

July 9, 2008

MINUTES

THE STATE MEDICAL BOARD OF OHIO

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Nandlal Varyani, M.D., President, called the meeting to order at 1:05 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: 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.; Darshan Mahajan, M.D., and Anita M. Steinbergh, D.O. The following did not attend the meeting: Dalsukh Madia, M.D., Vice-President, and Susan E. Stephens, M.D.

Also present were: Richard A. Whitehouse, Executive Director; Diann K. Thompson, Assistant Executive Director; Kimberly C. Anderson, Assistant Executive Director; William J. Schmidt, Senior Counsel, Enforcement, Compliance & Investigations; Rebecca J. Marshall, Chief Enforcement Attorney; Mark R. Blackmer, David P. Katko, Angela S. McNair, Karen H. Mortland, Marcie P. Pastrick, Cheryl D. Pokorny, Sheldon Safko 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; Jacqueline A. Moore, Disciplinary Information Assistant.

Dr. Varyani introduced and welcomed Dr. Mahajan to the Board.

MINUTES REVIEW

MR. ALBERT MOVED TO APPROVE THE MINUTES OF JUNE 11-12, 2008. MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

PRESENTATION BY JACK BROSE, D.O., DEAN, OHIO UNIVERSITY COLLEGE OF OSTEOPATHIC MEDICINE.

At this time Dr. Brose addressed the Board concerning the "Partners In Professionalism" pilot project in which the Board and OUCOM participated. Dr. Brose stated that the purpose of the program is to avoid problematic behavior and practices among the students, to increase awareness of the Medical Board functions, to increase the knowledge of state laws and regulations, and to enhance the relationship between the Board and students as future licensees of the Board.

Dr. Brose outlined how the program works, beginning with Mr. Whitehouse addressing the medical students about ethics and professionalism issues from the Board's perspective. That perspective being that behaviors that exist in the student now may well manifest themselves in problems for practitioners called

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before the Board later. He indicated that Mr. Whitehouse's introduction to the program is entertaining, and the response from the students has been positive. Prior to their attendance at a Board meeting, the students are briefed on what they may expect. They attend the meetings in small groups and observe the proceedings. Dr. Brose stated that the comments from the students have been overwhelmingly positive. He added that he feels that there have already been some behavior changes from the students after their attendance. Dr. Brose stated that there is also a debriefing after the students attend a Board meeting, to evaluate the experience.

Dr. Brose stated that the school would like to continue the program and somewhere down the line put in place evaluation procedures to see what long-term effects the program has on the students who go through the experience.

Mr. Browning asked Dr. Brose whether he had any thoughts about how the program might be expanded to other medical schools. He asked whether it could be effectively done by video.

Dr. Brose stated that the experience of being at the Board meeting is a positive one, although he realizes that, logistically, it would be difficult to accomplish for all of the schools.

Dr. Talmage asked Dr. Brose whether he would consider doing a comparative study, having half the students come to a meeting and half viewing a video.

Dr. Brose stated that he would be.

Dr. Steinbergh commented that traveling was a problem for some of the students.

Dr. Amato asked whether holding a Board meeting at the university would be as effective.

Dr. Brose stated that the Board could do the whole OUCOM class at one time and cover all the other schools in a year if it held its meetings at the schools.

Dr. Steinbergh stated that that possibility was discussed, but there is an issue with support staff and the difficulty in getting the product to the school. She stated that if a Board member wishes to consider an alternative order, here the staff and equipment is readily available to prepare the alternative for that meeting. Dr. Steinbergh stated that this would be very difficult to do at the schools.

Dr. Varyani thanked Dr. Brosee for addressing the Board on this issue.

EXECUTIVE SESSION

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

VOTE: Mr. Albert - aye

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Dr. Egner	- aye
Dr. Talmage	- aye
Dr. Suppan	- aye
Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye

The motion carried.

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

The following joined the meeting after the executive session: Gretchen Petrucci, Hearing Examiner.

REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDER

Dr. Varyani announced that the Board would now consider the Reports and Recommendations appearing on its agenda. He asked whether each member of the Board had received, read and considered the hearing record; the Findings of Fact, Conclusions of Law and Proposed Orders; and any objections filed in the matters of Paula Clark Adkins, M.D.; Carolyn Elizabeth Johnson, M.D.; W. Scott Nekrosius, M.D.; and Bradley Rex Wolf, M.D.; and the Proposed Findings and Proposed Order in the matter of Kenneth Lester Drews, M.D. A roll call was taken:

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

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:

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

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Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Mahajan	- 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 Reports and Recommendations and the Proposed Findings and Proposed Order shall be maintained in the exhibits section of this Journal.

PAULA CLARK ADKINS, M.D.

Dr. Varyani directed the Board's attention to the matter of Paula Clark Adkins, M.D. He advised that objections were filed to Hearing Examiner Petrucci's Report and Recommendation and were previously distributed to Board members.

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

Dr. Adkins thanked the Board for allowing her to appear. She stated that she is in receipt of Ms. Petrucci's Report and Recommendation, and she would like to address a couple of issues she had.

Dr. Adkins referred to paragraph C.2. of the Proposed Order, which requires her to make quarterly appearances before the Board or designee. Dr. Adkins stated that if that is mandatory, it would be okay; however, it is about an eleven-hour drive and she wondered whether the Board would consider any changes in that.

Dr. Adkins stated that in subsequent pages there is reference to urine drug screens being provided to the Board on a quarterly basis. Dr. Adkins stated that all of her screen reports go to the North Carolina Physicians Health Program. She stated that she can get those, but she was wondering whether there is any type of option of signing a release from them to the Board to get them, or whether a quarterly letter from that Program, along with her own quarterly report, would suffice.

Dr. Adkins referred to page 22 of the Report and Recommendation that states that the drug and alcohol screens be done by an Ohio Board-approved site. She stated that she is now under contract with the North Carolina Physicians Health Program and is in its monitoring program, and is in full compliance. Everything is done at its approved site. She stated that she doesn't know whether she needs to go through the approval with Ohio or if what she has in place in North Carolina would suffice.

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Dr. Adkins stated that the Order also requires her to notify the Ohio Board when she leaves Ohio; however, she doesn't reside in Ohio so she's not sure what she would need to do.

Dr. Steinbergh stated that that's standard language and doesn't really apply when you're practicing out of state.

Dr. Adkins stated that the main reason she's appearing before the Board today is that the recommendations were for a stayed revocation and a minimum suspension of 180 days. Dr. Adkins stated that the initial hearing was in February, and, due to a very heavy caseload, the Report and Recommendation wasn't filed until June 13. She stated that it was her understanding that the Report would be filed a couple of weeks after the hearing in February. She asked that the Board consider any of the time between this date and February as part of the 180 days. Dr. Adkins again stated that she's under contract with the North Carolina Physicians Health Program, she's in good standing, she's solid in her recovery, having almost a year and a half of sobriety. August 2 will be one year post-treatment. Dr. Adkins stated that she's active with her aftercare group.

Dr. Egner asked whether Dr. Adkins has been working.

Dr. Adkins stated that she has not. She stated that she hasn't worked since December 2006. She added that she has no intention of practicing in Ohio, but, in order to retain her American Board of Emergency Medicine certification, it is important that her Ohio license not be suspended.

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

Ms. Pfeiffer advised that Ms. Unver was the attorney on this case. She at this time read into the record Ms. Unver's prepared statement:

Dr. Paula Adkins has repeatedly been before this Board because of her continued abuse of Tussionex. In 2005, she entered into a Step 1 Consent Agreement with the Board based upon a conviction for forgery in North Carolina for fraudulently issuing a prescription for Tussionex in the name of a neighbor and obtaining the medication for self-use. One of the terms of the 2005 Consent Agreement required Dr. Adkins to abstain completely from the personal use or possession of drugs. But she didn't. In November, 2006, the North Carolina Medical Board summarily suspended Dr. Adkins after she tested positive in a drug screen for Tussionex. Meanwhile, Dr. Adkins sought reinstatement of her certificate to practice medicine in Ohio and this Board entered an Order in March 2007 reinstating her certificate and imposing probationary terms and conditions. One of the terms of the 2007 Order required Dr. Adkins to abstain completely from the personal use or possession of drugs. But Dr. Adkins did not abstain from the use of Tussionex, and her relapse was reported to the Board one month later in April 2007.

This most recent case involves a violation of the Board's March 2007 Order, and a bootstrap action involving disciplinary action taken by both the North Carolina and West

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Virginia Medical Boards. Dr. Adkins readily admitted to her abuses at this most recent hearing and she has successfully completed a 90-day inpatient treatment program through the North Carolina Physicians Program. Dr. Adkins seems committed to recovery, but requires strict monitoring to ensure her successful recovery.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF PAULA CLARK ADKINS, M.D. DR. EGNER SECONDED THE MOTION.

