

April 9, 2008

MINUTES

THE STATE MEDICAL BOARD OF OHIO

April 9, 2008

Nandlal Varyani, M.D., President, called the meeting to order at 1:00 p.m., in the Administrative Hearing Room, 3rd Floor, the James A. Rhodes State Office Tower, 30 E. Broad St., Columbus, Ohio 43215, with the following members present: Dalsukh Madia, M.D., Vice-President; Lance A. Talmage, M.D., Secretary; Raymond J. Albert, Supervising Member; Carol L. Egner, M.D.; Marchelle L. Suppan, D.P.M.; R. Gregory Browning, Ph.D.; W. Frank Hairston; Jack C. Amato, M.D.; Susan E. Stephens, M.D.; and Anita M. Steinbergh, D.O.

Also present were: Richard A. Whitehouse, 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, David P. Katko, Angela M. McNair, Karen H. Mortland, Marcie P. Pastrick, Cheryl D. Pokorny, and Daniel S. Zinsmaster, 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; and Jacqueline A. Moore, Disciplinary Information Assistant.

MINUTES REVIEW

DR. MADIA MOVED TO APPROVE THE MINUTES OF MARCH 12-13, 2008. MR. HAIRSTON SECONDED THE MOTION. A vote was taken

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye

The motion carried.

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EXECUTIVE SESSION

MR. BROWNING MOVED THAT THE BOARD DECLARE EXECUTIVE SESSION TO CONFER WITH THE ATTORNEY GENERAL'S REPRESENTATIVES ON MATTERS OF PENDING OR IMMINENT COURT ACTION AND TO DISCUSS THE EMPLOYMENT OF A PUBLIC EMPLOYEE. MR. HAIRSTON SECONDED THE MOTION. A vote was taken

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye

The motion carried.

Pursuant to Section 121.22(G)(1) and (3), Revised Code, the Board went into executive session.

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

PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Varyani announced that the Board would now consider the Proposed Findings and Proposed Orders appearing on the Board's agenda. He asked whether each member of the Board had received, read, and considered the hearing records and the proposed findings, conclusions, and orders in the matters of Ami R. French-Sowards and David G. Petras, M.T. A roll call was taken:

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

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Dr. Varyani 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:

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

Dr. Varyani 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. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

The original Proposed Findings and Proposed Orders shall be maintained in the exhibits section of this Journal.

AMI R. FRENCH-SOWARDS

Dr. Varyani directed the Board's attention to the matter of Ami R. French-Sowards. He advised that by letter of August 9, 2007, the Board notified Ms. French-Sowards that it proposed to deny her application for a certificate to practice massage therapy in the State of Ohio based on allegations contained in the letter. The notice was mailed to Ms. French-Sowards' address of record and proper service was documented. No hearing request has been received from Ms. French-Sowards and more than thirty days have elapsed since the mailing of the notice. The matter was reviewed by Hearing Examiner Davidson, who prepared Proposed Findings and a Proposed Order, and is now before the Board for final disposition.

DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE AUGUST 9, 2007 NOTICE OF OPPORTUNITY FOR HEARING IN THE MATTER OF AMI R. FRENCH-SOWARDS HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERNACE OF THE EVIDENCE AND TO ADOPT THE PROPOSED FINDINGS AND PROPOSED ORDER. DR. MADIA SECONDED THE MOTION.

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

Dr. Steinbergh stated that she agrees with the Proposed Order denying Ms. French-Sowards a license. She

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added that she thinks that it's clear that Ms. French-Sowards is chemically dependent. She did a 72-hour evaluation at Glenbeigh and Theodore Parran, M.D., notified the Board that he had concluded that Ms. French-Sowards is impaired. Ms. French-Sowards has not entered a treatment program, but she may choose to do so in the future. Dr. Steinbergh stated that, for that reason, the Proposed Order of a simple denial is appropriate.

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

DAVID G. PETRAS, M.T.

Dr. Varyani directed the Board's attention to the matter of David G. Petras, M.T. He advised that by letter of September 12, 2007, the Board notified Mr. Petras that it proposed to take disciplinary action against his certificate to practice massage therapy in the State of Ohio based on allegations contained in the letter. The notice was mailed to Mr. Petras' address of record and proper service was documented. No hearing request has been received from Mr. Petras and more than thirty days have elapsed since the mailing of the notice. The matter was reviewed by Hearing Examiner Davidson, who prepared Proposed Findings and a Proposed Order, and is now before the Board for final disposition.

DR. EGNER MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE AUGUST 9, 2007 NOTICE OF OPPORTUNITY FOR HEARING IN THE MATTER OF DAVID G. PETRAS, M.T., HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ADOPT THE PROPOSED FINDINGS AND PROPOSED ORDER. DR. STEINBERGH SECONDED THE MOTION.

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

Dr. Egner stated that Mr. Petras currently holds a certificate to practice massage therapy. He was ordered to undergo a three-day evaluation and was found to be chemically impaired. Mr. Petras has not entered into treatment. The Proposed Order is for revocation of Mr. Petras' certificate.

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

MOTION FOR RECONSIDERATION AND MODIFICATION IN THE MATTER OF ROBERT S. COLEMAN, JR., M.D.

Dr. Varyani directed the Board's attention to the matter of Robert S. Coleman, Jr., M.D., and advised that at its meeting on March 12, 2008, the Board considered the matter of Dr. Coleman, on remand from the 10th District Court of Appeals. The Board adopted an Order reprimanding Dr. Coleman, suspending his license for at least 60 days, and placing conditions on his application for reinstatement or restoration of his license. Upon reinstatement, the Board ordered that Dr. Coleman's license remain on probation for at least two years. Among the terms for reinstatement, Dr. Coleman was ordered to provide documentation of successful completion of a course in professional/personal ethics. Through his attorney, Dr. Coleman subsequently filed a Motion for Reconsideration and Modification of the Board's Order. Dr. Varyani asked whether the Board wished to either approve or deny Dr. Coleman's motion for reconsideration and modification.

DR. EGNER MOVED TO DENY DR. COLEMAN'S MOTION FOR RECONSIDERATION AND MODIFICATION. MR. BROWNING SECONDED THE MOTION.

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

Dr. Steinbergh asked whether Dr. Coleman has had a course in professional ethics.

Ms. Jacobs stated that it is her understanding that Dr. Coleman has not done a course in professional ethics.

Dr. Steinbergh asked Ms. Jacobs to advise her of the cause of the disciplinary action.

At Dr. Steinbergh's request, Ms. Jacobs reviewed the history of this case.

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Dr. Egner indicated that requiring completion of ethics courses for reinstatement of a license is a very common practice for the Board. There are some conditions with which the Board wants physicians to abide. Dr. Egner stated that she sees nothing submitted as to why the Board should do something different in this case. She added that an ethics class is not that difficult to find, and it is reasonable to expect that he can get that done within two months. Dr. Egner stated that she doesn't see any precedent that would allow him to do the ethics class after reinstatement.

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

FINDINGS, ORDERS & JOURNAL ENTRIES

Dr. Varyani stated that the Board will now consider the Findings, Orders and Journal Entries appearing on today's agenda. He noted that Dr. Talmage and Mr. Albert may participate in the matters of Margaret O. Dustman, M.T., Lynn C. Janoch, M.D., and Andrea M. Kurz, M.D., as those cases are not disciplinary in nature and concern only qualifications for licensure.

TIMOTHY WILLIAM DRURY, II, M.D.

Dr. Varyani noted that, by letter of November 14, 2007, the Board issued a Notice of Opportunity for Hearing to Dr. Drury, based upon allegations contained in the letter. The Notice was mailed via certified mail, return receipt requested, to Dr. Drury's address of record. A signed certified mail receipt was returned to the Board documenting proper service of the notice. No hearing request has been received from Dr. Drury and more than thirty days have elapsed since the mailing of that notice. The matter was before the Board for final disposition.

DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS CONTAINED IN THE NOVEMBER 14, 2007 NOTICE HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ADOPT THE PROPOSED FINDINGS AND PROPOSED ORDER, EFFECTIVE IMMEDIATELY. DR. MADIA SECONDED THE MOTION.

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

Dr. Steinbergh stated that Dr. Drury had been ordered by the Board to submit to an examination. He did not do so, and he did not request a hearing on the Board's citation. Dr. Steinbergh stated that the Board has every reason to believe that Dr. Drury is impaired, and she agrees with the Proposed Order denying Dr. Drury an Ohio license and placing conditions on reapplication.

A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

MARGARET O. DUSTMAN, M.T.

Dr. Varyani noted that, by letter of February 27, 2008, the Board issued a Notice of Opportunity for Hearing to Ms. Dustman, based upon allegations contained in the letter. The Notice was mailed via certified mail, return receipt requested, to Ms. Dustman's address of record. A signed certified mail receipt was returned to the Board documenting proper service of the notice. No hearing request has been received from Ms. Dustman and more than thirty days have elapsed since the mailing of that notice. The matter was before the Board for final disposition.

DR. MADIA MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE FEBRUARY 27, 2008 NOTICE OF OPPORTUNITY FOR HEARING IN THE MATTER OF MS. DUSTMAN HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, APPROVING MS. DUSTMAN'S REQUEST FOR RESTORATION OF HER LICENSE TO PRACTICE MASSAGE THERAPY, SUBJECT TO HER PASSING THE LIMITED BRANCH PORTION OF THE BOARD'S MASSAGE THERAPY EXAMINATION WITHIN SIX MONTHS OF FEBRUARY 27, 2008. DR. AMATO SECONDED THE MOTION.

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

Dr. Steinbergh stated that Ms. Dustman has not practiced massage therapy for more than two years. The

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Proposed Order requiring her to sit for and pass the Limited Branch Portion of the massage therapy examination is appropriate.

A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

LYNN C. JANOCH, M.T.

Dr. Varyani noted that, by letter of February 27, 2008, the Board issued a Notice of Opportunity for Hearing to Ms. Janoch, based upon allegations contained in the letter. The Notice was mailed via certified mail, return receipt requested, to Ms. Janoch's address of record. A signed certified mail receipt was returned to the Board documenting proper service of the notice. No hearing request has been received from Ms. Janoch and more than thirty days have elapsed since the mailing of that notice. The matter was before the Board for final disposition.

DR. MADIA MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE FEBRUARY 27, 2008 NOTICE OF OPPORTUNITY FOR HEARING IN THE MATTER OF MS. JANOCH HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, APPROVING MS. JANOCH'S REQUEST FOR RESTORATION OF HER LICENSE TO PRACTICE MASSAGE THERAPY, SUBJECT TO HER PASSING THE LIMITED BRANCH PORTION OF THE BOARD'S MASSAGE THERAPY EXAMINATION WITHIN SIX MONTHS OF FEBRUARY 27, 2008. DR. STEINBERGH SECONDED THE MOTION.

Dr. Steinbergh noted that this case is just like the previous case discussed by the Board.

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

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye

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Dr. Suppan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Steinbergh	- aye
Dr. Varyani	- aye

The motion carried.

ANDREA M. KURZ, M.D.

Dr. Varyani noted that, by letter of February 7, 2008, the Board issued a Notice of Opportunity for Hearing to Dr. Kurz, based upon allegations contained in the letter. The Notice was mailed via certified mail, return receipt requested, to Dr. Kurz' address of record. A signed certified mail receipt was returned to the Board documenting proper service of the notice. No hearing request has been received from Dr. Kurz, and more than thirty days have elapsed since the mailing of that notice. The matter was before the Board for final disposition.

