. Pfeiffer stated that she would like to highlight some of the things that are not in dispute in this case. What's not in dispute is that Dr. Rafie failed his pediatrics clerkship. He testified at hearing that it was upsetting, he remembers crying, it was an emotionally charged event in his life and was his first failure. After that happened, Dr. Rafie got a letter from the medical school. Ms. Pfeiffer stated that Dr. Rafie admitted receiving this letter, one of the hearing exhibits. The letter tells him that he failed the shelf exam in pediatrics twice. The failure resulted in a failing grade for the course and Dr. Rafie was placed on academic probation. Ms. Pfeiffer stated that Dr. Rafie then filed a petition. He did not want to repeat his third year clerkship. He had a hearing, and on May 10 of the same year, the medical school issued a letter that is also one of the hearing exhibits. The letter indicated that after reviewing Dr. Rafie's petition, the Committee on Promotions and Honors met his petition to not repeat the third year clerkships. The Committee voted unanimously to reject the petition and to uphold the recommendation of the Department of Pediatrics. Dr. Rafie was required to retake that clerkship.

Ms. Pfeiffer continued that in November 2000, Dr. Rafie got another letter from the school, which he admits receiving, informing him of his failure in OB/GYN, advising that he is still on academic probation for his failure in pediatrics, and reminding him that any future failures could result in dismissal.

Ms. Pfeiffer stated that when Dr. Rafie made application with this Board, he was asked whether or not he had ever been placed on probation. He answered, yes, but he did not furnish complete details, including

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date, place, reason and disposition of the matter, as required by the application. He was also required to submit all copies of relevant documentation, including institutional correspondence. Ms. Pfeiffer stated that Dr. Rafie's thorough explanation consisted of two sentences, and he did not submit any documentation from the school. He made absolutely no reference in the two sentences to having been placed on probation in medical school.

Ms. Pfeiffer stated that Dr. Rafie started his residency at Grant Medical Center in March 2005. In September 2005 he signed a plan for academic development. In February 2006, he was placed on probation by Grant. He received a letter from Robert Skully, M.D. concerning his performance review. This was discussed with Dr. Rafie on March 1, 2006, and Dr. Rafie signed it. Ms. Pfeiffer stated that the letter was Dr. Rafie's official notice of academic probation, and advised that the period of probation would extend until May 31, 2006, during which time clinical improvement by Dr. Rafie was expected. Ms. Pfeiffer stated that the Grant program did not see significant clinical improvement from Dr. Rafie. On June 1, they issued a letter to Dr. Rafie, informing him that he had not been successful in completing his probationary period and, therefore, his residency appointment will terminate, effective July 1, 2006. Ms. Pfeiffer stated that Dr. Rafie had the opportunity to appeal that decision. Dr. Rafie appealed that termination, had a hearing on July 10, 2006, but did not prevail. On July 17, 2006, Grant issued another letter to Dr. Rafie, upholding the recommendation of the grievance panel. As a result, he was terminated from Grant Medical Center's employment, effective July 31, 2006.

Dr. Kumar asked Ms. Pfeiffer to conclude her statement.

Ms. Pfeiffer stated that Dr. Rafie completed his FCVS application about a week after being notified of Grant's terminating his employment. He applied for Ohio licensure on August 23, 2006. He does indicate that he had been placed on probation, but his explanation indicated that he was placed on probation at Grant Medical Center in November 2005, but that he successfully completed the program and was taken off probation, although no formal notice was given. Ms. Pfeiffer stated that Dr. Rafie made this explanation three weeks after being terminated from Grant. She stressed that you don't forget this kind of thing. She noted that Dr. Rafie also indicated that his contract was not renewed because he chose to switch residency fields.

Ms. Pfeiffer stated that her co-counsel on this case, Karen Unver, began her opening statement by stating that this is a case of concealment and half truths. Ms. Pfeiffer stated that she would agree with Dr. Skully, who, in his letter placing Dr. Rafie on probation, indicated that he has particular concern that Dr. Rafie seems to be genuinely unaware of his performance deficiencies, and that Dr. Rafie is functioning with a false sense of competence and self assuredness. She noted that Dr. Skully indicated that he has concern about Dr. Rafie's ability to ever function as an independent practitioner. Ms. Pfeiffer stated that Dr. Rafie has dismally failed to furnish evidence satisfactory to good moral character, and she asked that the Board uphold the Report and Recommendation.

DR. MADIA MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT, CONCLUSIONS, AND PROPOSED ORDER IN THE MATTER OF RAMIN RAFIE, M.D. MR. BROWNING SECONDED THE MOTION.

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Dr. Kumar stated that he would now entertain discussion in the above matter.

Dr. Steinbergh stated that there are a couple of typographical errors she would like to note for the record. The first is on page 12, paragraph # 29, concerning a letter from Dr. Skully. Dr. Steinbergh noted that the date should read "June 1, 2006." The next error is on page 20, paragraph # 54. The date in the opening phrase should read "June 26, 2006." On page 21, in paragraphs # 56 and # 57, the year, "2007," should be replaced with the year, "2006."

Dr. Steinbergh stated that this was a very troublesome report. She stated that Ms. Pfeiffer outlined the case perfectly, and the Hearing report also outlines it. Dr. Steinbergh stated that she found that Dr. Rafie committed fraud in application both to the FCVS and to the State of Ohio. She has tremendous concerns about his dishonesty in the medical profession. Dr. Steinbergh stated that she is most concerned when people are dishonest on their application. She doubts very much that anyone, having suffered through what Dr. Rafie suffered through, would ever forget this type of experience in medical school or in residency training. You do not forget this.

Dr. Steinbergh stated that she's concerned about a physician who would lie on an application and consistently lie and be unaware of what has occurred in his training years. Her concern is for patient care. Every day physicians are challenged to be absolutely honest, in assessment of the patient, the application of medical care to the patient, and the medical record. Dr. Steinbergh stated that she doesn't believe that Dr. Rafie meets that standard, and she agrees with the Proposed Order of permanent denial of licensure in this state.

Dr. Egner stated that she would agree with the presentations made by Ms. Pfeiffer and Dr. Steinbergh. She stated that she takes great exception to lying being characterized as incorrectly filling something out, or testimony that Dr. Rafie forgot about being placed on probation. She noted that, even today, Dr. Rafie indicates that he should have taken more time in completing the application. Dr. Egner stated that time is not the issue in how Dr. Rafie filled out the FCVS and the Ohio application. It was deception. He lied about the problems that he's had and hoped that it would get through. It wasn't an act of timeliness. Dr. Egner referred to Dr. Rafie's comment today that this is the first time that he ever filled out an application, and that that can be really difficult, and noted that there are a lot more things in medicine that are a lot more complicated than filling out an application. If that's hard for Dr. Rafie to do, she doesn't know that he should practice.

Dr. Egner stated that this case really comes down to lying, and she thinks that the Board has heard more of it today. Dr. Egner stated that she agrees completely with the Report and Recommendation, and that Dr. Rafie's application for a license should be permanently denied.

Dr. Buchan stated that he also agrees with the Report and Recommendation. He stated that the number one determinant that factors into what makes a good physician is character. Dr. Rafie fails that test. Dr. Buchan stated that he thinks that the Board has no choice but to fail him in his application for licensure.

Dr. Steinbergh stated that she was very concerned about Dr. Striegel's comments. She noted that Dr. Rafie was employed by Dr. Striegel at Visiting Physicians Associates in Columbus. Dr. Steinbergh referred to

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paragraph # 65 of the Summary of Evidence, which indicates that Dr. Rafie worked with Dr. Striegel as a medical assistant. Dr. Steinbergh stated M.A. are not licensed to practice medicine. Physicians use M.A. as extenders in the office, but they have no ability to participate or make decisions in medical care. Dr. Steinbergh stated that Dr. Striegel indicated that Dr. Rafie provides insightful and appropriate counsel on medical care. Dr. Steinbergh stated that that really bothered her. In fact, Dr. Rafie was participating in the decision making process of medical care for Dr. Striegel. Dr. Steinbergh stated that her M.A. do not give her counsel on medical care. They assist her in her duties, but they do not participate in the decision as to how she will care for her patients. Dr. Steinbergh stated that there were numerous comments in the Report and Recommendation about Dr. Rafie's participating in the medical care of patients, without a license.