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

Dr. Steinbergh stated that she concurs with the Report and Recommendation. She noted that Dr. Adkins has lost licenses in other states and has had multiple relapses. Dr. Steinbergh commented that Dr. Adkins appears to be making every effort now to heal herself, and the Board hopes that she does. The Proposed Order is for a stayed revocation, a 180-day suspension, and terms that she finds to be appropriate.

Dr. Egner asked whether Dr. Adkins is currently under a suspension in North Carolina, and, if so, how long will she be under suspension there.

Dr. Adkins stated that it is her understanding that the Physicians Health Program will advocate for her for relicensure in August. It is her understanding that she should regain licensure in August or September

Dr. Egner stated that she's asking that question because she's considering Dr. Adkins' request to either shorten the 180-day suspension or make it retroactive to another time. Dr. Egner stated that, personally, she doesn't think that a hearing in February and a Report and Recommendation in July was really untimely. She stated that the Board has seen much longer than that.

Dr. Egner stated that she has no problems with the Report and Recommendation. She noted that Dr. Adkins has had a troubled past. Unfortunately, she cannot look at this and think that Dr. Adkins is a sure thing. She stated that she wishes that she felt otherwise. Dr. Egner stated that Dr. Adkins really needs to be monitored and to follow the Board rules. Dr. Egner added that if she relapses again, it will be unfortunate, but she thinks that Dr. Adkins will lose her license.

Dr. Suppan asked whether any Board members have any feelings concerning Dr. Adkins' request to have the laboratory testing in North Carolina to be submitted in lieu of Ohio's. She stated that she personally didn't see a problem with that.

Dr. Steinbergh asked how she is handling that now.

Dr. Egner stated that she thinks that's going to happen anyway.

Dr. Talmage stated that, procedurally, that request is granted almost routinely.

Mr. Albert left the meeting during the previous discussion.

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A vote was taken on Dr. Steinbergh's motion to approve and confirm:

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

The motion carried.

CAROLYN ELIZABETH JOHNSON, M.D.

Dr. Varyani directed the Board's attention to the matter of Carolyn Elizabeth Johnson, M.D. He advised that no objections were filed to Hearing Examiner Petrucci's Report and Recommendation.

MR. BROWNING MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF CAROLYN ELIZABETH JOHNSON, M.D. MR. HAIRSTON SECONDED THE MOTION.

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

Dr. Steinbergh stated that Dr. Johnson failed to cooperate in the Medical Board's investigation. She added that she concurs with the Proposed Order of revocation.

A vote was taken on Mr. Browning's motion to approve and confirm:

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

The motion carried.

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W. SCOTT NEKROSIUS, M.D.

Dr. Varyani directed the Board's attention to the matter of W. Scott Nekrosius, M.D. He advised that no objections were filed to Hearing Examiner Porter's Report and Recommendation.

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

Dr. Nekrosius thanked the Board for allowing him to present his objections to the Recommendations in his case.

Dr. Nekrosius stated that the Recommendations propose that he participate in a postgraduate training program. He stated that this has been proposed before, and he's applied to seven out-of-state postgraduate training programs, taking approximately a year to eighteen months to do this. He's finally found out that all require a state license. He presented evidence at hearing, that most other states won't provide him a license for training because he has a limited license in Ohio. He's even applied to Wisconsin, where he obtained his original license, and it also denied his application, even though he was accepted into the residency program.

Dr. Nekrosius continued that he tried for another year to a year and a half to apply to residencies in Ohio. He applied to four different residencies, and found that two of them had a two-year waiting list and generally took residents from their own training program, and the other two were funded by the Veterans Administration Hospital. With great difficulty, and with the help of Dr. Goldberg in Cincinnati, he found out that the V.A. program will not accept anyone with a restriction or limitation on his or her license. Dr. Nekrosius stated that, although he has been trying to be compliant with the Board, training programs will not accept him because of the V.A. funding.

Dr. Nekrosius stated that in the level of his participation with the Board, every time he's faced restriction or found problems, he found out that the restrictions from the Board had become more difficult, such as the directive for vigorous monitoring in the postgraduate training program, as presented in this proposal. Dr. Nekrosius stated that he has done no criminal activity, and he feels that these restrictions are related to criminal monitoring.

Dr. Nekrosius stated that, concerning the probation proposed in the Report and Recommendation, he could not find or did not see what the probationary period would be. He questioned how long the quarterly compliance meetings would be required, how long personal appearances would be required, and how long he would have to have a monitoring physician for participation in the Ohio program.

Dr. Nekrosius stated that the restrictions set forth for the probationary period are extremely onerous. Things would prohibit his ability to find a job, maintain a job relationship, and to continue to practice medicine in Ohio or any state.

Dr. Nekrosius asked that the Board make any directions it issues for him a "doable" process. He's worked a number of years to try to be compliant with the Board in both finding a residency in Ohio and outside of

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Ohio, and finding that neither were possible, and he was between a rock and a hard place. Dr. Nekrosius stated that he wishes to return to gainful employment, and he wishes to be a productive member of his medical community.

Dr. Nekrosius stated that he looks to his egregious oversights and errors, and he seeks to repair his practice and to return to help people with mental illness.

Dr. Nekrosius stated that he seeks justice and compassion in his return to the practice of psychiatry. In light of the present recommendations, he also seeks mercy from the Board in its consideration.

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

Ms. Pfeiffer stated that Ms. Unver, who had to leave the meeting, was the Assistant Attorney General in this matter. She stated that Ms. Unver left the following written statement for her to read:

This is a case involving an impasse between Dr. Nekrosius and the Board. Dr. Nekrosius has been in a Step 1 Consent Agreement with the Board since March 2002 and he has been suspended from the practice of medicine since that time. Dr. Nekrosius entered into the Step 1 Consent Agreement in lieu of formal proceedings for violations including standard of care issues involving patients in his psychiatric practice. One of the conditions of the Step 1 Consent Agreement was a requirement for Dr. Nekrosius to verify his participation in and successfully complete the Colorado Physicians Effectiveness Program, otherwise known as CPEP. Dr. Nekrosius went to the CPEP program in 2002 for an evaluation of his clinical skills, and CPEP submitted an Assessment Report to the Board stating that Dr. Nekrosius' performance demonstrated inconsistent medical knowledge and poor clinical reasoning and documentation skills. The CPEP evaluation concluded that education remediation would be extensive, but stated that Dr. Nekrosius could not participate in the program until full cognitive and health evaluations were completed. Dr. Nekrosius did obtain a neuropsychological evaluation in 2002, but CPEP never received the report and a breakdown in communication took place over the next few years. Dr. Nekrosius obtained an updated neuropsychological evaluation in 2007. In 2006, the Board began negotiating a Step II Consent Agreement with Dr. Nekrosius, which would reinstate his license to practice medicine but place a strict limitation on Dr. Nekrosius' license to allow him to participate in a post-graduate training program only. Dr. Nekrosius asserts that he cannot get into a training program of any sort with a limitation on his license, and so he refused to enter into a consent agreement with the Board. And so we are here today on an impasse between Dr. Nekrosius and the Board.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. PORTER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF W. SCOTT NEKROSIUS, M.D. DR. AMATO SECONDED THE MOTION.

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

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Dr. Egner stated that this was a pretty lengthy and detailed Report and Recommendation, adding that she thought it was put together very well. She stated that the first sense she has about Dr. Nekrosius is that he has really significant deficiencies in taking care of his patients. She noted the following: Dr. Nekrosius stated in the record that he would never speak to a patient's spouse, when some of the issues were especially related to the spouse; his use of medications appears arbitrary; his prescribing practices were inappropriate; his documentation was awful; his inability to remember certain patients with really significant illnesses. Concerning the latter, Dr. Egner stated that physicians see a lot of patients, but she is always amazed at the patients who stand out in her mind, whom she can remember and remember in fairly good detail. Dr. Egner stated that she doesn't think that she's unusual in that way. Dr. Egner stated that, at the conclusion of all this, Dr. Nekrosius didn't really come to see any of this.

Dr. Egner continued that Dr. Nekrosius was evaluated at CPEP and their assessment summary advises that:

- his medical knowledge is inconsistent;
- his clinical reasoning and judgment are poor;
- his decision-making was seen as dangerous;
- he demonstrated a need to improve his patient communication skills;
- his documentation was poor; and
- although his overall cognitive screening performance was average, there were some real concerns there.