DR. EGNER MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE FEBRUARY 7, 2008 NOTICE OF OPPORTUNITY FOR HEARING IN THE MATTER OF DR. KURZ HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, DENYING DR. KURZ' REQUEST FOR ENDORSEMENT LICENSURE. DR. STEINBERGH SECONDED THE MOTION.

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

Dr. Egner stated that Dr. Kurz has not completed an exam sequence acceptable to the Board, nor has she had 24 months of approved graduate medical education through the second year level.

Dr. Steinbergh agreed with Dr. Egner.

Dr. Varyani stated that, although he agrees with what is going on, he needs to point out that this is a brilliant candidate, and it hurts to deny her application.

A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye

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Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Steinbergh	- aye
Dr. Varyani	- aye

The motion carried.

KEVIN MICHAEL LOURWOOD, M.T.

Dr. Varyani noted that, by letter of October 10, 2007, the Board issued a Notice of Opportunity for Hearing to Mr. Lourwood, based upon allegations contained in the letter. The Notice was mailed via certified mail, return receipt requested, to Mr. Lourwood's address of record. A signed certified mail receipt was returned to the Board documenting proper service of the notice. No hearing request has been received from Mr. Lourwood and more than thirty days have elapsed since the mailing of that notice. The matter was before the Board for final disposition.

DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS CONTAINED IN THE OCTOBER 10, 2007 NOTICE HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ADOPT THE PROPOSED FINDINGS AND PROPOSED ORDER, EFFECTIVE IMMEDIATELY. MR. BROWNING SECONDED THE MOTION.

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

Dr. Steinbergh noted that Mr. Lourwood failed to submit to a Board-ordered psychiatric examination, and also failed to prove that his reasons for failing to submit were beyond his control. Dr. Steinbergh agreed that Mr. Lourwood's certificate should be suspended for an indefinite period of time. She added that she also agrees with the proposed reinstatement and probationary terms.

Dr. Egner agreed with Dr. Steinbergh.

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye

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Dr. Varyani - aye

The motion carried.

CITATIONS, PROPOSED DENIALS, AND ORDERS OF SUMMARY AND IMMEDIATE SUSPENSION

BRENDA. BANKS, 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. BANKS. DR. MADIA SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

RANDALL BOLAR, 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. MADIA MOVED TO SEND THE CITATION LETTER TO DR. BOLAR. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye

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Dr. Stephens - aye
Dr. Steinbergh - aye
Dr. Varyani - aye

The motion carried.

KATHRYN BOROVICH, 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. MADIA MOVED TO SEND THE CITATION LETTER TO MS. BOROVICH. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Egner	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Steinbergh	- aye
Dr. Varyani	- aye

The motion carried.

NICO CAPURRO, M.D. - NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING

At this time the Board read and considered the proposed Notice of Immediate Suspension and 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 SEND THE NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING TO DR. CAPURRO. DR. AMATO SECONDED THE MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Egner	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Dr. Madia	- aye
Mr. Browning	- aye

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Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Steinbergh	- aye
Dr. Varyani	- aye

The motion carried.

PATRICIA ANN HALE – 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. HALE. DR. MADIA SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

ANDREW HOLAN – 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 MR. HOLAN. MR. BROWNING SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye

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Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Steinbergh	- aye
Dr. Varyani	- aye

The motion carried.

NILESH BHUPENDRA JOBALIA, 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. MADIA MOVED TO SEND THE CITATION LETTER TO DR. JOBALIA.
DR. STEINBERGH SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

RANDALL LEWIS KNOX – 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 MR. KNOX.
DR. MADIA SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye

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Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Steinbergh	- aye
Dr. Varyani	- aye

The motion carried.

AL MUZZAMMEL, 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. MADIA MOVED TO SEND THE CITATION LETTER TO DR. MUZZAMEL. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

DAVID P. OLSON, 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. OLSON. DR. MADIA SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye

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Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Steinbergh	- aye
Dr. Varyani	- aye

The motion carried.

DERECK PEERY, D.O. – 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. MADIA MOVED TO SEND THE CITATION LETTER TO DR. PEERY. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

STEVEN EDWARD SCHWARTZ, P.A. – 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. MADIA MOVED TO ENTER AN ORDER OF SUMMARY SUSPENSION IN THE MATTER OF STEVEN EDWARD SCHWARTZ, P.A., IN ACCORDANCE WITH SECTION 4731.22(G), OHIO REVISED CODE, AND TO ISSUE THE NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY FOR HEARING. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
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Dr. Egner	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Steinbergh	- aye
Dr. Varyani	- aye

The motion carried.

ERIN N. WOODWARD – 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 DR. WOODWARD. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

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.

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DAVID FREDERICK MITCHELL, M.D. – PERMANENT SURRENDER OF CERTIFICATE TO PRACTICE MEDICINE AND SURGERY

DR. STEINBERGH MOVED TO RATIFY THE PROPOSED PERMANENT SURRENDER OF DR. MITCHELL'S LICENSE TO PRACTICE MEDICINE AND SURGERY. MR. BROWNING SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

HERBERT IRWIN MEDOFF, M.D. – PERMANENT SURRENDER OF CERTIFICATE TO PRACTICE MEDICINE AND SURGERY

DR. STEINBERGH MOVED TO RATIFY THE PROPOSED PERMANENT SURRENDER OF DR. MEDOFF'S LICENSE TO PRACTICE MEDICINE AND SURGERY. DR. AMATO SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

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IRAJ DERAKHSHAN, M.D. – SETTLEMENT AGREEMENT

DR. STEINBERGH MOVED TO RATIFY THE PROPOSED SETTLEMENT AGREEMENT WITH DR. DERAKHSHAN. DR. AMATO SECONDED THE MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Egner	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Steinbergh	- aye
Dr. Varyani	- aye

The motion carried.

STEVEN FRANKLIN GREER, M.D. – PERMANENT SURRENDER OF CERTIFICATE TO PRACTICE MEDICINE AND SURGERY

DR. STEINBERGH MOVED TO RATIFY THE PROPOSED PERMANENT SURRENDER OF DR. GREER'S LICENSE TO PRACTICE MEDICINE AND SURGERY. DR. MADIA SECONDED THE MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Egner	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Steinbergh	- aye
Dr. Varyani	- aye

The motion carried.

BRADLEY ALLEN SCHWARTZ – PERMANENT WITHDRAWAL OF APPLICATION

DR. MADIA MOVED TO RATIFY THE PERMANENT WITHDRAWAL OF MR. SCHWARTZ' APPLICATION TO PRACTICE MASSAGE THERAPY. DR. STEINBERGH SECONDED THE

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MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Egner	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Steinbergh	- aye
Dr. Varyani	- aye

The motion carried.

J.S., M.D. - - PERMANENT WITHDRAWAL OF APPLICATION

DR. STEINBERGH MOVED TO RATIFY THE PERMANENT WITHDRAWAL OF J.S., M.D.'S APPLICATION TO PRACTICE. DR. MADIA SECONDED THE MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Egner	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Steinbergh	- aye
Dr. Varyani	- aye

The motion carried.*

JEROME ROBERT SWITCH, D.O. - - CONSENT AGREEMENT

DR. STEINBERGH MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. SWITCH. DR. MADIA SECONDED THE MOTION.

* Subsequent to the meeting, errors were found in the ratified document, which was then returned to the assigned Enforcement Attorney to negotiate corrected language with the physician. The initials are being used at this time to protect the physician's identity should he/she not agree with the changes. If the physician agrees to the changes, the document will be brought back to the Board for ratification at a future meeting.

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Dr. Steinbergh noted that Dr. Switch has had repeated relapses in Michigan. She stated that it is her understanding that he has been sober since 2004.

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

JOHN WESLEY SHAW, M.D. – CONSENT AGREEMENT

DR. STEINBERGH MOVED TO RATIFY THE PROPOSED STEP II CONSENT AGREEMENT WITH DR. SHAW. MR. BROWNING SECONDED THE MOTION. Dr. Egner asked for an explanation of the timing of this case. She noted that in September 2007 Dr. Shaw had a consent agreement, but at that time he was already being treated for relapse.

Ms. Marshall explained that at the time of Dr. Shaw's last Step 1 Consent Agreement, he had relapsed. He was being treated. The intervention in lieu has occurred since then, but actually relates to conduct for which the Board had already suspended Dr. Shaw's license. At this point, the Board is being asked to reinstate Dr. Shaw's license, based on the conditions the Board placed on reinstatement.

Dr. Steinbergh stated that Dr. Shaw's license has been suspended since September 2007. She asked how many relapses there have been.

Ms. Mortland stated that this is the first relapse.

Dr. Steinbergh stated that Dr. Shaw had a Step 1 Agreement in May 2005, a Step 2 in June 2006, which was a considerable time out, and then he relapsed in September 2007.

Ms. Marshall stated that that is correct, adding that the facts just look a little confusing because his intervention in lieu of conviction lagged so far behind the Board's action.

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

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ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

MATTHEW HENRY EVENHOUSE, M.D. – CONSENT AGREEMENT

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

MALCOLM A. BRAHMS, M.D. – CONSENT AGREEMENT

DR. MADIA MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. BRAHMS. DR. EGNER SECONDED THE MOTION.

Dr. Egner asked whether any future applications this physician files for emeritus status would be denied.

Ms. Marshall stated that she cannot answer that question.

Dr. Steinbergh opposed ratification of this agreement. She stated that this is a physician who, without a current license, worked for Social Security Disability, reviewing charts. He was informed that he could not

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do this without a license. Dr. Brahms did attempt to renew his license and then lied on his application, saying that he'd never been involved in any legal action involving his professional liability. Dr. Steinbergh stated that the other piece that concerns her is that the agreement gives Dr. Brahms a license that is limited to reviewing patient charts and providing testimony at hearings for the Social Security Administration. Dr. Steinbergh stated that she has a problem with someone who is unable to actively practice medicine making decisions about disability. She stated that, as a primary care physician, she looks at the number of people that she believes have legitimate disabilities. They're denied disability payments and have to hire an attorney in order to get these disability determinations. Dr. Steinbergh stated that she has concerns about how a physician can review these charts and make determinations without having an active license to practice. Dr. Steinbergh stated that she personally opposes this agreement, but she does appreciate the desire to allow this physician to continue in his current role, but she has problems with the fact that he lied on his application. She added that she has problems allowing a physician who is not allowed to make medical decisions, making medical decisions regarding disability.

Dr. Amato agreed with Dr. Steinbergh.

Mr. Browning asked whether Dr. Steinbergh has a recommendation for the Board.

Dr. Steinbergh stated that she does not, but she did want the Board to know that she won't personally approve this agreement.

Dr. Varyani stated that, because this agreement was below the minimum disciplinary guideline, he had to review it. He stated that he did so because this physician has been working at the Social Security Administration, reviewing charts. Once you review the chart, you're making a judgment as far as approving or disapproving disability. Dr. Varyani stated that he went along with this, adding that his only concern was whether he was going to practice actively, clinically. He stated that he doesn't think that Dr. Brahms is. He added that Dr. Brahms has a huge experience in reviewing charts. That's basically what he will be doing. He's not actively involved in evaluating disability. Dr. Varyani stated that Dr. Brahms has been reviewing charts for fifteen years and has a huge experience as to how to review, and what to review.

Dr. Stephens stated that she thinks that the Board might be talking about two different issues: 1. He lied on his application, and 2. how Board members feel about people who are not actively practicing medicine doing chart review. Dr. Stephens stated that she feels that chart review is a totally different animal and she doesn't think that a physician needs to be in an active practice, seeing patients, to do excellent chart review or medical records review.

Dr. Amato stated that if the review results in a clinical decision, the physician is then diagnosing and treating.