Dr. Robbins stated that he's said this before with other applicants who have said that this was an honest mistake, they didn't put their past down, they didn't understand the question. Dr. Robbins instructed the medical students in the room that, when they have situations like the one being presented here, there is absolutely no excuse not to present that in a form that is, at the very least, a narrative, to whichever board they are applying. He stated that these are monumental events in a physician's career, and to think that someone forgot these is so atrocious that he hopes that the students can reflect on that. Dr. Robbins stated that anyone in this situation should have sent volumes of material with his or her application to try to explain this, not treat it as though it never happened.

A vote was taken on Dr. Madia's motion:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Talmage	- abstain

The motion carried.

PROPOSED FINDINGS AND PROPOSED ORDER IN THE MATTER OF MANOLITO MANABO LONTOC, M.D.

Dr. Kumar directed the Board's attention to the matter of Manolito Manabo Lontoc, M.D. He advised that by letter of March 14, 2007, the Board notified Dr. Lontoc that it proposed to take disciplinary action against his license to practice medicine and surgery in the state of Ohio based on allegations contained in the letter. The notice was mailed to Dr. Lontoc's address of record and proper service was documented. No hearing request has been received from Dr. Lontoc and more than thirty days have elapsed since the mailing of the notice. The matter was reviewed by Hearing Examiner Petrucci, who prepared a Proposed

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Findings and Proposed Order, and is now before the Board for final disposition.

DR. STEINBERGH MOVED TO FIND THAT THERE IS RELIABLE, PROBATIVE AND SUBSTANTIAL EVIDENCE TO SUPPORT THE ALLEGATIONS AS SET FORTH IN THE MARCH 14, 2007 NOTICE OF OPPORTUNITY FOR HEARING IN THE MATTER OF MANOLITO MANABO LONTOC, M.D., AND TO ADOPT THE PROPOSED FINDINGS AND PROPOSED ORDER. DR. MADIA SECONDED THE MOTION.

Dr. Kumar stated that he would now entertain discussion in the above matter.

Dr. Steinbergh stated that Dr. Lontoc didn't request a hearing, and added that she agrees with the Hearing Examiner's Proposed Order of permanent revocation. Dr. Steinbergh referred the Board to the paragraphs beneath the five stars following the Proposed Findings, noting that they summarized the case.

Dr. Kumar stated that it kind of amazed him when he looks at this physician who sees maybe four to five patients a day at home, who doesn't have an office or any help, but he orders tons of narcotics. He noted that Dr. Lontoc has indicated that he stopped doing that because everyone was coming to his house to get medicine.

Dr. Amato stated that, in view of the growing number of deaths that are being caused by prescription drugs, he contends that this physician was no longer a physician but a dope peddler.

A vote was taken on Dr. Steinbergh's motion:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Talmage	- abstain

The motion carried.

FINDINGS, ORDERS AND JOURNAL ENTRIES

WILLIAM W. NUCKLOS, M.D.

Dr. Kumar noted that, by letter of March 8, 2006, pursuant to Section 3719.121, Ohio Revised Code, the Board issued an Order of Immediate Suspension and Notice of Opportunity for hearing to William W. Nucklos, M.D., based upon his being convicted on ten felony counts of illegal processing of drug

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documents, in violation of Section 2925.23, Ohio Revised Code, and ten felony counts of trafficking in drugs, in violation of Section 2925.03, Ohio Revised Code. That conviction was subsequently reversed by the Second District Court Of Appeals. Dr. Kumar asked, on the basis of the foregoing, for a motion to vacate the March 8, 2006 immediate suspension, to reinstate Dr. Nucklos' certificate to practice medicine and surgery in the state of Ohio, and to dismiss without prejudice the March 8, 2006 Notice of Opportunity for Hearing.

MR. BROWNING MOVED TO VACATE THE MARCH 8, 2006 IMMEDIATE SUSPENSION, TO REINSTATE DR. NUCKLOS' CERTIFICATE TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF OHIO, AND TO DISMISS WITHOUT PREJUDICE THE MARCH 8, 2006 NOTICE OF OPPORTUNITY FOR HEARING. DR. ROBBINS SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Talmage	- abstain

The motion carried.

CITATIONS, PROPOSED DENIALS & ORDERS OF IMMEDIATE AND SUMMARY SUSPENSION

SHELLY BADE, M.D. – CITATION LETTER

At this time the Board read and considered the proposed citation letter in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

DR. BUCHAN MOVED TO SEND THE CITATION LETTER TO DR. BADE. DR. ROBBINS SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye

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Dr. Steinbergh - aye
Dr. Talmage - abstain

The motion carried.

KEVIN MICHAEL LOURWOOD, M.T. – CITATION LETTER

At this time the Board read and considered the proposed citation letter in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

**DR. STEINBERGH MOVED TO SEND THE CITATION LETTER TO DR. LOURWOOD.
DR. VARYANI SECONDED THE MOTION.** A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Egner	- aye
Dr. Varyani	- aye
Dr. Buchan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye
Dr. Talmage	- abstain

The motion carried.

W. SCOTT NEKROSIUS, M.D. – CITATION LETTER

At this time the Board read and considered the proposed citation letter in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

**DR. STEINBERGH MOVED TO SEND THE CITATION LETTER TO DR. NEKROSIUS.
DR. BUCHAN SECONDED THE MOTION.** A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Egner	- aye
Dr. Varyani	- aye
Dr. Buchan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye
Dr. Talmage	- abstain

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Dr. Kumar - abstain

The motion carried.

Dr. Kumar stated that he would need to recuse himself from this case.

ROBERT ROWAN SUMMERS, D.O. ORDER OF SUMMARY SUSPENSION AND NOTICE OF OPPORTUNITY FOR HEARING

At this time the Board read and considered the proposed Order of Summary Suspension and Notice of Opportunity For Hearing in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

DR. STEINBERGH MOVED TO ENTER AN ORDER OF SUMMARY SUSPENSION IN THE MATTER OF ROBERT ROWAN SUMMERS, D.O., IN ACCORDANCE WITH SECTION 4731.22(G), OHIO REVISED CODE, AND TO ISSUE THE NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY FOR HEARING. DR. ROBBINS SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Talmage	- abstain

The motion carried.

TOBY J. TIPPIE, P.A. – CITATION LETTER

At this time the Board read and considered the proposed citation letter in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

DR. VARYANI MOVED TO SEND THE CITATION LETTER TO MR. TIPPIE. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye

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Dr. Madia	- aye
Mr. Browning	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye
Dr. Talmage	- abstain

The motion carried.

ANNA LOUISE WINDERS, M.T. APPLICANT - LETTER OF PROPOSED DENIAL

At this time the Board read and considered the letter of proposed denial in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

DR. STEINBERGH MOVED TO SEND THE LETTER OF PROPOSED DENIAL TO MS. WINDERS. DR. ROBBINS SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Talmage	- abstain

The motion carried.

WILLIAM W. NUCKLOS, M.D. ORDER OF SUMMARY SUSPENSION AND NOTICE OF OPPORTUNITY FOR HEARING

At this time the Board read and considered the proposed Order of Summary Suspension and Notice of Opportunity For Hearing in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

DR. STEINBERGH MOVED TO ENTER AN ORDER OF SUMMARY SUSPENSION IN THE MATTER OF WILLIAM W. NUCKLOS, M.D., IN ACCORDANCE WITH SECTION 4731.22(G), OHIO REVISED CODE, AND TO ISSUE THE NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY FOR HEARING. MR. BROWNING SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
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Dr. Egner	- aye
Dr. Varyani	- aye
Dr. Buchan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye
Dr. Talmage	- abstain

The motion carried.

RATIFICATION OF SETTLEMENT AGREEMENTS

Board members were provided with copies of settlement agreements negotiated by Board staff and/or the staff of the Office of the Attorney General, as authorized by the Board's Secretary and Supervising Member, and as appropriate, the Board President, as well as copies of summaries of the agreements. The names and license numbers of the licensee or applicant subjects of such settlement agreements were removed from the documents.

JUSTIN GREGOR FORD, M.D. – CONSENT AGREEMENT

DR. STEINBERGH MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. FORD. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Talmage	- abstain

The motion carried.

ERIN SARAH HARRIS, D.O. – SURRENDER OF LICENSE

DR. STEINBERGH MOVED TO RATIFY THE SECRETARY AND SUPERVISING MEMBER'S ACCEPTANCE OF THE PERMANENT SURRENDER OF DR. HARRIS' LICENSE TO PRACTICE OSTEOPATHIC MEDICINE AND SURGERY IN THE STATE OF OHIO. DR. MADIA SECONDED THE MOTION. A vote was taken:

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ROLL CALL:

Mr. Albert	- abstain
Dr. Egner	- aye
Dr. Varyani	- aye
Dr. Buchan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye
Dr. Talmage	- abstain

The motion carried.