Dr. Egner stated that she doesn't really see where the Board is ever going to have a conclusion of Dr. Nekrosius. Dr. Egner referred to Ms. Unver's statement where it says that Dr. Nekrosius did have a neuropsychological evaluation twice. Dr. Egner stated that when she read the record, she didn't feel that he had it quite under the circumstances that the Board had intended him to have it done. She stated that she might not be correct on that, and she doesn't want it to be a sticking point. Dr. Egner stated again that she doesn't think that the Board will ever have resolution of Dr. Nekrosius, nor does she think that Dr. Nekrosius is going to improve to the point that the Board wants him to improve, even if he found a residency program. Dr. Egner stated that she thinks that Dr. Nekrosius' license should be permanently revoked. She added that, on the other hand, even if the Board doesn't permanently revoke Dr. Nekrosius' license, she doesn't think that he will ever comply with this and essentially is revoked. She asked whether this is someone whom the Board wants to practice psychiatry, and has he shown any indication that he agrees with any of the conclusions that the Board has made. She noted that the only thing that Dr. Nekrosius admits is poor documentation.

Dr. Steinbergh concurred with Dr. Egner. She stated that Dr. Nekrosius has substantial and serious minimal standards issues. She stated that she agrees with Dr. Egner in that she doesn't think that

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Dr. Nekrosius will ever practice again. The Proposed Order is appropriate if the Board wants to approve it; yet, Dr. Nekrosius is saying that it can't be done. He can't find a postgraduate program. Dr. Steinbergh stated that she doesn't think that there is any way the Board should allow Dr. Nekrosius to practice without retraining of some sort. She added that she doesn't disagree with the concept of permanent revocation.

DR. EGNER MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF W. SCOTT NEKROSIUS, M.D., BY SUBSTITUTING AN ORDER OF PERMANENT REVOCATION. DR. STEINBERGH SECONDED THE MOTION.

Mr. Browning asked whether there is any reason to just revoke, as opposed to permanently revoke. He stated that he agrees with the basic concept, but he's just wondering if there is any chance that Dr. Nekrosius can put something together that adds up, that is consistent with the Board's standards.

Dr. Egner stated that if the Board wants to do that, it might as well just stay with the Proposed Order because that tells him specifically what he needs to do. If the Board just revokes him and he then comes back, it will probably just put the terms of the Proposed Order in place.

Dr. Steinbergh stated that she does think that the Board has enough evidence of substantial patient harm that permanent revocation is in order. The Board did try to resolve this through an agreement, and it hasn't been resolved. Dr. Steinbergh stated that she can't see that he should be practicing in this state. Dr. Nekrosius is telling the Board that he can't find a program, and without some type of significant remediation, he cannot practice. Dr. Steinbergh stated that this is different from a case where the Board doesn't have enough evidence to substantiate a permanent revocation and revokes the license until it can get more evidence. She stated that she thinks that the Board has all the evidence it needs.

Mr. Browning asked what stands out in Dr. Steinbergh's mind as the most significant, relative to permanent revocation, of the fourteen patient cases in the record.

Dr. Steinbergh stated that it's Dr. Nekrosius' whole body of work, the assessments that were done, and his inability to recognize the inappropriateness of it all.

Mr. Browning stated that it's a sad state of affairs, but he agrees.

Mr. Albert returned to the meeting and Dr. Talmage left the meeting during the previous discussion.

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

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

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Dr. Steinbergh - aye
Dr. Varyani - aye

The motion carried.

Dr. Egner asked to hear from some of the Board members who abstained on the vote. She asked whether they abstained because they know this physician and don't feel that they can vote on this case, or because they have objections to the amendment.

Dr. Mahajan stated that he felt that Dr. Nekrosius is sort of caught. Not many programs will take residents his age. He's not going to find a residency. Maybe he could work in administration or something else. Dr. Mahajan stated that he doesn't want to expose patients to danger, but he has mixed feelings.

Dr. Suppan stated that she shares Dr. Mahajan's feelings. She also cited her newness to the Board and her lack of history of this case in order to form an opinion.

Dr. Varyani stated that he was kind of ambivalent. Realistically, there is no answer. Even if Dr. Nekrosius takes an administrative position, the Medical Board's job is to issue licenses to practice medicine in Ohio. The Board cannot say that he will be an administrator. If the Board gives him the privilege to practice medicine in Ohio, it's not doing the right thing. Dr. Varyani stated that, by adopting the Proposed Order, the Board isn't going to get anywhere. It will cause trouble for both Dr. Nekrosius and the Board, and they'll just be going around in circles. Dr. Varyani added that he feels that what Dr. Nekrosius has done is quite egregious. The Board can't let Dr. Nekrosius practice as he is and take care of patients in Ohio.

Mr. Browning stated that his sense is that the Board has allowed people to practice who have been at this level, but this is a serious problem that the Board can't fix. Mr. Browning asked whether there is any other way to fix this problem, to put Dr. Nekrosius through some education or training process that would have a serious shot at fixing the problem, if the residency idea is unworkable. He commented that, to some degree, it's unworkable not because of Dr. Nekrosius. That's just the way the programs are set up. Dr. Nekrosius is in a situation where he simply can't get in. Is there any other path forward other than what the Board has proposed?

Mr. Browning commented that Dr. Nekrosius is already out of practice; he's been out for years. He can't get back. Mr. Browning added that he's totally committed to the notion that Dr. Nekrosius cannot practice today.

Dr. Varyani stated that that's the whole point. He added that the other point that the Board has to look at, is that this started in 2002. It is now 2008. If he was bad in 2002, does the Board think that things have gotten better?

Mr. Browning stated that he doesn't.

Dr. Varyani asked how long the Board is going to keep on doing this. He added that, if Dr. Nekrosius hasn't found a remedial situation in six years, he highly doubts that he'll find one. Dr. Varyani stated that

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the Board's prime function is the safety of patients. He stated that he knows that the Board should give Dr. Nekrosius a chance, but six years is long enough.

Mr. Browning asked whether there is any other way forward to address the documented problems.

Dr. Varyani stated that he doesn't think that there is.

Dr. Steinbergh stated that she doesn't agree with the concept that the Board needs to try to reconcile this.

Mr. Browning stated that his only concern with permanent revocation is whether that is the appropriate end to this man's career, versus the original proposal. He's gone either way, so what's the appropriate balance?

Dr. Steinbergh stated that it's a case of very, very poor patient care. The Board can go with the Proposed Order and Dr. Nekrosius will never get a residency program, or it can cut it off now and permanently revoke.

Mr. Browning expressed concern about the consistency of the Board's policies. He asked whether this set of shortcomings rises to the level of permanent revocation. He stated that that's a big question. He stated that Dr. Nekrosius practice was bad, but permanent revocation is a pretty high standard of this Board.

Dr. Amato stated that, that being the case, why wasn't his license permanently revoked sooner.

Dr. Steinbergh stated that the Board attempted to allow Dr. Nekrosius to retrain. That has been unsuccessful.

Dr. Amato stated that acts of commission or omission occurred prior to that; those haven't changed. The reason he abstained was that the acts occurred prior to entering into the consent agreement. With this Proposed Order, it sounds as though Dr. Nekrosius can never return to practice anyway. Permanent revocation is something that the Board should have done before, if it feels it is appropriate now.

Dr. Egner stated that her take on this is that it's not the responsibility of the Board. It is Dr. Nekrosius' responsibility. He had a consent agreement in 2002, with which he never complied. She read from page two of the Report and Recommendation, concerning the Board's October 10, 2007 citation letter, which indicates that he was to be assessed in Colorado, which he was. CPEP could not reach a conclusion until he had his neuropsychiatric evaluation and a general health evaluation so that they could then put together a plan of action for him. If he was found not even to be capable, that would have affected his plan of action.

Dr. Egner referred to the CPEP report that states:

(Dr. Nekrosius) cannot participate in an educational program until his cognitive/health concerns are assessed and any impact on his practice is ascertained.

In its notice of opportunity letter, the Board also noted that Dr. Nekrosius had "failed to have his cognitive/health concerns assessed and/or failed to have reports from such

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assessments submitted to CPEP.

Dr. Egner stated that, by failing to be assessed and to submit his assessments as required, CPEP was unable to do the rest of their job. In 2003, Dr. Nekrosius submitted a request to the Board for reinstatement when he had never complied with his original consent agreement. Despite ongoing negotiations, the Board and Dr. Nekrosius have been unable to reach agreement. Dr. Egner stated that she feels that the responsibility lies with Dr. Nekrosius, and part of the problem is that he, just as he is in his practice, is of a single mindset. He does not admit to the failures that he had in his practice, and he has not been compliant with his consent agreement. He just wants to reapply and be reinstated.

Dr. Amato advised that at the time it entered into the consent agreement, the Board felt that Dr. Nekrosius could be rehabilitated. Whether Dr. Nekrosius chose or did not choose to be rehabilitated was not the issue. Dr. Amato stated that if his practice was so bad that permanent revocation is in order, why wasn't it in order in 2002. He hasn't practiced since 2002, and the Board didn't permanently revoke his license then. Dr. Amato stated that permanent revocation is the ultimate punishment of this Board, and nothing has changed.