Dr. Steinbergh stated that that's how she feels about it. She stated that she does appreciate chart review, adding that she's done a lot of chart review. She added that she's sure that Dr. Brahms does have considerable experience, and she would agree that it's two separate things; but she has problems entering into a consent agreement with which she doesn't agree. Dr. Steinbergh stated that, first, Dr. Brahms is not

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being reprimanded for lying on his application. Secondly, she has great concerns about the clinical decision-making that affects these disability determinations for patients by physicians without a full license. She stated that, if he's going to be doing this, the Board should reprimand Dr. Brahms and give him a full license.

Dr. Egner asked how long Dr. Brahms has been doing these chart reviews. She asked whether the Board materials indicate that.

Dr. Varyani stated that he believes that he read that Dr. Brahms has been doing these reviews for over ten years.

Dr. Egner asked whether someone with a limited license is bound by the same C.M.E. rules. She suggested that, since there is a difference of opinion here, an alternative might be to require submission of C.M.E. with every renewal for a period of time. This might be agreeable to the doctor. Dr. Egner stated that she hates to see a consent agreement go down, but, on the other hand, there are legitimate concerns.

Dr. Suppan asked what "limited license" means. She asked what Dr. Brahms would be able to do.

Dr. Steinbergh stated that he will be able to continue doing what he's been doing. His license will be limited to chart review and testimony at disability hearings.

Mr. Browning asked whether the Board is talking about amending the agreement.

Dr. Egner stated that she doesn't think that the Board has the right to do that. She's just trying to give the Secretary and Supervising Member some ideas, if her suggestion gives those who are uncomfortable with the proposed agreement a level of comfort.

Dr. Steinbergh stated that it doesn't ease her discomfort. She stated that, if the Board is going to give him a license, it should give him a license. If the Board feels that Dr. Brahms is appropriate to practice medicine, because she believes that he is making medical decisions, she would reprimand him for lying on his application.

Dr. Egner stated that she's not in favor of giving Dr. Brahms a full, unrestricted license.

Dr. Varyani stated that he does understand. He suggested a vote on the motion.

Ms. Marshall explained one of two things will happen if the Board does not ratify this consent agreement. First, the staff will re-evaluate the case, including all the information, evidentiary concerns, that are not addressed in the materials before the Board with Dr. Talmage and Mr. Albert, who will then make a determination either that the case will be closed and Dr. Brahms will be granted a full and unrestricted license, or that the Board has enough information to go forward and issue a citation or try to renegotiate a different consent agreement. Ms. Marshall reminded Board members that when settlement agreements are negotiated, the staff, Dr. Talmage and Mr. Albert negotiate the best that they think they can get out of the gate.

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- nay
	Dr. Stephens	- aye
	Dr. Steinbergh	- nay
	Dr. Varyani	- aye

The motion carried.

BRUCE C. CORSER, M.D. – CONSENT AGREEMENT AMENDMENT

Dr. Varyani reminded the Board that Dr. Corser made a probationary appearance before the full Board in March. Following that appearance, the Board asked for a legal opinion as to whether or not it could reassess or change the terms of Dr. Corser's consent agreement.

Several Board members indicated that they had not had time to review the legal opinion provided to them.

At 2:31 p.m., the Board took a break in order to allow members the opportunity to review the written opinion on the Board's options in this case. The meeting reconvened at 3:18 p.m., with all members present.

Dr. Varyani asked Ms. Anderson to address the Board on this matter.

Ms. Anderson stated that the Board moved to continue Dr. Corser's consent agreement in March, so that agreement is in place. Following that motion, there was a discussion about the Board's authority to renegotiate a consent agreement, and that issue was tabled to obtain a legal opinion. The Board has since been provided with that opinion. She stated that the Board could make the determination to take the matter off the table for further discussion as to what to do with this particular consent agreement. She again stated that the Board did pass a motion to continue the consent agreement, so even with no action taken by the Board today, the agreement continues and there is no need to take this matter off the table. If the Board wishes to make changes, it could take the matter off the table.

Ms. Pfeiffer added that there is not a requirement for the Board to do that. The Board could simply move on to its next agenda item if it so chooses.

Dr. Varyani asked for a show of hands from those who wish to discuss this matter now.

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Ms. Pfeiffer advised that another option would be for the President to indicate that the Board members have had an opportunity to review the legal memo. At this time, if there is not a motion to take this matter off the table to consider it, the Board will then move on to the next agenda item.

Mr. Browning asked what the consequences are.

Ms. Pfeiffer stated that, if there's no motion to take this matter off the table, the original terms of that consent agreement will continue.

DR. AMATO MOVED TO CONTINUE THIS MATTER ON THE TABLE UNTIL THE MAY MEETING, AND IN THAT TIME PERIOD, THE EXECUTIVE DIRECTOR AND/OR STAFF BE DIRECTED TO INQUIRE ABOUT INTERCESSION WITH THE THIRD-PARTY PAYOR CONTRACTORS FOR THIS PHYSICIAN, NOTING THAT EXCLUSION FROM INSURANCE PANELS WAS AN UNINTENDED CONSEQUENCE OF THE BOARD'S ACTIONS. DR. STEINBERGH SECONDED THE MOTION.

Dr. Steinbergh stated that the only difference that she has with that motion is that this is a problem that all probationers have. It affects everyone who goes into a consent agreement or is under a Board order. She stated that the Board can engage in discussion about how the Board can advocate for physicians with third-party payers.

Mr. Browning stated that, as he remembers, this was an individual who prescribed to his wife. He was placed on a three-year probation, during which time he is not required to appear before the Board. Mr. Browning stated that he thinks that the Board started looking at this and realizing that this was profoundly an economic sanction. It was basically taking him off the field from a business perspective, because the insurers reacted as insurers react, and walked away from him, taking him off the panels. Dr. Corser thought that he might be able to leave the state; but according to the legal opinion, it appears that sanctions by insurers will follow him wherever he goes. That was really the concern. The Board was doing more than it had intended to do, in a significant way, on a case that was not entirely unique, but not the level of significance that might warrant taking someone out of business for three years. The question was whether the Board could come back, understanding those economic realities, and could adjust the consent agreement. When can it be adjusted?

Ms. Pfeiffer stated that Dr. Corser, himself, cannot initiate seeking it to be amended for at least one year; however, if both parties want to mutually make a change, they can do it at any time.

Ms. Anderson stated that, under the Board rules, such a proposal would go through the process with the Secretary and Supervising Member to oversee the negotiations.

Ms. Pfeiffer stated that it would also, in this particular case, require Dr. Varyani's approval, as President, because the potential proposal would fall below the minimum disciplinary guideline.

Mr. Browning asked whether it would then come back to the Board.

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Ms. Pfeiffer stated that if the Board wants to amend the consent agreement, it has to come back to the Board.

Mr. Whitehouse stated that a Board member would have to make a motion to send the matter back to the Secretary and Supervising Member for further negotiations. Mr. Whitehouse stated that there is a broader public policy issue. He stated that he knows that Board members care about this individual case, but the fact of the matter is that the rules require that, if the Board is to address this particular case, that's all the Board can do. It has to send it back to the Secretary, the Supervising Member and the President.

Mr. Browning stated that if the Board decides to change this, it would be consistent with the Board's current rules. The Board can do this with any case at any time, if there's the will to do it.

Dr. Varyani stated that that is correct, but the problem that he sees is that there are 198 consent agreements in force today. He stated that what he doesn't want to have happen is those in similar circumstances coming back and the Board rehashing all of them. That's the problem he's facing. Dr. Varyani stated that he's on the side that thinks that the Board has punished Dr. Corser too much, but he was one of the members who agreed with the consent agreement. He stated that it is very unfortunate that this happened, but it did happen.

Mr. Whitehouse stated that the Board is forgetting that the licensee and his attorney were also involved in the negotiations and, presumably, there was an awareness at that time of what all of this meant.

Mr. Albert stated that this consent agreement was already ratified by the Board. He stated that he can't remember the Board changing a consent agreement that had already been ratified in the twenty years he's been on the Board. Mr. Albert stated that he's afraid that if the Board starts to fool around with the consent agreements, it will open Pandora's box. He stated that the Board members all had a chance to read the consent agreement and give it thought and then ratified it. He acknowledged that the Attorney General has advised that the Board can make changes; but when you do that, you're heading down a slippery slope.

Dr. Amato stated that he agrees 99% with what Mr. Albert has said, but in the famous words of Harry Truman, "error is not a mistake until you refuse to correct it." He stated that he thinks that his motion addresses that. If, in fact, the Board can help rectify some of the unintended consequences of December, that the Board overlooked, it does not then open Pandora's box. Dr. Amato stated that he personally thinks that, when he's looking at some of these settlement agreements, he will be thinking a little bit more than perhaps he did in December. However, by the same token, he has a great deal of concern that he doesn't want those outside potential influences jeopardizing his good judgment in doing the job of protecting the citizens of the State of Ohio. Dr. Amato stated that the Board does what it does from a righteous stand, going towards a goal. He commented that there were unintended consequences due to this consent agreement. He added that he does not believe that any member of this Board really felt that what it was doing would potentially wreck this young practitioner's career.

Dr. Amato stated that he's hoping that by passing his motion, the Board can fix the error before it becomes an unrectifiable mistake and correct the unintended consequences.

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Dr. Suppan stated that she thinks that exclusion by two companies does not constitute wrecking a career. She stated that there are many times when a physician cannot become a member of a panel for other reasons, such as that the panel is full. It's up to the physician's own entrepreneurship to go out and find panels that will accept them. Dr. Suppan stated that the Board needs to make decisions based on facts, which it has already done in this case. She added that it would be a dangerous precedent to let any kind of third-party payer drive or affect any decision this Board makes.

Mr. Albert stated that every month he hears that doctors have a hard time getting malpractice insurance, or a hard time getting jobs or working with the insurance companies; but there are jobs out there. There are ways around this. They have to look and they have to go out and talk to people. The majority of these physicians can work. If the physicians have a hard time finding a job because of insurance or because of other consequences of their consent agreements, maybe the Board needs to work internally to correct some of those things. He stated that doctors have a hard time taking the specialty board examinations if they're under a consent agreement. Mr. Albert stated that the Federation of State Medical Boards is working to address some of these situations. But if a doctor is under a consent agreement with the Board, there are consequences.

Ms. Pfeiffer stated that Ms. Bickers has a suggestion that is worthy of consideration that would not involve amending or modifying the agreement, but it may adjust the issue. Ms. Pfeiffer stated that Ms. Bickers has worked with third-party payers and explained to some of them that particular probationers are fully compliant with the terms of their probation and are model probationers. That, at times, has impacted the third-party payers' decisions to allow those physicians back in. She stated that Ms. Bickers has indicated that she's willing to initiate that discussion in Dr. Corser's case. He would still be under the same terms. It would not modify or change the agreement, but it may allow him to get back into practice.

Ms. Pfeiffer asked that the Board keep in mind that it wasn't just a prescribing issue in this case. She stated that Dr. Corser prescribed non-controlled drugs to his wife in her married name. He wrote prescriptions for controlled substances in her maiden name. He kept no records, lied to the Board's investigator about the records, and then he created records after the fact. Ms. Pfeiffer stated that there's a little bit more to it, and insurance companies may not be inclined to take him back for those reasons.

Dr. Amato stated that Ms. Bickers' efforts are exactly what his motion is asking for.

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- nay
	Dr. Talmage	- abstain
	Dr. Suppan	- nay
	Dr. Madia	- nay
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye

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Dr. Stephens	- nay
Dr. Steinbergh	- aye
Dr. Varyani	- nay

The motion failed.