ANTHONY GRAY, M.D. – CONSENT AGREEMENT

DR. STEINBERGH MOVED TO RATIFY THE PROPOSED STEP I CONSENT AGREEMENT WITH DR. GRAY. MR. BROWNING SECONDED THE MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Egner	- aye
Dr. Varyani	- aye
Dr. Buchan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye
Dr. Talmage	- abstain

The motion carried.

MICHAEL BRUCE GANZ, M.D. – CONSENT AGREEMENT

DR. STEINBERGH MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. GANZ. MR. BROWNING SECONDED THE MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Egner	- aye
Dr. Varyani	- aye
Dr. Buchan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Dr. Amato	- aye

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Dr. Robbins	- aye
Dr. Steinbergh	- aye
Dr. Talmage	- abstain

The motion carried.

JEFFREY VAUGHN MEYER, M.D. – SURRENDER OF LICENSE

DR. STEINBERGH MOVED TO RATIFY THE SECRETARY AND SUPERVISING MEMBER'S ACCEPTANCE OF THE PERMANENT SURRENDER OF DR. MEYER'S LICENSE TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF OHIO. MR. BROWNING SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Talmage	- abstain

The motion carried.

JACK B. QUIGLEY, M.D. – CONSENT AGREEMENT

DR. STEINBERGH MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. QUIGLEY. DR. ROBBINS SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- NAY
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Talmage	- abstain

The motion carried.

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STEPHEN J. ROLFE, M.D. – CONSENT AGREEMENT

DR. STEINBERGH MOVED TO RATIFY THE PROPOSED STEP II CONSENT AGREEMENT WITH DR. ROLFE. DR. VARYANI SECONDED THE MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Egner	- aye
Dr. Varyani	- aye
Dr. Buchan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye
Dr. Talmage	- abstain

The motion carried.

EDDIE E. SASSOON, M.D. – WITHDRAWAL OF APPLICATION

DR. STEINBERGH MOVED TO RATIFY THE PERMANENT WITHDRAWAL OF DR. SASSOON'S APPLICATION TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF OHIO. DR. ROBBINS SECONDED THE MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Egner	- aye
Dr. Varyani	- aye
Dr. Buchan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye
Dr. Talmage	- abstain

The motion carried.

HENRY Y. CHEN, M.D. – SURRENDER OF LICENSE

DR. STEINBERGH MOVED TO RATIFY THE SECRETARY AND SUPERVISING MEMBER'S ACCEPTANCE OF THE PERMANENT SURRENDER OF DR. CHEN'S LICENSE TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF OHIO. DR. VARYANI SECONDED THE MOTION. A vote was taken:

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ROLL CALL:

Mr. Albert	- abstain
Dr. Egner	- aye
Dr. Varyani	- aye
Dr. Buchan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye
Dr. Talmage	- abstain

The motion carried.

PATRICK JOSEPH GALLAGHER, M.D. – CONSENT AGREEMENT

DR. MADIA MOVED TO RATIFY THE PROPOSED STEP I CONSENT AGREEMENT WITH DR. GALLAGHER. MR. BROWNING SECONDED THE MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Egner	- aye
Dr. Varyani	- aye
Dr. Buchan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye
Dr. Talmage	- abstain

The motion carried.

SONJAY JOSEPH FONN, D.O. – CONSENT AGREEMENT

DR. STEINBERGH MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. FONN. DR. VARYANI SECONDED THE MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Egner	- aye
Dr. Varyani	- aye
Dr. Buchan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Dr. Amato	- aye
Dr. Robbins	- aye

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Dr. Steinbergh - aye
Dr. Talmage - abstain

The motion carried.

RICHARD A. ZINNI, D.O. – CONSENT AGREEMENT

DR. STEINBERGH MOVED TO RATIFY THE PROPOSED STEP I CONSENT AGREEMENT WITH DR. ZINNI. DR. VARYANI SECONDED THE MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Egner	- aye
Dr. Varyani	- aye
Dr. Buchan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye
Dr. Talmage	- abstain

The motion carried.

PROBATIONARY APPEARANCES

DARRELL A. HALL, M.D.

Dr. Hall appeared before the Board pursuant to his request for release from the terms of his August 14, 2002 Consent Agreement. If approved, release from probation would become effective upon receipt of the monitoring report. Dr. Kumar stated that release would be contingent upon receipt of documentation that is due.

In response to Board members' questions, Dr. Hall stated that he is doing well. He advised that it's been a pretty rugged five years since he completed treatment. Dr. Hall stated that he's learned that nothing is as important as his remaining sober for those he serves, and that there's nothing worth having mood altering substances in his system. Dr. Hall commented that things are difficult enough without all that. He added that, once something like that happens, it is more difficult to regain credibility and to rebuild your reputation.

Dr. Hall stated that during the past few years, he's opened two clinics in Toledo. He feels that he's remained positive and has tried to help people and to remember that the reason he's practicing medicine is for the good of the community, and not necessarily for his own personal benefit.

Concerning personal support, Dr. Hall stated that he's currently going through a divorce, but he has been

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able to develop a group of people with whom he can discuss problems. He's learned that he shouldn't try to hide from personal difficulties.

Dr. Kumar noted that Dr. Hall has indicated that he has a couple APNs working for him. He also indicates that he doesn't look at charts when the APN prescribes narcotics. Dr. Kumar asked how Dr. Hall could be supervising them effectively.

Dr. Hall stated that he does review all charts. He does supervise the APNs and he does maintain a collaborative relationship. He does review the charts on the day that he's in the clinics. He also reviews each prescription for a controlled substance.

Dr. Kumar asked Dr. Hall about the Ohio Automatic Rx Reporting System (OARRS), in which he recently participated.

Dr. Hall stated that this has been a beautiful addition to the methods that they've already added. He has two centers and at both has employed a full-time toxicologist. OARRS has helped them to weed out a lot of the fraud that's going on in terms of drug diversion and use of controlled substances.

Mr. Albert stated that he and Dr. Hall have had a lot of discussions over the past year, and he has cautioned Dr. Hall against spreading himself too thin. He noted that Dr. Hall's practice is in an area where there are a lot of drug users. Dr. Hall will have to watch everything that is going on in his practice.

DR. VARYANI MOVED TO RELEASE DR. HALL FROM THE TERMS OF HIS AUGUST 14, 2002 CONSENT AGREEMENT. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Talmage	- aye

The motion carried.

ANDRE PROCHOROFF, M.D.

Dr. Prochoroff appeared before the Board pursuant to his request for release from the terms of his September 14, 2005 Consent Agreement. If approved, release from probation would become effective immediately.

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In response to Board members' questions, Dr. Prochoroff stated that his practice is going very well. He is a pediatric neurologist.

Dr. Steinbergh noted that Dr. Prochoroff's problems began because he failed to provide complete and accurate information on his licensure application. He omitted information that had to do with performance issues during his residency.

Dr. Prochoroff stated that he regrets a lot of the miscommunications that have transpired. He stated that he knows what brought him before the Board. He stated that he's very, very particular on the application process, the small print and things. He's also experienced a lot in the meantime. He's gone to New York, practiced there for a year, and actually had to go before the New York Board because of this incident. He had to go before the full Board, as opposed to here where he was able to enter into a consent agreement. He stated that there were also differences on how one presents the case and confronts what is given to him or her. Dr. Prochoroff stated that he had two different experiences in that.

Dr. Prochoroff stated that he has returned to the Cleveland area, where he works as a child neurologist, and he's doing very well. He stated that it is a field he really likes. He's now trying to put things behind him and go on with his practice.

Dr. Steinbergh stated that it's becoming more apparent that residency directors or directors of medical education have to take the responsibility for proper communication, and students have to understand how actions taken during medical school and residencies could possibly affect licensure in the future.

Dr. Prochoroff agreed with Dr. Steinbergh.

DR. STEINBERGH MOVED TO RELEASE DR. PROCHOROFF FROM THE TERMS OF HIS SEPTEMBER 14, 2005 CONSENT AGREEMENT. DR. VARYANI SECONDED THE MOTION.

A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Talmage	- aye

The motion carried.