Dr. Egner stated that what has changed is Dr. Nekrosius' non-compliance with the 2002 Consent Agreement.

Dr. Steinbergh stated that the Board gave him a chance and he didn't fulfill that.

Dr. Amato again stated that permanent revocation is the Board's ultimate club and both Dr. Egner and Dr. Steinbergh stated that the reason they're going that way is because of the way the man practiced. He practiced that way in 2002. This is 2008. Dr. Amato stated that he has to assume that they feel that the way he practiced prior to 2002 was the safety risks they're coming from. Therefore, why didn't the Board permanently revoke his license in 2002?

Dr. Steinbergh stated that the Board wanted to see if he could be retrained. To date, he has not been retrained. She stated that this Board Order is consistent with attempting to get him into training again. She stated that the Board could approve the originally Proposed Order, but Dr. Nekrosius is telling the Board that he can't get that done. What's the point of doing this again?

Dr. Amato stated that he understands that. He added that he's coming from the same place as Mr. Browning. Permanent revocation is the Board's ultimate club.

Dr. Steinbergh asked whether Dr. Amato has any other alternatives.

Dr. Amato stated that the Board should go with the original proposal. He again stressed that practice patterns did not change from 2002 to 2008. If Dr. Nekrosius' practice patterns today say that the Board should permanently revoke, why didn't the Board permanently revoke in 2002?

Mr. Browning stated that, having said that, the Board has to assume that Dr. Nekrosius is telling the truth; that, in fact, he made some good faith effort to connect with residency programs in and out of the state of

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Ohio, and it was simply not possible for him to be accepted anywhere. If there was no good faith effort, the Board could argue that he thumbed his nose at the Board.

Dr. Suppan stated that, if the Board can assume that Dr. Nekrosius is being truthful and made a good faith effort, then maybe he truly is between a rock and a hard place. She asked whether there is room for some middle ground. She asked whether it is at all feasible that the Board would make the appropriate change in his licensure status if Dr. Nekrosius were able to produce a letter of intent from a residency program that said that it would take him and supervise him.

Dr. Mahajan stated that the likelihood of Dr. Nekrosius getting any program to take him is nil. If the Board goes back to the Proposed Order, he's taken out of practice anyway.

Dr. Varyani at this time stated that Dr. Egner's amendment passed.

Dr. Talmage returned during the previous discussion.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. PORTER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF W. SCOTT NEKROSIUS, M.D. DR. EGNER SECONDED THE MOTION. A vote was taken:

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

The motion carried.

MR. BROWNING MOVED TO APPROVE AND CONFIRM MR. PORTER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF W. SCOTT NEKROSIUS, M.D. MR. HAIRSTON SECONDED THE MOTION.

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

DR. STEINBERGH MOVED TO AMEND THE PROPOSED ORDER, AS FOLLOWS:

- **AMEND PARAGRAPH 4.b. TO INDICATE THAT THE FIRST QUARTERLY DECLARATION OF COMPLIANCE BE RECEIVED ON OR BEFORE THE FIRST DAY OF THE THIRD MONTH FOLLOWING THE MONTH IN WHICH PROBATION BECOMES**

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EFFECTIVE;

- **AMEND PARAGRAPH 4. TO INDICATE THAT THE FIRST APPEARANCE TAKE PLACE DURING THE THIRD MONTH FOLLOWING THE MONTH IN WHICH THE PROBATION BECOMES EFFECTIVE; AND**
- **REMOVE PARAGRAPH 4.g. AND ADD IT AS PARAGRAPH 8;**

MR. BROWNING SECONDED THE MOTION.

Dr. Varyani stated that he would now entertain discussion of Dr. Steinbergh's motion. There was no further discussion.

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

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

The motion carried.

MR. BROWNING MOVED TO APPROVE AND CONFIRM MR. PORTER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF W. SCOTT NEKROSIUS. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

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BRADLEY REX WOLF, M.D.

Dr. Varyani directed the Board's attention to the matter of Bradley Rex Wolf, M.D. He advised that a response to the Report and Recommendation was filed by Dr. Wolf, and objections have been filed by the State. Both were previously distributed to board members.

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

Dr. Wolf thanked the Board for allowing him to speak. He stated that he has been a physician for 28 years, having graduated from Indiana University. He practiced emergency medicine for ten years and surgical hair restoration for ten years. During those 28 years he's never had any actions against any license, nor any malpractice suits. He's tried to practice with the highest ethical nature throughout that time. Dr. Wolf stated that he comes from a family of doctors. He's a third generation physician from Cincinnati. He was taught to respect the position of "Doctor" and what "M.D." stands for, and he's tried to emulate that and respect that throughout his career. He again stated that his record has been clean for 28 years.

Dr. Wolf stated that his brother, who was a cardiac surgeon at OSU, had a resident come through: a Ruben Bogin, from Kazakhstan, who was licensed in Kazakhstan and in Russia. He advised that Mr. Bogin expressed some interest in what Dr. Wolf did, and approached him about learning to do hair transplant surgery. Dr. Wolf stated that he hired Mr. Bogin as an assistant. At the time he hired Mr. Bogin, Mr. Bogin was a resident at OSU, doing his second residency in general surgery. He had also passed Parts I and II of the National Boards. Dr. Wolf stated that Mr. Bogin assured him that within a number of months he would pass Part III of the National Boards and be licensed to practice medicine. That six months turned into four years. Dr. Wolf advised that Mr. Bogin was unable to pass Part III of the National Boards.

Dr. Wolf stated that he continued to employ Mr. Bogin as a surgical assistant, and Mr. Bogin was paid in that way. Mr. Bogin drove back and forth between Columbus and Cincinnati when they did a surgical procedure. As time went on, Mr. Bogin began to do more and more and, as the Report and Recommendation indicates, Dr. Wolf did aid Mr. Bogin in practicing medicine. Dr. Wolf stated that that was certainly unintentional. It was just that, over the course of time that Mr. Bogin was there, things evolved that way. Dr. Wolf stated that it was of no gain to him or to his practice, monetarily or otherwise, to have Mr. Bogin work with him. Mr. Bogin was merely there to assist him.

Dr. Wolf stated that he has learned his lesson from this. He added that he understands the decision against him, and he understands that he had a serious lapse in judgment. This was something that he had never done before. He stated that he had never had any kind of unlicensed person or foreign doctor working with him. He added that he would not put himself in this position again.

Dr. Wolf again thanked the Board for hearing him.

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

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Mr. Wilcox stated that he believes that the facts in this case show that Dr. Wolf allowed an unlicensed individual, Ruben Bogin, to practice hair transplant procedures at his clinic in Cincinnati, Ohio. On numerous occasions, Mr. Bogin attempted and completed surgical procedures, including excising and removing scalp tissue, suturing the donor site, and making incisions in the scalp for follicles to be placed. There is no doubt that Mr. Bogin conducted these procedures because at hearing Dr. Wolf, himself, admitted that he allowed Mr. Bogin to do these procedures.

Mr. Wilcox stated that the State's expert witness, David C. Romano, M.D., confirmed what he believes the Board members already know, and what he believes is an obvious fact; that these procedures do, indeed, constitute the practice of medicine. At hearing, Dr. Wolf implied that he wants this Board to believe that Mr. Bogin's actions were not his actions alone, but were somehow an extension of Dr. Wolf's practice. The fact remains that Mr. Bogin was an unlicensed person who was practicing medicine. Dr. Wolf's medical license is not transferrable. He cannot claim that Mr. Bogin's actions were just an extension of his own license. Dr. Wolf was, in effect, making the decision that Mr. Bogin was qualified to practice medicine and surgery in this state. That decision is exclusively within the province of this Board.

Mr. Wilcox stated that he believes that, under the disciplinary guidelines, there are some aggravating factors present in this case. A pattern of misconduct was demonstrated in that Dr. Wolf allowed the illegal practice of Mr. Bogin to go on for nearly four years. In addition, Dr. Wolf, at hearing, refused to acknowledge the wrongful nature of the conduct and has argued that what he allowed Mr. Bogin to do was not the practice of medicine.

Mr. Wilcox stated that, by allowing a person, whom he knew to be unlicensed, to practice medicine from the moment that he stepped into that clinic, Dr. Wolf's violations of the Medical Practices Act can certainly be characterized as willful or reckless conduct. Mr. Wilcox stated that he disagrees with Dr. Wolf's presentation today in that he said that his actions were not intentional.