Ms. Pfeiffer stated that Ms. Bickers will still make the effort to work with the insurance companies.

Dr. Stephens stated that it seems to her that people who come to the Board and enter into consent agreements have done something wrong, and the Board doesn't call insurance companies on their behalf. She asked why the Board is doing it on this person's behalf.

Mr. Browning indicated that Ms. Bickers has done this before in other cases.

Dr. Talmage stated that on a number of occasions he has signed letters that Ms. Bickers has written to a number of insurance companies. They have also written to specialty boards, explaining that these individuals are on probation, are being supervised better than any other practitioner, and asking for reconsideration. Sometimes they have been successful.

Dr. Suppan asked whether it is just a basic form letter and nothing above and beyond saying that the individual is on probation, doing everything he or she should be doing, and is okay by the Board.

Dr. Talmage asked whether, rather than making another motion, Ms. Bickers could just proceed as indicated.

Dr. Steinbergh stated that she had thought it would be alright. She stated that this is not an unusual situation. The Board had an emotional plea from a physician. The Board has to understand that when a physician comes before the Board, he has a legitimate concern. She added that this is not something that the Board hasn't been hearing from all probationers. It is not unusual for Board members and staff to attempt to help practitioners who are under consent agreements or Board orders. When a physician is in practice and being monitored appropriately, there's no reason why the Board can't try to advocate for that physician.

Mr. Browning stated that, from his point of view, this case was really just about a sense of proportion. It wasn't that the person shouldn't be sanctioned, or that he wasn't guilty of the things for which he was sanctioned. It was an issue of putting a person on probation for three years, not requiring that person to make appearances. Mr. Browning stated that that means that the Board doesn't really think that they're in trouble relative to the practice of medicine to a significant degree, and therefore the Board doesn't need to see them. Yet, the sanction was pretty substantial. That started raising questions about the sense of proportion as opposed to no sanction at all. He stated that he doesn't think that anyone believes that the Board made a mistake on that front.

Dr. Varyani stated that he thinks that he's on record in the minutes as saying that under similar circumstances he would do exactly the same thing because he had taken his wife to other practitioners,

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didn't like how they were treating her, and he started to give her medications. Dr. Varyani stated that that was his reason for voting the way he did. Dr. Varyani stated that he realizes that the consequences are terrible, and he does feel sorry for Dr. Corser. However, if Dr. Corser did the same thing again, he would probably vote for the same sanction again. There have to be consequences when you disregard the rules that the Board has. Dr. Varyani stated that Dr. Corser knew that he was doing something wrong, and he still did it. Dr. Varyani again stated that he would probably vote the same way again under similar circumstances.

PROBATIONARY APPEARANCES

ROBERT A. BERKMAN, M.D.

Dr. Berkman appeared before the Board pursuant to his request for release from the terms of Board's Order of July 14, 2004.

In response to Board members' questions, Dr. Berkman stated that currently he consults and teaches, both intermittently. He stated that colleagues call him for consultations. He is also taking care of his wife following a recent significant surgery.

DR. STEINBERGH MOVED TO RELEASE DR. BERKMAN FROM THE TERMS OF THE BOARD'S ORDER OF JULY 14, 2004. DR. MADIA SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

TRACIE L. BOLDEN, M.D.

Dr. Bolden appeared before the Board pursuant to her request for release from the terms of her April 12, 2006 Consent Agreement. If approved, release from probation would become effective April 12, 2008.

In response to Board members' questions, Dr. Bolden stated that she is currently in a family practice residency and started her third year in December. She still sees her psychiatrist, Dr. Lubow, in Cincinnati.

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She also sees someone in Dayton, where she lives, whom she likes better. Dr. Bolden stated that, following release, she will continue with the Dayton psychiatrist. Dr. Bolden advised that the only medication she takes is Zoloft. She advised that she has very good family support.

DR. STEINBERGH MOVED TO RELEASE DR. BOLDEN FROM THE TERMS OF HER APRIL 12, 2006 CONSENT AGREEMENT. MR. BROWNING SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

WANDA B. KALENCKI, D.O.

Dr. Kalencki appeared before the Board pursuant to her request for release from the terms of her December 13, 2006 Consent Agreement.

In response to Board member questions, Dr. Kalencki stated that she is currently practicing anesthesia in Wisconsin. She graduated from Michigan State University College of Medicine, and did three years of residency in anesthesiology. She trained at Riverside Osteopathic Hospital for two years and then she did a pediatric anesthesia fellowship at a children's hospital in Michigan. She then practiced for four years in Virginia. Dr. Kalencki stated that she is currently in practice in Sheboygan, Wisconsin, at a small community hospital.

DR. STEINBERGH MOVED TO RELEASE DR. KALENCKI FROM THE TERMS OF HER DECEMBER 13, 2006 CONSENT AGREEMENT. DR. MADIA SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye

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Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Steinbergh	- aye
Dr. Varyani	- aye

The motion carried.

LOUISE DELYTE MORRIS, P.A.

Ms. Morris appeared before the Board pursuant to her request for release from the terms of her April 2, 2003 Consent Agreement.

In response to Board members' questions, Ms. Morris acknowledged that she has been with the Board for a long time, having signed her first consent agreement in November 1996. Her recovery is excellent, as is her health. Ms. Morris thanked the Board for the program it has in place. She expressed particular gratitude to Mr. Albert, Ms. Bickers and Ms. Gillman for their encouragement and help. She is currently practicing part-time. She works with an endocrinologist, does some teaching at a local university, and she also coaches tennis. Concerning whether she will continue her current program of recovery, Ms. Morris stated that there are some meetings she will continue to attend. She is very involved in her church and, for her, her relationship with the Lord is the most part of it. She will certainly maintain that.

DR. STEINBERGH MOVED TO RELEASE MS. MORRIS FROM THE TERMS OF HER APRIL 2, 2003 CONSENT AGREEMENT. MR. BROWNING SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

KRISTINE M. BLAZEY, M.T.

Ms. Blazezy made her initial appearance before the Board, pursuant to the terms of the Board's Order of August 8, 2007.

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Dr. Steinbergh noted that Ms. Blazey is a massage therapist in Toledo whose license was suspended in October 2007 and reinstated in January 2008. She asked Ms. Blazey to tell the Board about how she's doing and what she's been thinking about since the Board entered its Order.

Ms. Blazey stated that she doesn't know what Dr. Steinbergh means when she asks what Ms. Blazey is thinking about. She stated that she can't do anything with her career right now. She's still working full-time at Auto Zone.

Dr. Steinbergh asked whether Ms. Blazey looks retrospectively at what she'd done that brought her before the Board.

Ms. Blazey stated that she does, and added that that's not even an issue. She added that that issue is long over, she fulfilled her probation with the courts and it's been said and done. There's really been nothing further.

Dr. Steinbergh stated that the Board is in the process of educating medical students on their responsibility to licensure. She asked whether Ms. Blazey can share some words of advice about what brought her to the Board.

Ms. Blazey stated that it was an honest mistake. She added that she doesn't know what else to say about it. She's already discussed it fifteen times and she doesn't know what else to say. It was a mistake, it was something she did. She paid her consequences to the court, she turned herself in, and she did what she had to do. She added that it was a misdemeanor and will be off her record in the next couple of months and it will be over. She doesn't know what else to say.

DR. STEINBERGH MOVED TO MOVED TO CONTINUE MS. BLAZEY UNDER THE TERMS OF THE BOARD'S ORDER OF AUGUST 8, 2007, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. MADIA SECONDED THE MOTION. All members voted aye. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

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DANIEL H. BRUMFIELD, M.D.

Dr. Brumfield made his initial appearance before the Board, pursuant to the terms of his January 9, 2008 Consent Agreement.

Dr. Steinbergh noted that Dr. Brumfield is asking for approval of a mental health professional, as required by his consent agreement. She noted that he has nominated Richard L. Baum, Ed.D. Dr. Steinbergh stated that she has reviewed Dr. Baum's CV, and finds him to be appropriate. She asked Dr. Brumfield whether he has any questions about his consent agreement.

Dr. Brumfield stated that he does not have any questions. He also thanked the Board for allowing him to return to medicine. He stated that he's been under the care of Dr. Baum for approximately a year and a half, and things are going well with their relationship.

DR. STEINBERGH MOVED TO APPROVE RICHARD L. BAUM, ED.D., TO SERVE AS DR. BRUMFIELD'S MENTAL HEALTH PROFESSIONAL, AND TO CONTINUE DR. BRUMFIELD UNDER THE TERMS OF HIS JANUARY 9, 2008 CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. MR. BROWNING SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

ANTHONY GRAY, M.D.

Dr. Gray made his initial appearance before the Board, pursuant to the terms of his October 10, 2007 Consent Agreement.

In response to Board members' questions, Dr. Gray stated that he does understand the terms of his consent agreement. His license is currently suspended. When he returns to practice he will try to focus on getting back into residency. He's not eligible to return to his program until April 2009.

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Dr. Steinbergh noted that Dr. Gray is a young practitioner who has had problems with chemical dependence. She asked whether he can impart some wisdom to the medical students in the room.

Dr. Gray stated that besides listening to everyone who says, "just don't do it," he's learned through going through treatment there are certain people who can drink socially, and it took him a while to realize that it's a progressive problem. There were times when it was under control, or social drinking; but for him it was a progressive problem and it just snowballed. If someone had stepped in before and told him that this was going to be a problem for him in the future, maybe he could have done something about it. Dr. Gray stated that he thinks that, like for a lot of people who are alcoholics or drug addicts, it kind of just crept up on him. He experienced that perfect combination of life circumstances, relationship, and he turned to this because he didn't know how to deal with all of the emotional pain. Rather than dealing with it, he covered it up. Somewhere along the way, those two things got brought together. He found that he could deal with emotional pain by using a substance. Dr. Gray stated that before he knew it, that's how he was dealing with things, instead of using coping skills. Dr. Gray cautioned the medical students that if they are ever in that position, if there's even a thought in their mind that they need to turn to a substance to cover up something they can't deal with, that's the first problem. He stated that he can only think of that now, retrospectively. Dr. Gray stated that he just didn't know it was going on at the time.

In response to further questions, Dr. Gray stated that he now passes his time by working at the front desk at the Renaissance Hotel in Cleveland, he attends meetings, he talks to his sponsor, and he's trying to be much more active in terms of his recovery. He stated that he's found that one of the things that he didn't do before was that he didn't talk about his problems or his feelings. He's really trying to rectify that. Dr. Gray stated that, fortunately, he has an excellent sponsor to whom he can really open up.

Dr. Steinbergh stated that Dr. Gray sounds healthier, and the Board wishes him well. She stated that she hopes that he continues to be compliant and makes certain that his reports get in on time.

DR. STEINBERGH MOVED TO ACCEPT COMPLIANCE STAFF'S REPORT OF THE MARCH 10, 2008 OFFICE CONFERENCE AND CONTINUE DR. GRAY UNDER THE TERMS OF HIS OCTOBER 10, 2007 SUPERSEDING STEP 1 CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. MADIA SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

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The motion carried.

SANDRA K. HAREWOOD, M.D.

Dr. Harewood made her initial appearance before the Board, pursuant to the terms of her January 9, 2008 Consent Agreement.