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AHMAD SHAHAMAT, M.D.

Dr. Shahamat appeared before the Board pursuant to his request for release from the terms of the Board's Order of April 14, 2004. If approved, release from probation would become effective October 13, 2007.

In response to Board members' questions, Dr. Shahamat stated that he practices internal medicine. He stated that he has learned to pay attention to the rules and regulations of Workers Compensation. He stated that he saw an injured worker who had two claims. Instead of seeing him on two different days, he saw the worker on one day, which is against the rules and regulations. That's why the Board took action.

Dr. Steinbergh stated that the matter had to do with billing.

Dr. Shahamat said that, regardless of the difficulties for the injured workers, they have to come in twice for two different claims.

Dr. Kumar stated that the problem is not that a physician can't see two problems in the same day. The problem is that Dr. Shahamat billed as though he saw the patient on two separate days, when he actually only saw him on one.

Dr. Shahamat stated that he understands that that is why he got into trouble.

Dr. Buchan expressed concern that Dr. Shahamat is minimizing his presence here today. He stated that Dr. Shahamat was convicted of one felony count of Workers Compensation fraud. This was more than billing for a patient on two separate days when he only saw him once.

Dr. Shahamat agreed.

DR. STEINBERGH MOVED TO RELEASE DR. SHAHAMAT, EFFECTIVE OCTOBER 13, 2007, FROM THE TERMS OF THE BOARD'S ORDER OF APRIL 14, 2004. DR. ROBBINS SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Varyani	- abstain
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Talmage	- aye

The motion carried.

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FLORENCE B. MATYAS, M.D.

Dr. Matyas made her initial appearance before the Board, pursuant to the terms of her July 11, 2007 Consent Agreement.

In response to Board members' questions, Dr. Matyas stated that she is doing very well. She stated that anxiety and depression are the thrust of her consent agreement. She now has her symptoms under good control, despite many stressors in her life. Dr. Matyas stated that she is thankful that her medical management is doing well, as well as the work with her counselor and psychiatrist. The medications she currently takes are Lexipro and Tramadol for pain. Dr. Matyas added that the Tramadol also helps relax her. She sees her psychiatrist every month; however, Dr. Adler is no longer her psychiatrist. She advised that she needs to select someone else. She met with one of her counselors the previous day and will see her counselor again in two to three weeks.

Ms. Bickers advised that Dr. Matyas has nominated a new psychiatrist, and the Board will have her request for approval in November.

In response to further questions, Dr. Matyas stated that she does understand her consent agreement. She added that she did have some confusion at first, but Ms. Bickers has answered her questions. She stated that she will be more organized in the future. Dr. Matyas advised that she is currently unemployed, but she does anticipate beginning a new job in the next month. She had a problem with a non-compete clause with her prior employer, but that clause has recently been waived because the job she will be doing at her new site won't draw patients from her previous job. She will be performing pre-operative evaluations at her new job.

DR. MADIA MOVED TO CONTINUE DR. MATYAS UNDER THE TERMS OF HER JULY 11, 2007 CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Talmage	- aye

The motion carried.

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FRANK M. STRASEK, D.P.M.

Dr. Strasek made his initial appearance before the Board, pursuant to the terms of the Board's Order of July 12, 2006.

In response to Board members' questions, Dr. Strasek advised that he has learned that there are standards in medicine he must meet; that whether you believe you are doing things right or wrong, you have to hold yourself up to a standard that is beyond reproach. Dr. Strasek advised that he did take the required ethics course, and he enjoyed it very much and learned from it. He added that he learned a lot of terms with which he wasn't familiar. He reread the *Hippocratic Oath* and the *Patient Bill of Rights*. He's learned the kinds of things doctors are supposed to remember. Dr. Strasek stated that, regardless of how busy you get, you have to maintain standards. You can't expect anyone else to do your work for you. He added that, if you're practicing as a physician, you're held to higher standards.

In response to further questions, Dr. Strasek stated that he does understand the Board's Order. Another thing he learned is that, if you get into a situation when dealing with government, the web you get into is all inclusive. If you're convicted of a crime against patients, government or your profession, you will pay dearly.

Dr. Varyani stated that he remembers when the Board first met with Dr. Strasek. He stated that he somehow feels that Dr. Strasek's statements haven't changed. He feels that Dr. Strasek is only complying for the sake of complying. He should comply because he really believes that he did miss something. Dr. Varyani stated that he hopes that Dr. Strasek realizes that when it comes to patients and billing, it is really the physician's responsibility. The physician needs to pay careful attention to that.

Dr. Strasek stated that he takes his obligations very seriously.

DR. VARANI MOVED TO CONTINUE DR. STRASEK UNDER THE TERMS OF THE BOARD'S ORDER OF JULY 12, 2006, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Talmage	- aye

The motion carried.

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KERRIE VAN WAGONER, P.A.

Although schedule to make her initial appearance before the Board, pursuant to the terms of her June 13, 2007 Consent Agreement, Ms. Van Wagoner did not appear.

SCOTT R. WELDEN, M.D.

Dr. Welden made his initial appearance before the Board, pursuant to the terms of his July 11, 2007 Consent Agreement.

In response to Board members' questions, Dr. Welden stated that he's a little nervous today, but his recovery is going well. He added that his family has been wonderful throughout this whole process.

Dr. Steinbergh asked Dr. Welden to explain to the medical students present in the room how he became addicted and what that has meant for him and his career.

Dr. Welden stated that his specialty was emergency medicine. He left that three years ago and went into urgent care and occupational medicine. About two years ago, he went through a very stressful time and he began using injectable opiates, mainly Demerol. In the beginning, his use was not very often, but it progressed and it became an obvious problem. He added that he cannot blame one particular thing that caused him to stick a needle in his arm. He tried to take care of it himself, but was unable to do so. He has been clean since the beginning of this year. Currently, he is under an agreement with the Medical Board that involves an indefinite suspension, with a minimum of six months' suspension, he's required to do aftercare, attend twelve step meetings, provide weekly urine screens, and the like. He added that he is currently on step nine of the twelve steps.

Dr. Welden stated that this has been a tumultuous year. And has created quite a strain on his family and his personal life. He owned two urgent care centers and a couple laser cosmetic centers, and now half of that is gone. Dr. Welden explained that it's hard to find physicians to work with him because of his history and the public knowledge of that history. He added that there have been positive things, too. He has learned a lot about himself throughout the whole process

In response to further questions, Dr. Welden stated that he realizes that the aim is for him to get better. He added that he has no questions about his Consent Agreement. He stated that he has also been diagnosed with ADHC, for which he takes Lexipro and Aderall. He also sees a psychiatrist.

Mr. Albert advised Dr. Welden that during his time out of practice, he will be able to get acquainted with himself and his family.

Dr. Steinbergh left during the previous discussion.

DR. VARYANI MOVED TO CONTINUE DR. WELDEN UNDER THE TERMS OF HIS JULY 11, 2007 CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

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ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Talmage	- aye

The motion carried.

Dr. Steinbergh returned to the meeting at this time.

LICENSURE, PROBATION AND REINSTATEMENT CONSENT AGENDA

Dr. Kumar advised that at this time he would like the Board to consider the probationary reports, the probationary requests, and the licensure applications on today's consent agenda. Dr. Kumar asked whether any Board member wished to consider either an application for licensure or a probationary report or request separately. He noted that all probationers are in compliance.

There was no request to consider an item separately.