Mr. Wilcox stated that he came away from the hearing with the impression that Dr. Wolf is, indeed, an accomplished physician in the area of hair transplantation. Although he has no prior disciplinary history, Dr. Wolf certainly let his judgment lapse regarding the handling of this situation with Mr. Bogin. While it is clear that Mr. Bogin does have significant medical training and practiced medicine and surgery in Kazakhstan, he was not licensed to practice medicine in Ohio when he worked with Dr. Wolf from approximately August 2002 until April 2006. Dr. Wolf knew that Mr. Bogin had never obtained full medical licensure in Ohio, yet Dr. Wolf still allowed him to perform hair transplantation surgery at his clinic. Mr. Wilcox stated that, rather than acknowledge that this was a lapse of judgment on his part, Dr. Wolf came to the hearing and stated that he had not allowed Mr. Bogin to practice medicine. Mr. Wilcox stated that, by any objective criteria, what has been described in this record as being performed by Dr. Wolf and Mr. Bogin is certainly the practice of medicine. This poor judgment by Dr. Wolf to allow this to occur certainly requires discipline by this Board. The degree of such discipline should be decided upon the Board's careful review of the entire record.

DR. AMATO MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF BRADLEY REX

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WOLF, M.D. MR. BROWNING SECONDED THE MOTION.

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

Dr. Steinbergh stated that in the case of Dr. Wolf, she felt that the hearing record was complete, but the Proposed Order was out of line. In fact, Dr. Wolf aided and abetted the unlicensed practice of medicine, which constitutes a felony in this state. The Proposed Order imposed a stayed 30-day suspension and other stipulations that she found to be quite inappropriate. Dr. Steinbergh stated that she has a draft amendment for the Board's consideration, and asked that it be distributed to the Board.

Dr. Varyani stated that he has been advised that there are other proposed amendments to the Proposed Order, and he would prefer to discuss the matter before a motion is made.

Dr. Steinbergh stated that her amendment imposes a stayed permanent revocation, with an indefinite suspension for a minimum of 180 days. For reinstatement he would need to complete a professional ethics course, submit to an examination on the Medical Practices Act relating to the statutes and rules, which the Board would submit to Dr. Wolf. Dr. Steinbergh commented that she is absolutely opposed to Dr. Wolf's developing examination questions and his answers to those questions. A one-year probationary period of monitoring would also be imposed.

Dr. Steinbergh stated that she found what Dr. Wolf did to be very inappropriate. It also concerns her that he has medical assistants who place grafts. She stated that Dr. Wolf testified that all members of his staff do that. She found that to be a concern. Dr. Steinbergh stated that there was a discussion about Mr. Bogin and whether or not he was licensed in the state of Ohio and whether or not the patients felt that he was licensed, and at one point Dr. Wolf stated that he wouldn't pass Mr. Bogin off as a licensed physician, and that he knows the rules. Dr. Steinbergh stated that she found that statement interesting, because Dr. Wolf clearly didn't know what the rules are.

Dr. Steinbergh referred to the following excerpt from the hearing transcript:

- Q. Do you know where that line gets crossed between performing as a medical assistant and then crossing over into the practice of medicine and surgery?
- A. I didn't read any of the statutes, but I was – Ruben Bogin was acting as a medical assistant during those times under my complete supervision. . . I have some idea when patients are put in harm's way. . .
- Q. Dr. Wolf, patient care is not the issue here, okay?
- A. Okay.

Dr. Steinbergh stated that she thinks that patient care is the issue here. Allowing someone without a license to practice medicine in the state of Ohio on patients who did not know that the person wasn't a licensed physician is putting patients at risk. Dr. Wolf made the determination to do that.

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Dr. Steinbergh stated that she feels that her proposed amendment is in line with the Medical Board guidelines for aiding and abetting the practice of medicine.

Dr. Amato stated that after he and Dr. Steinbergh talked, he did not ask for an amendment to be drafted. Dr. Amato agreed that Dr. Wolf shouldn't create his own examination on the statutes; the Board should do that. He added that his original suggestion was going to be a reprimand, but thinking about this, the suspension as proposed by the Hearing Examiner is appropriate.

Dr. Amato stated that he does want to make the point, stressing that it was for the second month in a row, that this is the Board being schizophrenic. In June, the Board talked about allowing someone with nurse's training to do a cystoscopy and microwave therapy of a prostate. That is a whole surgical procedure. After having seen a couple and done a couple, with a nurse's education, this person was going to be allowed by the Board to practice surgery. He stated that as he read this record, he had no doubt that Dr. Wolf, either inadvertently or not, allowed someone to practice medicine without a license; however, it was someone who had been through medical school, residency, and was under direct supervision. Dr. Amato continued that there possibly was risk to the patient, but he doesn't think so because of the direct supervision. He doesn't see where patient risk was involved. Dr. Amato spoke in support of the Hearing Examiner's Proposed Order, with the exception of the examination on the Medical Practices Act.

Dr. Egner stated that she agrees with Dr. Steinbergh's evaluation of this. She advised that she doesn't know Dr. Wolf, although they are both from Cincinnati, but stated that she thinks that Dr. Wolf is a well-educated man. The part that bothers her about this case is that Mr. Bogin was introduced to the patients as "Doctor." He's put on two websites as "Doctor." The website lists him under the heading, "our physicians." Even in Dr. Wolf's testimony, he stated that he was aware of the Board's rules and that Mr. Bogin was unlicensed. Dr. Egner stated that she has to believe that there was benefit to Dr. Wolf in having this man in his office and practicing medicine without a license. Dr. Egner stated that for those reasons she would agree with Dr. Steinbergh's proposed amendment.

Dr. Varyani stated that he was surprised that, before Dr. Egner, nobody else had brought up the issue of how Mr. Bogin was portrayed on the clinic's pamphlets, and how he was introduced to patients. Dr. Varyani stated that what bothers him most is that Mr. Bogin was there for four months, and he was supposed to do so much, and then did more and more. Dr. Varyani asked how Mr. Bogin could have done more unless Dr. Wolf allowed it. How can an assistant do more and more unless the physician asks the assistant to do it? Four months turned into four years. Mr. Bogin was listed in the pamphlet as a physician. There were at least four documented cases where he did everything by himself. Dr. Varyani stated that that's what the Report and Recommendation says, he didn't make it up. There were four cases where he incised, and, routinely, he would put the follicles in. So Mr. Bogin did the case.

Dr. Varyani stated that he agrees with Dr. Steinbergh that the Board should go by its disciplinary guidelines. He added that he thinks that Dr. Wolf knew what he was doing; and, from Dr. Wolfe's statement today, he doesn't think that Dr. Wolf is really sorry that he did it. He may not do it again, but he wasn't sorry that he was doing. He knew exactly what he was doing. Dr. Varyani stated that he also doesn't buy Dr. Wolf's statement that it didn't help him financially.

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Mr. Browning stated that, from a consumer perspective, if you go to see a doctor, you pay the doctor, you ask the doctor to do the treatment, and you would expect that that was the deal. You wouldn't expect an assistant, who is not a doctor in the state of Ohio, doing the work. Mr. Browning stated that he doesn't know how Dr. Wolf didn't benefit from this. Mr. Browning stated that Dr. Wolf is rationalizing his behavior: it was going to be a few months, it kind of "morphed" into years, he was a doctor in another country, and it's okay, and there's no patient harm. Mr. Browning stated that that's not how business is done in Ohio. Mr. Browning stated that he doesn't know whether the proposed 180-day suspension is a magical number or not, but it should be more than 30. He added that, to some degree, it simply boils down to an economic sanction. Mr. Browning added that the Board does need to send a strong message that rules are rules.

Dr. Steinbergh stated that she would like to comment on Dr. Amato's comments about the Board allowing a nurse to do cystoscopies during the previous months. Dr. Steinbergh stated that the Board met with an expert urologist a month or two ago concerning a special services plan that would allow P.A.s to do laser treatment for prostatic BPH. The Board, in fact, denied allowing P.A.s to perform the procedure. Dr. Steinbergh stated that the Board does recognize that there are differences in cases, and it does struggle with the issue of what the Board will allow non-physicians to do. She stated that this case really has to do with putting this man out as a physician and permitting him to practice medicine in this state without a license from the state.