In response to Board members' questions, Dr. Harewood stated that she is doing rather well. She is currently job searching. She stated that she is an internist in Kettering, serving a five-year probation. OPHP serves as her supervising physician. Dr. Harewood stated that she only takes medication for hypertension at this time. She added that she thinks that she is doing well in her recovery. She does have employment, not as a physician. She has been working at three other jobs for about the past year. She has daily contact with at least one, if not two, of her children. She attends regular meetings and has friends within the recovery system. Dr. Harewood stated that her mother has been in a nursing home in Dayton during this period of time, so she has responsibility for all of her mother's affairs, as well.

DR. STEINBERGH MOVED TO CONTINUE DR. HAREWOOD UNDER THE TERMS OF HER JANUARY 9, 2008 CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. MADIA SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

WILLIAM WAYNE HOLLIFIELD, M.D.

Dr. Hollifield made his initial appearance before the Board, pursuant to the terms of his September 12, 2007 Consent Agreement.

In response to Board members' questions, Dr. Hollifield stated that he is a neurosurgeon in North Carolina. He has a construction job in Georgia. He currently takes Depakote and Trileptal, which he's been on for five years. That works quite well with his bipolar disorder. His alcoholism recovery is doing

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quite well with daily spiritual attention and regular meetings, as well as with discussions with his friends and his sponsor. Dr. Hollifield stated that his two daughters, ages 19 and 25, are quite supportive. His siblings are in the Winston-Salem area and they are very supportive as well.

Dr. Hollifield did not have any questions about his consent agreement.

DR. STEINBERGH MOVED TO CONTINUE DR. HOLLIFIELD UNDER THE TERMS OF HIS SEPTEMBER 12, 2007 CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

BOBBY C. LENOX, JR., D.O.

Dr. Lenox made his initial appearance before the Board, pursuant to the terms of his January 9, 2008 Consent Agreement.

In response to Dr. Steinbergh's questions, Dr. Lenox stated that he's in a family practice in Versailles, Ohio.

Dr. Steinbergh noted that Dr. Lenox has nominated Scott W. Swabb, D.O., to serve as his monitoring physician, but that Dr. Swabb would only serve as monitoring physician for approximately 30 days. She asked what Dr. Lenox has done to try to find another monitoring physician.

Dr. Lenox stated that he has been diligent in making phone calls in his rural area. He stated that he's having a little bit of difficulty, but he's certainly not giving up under any circumstances.

Dr. Steinbergh asked where Versailles is.

Dr. Lenox stated that it's in the northeastern corner of Darke County, which is about 45 minutes northwest of Dayton.

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Dr. Steinbergh asked whether Dr. Lenox has considered looking in Dayton for a monitoring physician.

Dr. Lenox stated that that is a possibility. He stated that he's looking, more specifically, in Miami County, which is the county immediately adjacent to Darke County to the east.

Dr. Steinbergh asked when Dr. Swabb's 30 days would begin, should the Board approve him.

Ms. Bickers stated that the consent agreement requires that, if the monitoring becomes unwilling or unable to serve, Dr. Lenox has 30 days to get another monitor. He'll have a little time to work with.

Dr. Lenox advised that he does understand the seriousness of finding another monitor.

In response to questions about his health, Dr. Lenox stated that he is currently taking Protonix for chronic GERD. He's also taking Effexor for an adjustment disorder and for depression. He is also seeing Dr. Gerald Kay, a psychiatrist in Dayton for his mental health. He's undergoing counseling with Dr. Kay on a weekly basis.

DR. STEINBERGH MOVED TO APPROVE SCOTT W. SWABB, D.O., TO SERVE AS DR. LENOX'S MONITORING PHYSICIAN FOR THE NEXT 30 DAYS, WITH 10 CHARTS REVIEWED PER MONTH. DR. STEINBERGH FURTHER MOVED TO CONTINUE DR. LENOX UNDER THE TERMS OF HIS JANUARY 9, 2008 CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE.

At this time Dr. Lenox thanked the Board for the opportunity to continue practicing medicine.

DR. MADIA SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

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ALBERTO LEON, M.D.

Dr. Leon made his initial appearance before the Board, pursuant to the terms of the Board's Order of November 10, 2004.

In response to Board members' questions, Dr. Leon stated that he's an emergency room physician in Xenia, Ohio. When asked whether he had anything he'd like to impart to the students in the room, he stated that he regrets that when he was a medical student at Ohio State many years ago, he was not allowed to come and sit in on Board meetings. He stated that he thinks that it would have been very beneficial because, quite frankly, when his class graduated in 1980, he doesn't think any of them had a clue about what the State Medical Board's function really is and the obligations that physicians have. He stated that he had some vague idea, but nothing specific.

In response to further questions, Dr. Leon stated that he's presently teaching and indulging himself in some hobbies. He doesn't have any immediate plans to return to practice. He added that he's not looking to get back into what he did for over 20 years, which was a high-volume emergency department with a fair amount of trauma and high levels of patient criticality. He stated that when he graduated from his residency, that was exciting and fun; but at this point in his life he thinks that some possibilities exist no more. He stated that he's not actively looking to do clinical medicine. He enjoys very much what he's doing. In fact, he doesn't consider it work. He teaches CMS coding and documentation guidelines. He gets to go all over the country and meet a lot of neat people. Dr. Leon stated that his father used to say, "lucky is the person whose vocation is an avocation," and he's had somewhat the sensation of what his father meant.

DR. STEINBERGH MOVED TO CONTINUE DR. LEON UNDER THE TERMS OF THE BOARD'S ORDER OF NOVEMBER 10, 2004, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

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RICHARD ALLAN ZINNI, D.O.

Dr. Zinni made his initial appearance before the Board, pursuant to the terms of his February 13, 2008 Consent Agreement.

In response to Board members' questions, Dr. Zinni stated that his license to practice osteopathic medicine was reinstated in February, and he's under a five-year probation. Addressing the medical students, Dr. Zinni stated that, as Dr. Leon indicated, he believes that in some way he would have had some idea of what he was getting himself into with his disease had he come to a medical Board Meeting at the time he was in medical school. As much as he treated individuals with chemical dependency and alcoholism and saw the ramifications and devastation of the disease, he didn't think that he had the problem. Now that he's at the other end, it's been a blessing. Dr. Zinni stated that this isn't the road he would have taken, but it's been a blessing for him because it's given him his life back, which is what he thought he had before. The exposure to what the medical students are getting can only lay the groundwork for them to understand that they can go and seek help. Dr. Zinni stated that he didn't think that he could. He knew he had the problem toward the end, but he didn't know with whom he could talk. He had no idea what a step 1 consent agreement was. He was powerless and his life was unmanageable. Today, if he doesn't do what he needs to do, his life can become unmanageable again. Dr. Zinni stated that he makes a choice not to. He makes the choice to do what he's asked to do, and to share with the support staff he has. Dr. Zinni stated that he thinks the exposure that physicians are allowed to give at these Board meetings and the students are allowed to hear, can only benefit them. Dr. Zinni stated that he appreciates what the Board has done for him, adding that Ms. Bickers has been very helpful.

Dr. Steinbergh stated that the Board has entered into this pilot program with OUCOM, and is looking into ways to communicate with all medical students in Ohio.

In response to further questions, Dr. Zinni stated that it's been difficult finding a job. He knows that he has to go through the hoops and everything. What he's found out in the last few years and recently is that the medical profession is prejudiced against the disease of addiction and is ignorant. Those are his colleagues, but to try to share with them honestly is difficult. Dr. Zinni explained the difficulties he's had in getting a job. He added that he does have two opportunities now, and hopefully he will make his decision on which one tomorrow. He can then nominate his monitoring physician. Dr. Zinni stated that he's talked with both facilities about that requirement, and they each have a CV waiting for him. He just has to decide which job he will take. Dr. Zinni stated that a lot of recruiters and hospitals around the country want at least five years of sobriety, regardless. Dr. Zinni stated that he's been up front with prospective employers. He has a letter that actually explains what's happened over the last three years. He stated that he can tell that some are a little uneasy about it, and he can tell by their voices that some are in the program, too. Dr. Zinni stated that the consequences are the consequences, and he understands that. He just has to keep pursuing that and going forward. Dr. Zinni stated that when he was actively talking to somebody, they got the point where they were talking about contracts. Dr. Zinni stated that it's nice to show them the consent agreement, which is what he does, but he also shows them his logs and his urine toxicology screens. He stated that nobody has ever asked for them, but he shows them anyway and he believes that has helped with these two jobs. He stated that three years ago he never would have done that, but it's progress.

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Dr. Steinbergh stated that, hopefully, as the profession educates a new generation of physicians in the disease model and understanding chemical dependency and alcoholism, in the future there will be more understanding.

Dr. Amato left during the previous discussion.

DR. STEINBERGH MOVED TO CONTINUE DR. ZINNI UNDER THE TERMS OF HIS FEBRUARY 13, 2008 CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. MADIA SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

LICENSURE, PROBATION AND REINSTATEMENT CONSENT AGENDA

Dr. Varyani 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. Varyani 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.

DR. STEINBERGH MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES ON FEBRUARY 11-12, 2008, WITH: GERALD B. APPEGATE, M.D.; ALLAN W. CLARK, M.D.; KEVIN R. CLARK, M.D.; LYNNE A. EATON, M.D.; DEBORAH LYNNE FRANKOWSKI, M.D.; RICHARD DAVID GREZANIK, D.O.; ARLAN MARCUS GUSTILO-ASHBY, M.D.; MARK O. HENSON, M.D.; TIMOTHY J. HEYD, M.D.; NORMAN I. HIRSCH, D.O.; JAMES CAMERON JOHNSON, D.O.; JAMES M. KENNEN, D.O.; MAHENDRA K. MAHAJAN, M.D.; DONALD C. MANN, M.D.; ALAN J. PARKS, M.D.; DALE PRATT-HARRINGTON, D.O.; JOSEPH ALOYSIUS RIDGEWAY, IV., M.D.; LEROY P. RISE, M.D.; KENT ROBINSON, M.D.; STEPHEN J. ROLFE, M.D.; WILLIAM L. SCHLOTTERER, D.O.; CHRISTOPHER S. SHAW, M.D.; JOHN W. SHAW, M.D.; MARIE T. SHEDLOCK, P.A.; JOSEPH COOPER SIMONE, D.O.; RICHARD S. SKOBLAR, M.D.; JACK E. SLINGLUFF, D.O.; PATRICIA A. SPIESS, M.D.; DAVID E. SUBLER, M.D.; ANDREAS HERBERT SZOKOLOCZY-SYLLABA, D.O.; ROSS PUTMAN TURNER, D.O.; MICHAEL J. VJECHA, M.D.; AND

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RANDALL G. WHITLOCK, JR., P.A.; DR. STEINBERGH FURTHER MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES AND THE SECRETARY'S AND SUPERVISING MEMBER'S RECOMMENDATIONS AS FOLLOWS FOR BOTH PROBATIONARY REQUESTS AND REINSTATEMENT REQUESTS:

- **TO GRANT ASHRAF S. BADOUR, M.D.'S REQUEST FOR APPROVAL OF DUANE G. SPIKER, M.D., TO SERVE AS HIS TREATING PSYCHIATRIST;**
- **TO GRANT TODD S. CARRAN, M.D.'S REQUEST FOR APPROVAL OF ROBERT L. KUYKENDAL, M.D., TO SERVE AS HIS ASSESSING PSYCHIATRIST REQUIRED PRIOR TO REINSTATEMENT;**
- **TO APPROVE AMANUEL AMBAYE DANACHEW, M.D.'S NEW PRACTICE PLAN THAT WOULD ALLOW THE DOCTOR TO WORK APPROXIMATELY 20 TO 25 HOURS A WEEK AS A GASTROINTESTINAL PATHOLOGIST FOR GASTROENTEROLOGY ASSOCIATES OF CLEVELAND;**
- **TO GRANT GREGORY G. DUMA, M.D.'S REQUEST FOR APPROVAL OF DEBORAH WILSON GILBERT, PH.D., TO SERVE AS HIS MENTAL HEALTH PROFESSIONAL;**
- **TO APPROVE LYON L. GLEICH, M.D.'S REQUEST FOR A WAIVER OF APPEARANCES UNTIL FINAL APPEARANCE BEFORE THE FULL BOARD;**
- **TO GRANT CAREY K. GROSS, D.O.'S REQUESTS FOR: REDUCTION IN DRUG AND REHABILITATION MEETINGS TO TWO A WEEK WITH A TOTAL OF TEN A MONTH; REDUCTION IN DRUG SCREENS TO TWICE PER MONTH; AND REDUCTION IN APPEARANCES TO EVERY SIX MONTHS;**
- **TO GRANT ADAM P. HALL, D.O.'S REQUESTS FOR: A REDUCTION IN APPEARANCES TO EVERY SIX MONTHS; ELIMINATION OF CHART REVIEW; AND REDUCTION IN SCREENS TO TWICE PER MONTH;**
- **TO GRANT GREGORY KARASIK, M.D.'S REQUEST FOR A REDUCTION IN APPEARANCES TO ANNUALLY;**
- **TO GRANT JUAN C. MEJIA, M.D.'S REQUEST FOR A WAIVER OF PERSONAL APPEARANCES UNTIL HIS FINAL APPEARANCE BEFORE THE FULL BOARD;**
- **TO GRANT WILLIAM O. MURTAGH, JR., M.D.'S REQUEST FOR A REDUCTION IN DRUG SCREENS TO ONCE A MONTH; AND A REDUCTION IN PSYCHIATRIC SESSIONS TO ONCE A QUARTER UPON RECEIPT OF SUPPORT LETTER FROM PSYCHIATRIST;**

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- TO GRANT IMRAN RAZA NAQVI, M.D.'S REQUEST FOR APPROVAL OF STEPHEN J. GOLDBERG, M.D. TO SERVE AS HIS SUPERVISING PHYSICIAN;
- TO GRANT THOMAS A. NGUYEN, M.D.'S REQUESTS FOR ELIMINATION OF THE REQUIREMENT TO MAINTAIN AN ADVOCACY CONTRACT WITH A PHYSICIAN HEALTH PROGRAM; AND FOR APPROVAL OF SANDRA D. BATSEL-THOMAS, M.D., TO SERVE AS HIS NEW TREATING PSYCHIATRIST;
- TO GRANT MICHAEL J. O'BRIEN, D.O.'S REQUEST FOR APPROVAL OF ROGER B. CHAFFEE, M.D., TO SERVE AS THE NEW MONITORING PHYSICIAN;
- TO GRANT WILLIAM J. PLATT, D.O.'S REQUEST FOR APPROVAL OF STEVEN W. CLAY, D.O., TO SERVE AS HIS SUPERVISING PHYSICIAN;
- TO APPROVE MARK ALLEN RENZ, M.D.'S MODIFIED PRACTICE PLAN, WHICH WOULD ALLOW THE DOCTOR TO MOONLIGHT TYPICALLY 1 NIGHT/WEEK (10-12 HOUR SHIFT) AT THE MEDICAL CENTER OF NEWARK. THE POSITION WOULD INVOLVE PROVIDING CODE COVERAGE DURING NIGHTS AND WEEKENDS. DR. RENZ WOULD HAVE NO ACCESS TO CONTROLLED SUBSTANCES;
- TO GRANT DEBORAH L. TAYLOR, M.D.'S REQUEST FOR APPROVAL OF JULIE A. GUTHRIE, M.D., TO SERVE AS HER TREATING PSYCHIATRIST;
- TO GRANT JOSEPH G. WERNER, M.D.'S REQUEST FOR A REDUCTION IN APPEARANCES TO EVERY SIX MONTHS; AND HIS REQUEST FOR A REDUCTION IN DRUG SCREENS TO TWICE A MONTH; AND
- TO APPROVE BRETT E. TOWARD, M.D.'S REQUEST FOR REINSTATEMENT OF HIS LICENSE TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF OHIO, SUBJECT TO THE PROBATIONARY TERMS AND CONDITIONS AS OUTLINED THE JANUARY 11, 2007 CONSENT AGREEMENT.

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," AND THE P.A. APPLICANTS LISTED IN EXHIBIT "B;" TO APPROVE THE RESULTS OF THE APRIL 2008 COSMETIC THERAPY EXAMINATION (EXHIBIT "C"), 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; AND TO GRANT CERTIFICATES OF GOOD STANDING TO THE SCHOOLS OF MASSAGE THERAPY, LISTED IN EXHIBIT "D." DR. MADIA SECONDED THE MOTION. A vote was taken:

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ROLL CALL:

Dr. Egner	- aye
Dr. Talmage	- aye
Dr. Suppan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Steinbergh	- aye
Dr. Varyani	- aye

The motion carried.

Mr. Albert left the meeting at this time.

LICENSURE

JEROME ROBERT SWITCH, D.O.

Dr. Switch's application for endorsement of his diplomate status with the National Board of Osteopathic Medical Examiners was presented to the Board for consideration at this time. Ms. Schmidt noted that the Board ratified a consent agreement with Dr. Switch earlier in the meeting.

DR. EGNER MOVED TO APPROVE DR. SWITCH'S APPLICATION FOR ENDORSEMENT 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:

Dr. Egner	- aye
Dr. Talmage	- aye
Dr. Suppan	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Steinbergh	- aye
Dr. Varyani	- aye

The motion carried.

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ADMINISTRATIVE REPORT

Mr. Whitehouse referred the Board members to his written report, a copy of which shall be maintained in the exhibits section of this journal.

Mr. Whitehouse reminded the Board members that they are required to file their Ohio Ethics Commission (OEC) Financial Disclosure statements by April 15. He also advised the newer Board members that they will be required to complete training by the OEC relative to their responsibilities as members of a state regulatory board every two years. If they did not complete this program in 2007, they will have to do so by the end of this year.

Mr. Whitehouse reported that an intensive orientation will be organized in May and June for new Board members to inform them of Board functions and assist them in taking on their new duties.

Mr. Whitehouse noted that monthly updates by the enforcement and fiscal departments are attached to his report, and he advised Board members that both Ms. Anderson and Ms. Loe are present should the Board members have any questions.

Mr. Browning asked for a brief explanation as to why there were no Reports and Recommendations on the agenda.

Mr. Whitehouse stated that two of the Hearing Examiners are working on large cases and have not had time to complete other cases.

Mr. Whitehouse continued his report, referring to a recent newspaper report on state employee overtime, and the fact that the Medical Board's overtime hours had purportedly tripled over the past year, making it the state agency with the highest percentage increase, going from \$9,000 in 2006 to \$28,000 in 2007. He advised that Ms. Loe is preparing a detailed report to forward to Board members on what contributed in the large jump in Medical Board overtime. He advised that part of the reason for the large jump is that three employees new to the Board, but previously employed by other state agencies, brought their overtime record with them. That accounts for \$4,000 to \$5,000 of the \$18,000 increase. He stated that those amounts weren't hours for which this Board paid. Other contributors were the State's conversion to the OAKS payroll system, which required extensive training, and licensure matters. The remaining increase was spread over 23 employees. Mr. Whitehouse stated that, for him, this was not a terribly bothersome article, although he understands that a couple of Board members were concerned about it.

Mr. Hairston stated that he's been with the Board since December, and he remembers a conversation that the Board was down some staff members. He asked whether that wouldn't have required overtime for other staff members.

Mr. Whitehouse stated that that would be one of the reasons. He stated that, to him, this number was not startling. He added that the number in absolute dollars was not surprising, and everything was directly attributable to something that the Board consciously, deliberately did.

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Dr. Egner stated that she's a little concerned about the explanation in the paper that the amount of staff overtime was due to biennial licensure renewal. She stated that the Board doesn't have that anymore, and it hasn't had that. The Board has been on the staggered system long enough that that wouldn't be the explanation. Dr. Egner stated that she's just concerned about that.

Ms. Wehrle stated that the physicians are on staggered renewal. Massage therapists are not on staggered renewal. They are still biennial and they all renewed on August 31, 2007.

PRESIDENT'S REPORT

Dr. Varyani at this time extended welcome to Dr. Stephens and Dr. Suppan, the Board's new Board members. He added that there will be one more new member added shortly. Dr. Varyani stated that it's good to see that almost the full Board is present.

Dr. Varyani stated that he will address the issue regarding the lack of Reports and Recommendations this month with Mr. Whitehouse. He noted that the number of cases keeps increasing. He thinks that the Board needs to do more about moving its caseload.

Dr. Varyani noted that having about four new Board members creates a problem, as far as Committee assignments. He asked Ms. Wehrle to distribute copies of the Committee organizational chart she has prepared to all Board members. He asked that Board members contact him concerning their preferences for Committee Chair appointments. He noted that Dr. Egner will chair the Licensure Committee and he will chair the Minimal Standards Committee. Dr. Varyani stated that if the Board wishes to change committee structure, this is the time to do it. He stated that if he doesn't hear suggestions from Board members within a few weeks, he will make the decision on the chair appointments for the other Committees.

Dr. Varyani noted that the annual meeting of the Federation of State Medical Board [FSMB] takes place before the May Board meeting. He noted that Dr. Talmage is up for election to the Board of Directors, and representatives from Ohio are encouraged to support his candidacy.

Dr. Talmage stated that for the gentlemen who are attending from Ohio, he has purchased ties with cardinals, the state bird of Ohio, on them. He has also purchased cardinal broaches and earrings.

REPORTS BY ASSIGNED COMMITTEES

EXECUTIVE COMMITTEE

Ms. Wehrle reviewed the four resolutions to be considered by the FSMB's House of Delegates.

1. Resolution 08-1, proposed by the Oregon Medical Board, requires a thorough review of FSMB Bylaws, individually and as a unified document;
2. Resolution 08-2, proposed by the North Carolina Medical Board, requires the FSMB to encourage the development of courses to help providers learn effective means of communicating

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- with patients and relaying medical information in a respectful manner;
3. Resolution 08-3, proposed by the Iowa Board of Medical Examiners, requires that the FSMB House of Delegates recognize the value of keeping all FSMB policies current and meaningful, and directs the FSMB board and staff to develop a process for reviewing all policies and resolutions every five years; and
 4. Resolution 08-4, proposed by the New Jersey State Board of Medical Examiners, requires that the FSMB take steps to assist member boards to evaluate their own statutes, rules and regulations, and to, where necessary, modify those statutes rules and regulations to provide for the rapid interstate mobility of licensure.

Ms. Wehrle advised that the Executive Committee recommends that the Board support Resolutions 08-1, 08-2 and 08-3, and deny support for resolution 08-4.

Dr. Varyani explained that the Committee discussed the pros and cons of Resolution 08-4, and Dr. Talmage suggested that the Board should try to garner the support of other delegates to inform the FSMB that the Boards would rather have a uniform set of principles that guide the various boards on how to do things, rather than modify everything in one way for all states to follow.

Ms. Wehrle stated that, procedurally, the member Boards have submitted the resolutions to be considered by the FSMB House of Delegates. All of the other medical boards across the country are doing the same thing the Ohio Board is doing. There is a Reference Committee meeting that's held during the annual meeting, and all of these resolutions will be discussed, and sometimes they are amended before they go to the House of Delegates on Saturday afternoon.

Dr. Steinbergh asked whether there will be a regional boards meeting.