DR. STEINBERGH MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES ON SEPTEMBER 10-11, 2007, WITH: DAVID C. BLOCKER, M.D.; ALLAN W. CLARK, M.D.; RICHARD J. DEFRANCO, M.D.; GREGORY G. DUMA, M.D.; LYNNE A. EATON, M.D.; LYON L. GLEICH, M.D.; ANTHONY GRAY, M.D.; CAREY K. GROSS, D.O.; ADAM P. HALL, D.O.; TIMOTHY J. HEYD, M.D.; ROBERT L. HUBLEY, D.O.; GREGORY KARASIK, M.D.; DONALD C. MANN, M.D.; JUAN C. MEJIA, M.D.; WILLIAM O. MURTAGH, JR., M.D.; THOMAS A. NGUYEN, M.D.; NATHAN THOMAS PENNEY, D.P.M.; JOSEPH ALOYSIUS RIDGEWAY, IV, M.D.; LEROY P. RISE, M.D.; KENT ROBINSON, M.D.; STEPHEN J. ROLFE, M.D.; CHRISTOPHER S. SHAW, M.D.; MARIE T. SHEDLOCK, P.A.; JODY LEE NELSON SHORT, D.O.; JOSEPH COOPER SIMONE, D.O.; PATRICIA A. SPIESS, M.D.; DAVID E. SUBLER, M.D.; ROSS PUTMAN TURNER, D.O.; MICHAEL J. VJECHA, M.D.; JOSEPH G. WERNER, M.D.; JEFFREY W. WINHOLT, M.D.; BRUCE S. WORRELL, D.O.; JAMES F. ZIMMERMANN, D.P.M.; AND RICHARD ALLAN ZINNI, D.O. DR. STEINBERGH FURTHER MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES AND THE SECRETARY AND SUPERVISING MEMBER'S RECOMMENDATIONS AS FOLLOWS FOR BOTH PROBATIONARY REQUESTS AND REINSTATEMENT REQUESTS:

- **TO GRANT ASHFAQ TAJ AHMED, M.D.'S REQUEST FOR APPROVAL OF THE ETHICS COURSE TAILORED FOR HIM BY JOY D. SKEEL, M.DIV, AS PARTIAL FULFILLMENT**

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OF THE TERMS OF THE BOARD'S ORDER OF JUNE 11, 2003;

- **TO APPROVE ELLIOTT M. FRIEDEMAN, M.D., TO SERVE AS STEVEN R. ALLEN, SR., M.D.'S TREATING PSYCHIATRIST, AND EUGENE F. COLINA, LISW, IMFT, TO SERVE AS HIS MENTAL HEALTH PROFESSIONAL, AS REQUIRED BY THE TERMS OF HIS AUGUST 9, 2007 CONSENT AGREEMENT;**
- **TO APPROVE ROBERT L. KUYKENDAL, M.D., TO SERVE AS TODD S. CARRAN, M.D.'S TREATING PSYCHIATRIST, PURSUANT TO THE TERMS OF HIS JUNE 13, 2007 CONSENT AGREEMENT;**
- **TO APPROVE JASON V. CHURCH, M.D.'S REQUEST FOR A REDUCTION IN HIS APPEARANCE SCHEDULE FROM EVERY SIX MONTHS TO ANNUALLY;**
- **TO APPROVE KEVIN R. CLARK, M.D.'S REQUEST TO DISCONTINUE THE CHART REVIEW REQUIREMENT, AND TO CHANGE HIS MONITORING PHYSICIAN FROM GREGORY L. HALL, M.D., TO JOHN R. STROEMER, M.D.;**
- **TO APPROVE RYAN STEVEN FRYMAN, D.O.'S REQUEST TO CHANGE HIS TREATING PSYCHIATRIST FROM DANIEL J. MARTIN, M.D., TO HOSSAM H. GUIRGIS, M.D.;**
- **TO APPROVE ARLAN MARCUS GUSTILO-ASHBY, M.D.'S REQUEST TO CHANGE HIS TREATING MENTAL HEALTH PROFESSIONAL FROM DENISE COLLINS, LPCC TO JOSEPH W. JANESZ, PHD;**
- **TO APPROVE GEORGE V. HASSINK, M.D.'S REQUEST TO REDUCE HIS COUNSELING SESSIONS TO ONCE A MONTH AND TO REDUCE HIS APPEARANCE SCHEDULE TO EVERY 6 MONTHS;**
- **TO APPROVE MARK O. HENSON, M.D.'S REQUEST FOR APPROVAL OF RICHARD F. HUSPEN, D.O., TO SERVE AS HIS TREATING PSYCHIATRIST;**
- **TO APPROVE MICHAEL ERIN (DONAHUE) HULL, M.T.'S REQUEST FOR A REDUCTION IN SCREENS TO TWICE PER MONTH AND A REDUCTION IN APPEARANCES TO EVERY SIX MONTHS;**
- **TO GRANT SIMON G. KOVALIK, M.D.'S REQUEST FOR APPROVAL OF THE ETHICS COURSE TAILORED FOR HIM BY DONNA F. HOMENKO, PHD;**
- **TO APPROVE ROBERT D. VERONA, D.O., TO SERVE AS ALAN J. PARKS, M.D.'S MONITORING PHYSICIAN;**
- **TO GRANT LOVSHO PHEN, M.D.'S REQUEST FOR APPROVAL OF THE *PHYSICIAN***

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PRESCRIBING COURSE, OFFERED BY THE UNIVERSITY OF CALIFORNIA, SCHOOL OF MEDICINE, PHYSICIAN ASSESSMENT AND CLINICAL EDUCATION PROGRAM [PACE], AS REQUIRED BY THE BOARD ORDER FOR REINSTATEMENT;

- **TO CHANGE NYKOLAI VASIL PIDHORODECKYJ, M.D.'S TREATING PSYCHIATRIST FROM VICTORIA L. SANELLI, M.D., TO JOHN A. KASPER, JR., M.D.;**
- **TO APPROVE JOHN H. ROCKWOOD, P.A.'S REQUEST FOR A REDUCTION IN DRUG AND REHABILITATION MEETINGS TO TWO PER WEEK WITH A MINIMUM OF 10 PER MONTH;**
- **TO APPROVE PAUL J. BRUNER, D.O., TO SERVE AS WILLIAM L. SCHLOTTERER, D.O.'S MONITORING PHYSICIAN, WITH 10 CHARTS PER MONTH REVIEWED;**
- **TO APPROVE RICHARD S. SKOBLAR, M.D.'S REQUESTS FOR A REDUCTION IN APPEARANCES FROM EVERY THREE MONTHS TO EVERY SIX MONTHS, AND A REDUCTION IN DRUG SCREENS FROM ONCE A WEEK TO TWICE A MONTH;**
- **TO GRANT MATTHEW ALLAN SNYDER, L.M.T.'S REQUEST TO CHANGE HIS SUPERVISING PHYSICIAN FROM SHALINI S. SINGH, D.O., TO JOSEPH S. PEYTON, D.O.; AND**
- **TO APPROVE CONNIE JENKINS, M.D., TO PERFORM THE PSYCHIATRIC ASSESSMENT REQUIRED FOR REINSTATEMENT OF SUSAN GAIL SWEDA, M.D.'S LICENSE, PURSUANT TO HER OCTOBER 12, 2006 CONSENT AGREEMENT WITH THE BOARD.**

DR. STEINBERGH FURTHER MOVED TO APPROVE FOR LICENSURE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCEPTANCE WITH LICENSURE PROTOCOLS, THE PHYSICIAN APPLICANTS LISTED IN EXHIBIT "A", THE P.A. APPLICANTS LISTED IN EXHIBIT "B," THE ACUPUNCTURE APPLICANTS LISTED IN EXHIBIT "C," AND THE ANESTHESIOLOGIST ASSISTANT APPLICANTS LISTED IN EXHIBIT "D," AND TO APPROVE THE RESULTS OF THE SEPTEMBER 2007 COSMETIC THERAPY EXAMINATION, AND TO CERTIFY AS PASSING AND LICENSE THOSE RECEIVING A SCORE OF 75 OR GREATER ON THEIR EXAMINATION, AND TO CERTIFY AS FAILING AND DENY LICENSURE TO THOSE WHO RECEIVED A SCORE OF LESS THAN 75 ON THE EXAMINATION. DR. AMATO SECONDED THE MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- aye
Dr. Egner	- aye
Dr. Varyani	- aye
Dr. Buchan	- aye

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Dr. Madia	- aye
Mr. Browning	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye
Dr. Talmage	- aye

The motion carried.

P.A. RULES

CONSIDERATION OF PROPOSED RULE 4730-2-06, P.A. FORMULARY

Dr. Talmage advised that the P.A.P.C. and the P.A. Committee have reviewed the formulary. It was recommended by PAPC, and subsequently by the P.A. Committee, that all of the diagnostic aids be included in the “may prescribe” column for the P.A.s.

DR. TALMAGE MOVED TO INSTRUCT THE STAFF TO FILE THE PROPOSED RULE 4730-2-06 AND TO PROCEED TO A PUBLIC HEARING ON THE PROPOSED RULE. DR. VARYANI SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Talmage	- aye

The motion carried.

Dr. Talmage advised that both Committees also reviewed applications for prescribing, and both recommend approving the new applications.

DR. TALMAGE MOVED TO APPROVE THE APPLICATION FORM FOR CERTIFICATES TO PRESCRIBE. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye

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Dr. Madia	- aye
Mr. Browning	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye
Dr. Talmage	- aye

The motion carried.