DR. STEINBERGH MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF BRADLEY REX WOLF, M.D., BY SUBSTITUTING THE FOLLOWING:

It is hereby ORDERED that:

- A. **PERMANENT REVOCATION, STAYED; SUSPENSION:** The certificate of Bradley Rex Wolf, M.D., to practice allopathic medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED. Such revocation is STAYED, and Dr. Wolf's certificate shall be SUSPENDED for an indefinite period of time, but not less than 180 days.
- B. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Wolf's certificate to practice allopathic medicine and surgery until all of the following conditions have been met:
 1. **Application for Reinstatement or Restoration:** Dr. Wolf shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
 2. **Professional Ethics Course(s):** At the time he submits his application for reinstatement or restoration, Dr. Wolf shall provide acceptable documentation of successful completion of a course or courses dealing with professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any

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courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Wolf submits the documentation of successful completion of the course or courses dealing with professional ethics, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

3. **Examination on the Medical Practices Act and Related Statutes and Rules:** Prior to submitting his application for reinstatement or restoration, Dr. Wolf shall take and pass an examination to be administered by the Board or its designee regarding the Medical Practices Act, as amended, and related Ohio statutes and rules relating to the practice of medicine and surgery in Ohio as set forth in the Ohio Revised Code and Administrative Code. If Dr. Wolf fails this examination, he must wait at least two months before a re-examination.

C. **PROBATION:** Upon reinstatement or restoration, Dr. Wolf's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least one year:

1. **Obey the Law:** Dr. Wolf shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the states where he practices.
2. **Declarations of Compliance:** Dr. Wolf shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which Dr. Wolf's certificate is reinstated or restored. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. **Personal Appearances:** Dr. Wolf shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which Dr. Wolf's certificate is reinstated or restored. Dr. Wolf shall also appear upon his request for termination of the probationary period, and/or as otherwise requested by the Board.
4. **Termination of Probation:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Wolf's certificate will be fully restored.

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D. REQUIRED REPORTING AND DOCUMENTATION OF REPORTING

1. **Required Reporting To Employers and Others:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Wolf shall provide a copy of this Order to all employers or entities with which he is under contract to provide health-care services (including but limited to third-party payors) or is receiving training, and the Chief of Staff at each hospital or health-care center where he has privileges or appointments.

Further, Dr. Wolf shall provide a copy of this Order to all employers or entities with which he contracts in the future to provide health-care services, or applies for or receives training, and the Chief of Staff at each hospital or health-care center where he applies for or obtains privileges or appointments. This requirement shall continue until the earlier of either: (a) three years following the effective date of this order; or (b) Dr. Wolf receives from the Board written notification of his successful completion of probation as set forth in section C above.

2. **Required Reporting To Emergency Medical Services Organization or Provider:** In the event that Dr. Wolf provides any health-care services or health-care direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, Dr. Wolf shall provide, within 30 days or as otherwise determined by the Board, a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.
3. **Required Reporting To Other Licensing Authorities:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Wolf shall provide a copy of this Order to the proper licensing authority of any State or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate.

When Dr. Wolf applies for any professional license or reinstatement/restoration of any professional license in any State or jurisdiction, he shall provide a copy of this Order to the proper licensing authority of that State or jurisdiction at the time of application. This requirement shall continue until the earlier of either: a) Three years following the effective date of this Order; or b) Dr. Wolf receives from the Board written notification of his successful completion of probation as set forth in section C, above.

4. **Documentation that the Required Reporting Has Been Performed:** Further, Dr. Wolf shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each notification

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required above: (1) the return receipt of certified mail within 30 days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

EFFECTIVE DATE OF ORDER: This Order shall become effective immediately upon the mailing of the notification of approval by the Board.

Dr. Varyani expressed concern that a 180-day suspension might be excessive.

Dr. Steinbergh stated that it takes time to get the ethics course done, and he will need to be examined on the Medical Practices Act.

DR. EGNER SECONDED THE MOTION.

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

Dr. Suppan asked that the suspension period be lowered to 90 days.

DR. STEINBERGH ACCEPTED THE FRIENDLY AMENDMENT, LOWERING THE SUSPENSION PERIOD TO A MINIMUM OF 90 DAYS. DR. EGNER, AS SECOND, DID NOT OPPOSE THE AMENDMENT.

Mr. Browning asked whether anyone has ever been required to take an examination on the Medical Practices Act and related statutes and rules before.

Dr. Steinbergh stated that the Board has required this in the past.

Mr. Browning stated that he would understand why this is being proposed, but he would be more interested in Dr. Wolf's having a deep understanding of what he did, why that doesn't square with the Medical Practices Act and the ethical implications of it versus some survey class on the Medical Practices Act. Mr. Browning stated that he doesn't think that this will be particularly helpful for Dr. Wolf. What's more important is for Dr. Wolf to understand what the Board understands, and why what he did doesn't square with the law.

Dr. Steinbergh asked Mr. Browning whether he does or doesn't believe that an examination would cover those issues.

Mr. Browning stated that he doesn't.

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Mr. Hairston stated that the ethics course is what Dr. Wolf needs.

Mr. Browning stated that he agrees that Dr. Wolf needs to understand the Medical Practices Act, but questioned the requirement that he take a test. He commented that people take tests all the time and pass them, and it doesn't necessarily help their understanding of what's going on.

Dr. Steinbergh stated that she thinks that in this case, Dr. Wolf will understand.

Dr. Varyani stated that passing an examination will document that Dr. Wolf knew the statutes and wouldn't be able to say that he didn't know at some point in the future.

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

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

The motion carried.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF BRADLEY REX WOLF, M.D. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

The motion carried.

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PROPOSED FINDINGS AND PROPOSED ORDER IN THE MATTER OF KENNETH LESTER DREWS, M.D.

Dr. Varyani directed the Board's attention to the matter of Kenneth Lester Drews, M.D. He advised that by letter of November 14, 2007, the Board notified Dr. Drew that it proposed to deny his application for a certificate to allopathic medicine and surgery in the State of Ohio and/or impose disciplinary sanctions, based on allegations contained in the letter. The notice was mailed to Dr. Drew's address of record and proper service was documented. A letter was received from Dr. Drews indicating that he did not wish to request a hearing. The matter was reviewed by Hearing Examiner Davidson, who prepared a Proposed Findings and Proposed Order, and is now before the Board for final disposition.

DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE NOVEMBER 14, 2007 NOTICE OF OPPORTUNITY FOR HEARING IN THE MATTER OF DR. DREWS HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ADOPT THE PROPOSED FINDINGS AND PROPOSED ORDER. MR. HAIRSTON SECONDED THE MOTION.

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

Dr. Steinbergh stated that she has some significant issues. The Board alleged among other things that Dr. Drews failed to disclose information on his application submitted to FCVS and also to the North Dakota State Board of Medical Examiners, and that the North Dakota Board had taken action against his training certificate, due to a sexual relationship with a patient during his residency in that state. He also had some difficulties with his residency in southern Colorado, and he failed a rotation in his North Dakota residency program, where he had had the sexual misconduct. Dr. Steinbergh stated that when Dr. Drews applied to the State of Ohio, he had to have had at least two recommendations. Dr. Drews sent recommendation forms to two physicians, one of whom approved and one who recommended against granting Dr. Drews a license to practice medicine in the State of Ohio.

Dr. Steinbergh stated that she approves of the Proposed Order of permanent denial. She added that Dr. Drews committed a serious transgression when he entered into the sexual relationship with a patient, had difficulties in two residencies, and she doesn't feel he meets Ohio's good character standards for licensure at this point.

Dr. Varyani stated that Dr. Drews was also taken out of a residency program.

Mr. Browning stated that the denial seems appropriate.

Dr. Amato stated that, at best, this is someone with very borderline medical knowledge who also does not understand the ethical elements of being a physician.

A vote was taken:

ROLL CALL: Mr. Albert - abstain

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Dr. Egner	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Varyani	- aye

The motion carried.

FINDINGS, ORDERS & JOURNAL ENTRIES

SUFIAN MOHAMMAD AGWANI, M.D.

Dr. Varyani noted that, by letter of May 9, 2008, the Board issued a Notice of Opportunity for Hearing to Dr. Agwani, based upon allegations contained in the letter. The Notice was mailed via certified mail, return receipt requested, to Dr. Agwani's address of record, and documentation of service was received. No hearing request has been received from Dr. Agwani and more than thirty days have elapsed since the mailing of that notice. The matter is before the Board for final disposition.

DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE MAY 9, 2008 NOTICE OF OPPORTUNITY FOR HEARING IN THE MATTER OF DR. AGWANI HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, DENYING DR. AGWANI'S APPLICATION FOR A LICENSE TO PRACTICE MEDICINE AND SURGERY IN OHIO. MR. HAIRSTON SECONDED THE MOTION.

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

Dr. Steinbergh stated that Dr. Agwani did not complete an acceptable examination sequence, nor did he present good cause for not completing the exam sequence within seven years.

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

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

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Dr. Steinbergh - aye
Dr. Varyani - aye

The motion carried.

DAVID L. GREENE, M.D.