Ms. Wehrle stated that there will be a regional breakout meeting on Thursday afternoon.

Mr. Albert arrived during the previous discussion.

Board members indicated support for the Committee's recommendations.

LEGISLATIVE LIAISON & RULES COMMITTEE

Mr. Miller reviewed the written report, a copy of which shall be maintained in the exhibits section of this journal. He advised that the Committee discussed S.B. 229 and H.B. 398, the radiology assistant bill. There have been a couple of substitute bills introduced since the March Board meeting. He advised that on March 27, he, Dr. Egner, Mr. Whitehouse and Ms. Debolt participated in a conference call with the interested parties on the substitute bill. Most of their suggestions were taken into consideration. Pretty much the only outlying issue the Board raised that is still out there is the level of education that would be required for a radiology assistant. The bill as of right now requires only a bachelor's degree or post-baccalaureate certificate level of education.

Dr. Steinbergh asked Dr. Egner whether the language in regard to the radiologic procedures worked out.

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Dr. Egner stated that it did work out, and that the procedures will be specifically listed. Dr. Egner stated that she felt the telephone conference went extremely well. She added that, as far as the Board's suggestions, Mr. Miller was very well prepared, spoke very well and people seemed receptive to the Board's concerns. Dr. Egner stated that the education portion is going to be an uphill battle.

Mr. Miller stated that fluoroscopic procedures are the only ones listed in the legislation at this point in time. The Board will be given rulemaking authority for any of the image-guided or additional radiologic procedures, and the Board gets to determine the appropriate level of supervision.

Dr. Varyani thanked Dr. Egner for the time she has spent working with this legislation.

Mr. Miller stated that the Board should be seeing an additional substitute bill on the radiological bill. It will allow radiology assistants, under on-site supervision, to perform procedures on patients under minimal sedation.

Dr. Varyani asked Mr. Miller to define "mild sedation."

Mr. Miller stated that "minimal sedation" will reflect exactly what is in the current rules.

Dr. Egner stated that she thinks that there is some oral medication that comes under "moderate."

Dr. Varyani stated that for different people it means different things, and institutions are different. He stated that, as long as it is minimal and the anesthesiologists are on-site, he will go along with it.

Mr. Miller reviewed the other matters contained in his written report. He advised that on April 16, he, Mr. Browning and Dr. Steinbergh will be meeting with the Deans Council with respect to the Scope of Practice Committee.

Mr. Browning stated that they will report on the meeting at the Board's May meeting.

Mr. Whitehouse stated that, previously, when the Deans Council was approached about an educational program, they told the Board to show them what the Board could do. He stated that there will be one more group of students from OUCOM coming to a Board meeting, and he thinks that the Board is at the point where it will review its progress in the program and how it may offer the program to other schools. He noted that there are cameras in the room today, filming the meeting, to see whether technology can be used to reach more people. He would like to take the opportunity of meeting with the deans on the 16th to give them a progress report.

Dr. Steinbergh stated that she is not opposed to Mr. Whitehouse's suggestion, but she feels that the meeting really needs to be focused on scope of practice concerns. She suggested that another meeting be arranged for the education piece.

Mr. Whitehouse stated that he hadn't intended to do a formal presentation – just a brief update on the

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Board's progress.

LICENSURE COMMITTEE

Dr. Egner, Acting Chair of the Committee, reported for the Committee. Dr. Egner stated that the Committee reviewed a number of applications.

Anthony Armineous, MD

Dr. Egner advised that Dr. Armineous has requested a waiver for good cause of the seven-year rule. He is over the seven-year time limit by ten months. He passed Steps 1 and 2 on his first attempts with scores of 75 and 80, and passed Step 3 on the second attempt with a score of 76. Dr. Armineous has provided a letter of explanation claiming he went over the seven-year limit for USMLE because he was not made aware of the seven-year rule until he had finished his residency.

Dr. Egner stated that Dr. Armineous graduated from Ain Shams University in December 1987.

Dr. Armineous trained and practiced in Egypt from January 1988 until November 1999. He immigrated to the United States, and worked as a Physician Assistant and an instructor in Illinois from November 1999 until June 2004. Dr. Armineous trained in Internal Medicine at NEOUCOM in Canton from July 2004 until June 2007. Dr. Armineous holds an Ohio training certificate.

Dr. Egner stated that the Committee recommends denial of Dr. Armineous' request for a good cause waiver.

DR. EGNER MOVED TO DENY DR. ARMINEOUS' REQUEST FOR A GOOD CAUSE WAIVER OF THE SEVEN-YEAR RULE. DR. MADIA SECONDED THE MOTION.

Dr. Egner stated that the Committee didn't feel that not knowing about the seven-year rule constituted good cause.

Dr. Steinbergh stated that she was in favor of approving Dr. Armineous' request.

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

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- nay
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- nay
	Mr. Hairston	- nay
	Dr. Stephens	- aye
	Dr. Steinbergh	- nay
	Dr. Varyani	- nay

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The motion failed.

DR. STEINBERGH MOVED TO APPROVE DR. ARMINEOUS' REQUEST FOR THE LIMITED EXCEPTION OF THE SEVEN-YEAR RULE, AS OUTLINED IN RULE 4731-6-14(C)(3), OAC, AND TO ACCEPT HIS EXAMINATION SEQUENCE IN ORDER FOR HIM TO BE GRANTED A LICENSE, 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	- nay
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- nay
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- nay
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

Maryam Bakhshandeh, M.D.

Dr. Egner advised that Dr. Bakhshandeh has also submitted a request for a waiver of the seven-year rule. He is over the seven-year time limit by eight months. He passed Steps 1 and 2 on his second attempts with scores of 77 and 78, and passed Step 3 on the third attempt with a score of 75. Dr. Bakhshandeh's letter of explanation advises that he went over the seven-year limit for USMLE because he thought the 7-year rule applied to seven years after taking Step 1 (he took Step 2 first.)

Dr. Egner stated that Dr. Bakhshandeh graduated from Hamadan University of Medical Sciences in February 1994. He trained and practiced in Iran from February 1994 until August 1999, at which time he immigrated to the United States, and worked at Central Suffolk Hospital in Riverhead, New York from September 1999 until May 2001. Dr. Bakhshandeh trained in Pathology at St. Barnabas Health Care System in Livingston, New Jersey from July 2001 until July 2005. He then trained as a Fellow in Breast Pathology at the University of Florida Health Center in Jacksonville, Florida from July 2005 until July 2007. Dr. Bakhshandeh has worked as a Pathologist at CBLPath, Inc since August 2007. Dr. Bakhshandeh holds licenses in Florida and New York. He does not report board certification.

Dr. Egner stated that the Committee recommends denial of Dr. Bakhshandeh's request for a waiver. She added that, although the Board doesn't require board certification, a physician in Dr. Bakhshandeh's position not having board certification does cause some concern.

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DR. EGNER MOVED TO DENY DR. BAKHSHANDEH'S REQUEST FOR A WAIVER OF THE SEVEN-YEAR RULE. DR. MADIA SECONDED THE MOTION.

Dr. Steinbergh asked whether the Board has any information that Dr. Bakhshandeh was denied board certification.

Ms. Rieve stated that the Board has no such information.

Dr. Talmage inquired as to the current status of Dr. Bakhshandeh's Florida and New York licenses.

Ms. Rieve advised that both licenses are current.

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

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- nay
	Dr. Suppan	- nay
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- nay
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye

The motion carried.

Geoffrey L. Heyer, M.D.

Dr. Egner advised that Dr. Heyer is also requesting a waiver of the seven-year rule for good cause. Dr. Heyer is over the seven-year time limit by five months. He passed Steps 1, 2 and 3 on the first attempt with scores of 93, 85 and 84. Dr. Heyer provided a letter of explanation, claiming he went over the seven-year limit for USMLE because of family problems and a divorce. He also advised that he wasn't required to pass all steps of USMLE in seven years for the state of New York.

Dr. Egner continued that Dr. Heyer graduated from Columbia University College of Medicine in New York, NY in May 2000. He trained in Pediatrics at Emory University from July 2000 until June 2001. Then he trained as a resident in Pediatrics at Dartmouth-Hitchcock Hospital in Lebanon, NH from July 2001 until June 2002. He continued training at Columbia University Medical Center from July 2002 until June 2005 in Neurology and Pediatric Neurology. He then completed research at Mailman School of Public Health in New York, NY as a research fellow in biostatistics from July 2005 until October 2006. Dr. Heyer has been an Assistant Professor in Pediatric Neurology at Columbia University since November 2006 to the present time. Dr. Heyer holds licenses in Connecticut, New York and Vermont. Dr. Heyer does not report board certification.

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Dr. Egner advised that the Committee recommends approving the limited exception of the seven-year rule as outlined in Rule 4731-6-14(C)(3), OAC, and accepting his examination sequence in order for him to be granted a license.

DR. EGNER MOVED TO GRANT DR. HEYER'S REQUEST FOR THE LIMITED EXCEPTION OF THE SEVEN-YEAR RULE, AS OUTLINED IN RULE 4731-6-14(C)(3), OAC, AND TO ACCEPT HIS EXAMINATION SEQUENCE IN ORDER FOR HIM TO BE GRANTED A LICENSE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCORDANCE WITH LICENSURE PROTOCOLS. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

Mehrdad Nikfarjam, M.D.

Dr. Egner advised that Dr. Nikfarjam is seeking licensure based on the applicability of Section 4731.14(B)(2), ORC, which permits the Board to determine equivalency to the GME training requirement of two years through the second year level. Section 4731.14(B)(2), ORC, is pertinent to a consideration of that application and states in part that:

...the board shall issue its certificate to each individual who was admitted to the board's examination by meeting the education requirements specified in division (B)(2) of section 4731.091 of the Revised Code if the individual passes the examination, pays a certificate issuance fee of three hundred dollars, submits evidence satisfactory to the board that the individual has successfully completed not less than twenty-four months of graduate medical education through the second-year level of graduate medical education or its equivalent as determined by the board, . . . (emphasis added).

Dr. Egner advised that Dr. Nikfarjam graduated from the Monash University in Melbourne, Australia in December 1997. Dr. Nikfarjam completed training and practiced in Australia from December 1997 until February 2002. He immigrated to the U.S. in April 2007, and began research at Massachusetts General Hospital in Boston from April 2007 until July 2007. Dr. Nikfarjam then entered a Clinical Fellowship in Surgical Oncology at Penn State-Milton S. Hershey Medical Center from July 2007 until the present (eight

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months completed). Dr. Nikfarjam holds a current license in Pennsylvania. He has not reported board certification through the American Board of Medical Specialties, but he reports he is a Fellow of the Royal Australasian College of Surgeons. Dr. Nikfarjam has completed a PhD. in Australia.

Dr. Egner stated that Dr. Nikfarjam is requesting that the Board deem his training and experience in Australia, and his eight months of clinical fellowship in the United States to be equivalent to 24 months of graduate medical education through the second-year level of GME so that he may be granted a license. Dr. Egner advised that the Committee recommends denial.

DR. EGNER MOVED TO DENY DR. NIKFARJAM'S REQUEST THAT THE BOARD FIND THAT HIS PREVIOUS TRAINING AND EXPERIENCE IS EQUIVALENT TO 24 MONTHS OF GRADUATE MEDICAL EDUCATION THROUGH THE SECOND YEAR LEVEL. DR. MADIA SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- abstain

The motion carried.

Mani Vannan M.D.