FINDINGS AND ORDER IN THE MATTER OF ADOPTION OF PROPOSED RULES 4730-1-01, 4730-1-02, 4730-1-03, 4730-1-04, 4730-1-05, 4730-1-06, 4730-1-07, 4730-1-08, 4730-2-01, 4730-2-02, 4730-2-03, 4730-2-04, 4730-2-05, 4730-2-07, 4730-2-08, AND 4730-2-09, OHIO ADMINISTRATIVE CODE, AND RESCISSION OF RULES 4731-4-01, 4731-4-02, 4731-4-03, 4731-4-04, AND 4731-4-05, OHIO ADMINISTRATIVE CODE

Dr. Talmage referred to Ms. Debolt's memorandum of September 26, 2006, which advised that a public hearing was conducted on the above-referenced rules on April 2, 2007. These are the basic rules for implementation of the Physician Assistant Practices Act. Following the public hearing the proposed rules were revised to reflect testimony received, then refiled for consideration by the Joint Committee on Agency Rule Review. The jurisdiction of the Joint Committee on Agency Rule Review expired on September 30, 2007. Accordingly, the Board may officially adopt the proposed rules and rescind the rules currently in Chapter 4731-4, O.A.C.

DR. TALMAGE MOVED THAT THE "FINDINGS AND ORDER IN THE MATTER OF ADOPTION OF PROPOSED RULES 4730-1-01, 4730-1-02, 4730-1-03, 4730-1-04, 4730-1-05, 4730-1-06, 4730-1-07, 4730-1-08, 4730-2-01, 4730-2-02, 4730-2-03, 4730-2-04, 4730-2-05, 4730-2-07, 4730-2-08, AND 4730-2-09, OHIO ADMINISTRATIVE CODE, AND RESCISSION OF RULES 4731-4-01, 4731-4-02, 4731-4-03, 4731-4-04, AND 4731-4-05, OHIO ADMINISTRATIVE CODE," AS CONSIDERED AND INCORPORATED INTO THE JOURNAL OF THE STATE MEDICAL BOARD OF OHIO FOR THIS 10TH DAY OF OCTOBER, 2007, BE ADOPTED AS THE FINDINGS AND ORDER OF THE BOARD IN RELATION TO THE PROPOSED RULE CITED THEREIN, AND THAT THE STAFF PROCEED TO FILE THE FINAL RULE IN ACCORDANCE WITH THE PROVISIONS OF SAID FINDINGS AND ORDER. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- aye
Dr. Egner	- aye
Dr. Varyani	- aye
Dr. Buchan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye

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Dr. Talmage - aye

The motion carried.

Dr. Talmage at this time thanked the Board members and staff for their cooperation in implementing the new P.A. legislation.

EXECUTIVE SESSION

DR. VARYANI MOVED THAT THE BOARD DECLARE EXECUTIVE SESSION TO CONSIDER THE EMPLOYMENT OF A PUBLIC EMPLOYEE. DR. MADIA SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Talmage	- aye

The motion carried.

Pursuant to Sections 121.22(G)(1), Revised Code, the Board went into executive session.

PRESIDENT'S REPORT

Dr. Kumar stated that the Board will have a photo opportunity with Governor Strickland in December. A representative of the Governor's office will be present at the December meeting to make a statement.

REPORTS OF ASSIGNED COMMITTEES

LICENSURE COMMITTEE

Dr. Robbins advised that the Committee reviewed a number of applications.

Osama Al-Omar, M.D.

Dr. Robbins advised that Dr. Al-Omar is over the seven-year time limit by 24 months. He passed Steps 1 and 2 on the first attempt with scores of 84 and 76, and Step 3 on the third attempt with a score of 80.

Dr. Al-Omar graduated from the University of Aleppo in Aleppo, Syria in September 1996. Dr. Al-Omar

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reports in his letter that he was planning to come to the U.S. in 1997, but was denied a VISA, and completed a Urology residency in Syria from 1997 to 2002.

Dr. Robbins advised that the Committee did not feel that Dr. Al-Omar showed good cause for a waiver.

DR. ROBBINS MOVED TO PROPOSE TO DENY DR. AL-OMAR'S REQUEST FOR A WAIVER OF THE SEVEN-YEAR RULE FOR GOOD CAUSE. DR. BUCHAN SECONDED THE MOTION.

A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Talmage	- aye

The motion carried.

Dr. Robbins added that Dr. Al-Omar is also requesting that the Board grant him equivalency regarding his training. Dr. Al-Omar completed a total of 36 months of Urology and Pediatric Urology fellowship training in the U.S. He graduated from medical school in September 1996 and began training in Urology at the Tishreen Military Hospital from July 1997 until December 2001. He practiced in Syria for six months, and then immigrated to the U.S. in June 2002. Dr. Al-Omar began the Urology fellowship at Wayne State University in August 2002, and began the Pediatric Urology fellowship at Children's/Wayne State from October 2003 until October 2005. Dr. Al-Omar is now practicing in Michigan as a Urologist at Sturgis Hospital. He holds a current Michigan license.

Dr. Robbins advised that the Committee recommends that the Board deem Dr. Al-Omar's training and experience in Syria and the United States as being equivalent to 24 months of graduate medical education through the second-year level.

DR. ROBBINS MOVED TO APPROVE DR. AL-OMAR'S REQUEST THAT THE BOARD FIND HIS PREVIOUS TRAINING AND EXPERIENCE AS BEING EQUIVALENT TO 24 MONTHS OF TRAINING THROUGH THE SECOND YEAR LEVEL. DR. MADIA SECONDED THE MOTION.

Dr. Steinbergh expressed concern that the fellowships Dr. Al-Omar completed are not accredited by either the ACGME or the AOA.

Ms. Thompson advised that fellowships are not accredited. The statute says that a clinical fellowship in the

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same or similar specialty of an approved residency in an institution is acceptable. These institutions have urology residencies that are accredited, and therefore the fellowship program would be acceptable.

Dr. Talmage left the room during the previous discussion.

A vote was taken on Dr. Robbins' motion:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- nay

The motion carried.

Naeem Chaudhry M.D.

Dr. Robbins advised that Dr. Chaudhry is over the seven-year time limit by 30 months. He passed Steps 1, 2 and 3 on the first attempt with scores of 86, 84, and 82. Dr. Chaudhry sent a letter of explanation, claiming he went over the seven-year limit for USMLE because he was not able to get a VISA or U.S. residency until March 2001. His seven-year time frame for USMLE expired on September 2001, when he was in his third month of residency. Dr. Chaudhry graduated from the University of Jos in Jos, Nigeria in July 1986. Dr. Chaudhry worked in Nigeria from September 1986 until June 1992, when he immigrated to Pakistan to begin his Pediatric training in February 1993. Dr. Chaudhry worked and trained in Pakistan until June 2001, when he immigrated to the United States. Dr. Chaudhry then began a Pediatric residency at Lincoln Medical Center in the Bronx from July 2001 until June 2004. Dr. Chaudhry then entered a Neonatology Fellowship at MetroHealth in Cleveland in July 2004, and continues there until the present time. Dr. Chaudhry has completed over six years of post-graduate training in the United States. He holds an active Ohio training license.

Dr. Robbins advised that Dr. Chaudhry has requested a good cause waiver, based on his not knowing the rule. The Committee recommends denial.

DR. ROBBINS MOVED TO PROPOSE TO DENY DR. CHAUDHRY'S REQUEST FOR A GOOD CAUSE WAIVER. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye

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Dr. Madia	- aye
Mr. Browning	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye

The motion carried.

Pier F. Indelli, M.D.

Dr. Robbins advised that Dr. Indelli is requesting that the Board find that his training and experience are equivalent to 24 months of approved training through the second-year level. Dr. Indelli graduated from University of Florence in Florence, Italy in November 1994. He trained at the University of Florence in an Orthopedics residency from December 1994 until October 1999. Dr. Indelli immigrated to the U.S. in November 1999, and began a Research fellowship at Stanford from April 2000 until April 2002. Dr. Indelli then began the Clinical Sports Fellowship at the University of Arizona from August 2002 until July 2003. Dr. Indelli returned to Italy to private practice from August 2003 until June 2004, when he returned to the U.S. and completed the Adult Reconstruction Fellowship at Duke from August 2004 until July 2005. Dr. Indelli returned to Italy again, and is now showing a California address as his current U.S. address. Dr. Indelli took and passed all three parts of USMLE from July 2000 until December 2006. Dr. Indelli holds residency licenses in Arizona and North Carolina. Dr. Robbins advised that the Committee recommends approval.