Dr. Varyani noted that, by letter of May 14, 2008, the Board issued a Notice of Opportunity for Hearing to Dr. Greene, based upon allegations contained in the letter. The Notice was mailed via certified mail, return receipt requested, to Dr. Greene's address of record, and documentation of service was received. No hearing request has been received from Dr. Greene and more than thirty days have elapsed since the mailing of that notice. The matter is before the Board for final disposition.

DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE MAY 14, 2008 NOTICE OF OPPORTUNITY FOR HEARING IN THE MATTER OF DR. GREENE HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, DENYING DR. GREENE'S APPLICATION FOR A LICENSE TO PRACTICE MEDICINE AND SURGERY IN OHIO.

Dr. Steinbergh stated that Dr. Greene is an orthopedist with multiple cases involving practicing below minimal standards of care. His Arizona license was summarily suspended in August 2007.

MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:

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

The motion carried.

KATHRYN AMY BOROVICH, M.T.

Dr. Varyani noted that, by letter of April 9, 2008, the Board issued a Notice of Opportunity for Hearing to Ms. Borovich, based upon allegations contained in the letter. The Notice was mailed via certified mail, return receipt requested, to Ms. Borovich's address of record, and documentation of service was received. No hearing request has been received from Ms. Borovich and more than thirty days have elapsed since the

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mailing of that notice. The matter was before the Board for final disposition.

DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE APRIL 9, 2008 NOTICE OF OPPORTUNITY FOR HEARING IN THE MATTER OF MS. BOROVICH HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ENTER THE PROPOSED ORDER, EFFECTIVE IMMEDIATELY. DR. SUPPAN SECONDED THE MOTION.

Dr. Steinbergh stated that Ms. Borovich didn't show up for the 72-hour inpatient evaluation scheduled for her on March 3, 2008. She was properly served notice of the Board's intention to take action, but did not request a hearing. The Proposed Order suspends her license until she fulfills reinstatement requirements.

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

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

The motion carried.

GREGORY S. DEW, P.A.

Dr. Varyani noted that, by letter of May 14, 2008, the Board issued a Notice of Opportunity for Hearing to Mr. Dew, based upon allegations contained in the letter. The Notice was mailed via certified mail, return receipt requested, to Mr. Dew's address of record, and documentation of service was received. No hearing request has been received from Mr. Dew 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 AS SET FORTH IN THE MAY 14, 2008 NOTICE OF OPPORTUNITY FOR HEARING IN THE MATTER OF DR. GREENE HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ENTER AN ORDER OF PERMANENT REVOCATION, EFFECTIVE IMMEDIATELY. MR. BROWNING SECONDED THE MOTION.

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

Dr. Steinbergh stated that Mr. Dew was convicted in the Court of Common Pleas in Mahoning County of:

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four counts of rape, felonies in the first degree; one count of corruption of a minor, a felony in the third degree; and two counts of gross sexual imposition, a felony of the fourth degree. Dr. Steinbergh noted that Mr. Dew is actually incarcerated at this time, and has a total of 43 years of incarceration, and he is a sexual predator

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

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

The motion carried.

TASHA Y. JENKINS, M.D.

Dr. Varyani noted that, by letter of January 4, 2008, the Board issued a Notice of Opportunity for Hearing to Dr. Jenkins, based upon allegations contained in the letter. The Notice was mailed via certified mail, return receipt requested, to Dr. Jenkins's address of record, and documentation of service was received. Dr. Jenkins did request a hearing, but subsequently withdrew that request. The matter is before the Board for final disposition.

MR. BROWNING MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE JANUARY 4, 2008 NOTICE OF OPPORTUNITY FOR HEARING IN THE MATTER OF DR. JENKINS HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, DENYING DR. JENKINS' APPLICATION FOR A LICENSE TO PRACTICE MEDICINE AND SURGERY IN OHIO. MR. HAIRSTON SECONDED THE MOTION.

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

Mr. Browning noted that this is a straightforward case. Dr. Jenkins did not take and pass all three steps of the U.S.M.L.E. within seven years and does not meet the requirements for a waiver.

A vote was taken:

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

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Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Varyani	- aye

The motion carried.

HELENE ROUSSI, M.T.

Dr. Varyani advised that the Board issued its Notice of Opportunity for Hearing to Ms. Roussi on April 11, 2008 and documentation of service was received. Ms. Roussi did not request a hearing and more than 30 days have elapsed since the mailing of the notice. The matter is therefore before the Board for final disposition.

DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE APRIL 11, 2008 NOTICE OF OPPORTUNITY FOR HEARING IN THE MATTER OF MS. ROUSSI HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, APPROVING MS. ROUSSI'S REQUEST FOR RESTORATION OF HER CERTIFICATE TO PRACTICE MASSAGE THERAPY, SUBJECT TO HER PASSING THE LIMITED BRANCH PORTION OF THE BOARD'S MASSAGE THERAPY EXAMINATION WITHIN SIX MONTHS OF MAY 11, 2008. MR. BROWNING SECONDED THE MOTION. A vote was taken:

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

The motion carried.

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CITATIONS, PROPOSED DENIALS, AND ORDERS OF SUMMARY AND IMMEDIATE SUSPENSIONJAMES J. ANTHONY, 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. ANTHONY. DR. EGNER SECONDED THE MOTION. A vote was taken:

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

The motion carried.

CELESTE DANEEN BREWER-EDWARDS, P.A. – CITATION LETTER

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

DR. STEINBERGH MOVED TO SEND THE CITATION LETTER TO MS. BREWER-EDWARDS. DR. SUPPAN SECONDED THE MOTION. A vote was taken:

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

The motion carried.

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LYNDA LEE DEAN, M.T. – CITATION LETTER

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

DR. STEINBERGH MOVED TO SEND THE CITATION LETTER TO MS. DEAN. DR. AMATO SECONDED THE MOTION. A vote was taken:

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

The motion carried.

LYNDA LEE DEAN, M.T. – CITATION LETTER (08-CRF-089)

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 MS. DEAN. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

The motion carried.

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KYLE ELLIOT HOOGENDOORN, D.P.M. – 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. HOOGENDOORN. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

The motion carried.

JASON D. MCCOMB – 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. MCCOMB. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

The motion carried.

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ROBERT WAYNE MILLER, L.M.T. - NOTICE OF AUTOMATIC SUSPENSION AND OPPORTUNITY FOR HEARING

At this time the Board read and considered the proposed Notice of Automatic 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 AUTOMATIC SUSPENSION AND OPPORTUNITY FOR HEARING TO MR. MILLER. MR. BROWNING SECONDED THE MOTION. A vote was taken:

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

The motion carried.

WILLIAM MICHAEL NAPOLI, 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. STEINBERGH MOVED TO SEND THE CITATION LETTER TO DR. NAPOLI. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

The motion carried.

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

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

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

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

The motion carried.

THOMAS EDWARD TAYLOR, 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.

MR. HAIRSTON MOVED TO ENTER AN ORDER OF SUMMARY SUSPENSION IN THE MATTER OF THOMAS EDWARD TAYLOR, 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. AMATO SECONDED THE MOTION. A vote was taken:

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

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Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Mahajan	- abstain
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.

MARY B. FAUTEUX, P.A. – PERMANENT WITHDRAWAL OF APPLICATION

DR. AMATO MOVED TO RATIFY THE PERMANENT WITHDRAWAL OF MS. FAUTEUX'S APPLICATION TO PRACTICE AS A PHYSICIAN ASSISTANT. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Mr. Albert left the room at this time.

MARK A. STIEBY, D.P.M. – PERMANENT SURRENDER OF CERTIFICATE TO PRACTICE PODIATRIC MEDICINE AND SURGERY

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

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ROLL CALL:

Dr. Egner	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Varyani	- aye

The motion carried.

Mr. Albert returned to the room at this time.

MALCOLM WARREN HENDERSON, M.D. – CONSENT AGREEMENT

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

ROLL CALL:

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

The motion carried.

CYNTHIA JOAN JOHNSON, P.A. – CONSENT AGREEMENT

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

ROLL CALL:

Mr. Albert	- abstain
Dr. Egner	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Amato	- aye

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Dr. Mahajan - aye
Dr. Steinbergh - aye
Dr. Varyani - aye

The motion carried.

DR. AMATO MOVED TO VACATE THE BOARD'S ORDER OF DECEMBER 12, 2007 IN THE MATTER OF CYNTHIA JOAN JOHNSON, P.A. MR. BROWNING SECONDED THE MOTION.

A vote was taken:

ROLL CALL:

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

The motion carried.

BRIAN EDWARD LEVE, M.D. – CONSENT AGREEMENT

MR. BROWNING MOVED TO RATIFY THE PROPOSED STEP II CONSENT AGREEMENT WITH DR. LEVE. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:

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

The motion carried.

FARZANEH MASOOLTONDKAR, M.D. – PERMANENT WITHDRAWAL OF APPLICATION

DR. AMATO MOVED TO RATIFY THE PERMANENT WITHDRAWAL OF DR.