Dr. Egner advised that Dr. Vannan is also seeking licensure based on the applicability of Section 4731.14(B)(2), ORC, which permits the Board to determine an equivalent to the GME training requirement of two years through the second year level. She advised that Dr. Vannan graduated from the Madras University in Madras, India in December 1982. He completed training and practiced in India from February 1983 until December 1984. Dr. Vannan immigrated to the United Kingdom in January 1985, and began training in medicine at various hospitals in the UK until October 1992. Dr. Vannan then entered a Research Fellowship in Cardiology at Tufts-New England Medical Center from November 1992 until October 1993 (12 months completed). Dr. Vannan practiced as an Assistant Professor at Tufts (11/93-1/98), Morton Hospital in Taunton, MA (2/98-8/98), Associate Professor at the University of Michigan (9/98-3/01), Professor of Medicine at Hahnemann Hospital (4/01-10/03), and finally at UCI Medical Center in Orange, CA from November 2003 to the present. Dr. Vannan holds current licenses in Pennsylvania, Michigan, Massachusetts and California. He has not reported board certification through the American Board of Medical Specialties, but he reports he is a Fellow of the Royal College of Physicians in Ireland and the United Kingdom.

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Dr. Egner advised that Dr. Vannan has requested that the Board deem his training and experience in the United Kingdom, and his 12 months of clinical fellowship in the United States to be equivalent to the 24 months of graduate medical education through the second-year level of GME so that he may be granted a license. Dr. Egner stated that the Committee recommends denial of Dr. Vannan's request.

DR. EGNER MOVED TO DENY DR. VANNAN'S REQUEST FOR A FINDING OF EQUIVALENCY. DR. STEINBERGH SECONDED THE MOTION.

Dr. Talmage stated that Dr. Vannan was an assistant professor at Tufts for five years, he taught at Morton Hospital for six months, and at the University of Michigan for two and a half years. Dr. Talmage felt that Dr. Vannan has had a wealth of experience in the United States.

Dr. Egner stated that the Committee discussed that, and she thinks that there's a plus and a minus to that. One might look at it as a plus and the other looks at it as an awfully large variety of jobs with no explanation.

Dr. Steinbergh commented that there's no consistency in education.

Dr. Egner stated that she doesn't know what to make of that. She stated that she's not saying that any of Dr. Vannan's decisions were made lightly. On the other hand, there are requirements that American graduates must meet, and the Board sticks to those requirements vigorously. She doesn't feel that Dr. Vannan has had as much clinical postgraduate education as American graduates have had. Dr. Egner stated that it makes it difficult to grant a license in this case.

Dr. Madia stated that rather than doing all those jobs, Dr. Vannan could have done a year of fellowship. That's what he needed. That was the reason for the proposed denial.

Dr. Varyani stated that the counterpoint to that is, if you're an assistant professor, why would you want to do a fellowship?

Dr. Stephens asked what Dr. Vannan was actually doing as an assistant professor. Was he in the lab? There's no proof that Dr. Vannan had really good clinical extended time.

Dr. Varyani again stated that if someone offers you a fellowship and another offers you an assistant professorship, there's no thinking about it. You'll take the assistant professorship.

Dr. Egner stated that in the long-term, that might not be a very good thing to do.

Dr. Madia agreed, stating that if you want to practice as a clinician for the rest of your life, you will do a fellowship, not an assistant professor teaching someone in a lab. He stated that that's what he would do.

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

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ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- abstain
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

At this time, Ms. Debolt reported on the proposed criminal records check rules. She stated that there has been only one substantive change to this rule and that is that the PAPC had suggested that it's easier if all of the P.A. rules are in Chapter, 4730., OAC. The original draft referred the P.A.s to the procedure in Chapter 4731., the general Medical Board rules. The substantive change is that the rule was created for Chapter 4730., for P.A.s. Other than that, there were some technical, non-substantive changes.

Dr. Varyani asked whether the Board has to consider this today.

Ms. Debolt stated that the Board needs to do it. The law is effective and the Board is actually receiving criminal records checks reports.

MR. BROWNING MOVED TO FILE THE PROPOSED RULES AND TO INSTRUCT STAFF TO PROCEED TO RULES HEARING. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

P.A. COMMITTEE

Dr. Talmage stated that the P.A. Policy Committee tabled the Special Services Plan on the agenda, and

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therefore the Committee did not review those plans.

Dr. Talmage stated that the Committee did review applications for provisional certificates to prescribe, and recommends approval of all applications.

DR. TALMAGE MOVED TO GRANT PROVISIONAL CERTIFICATES TO PRESCRIBE TO ANTHONY CIAVARELLA, PA-C, DENISE CLOSE, PA-C, CHRISTOPHER FRICK, PA-C, AND TY C. WARD, PA-C, 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. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

Dr. Talmage stated that the Board also reviewed the application for a provisional certificate to prescribe from Scott A. Golde, PA-C., who has applied through the ten years of clinical experience route. To be eligible, Mr. Golde would need his previous employer to complete Form B of his application. Dr. Talmage stated that, unfortunately, three physicians with whom he worked for three years are no longer in practice. Mr. Golde can provide certification by physicians for nine years and nine months of clinical experience. Dr. Talmage stated that it is being proposed that Medical Board documentation of the previous employers' utilization plan and supervision agreement serve as verification of the ten years of work experience. Dr. Talmage stated that the Committee recommends that the Board accept this verification and grant Mr. Golde a provisional certificate to prescribe.

DR. TALMAGE MOVED TO GRANT A PROVISIONAL CERTIFICATE TO PRESCRIBE TO SCOTT A. GOLDE, P.A.-C, 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. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye

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Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Stephens	- aye
Dr. Steinbergh	- aye
Dr. Varyani	- aye

The motion carried.

Dr. Steinbergh stated that in March the Board tabled a special services plan for the P.A. to do Microwave Thermotherapy for prostate (BPH) in order to get more information about the procedure. She advised that the President has approved her request to have a guest address the Board on this topic in May, and she has arranged for George T. Ho, M.D., to meet with the Board.

SCOPE OF PRACTICE COMMITTEE

Dr. Steinbergh advised that the Committee reviewed a draft response to a letter from Richard J. Wyderski, M.D., Associate Residency Program Director, Wright State University Boonshoft School of Medicine, concerning the rejection of prescriptions/orders written by resident physicians at the Medical Surgical Health Center at Miami Valley Hospital in Dayton, both by pharmacists, home care agencies and medical equipment companies. Copies of both letters shall be maintained in the exhibits section of this journal.

Dr. Steinbergh stated that the Committee felt that Dr. Wyderski's concerns are quite legitimate and recommends that the draft response, confirming Dr. Wyderski's sense that the resident physicians, using the hospital DEA can write prescriptions and order medical equipment. She added that the draft response indicates that the Board is not aware of any rule or statute that requires a pharmacist, a home health care agency or medical equipment company to honor a prescription written by a resident.

DR. STEINBERGH MOVED TO SEND THE DRAFT LETTER TO DR. WYDERSKI.

MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

Dr. Steinbergh stated that the Committee also reviewed inquires from Adam M. Myers, D.P.M., of New Philadelphia, and Jeff Baller, D.P.M., of Wooster, concerning the ability of a podiatric physician to treat wounds below the knee. She noted that the letters are practically identical. Copies of the letters and the draft responses shall be maintained in the exhibits section of this journal.

Dr. Steinbergh stated that the draft responses outline the scope of practice of podiatry in Ohio and confirms for them that this is definitely within the scope of practice of podiatry to treat wounds below the knee. The responses include a caveat which reaffirms that they may use hyperbaric oxygen therapy in wound treatment, but they may not supervise the rendering of hyperbaric oxygen therapy.

DR. STEINBERGH MOVED TO SEND THE LETTERS TO DR. MYERS AND DR. BALLER.

MR. BROWNING SECONDED THE MOTION. All members voted aye. The motion carried.

Dr. Steinbergh stated that the Committee reviewed a draft response to the Ohio Board of Nursing's inquiry

as to whether the limited interpretation of an x-ray for the purpose of verifying placement of a PICC tip is the practice of medicine. The draft response reviewed by the Committee indicates that it is the Board's opinion that the limited interpretation of an x-ray for the purpose of verifying the placement of the PICC tip prior to the initiation of infusion therapy is the practice of medicine and must be performed by a physician. Dr. Steinbergh stated that this issue was discussed by the Board months ago and was never resolved. The Committee recommends sending the draft letter, which is the same letter reviewed by the Board in November, and which was tabled by the Board at that time.

Dr. Egner stated that since the Board discussed this in November, she has been looking into the way this is handled in hospitals. One hospital will have a PICC team consisting of four nurses who will be specially trained. It will be their job to do this procedure. Dr. Egner stated that she felt it was appropriate for nurses to do an initial read on the x-ray, as long as a radiologist gives the final read. If anything, she feels stronger about it today than she did when the Board considered this in November. She thinks it is appropriate. Dr. Egner stated that she's talked with a lot of these nurses who do it, and they are abiding by the rule that the radiologist looks at the x-ray, too. Nothing can be given through the line until the radiologist reads it. This is a system that's trying to be good for the patient and make it more efficient.

Dr. Talmage stated that his question is, if the radiologist has to read it before they can infuse, what difference does it make? What good is their reading the x-ray anyway? Dr. Talmage stated that he is opposed to this being done without the physician reading the x-ray before infusion.

Dr. Egner stated that the nurses want the Board to say that the radiologist doesn't need to see the x-ray before infusion begins.

Dr. Talmage stated that he doesn't think any medication should be infused until the radiologist reads the x-ray. That is what can be fatal. The placement could be off a little bit and a radiologist could pick that up before they put medication through it. If they placed it to the best of their ability, let the radiologist read it.

Dr. Varyani stated that he wouldn't have a problem if it was just in a hospital setting, but PICC lines are now being done in offices, surgery centers where there is no such team. Would the same nurses, if they go to offices or surgery centers, be allowed to do read the x-rays for this limited purpose?

Dr. Madia stated that it would also be done by home health nurses. He stated that they have mobile x-ray units.

Dr. Egner stated that she didn't think about that.

Dr. Varyani stated that if it was just in a hospital setting, he wouldn't have a problem. But these PICC lines are being done in office surgeries, in outpatient surgery centers, and by home health workers.

Dr. Steinbergh stated that she sees tremendous damage, even in the arm, when the PICC line is not placed properly. She differs with other Board members in that she does worry about this being done in a hospital setting. She doesn't think that, for efficiency, the Board should reduce its commitment to patient care and to protecting patients. The patients don't know better. She added that she sees it as a dangerous move.

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**DR. STEINBERGH MOVED TO SEND THE PROPOSED LETTER TO THE NURSING BOARD.
DR. EGNER SECONDED THE MOTION.** A vote was taken:

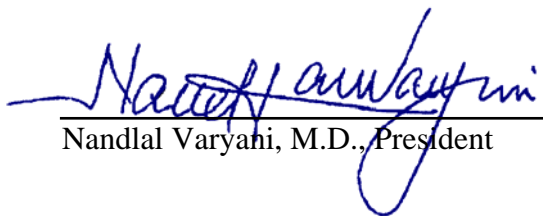
ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

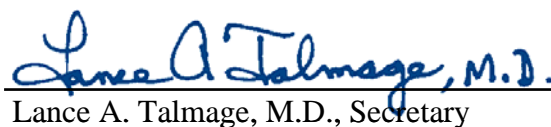
The motion carried.

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

Thereupon at 5:30 p.m. the April 9, 2008 session of the State Medical Board of Ohio was duly adjourned.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio, meeting on April 9, 2008, as approved on May 14, 2008.


Nandlal Varyani, M.D., President


Lance A. Talmage, M.D., Secretary

(SEAL)