DR. ROBBINS MOVED TO GRANT DR. INDELLI'S REQUEST FOR A WAIVER OF THE U.S.M.L.E. SEVEN-YEAR RULE, AND TO APPROVE DR. INDELLI'S APPLICATION FOR LICENSURE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCORDANCE WITH LICENSURE PROTOCOLS. DR. MADIA SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- nay
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- nay
	Dr. Talmage	- aye

The motion carried.

Dr. Talmage returned to the meeting at this time.

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Kamlesh Kukreja, M.D.

Dr. Robbins advised that Dr. Kukreja has requested that the Board consider his previous training and experience as being equivalent to 24 months of approved training through the second-year level.

Dr. Kukreja graduated from Rajiv Gandhi Medical College in February 1999. He then worked at the Primary Health Center in Maharashtra, India from March 1999 until March 2000. Dr. Kukreja trained in Radiology at the Lookmanya Municipal Hospital in Maharashtra from April 2000 through January 2005. Dr. Kukreja took time off from February 2005 to September 2005 to plan for his immigration to the U.S. Dr. Kukreja completed twelve months of a pediatric radiology fellowship at Miami Children's Hospital from September 2005 until September 2006, and then entered the Intervention Radiology program at University of Miami from September 2006 until September 2007.

Dr. Robbins advised that Dr. Kukreja took and passed all three parts on the first attempt of USMLE between September 2003 and April 2005. Dr. Kukreja holds a training license in Florida. Dr. Kukreja has submitted information from Dr. Lane Donnelly at Cincinnati Children's Hospital, where he plans to practice when an Ohio license is granted. Dr. Robbins stated that the Committee recommends granting Dr. Kukreja's request.

DR. ROBBINS MOVED TO GRANT DR. KUKREJA'S REQUEST THAT THE BOARD FIND HIS PREVIOUS TRAINING AND EXPERIENCE AS BEING EQUIVALENT TO 24 MONTHS OF APPROVED G.M.E. TRAINING THROUGH THE SECOND-YEAR LEVEL. DR. STEINBERGH SECONDED THE MOTION.

Dr. Buchan stated that Dr. Kukreja did a year of interventional radiology. He stated that he wrestles with the concept that a year of general radiology and a year of interventional radiology equates to a consecutive sequence of postgraduate training.

Dr. Madia stated that Dr. Kukreja would not be eligible for board certification. This is kind of going around because they're not finding residencies. That's what's happening with these fellowships.

Dr. Varyani stated that Dr. Kukreja's program director recommends him highly. He added that the Board earlier accepted fellowship training as being equivalent.

Dr. Steinbergh noted that Dr. Kukreja has five years of training out of the country.

A vote was taken on Dr. Robbins':

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- nay
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye

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Dr. Robbins - aye
Dr. Steinbergh - aye
Dr. Talmage - aye

The motion carried.

Barry Nash, M.D.

Dr. Robbins advised that Dr. Nash is requesting a good cause waiver of the seven-year rule. He advised that Dr. Nash is over the seven-year time limit by five months. He passed Steps 1, 2 and 3 on the first attempt with scores of 94, 80, and 95. Dr. Nash sent a letter of explanation claiming he went over the seven-year limit for USMLE because he didn't have the funds to schedule the exam, and he had a difficult service in the three months prior to the seven-year deadline. Dr. Nash graduated from the St. George's University in Grenada in May 2001. He did a Family practice residency from July 2001 until December 2001. He was not engaged in training again until June 2004 when he entered the Internal Medicine residency at Jewish Hospital in Cincinnati from June 2004 until June 2007. Dr. Nash has completed three years of post-graduate training in the United States. He holds an inactive Ohio training license.

Dr. Robbins stated that the Committee was split down the middle on this issue, voting three to three to grant the waiver.

DR. ROBBINS MOVED TO PROPOSE TO DENY DR. NASH'S REQUEST FOR A GOOD CAUSE WAIVER OF THE SEVEN-YEAR RULE. DR. MADIA SECONDED THE MOTION.

Dr. Buchan stated that he has never heard of finances entering into the discussion of good cause.

Dr. Robbins commented that he thought it was a refreshing argument, but a rule is a rule, and he doesn't believe that lack of funds is "good cause."

Dr. Talmage spoke in support of granting the waiver. He added that the Board needs to revisit this rule. He stated that he doesn't know that passing all three steps in seven years shows more competency than someone who passes in seven years and five months.

Dr. Amato agreed, stating that this issue comes up every month. He stated that he would prefer to live with the rule the Board has, adding that he has seen every possible/plausible reason for not completing the sequence in time. Dr. Amato added that he agrees that insufficient funds does not constitute "good cause."

Dr. Varyani referred to Dr. Nash's scores, adding that, if scores should be given any consideration, Dr. Nash is above-average. Dr. Varyani stated that Ohio needs doctors and asked why this Board would consider this doctor to be unfit. Dr. Varyani stated that he doesn't understand the logic.

Mr. Browning stated that the Board has a rule, but he added that he feels that the Board has the discretion to make a judgment.

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A vote was taken on Dr. Robbins' motion:

ROLL CALL:	Mr. Albert	- nay
	Dr. Egner	- nay
	Dr. Varyani	- nay
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- nay
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- nay
	Dr. Talmage	- nay

The motion failed.

DR. VARYANI MOVED TO GRANT DR. NASH'S REQUEST FOR A GOOD CAUSE WAIVER, AND TO APPROVE DR. NASH'S APPLICATION FOR LICENSURE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCORDANCE WITH LICENSURE PROTOCOLS. MR. BROWNING SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- nay
	Dr. Madia	- nay
	Mr. Browning	- aye
	Dr. Amato	- nay
	Dr. Robbins	- nay
	Dr. Steinbergh	- aye
	Dr. Talmage	- aye

The motion carried.

Alvin C. Wee, M.D

Dr. Robbins advised that Dr. Wee is requesting that the Board consider his previous training and experience as being equivalent to 24 months of approved GME training through the second year level. Dr. Wee graduated from University of Santo Tomas in April 1997. He trained at the Philippine General Hospital in a Urology residency from January 1999 until December 2004. In January 2005 until June 2005, Dr. Wee was preparing to immigrate to the U.S. He began the Internal Medicine internship at St. Vincent in June 2005 until June 2006. Dr. Wee then began a Urology fellowship at the Cleveland Clinic from July 2006 to the present time. Dr. Wee took and passed all three parts of USMLE between February 2003 and May 2004 on the first attempt. Dr. Wee holds a current training certificate in Ohio. Dr. Robbins advised

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that the Committee recommends approval.

DR. ROBBINS MOVED TO FIND THAT DR. WEE'S PREVIOUS TRAINING AND EXPERIENCE IS EQUIVALENT TO 24 MONTHS OF GME TRAINING THROUGH THE SECOND YEAR LEVEL, AND TO APPROVE DR. WEE'S APPLICATION FOR LICENSURE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCORDANCE WITH LICENSURE PROTOCOLS. DR. TALMAGE SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- nay
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Talmage	- aye

The motion carried.

Sam Pekoc, L.M.T. Applicant

Dr. Robbins advised that Mr. Pekoc is applying to sit for the December 4, 2007, Massage Therapy examination. He is requesting special accommodations under the Americans with Disabilities Act of 1990. Mr. Pekoc has been diagnosed with Specific Learning disability in reading, including dyslexia. Mr. Pekoc is requesting a taped exam, extended testing time of time and a half, and a separate testing area. He is taking both the Basic Science and Limited Branch portions of the exam. Mr. Pekoc has submitted a copy of an assessment done by Shaker Heights City Schools. Mr. Pekoc was given testing accommodations while attending massage school at Harmony Path School of Massage Therapy.

Dr. Robbins advised that the committee recommends approving Mr. Pekoc's request.

DR. ROBBINS MOVED TO GRANT MR. PEKOC'S REQUEST FOR THE FOLLOWING SPECIAL ACCOMMODATIONS FOR THE DECEMBER 2007 MASSAGE THERAPY EXAM: A TAPED EXAM, EXTENDED TESTING TIME OF TIME AND A HALF, AND A SEPARATE TESTING AREA. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye

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Mr. Browning	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye
Dr. Talmage	- aye

The motion carried.

Dr. Buchan left the meeting at this time.

PRESCRIBING COMMITTEE

Dr. Madia stated that, based on a presentation made by a Pharmacy Board representative, the Committee is tabling the review of the Controlled Substances rules until such time as it receives a written report from the Pharmacy Board.

LEGISLATIVE LIAISON & RULE COMMITTEE

Mr. Browning stated that the Committee held a brief discussion about scope of practice legislation and the Board's ongoing relationship with the Administration and the General Assembly on that subject. He stated that oftentimes it quickly turns into a discussion about medical commerce as opposed to good medical practice and good medical policy. He stated that he will work with Mr. Miller to come up with a concept on how the Board can have a structured discussion about this.

LIMITED BRANCH & ALTERNATIVE MEDICINE COMMITTEE

Dr. Varyani advised that the Committee reviewed the credentials of nine schools that have applied for certificates of good standing, and recommends approval of all.

DR. VARYANI MOVED TO RECERTIFY THE FOLLOWING SCHOOLS: HOCKING TECHNICAL COLLEGE; KNOX COUNTY CAREER CENTER; OHIO ACADEMY OF HOLISTIC HEALTH; SANFORD BROWN INSTITUTE; STARK STATE COLLEGE OF TECHNOLOGY; MERCY COLLEGE OF NORTHWEST, OH; OHIO INSTITUTE OF HEALTH CAREERS; AND LORAIN COMMUNITY COLLEGE; AND TO GRANT A CERTIFICATE OF GOOD STANDING TO PARKLAND COLLEGE. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Amato	- aye
	Dr. Robbins	- aye

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Dr. Steinbergh - aye
Dr. Talmage - aye

The motion carried.

Dr. Kumar noted that none of these schools pay a fee for certification or renewal. He remarked that that needs to be addressed.

MINIMAL STANDARDS OF CARE COMMITTEE

Dr. Kumar stated that the Committee discussed a revision of the surgery rules. Based on staff information, the rules will be redrafted.

SCOPE OF PRACTICE COMMITTEE

Dr. Steinbergh stated that the first issue the Committee discussed was the proposed response, a copy of which shall be maintained in the exhibits section of this journal, to Cleveland Therapy Center on the question of whether exercise instruction may be delegated to licensed massage therapists who would be performing the instruction as unlicensed individuals. Dr. Steinbergh stated that the Committee feels that this is outside the scope of practice for massage therapy. She advised that the Committee moved that the last paragraph be amended to indicate that any billing would be done under the licensed physician's name.

**DR. STEINBERGH MOVED TO SEND THE LETTER, AS AMENDED, TO DR. MISNY.
DR. TALMAGE SECONDED THE MOTION.** A vote was taken:

ROLL CALL:

Mr. Albert	- aye
Dr. Egner	- aye
Dr. Varyani	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Dr. Amato	- aye
Dr. Robbins	- aye
Dr. Steinbergh	- aye
Dr. Talmage	- aye

The motion carried.

Dr. Steinbergh stated that the Board received an inquiry from the Ohio Board of Nursing as to whether the limited interpretation of a chest x-ray for purposes of verifying placement of a PICC tip is the practice of medicine. The OBN inquiry stems from its receipt of questions concerning the ability of an R.N. to interpret an x-ray for the limited purpose of verifying the PICC tip placement and authorizing infusion to commence. Dr. Steinbergh stated that the Committee believed that this is the practice of medicine. The proposed response was tabled this month. She asked for Board input in drafting a response.

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Dr. Egner commented that R.N.s are doing that now. They place the PICC line. She stated that she feels that placing the PICC line requires much more knowledge and risk than reading the x-ray.

Dr. Steinbergh stated that the issue is whether or not they can interpret the x-ray in lieu of the radiologist in order to start the infusion.

Dr. Egner stated that this is an easy thing to read. She again stated that it's harder to place the PICC line than to read the x-ray.

Dr. Talmage stated that the placement of a PICC line is a physical skill that one can practice and acquire competence; whereas reading an x-ray is more complex because of the structures that are there. It's a cognitive, rather than a physical, skill which takes more training.

Dr. Robbins stated that he is against R.N.s doing both.

Dr. Madia stated that he agrees with Dr. Egner that to read the x-ray of the PICC line is easy, but asked whether R.N.s would be able to recognize whether or not there is a pneumothorax.

Dr. Kumar stated that Dr. Madia brings up a good point. He added that half the time the line will look like it is in the superior vena cava, but it's not really in the superior vena cava. Then when you start the infusion, you can see that there is an associated hemothorax or fluid in the lungs. Dr. Kumar stated that he feels that the interpretation must be done before the infusion is started, so that complication will be evident. The PICC line will very likely have a pneumothorax. Dr. Kumar added that he feels that the reading of the x-ray is the practice of medicine.

Dr. Steinbergh stated that she agrees with Dr. Egner in this case. She added that there are a number of states that do allow it, and there are a number of states that do not allow it but have considered it and denied it. The Committee itself moved to disapprove this request, stating that it is the practice of medicine. She asked for a show of hands on this issue. Two Board members indicated that they would allow specially trained R.N.s to read the x-ray for purposes of determining PICC line placement. The rest of the Board members indicated that they feel it is the practice of medicine.

Dr. Steinbergh continued that the next issue the Committee discussed involved an inquiry from the Ohio State Society of Medical Assistants as to whether a physician may delegate the insertion/starting of an IV to a medical assistant. Dr. Steinbergh stated that, although she personally opposes this, the Committee felt that a physician may delegate this.

Dr. Kumar stated that he would speak on behalf of those recommending approval. He stated that he would distinguish between the actual physical placement of the IV access site and defusing something through it. Dr. Kumar stated that starting a simple IV is not really a big deal. It is being done repeatedly. He stated that he trains his M.A. to do it. It's no more difficult than drawing blood. The equipment is so sophisticated that you don't have to insert any plastic tubes; it's all one unit. No complications can occur. Dr. Kumar stated that it is important that nothing be infused until the physician or R.N. verifies correct placement of the IV.

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Dr. Egner stated that she doesn't think that it's a medical assistant's place to insert an IV. Dr. Egner commented that this is part of the system's problem, adding that it almost pays for you not to be licensed. She stated that some M.A.s go to school for twelve weeks, some go longer, some are trained by the physician, and they're getting to do things that are really variable.

Dr. Madia asked whether it is the Board's jurisdiction to determine what an M.A. can or cannot do.

Several Board members indicated that it's not.

Dr. Steinbergh stated that the question is whether this is a task that the physician can delegate.

Dr. Madia commented that this is a technical thing. He stated that some M.A.s might be better than doctors in doing this because they do it all the time. Some may not be as good. He asked how you can generalize who should do it and who should not do it.

Dr. Talmage stated that when you talk about delegation, that implies that the physician has determined that the delegatee is capable of doing the procedure and not injuring the patient, because the patient is the responsibility of the physician. That's why the Board talks about delegation.

Dr. Kumar stated that the Board looks at the possible complications. That's where he separates the physical portion of creating an IV access site from infusing something through it. Dr. Kumar stated that he would certainly not want the M.A. to infuse anything through it before it has been verified by a physician or an R.N. who has more expertise in placing it. Creating a simple peripheral access is delegable.

Dr. Steinbergh asked for a show of hands as to whether or not this is a task that can be delegated. Four Board members indicated that they felt that this was a task that could be delegated to an M.A. and four felt that it was not. Dr. Steinbergh stated that this matter will be tabled until November.

Dr. Egner stated that Children's Hospital will not allow third year nursing students to start an IV. Why should the Board let someone with no formal training at all do it.

Dr. Varyani stated that the physician, hopefully, knows that he's assigning this task to someone who can do it. This doesn't mean that every physician will tell an M.A. to start an IV.

Dr. Egner stated that it means that every M.A. has the potential to do it.

Dr. Varyani stated that he would be happy to work with Ms. Debolt in drafting a response.

MR. BROWNING MOVED TO ADJOURN. DR. EGNER SECONDED THE MOTION. All members voted aye. The motion carried.

Thereupon at 5:35 p.m. the October 10, 2007 session of the State Medical Board of Ohio was duly adjourned.

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We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio, meeting on October 10, 2007, as approved on November 14, 2007.



Deepak Kumar, M.D., President



Lance A. Talmage, M.D., Secretary

(SEAL)