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MASOOLTONDKAR'S APPLICATION TO PRACTICE MEDICINE AND SURGERY IN OHIO. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

The motion carried.

MARGARET MARY OLSEN, M.D. – PERMANENT SURRENDER OF CERTIFICATE TO PRACTICE MEDICINE AND SURGERY

DR. STEINBERGH MOVED TO RATIFY THE PROPOSED PERMANENT SURRENDER OF DR. OLSEN'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
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

MICHAEL J. VJECHA, M.D. – CONSENT AGREEMENT

DR. AMATO MOVED TO RATIFY THE PROPOSED STEP II CONSENT AGREEMENT WITH DR. VJECHA. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

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Dr. Suppan	- aye
Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Varyani	- aye

The motion carried.

KIMBERLY ROSE ZIMMERMAN, M.D. – CONSENT AGREEMENT

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

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

The motion carried.

Dr. Talmage left the meeting at this time.

JAMES CAMERON JOHNSON, D.O. – SUPERSEDING STEP I CONSENT AGREEMENT

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

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

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Dr. Varyani - aye

The motion carried.

Dr. Talmage returned to the meeting at this time.

DEBORAH L. FRANKOWSKI – SUPERSEDING STEP I CONSENT AGREEMENT

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

ROLL CALL:

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

The motion carried.

PEDRITO A. GALUPO, M.D. – SURRENDER/REVOCAION OF CERTIFICATE TO PRACTICE MEDICINE AND SURGERY

DR. AMATO MOVED TO RATIFY THE PROPOSED PERMANENT SURRENDER/REVOCAION OF DR. GALUPO’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
Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Varyani	- aye

The motion carried.

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PROBATIONARY APPEARANCES

PUTTAGUNTA RANGA, M.D.

Dr. Ranga appeared before the Board pursuant to his request for release from the terms of his July 12, 2006 Consent Agreement.

In response to Board members' questions, Dr. Ranga stated that he is not currently taking any medication. He will continue receiving psychiatric care for his disorder. He currently sees about 10 to 15 patients a day. He stated that he sees patients two days a week in his office, and he covers hospital calls for his partner every other week.

DR. STEINBERGH MOVED TO RELEASE DR. RANGA, EFFECTIVE JULY 12, 2008, FROM THE TERMS OF HIS JULY 12, 2006 CONSENT AGREEMENT. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

The motion carried.

GUY M. SAVA, M.D.

Dr. Sava appeared before the Board pursuant to his request for release from the terms of the Board Order of April 2, 2003.

In response to Board members' questions, Dr. Sava stated that he is doing very well. He works in Somerset, Kentucky, but lives in Bronston, Kentucky. He does neurosurgery full-time. Dr. Sava stated that he's been very busy, and very happy.

Dr. Sava advised that, following release from probation, he'll continue to attend three A.A. meetings a week. He added that he's started a physician-serving-physician group in Somerset.

Dr. Sava stated that he appreciates the Board's support. He added that he will go before the Kentucky Medical Board for final dismissal in August.

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DR. STEINBERGH MOVED TO RELEASE DR. SAVA FROM THE TERMS OF THE BOARD ORDER OF APRIL 2, 2003. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

The motion carried.

PAUL W. WILSON, D.O.

Dr. Wilson appeared before the Board pursuant to his request for release from the terms of his April 14, 1999 Consent Agreement.

In response to Board members' questions, Dr. Wilson stated that he is feeling very well. He stated that he sees Board members from ten years ago and it seems as though none have aged, but it feels that he's aged tremendously. He stated that he has four sons, two of whom have graduated from college and one of whom has graduated from high school. Dr. Wilson stated that the son who accompanied him today was only four when he first came before the Board.

Dr. Wilson advised that he plans to practice in Toledo at the Reynolds Clinic. He has been doing a lot of driving across Ohio, adding that it has been kind of hard for him to find a job. He will begin by working one day a week and then build from there.

Mr. Albert commented that Dr. Wilson has had a lot of good family support.

Dr. Wilson stated that he wouldn't have made it without his wife.

In response to further questions, Dr. Wilson stated that he does intend to stay under psychiatric care and to stay on his medications. He stated that, unfortunately, he wasn't diagnosed until he was around 44 years old. He knows that he has this condition and he will always take his medication, just like he takes his blood pressure medication.

Dr. Egner commented that she was here when Dr. Wilson first came before the Board and she remembers his wife sitting next to him, with his children around him. She stated that if someone had told her at that time that the Board would be releasing Dr. Wilson from probation, she would have disbelieved it. She

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stated that she felt that Dr. Wilson wasn't going to make it. Dr. Egner stated that Dr. Wilson doesn't look older today, but looks a thousand times better than he did then. She stated that this doesn't just happen. She added that she's sure that it took a lot of hard work by Dr. Wilson, and she's sure that there were lots of bumps in the road. Dr. Egner stated that she is really proud of Dr. Wilson.

Mr. Albert advised that Dr. Wilson had a serious health problem a few months ago.

Dr. Wilson stated that in March he was on a ventilator for twelve days.

DR. STEINBERGH MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORT OF CONFERENCE ON JUNE 9, 2008, AND TO RELEASE DR. WILSON FROM THE TERMS OF HIS APRIL 14, 1999 CONSENT AGREEMENT. DR. EGNER SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Mr. Albert left the meeting at this time.

CHRISTOPHER T. LIEDERBACH, M.D.

Although scheduled, Dr. Liederbach did not make his initial appearance before the Board, pursuant to the terms of his February 13, 2008 Consent Agreement.

JEROME R. SWITCH, D.O.

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

In response to Board members' questions, Dr. Switch stated that he is doing well. He added that he self-reported to HPRP, the monitoring program in Michigan, in 2001. At that time he wasn't aware of just how addicted he was to alcohol and cocaine. He commented that, until you try to stop, you really don't know how hard it is. He didn't go to long-term therapy for about two and a half years after he self-reported, and he thinks that that's what he needed. Going away for four months in 2004 allowed him to get started in

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recovery. He's been in recovery ever since. He'll have four and a half years in recovery on August 3.

Dr. Switch advised that he currently attends three to four meetings a week, talks to his sponsor at least once a week, and he reads meditation journals on a daily basis. Dr. Switch added that most of his friends are in A.A., which is different from the way it was before. He does attend Caduceus meetings two or three times a month. He stated that the Caduceus meeting is on Saturday mornings.

Dr. Switch stated that during the initial phase of his recovery in 2001 he was going through a divorce. The divorce was final early in 2003. He has three daughters, one of whom has just graduated from Michigan State, one of whom is a junior at the University of Michigan and one of whom is a sophomore at the University of Michigan. Two of his daughters are staying with him this summer. He stated that he has remarried and is nearing his second wedding anniversary. Dr. Switch stated that he has a lot of support from his current wife, adding that she's only known him in the recovery phase of his life.

Mr. Albert returned to the room during the previous discussion.

DR. STEINBERGH MOVED TO CONTINUE DR. SWITCH UNDER THE TERMS OF HIS APRIL 9, 2008 CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. VARYANI SECONDED THE MOTION. A vote was taken:

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

The motion carried.

BRETT E. TOWARD, M.D.

Dr. Toward made his initial appearance before the Board, pursuant to the terms of his January 11, 2008 Consent Agreement.

In response to Board members' questions, Dr. Toward stated that he has completed the ethics course required by his consent agreement. Currently he is not practicing medicine, but will probably do so on a volunteer basis later this year. He does understand that he will have to present a practice plan for Board approval when he returns to practice.

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Dr. Toward advised that he lives in Mansfield and has had good family support. He and his wife married about six years ago, and his wife has been very supportive.

DR. STEINBERGH MOVED TO CONTINUE DR. TOWARD UNDER THE TERMS OF HIS JANUARY 11, 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
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

KERRIE VAN WAGONER, P.A.

Ms. Van Wagoner made her initial appearance before the Board, pursuant to the terms of her June 13, 2007 Step I Consent Agreement.

Mr. Albert advised that Ms. Van Wagoner hasn't been very compliant with her consent agreement, but they have had several talks and she now understands that she will have to straighten out. He advised that he and Ms. Bickers will work with Ms. Van Wagoner on this. He added that he believes that Ms. Van Wagoner is sincere about her recovery this time. Mr. Albert stated that Ms. Van Wagoner is now working at Banana Republic. He asked her to explain to the Board why she has had a change in her thinking.

Ms. Van Wagoner advised that her family and friends all questioned why she wasn't doing what she was supposed to do. She stated that she was overwhelmed by everything she was required to do. She was depressed after she got back from rehab, and she couldn't fathom everything that had happened. She decided that she was just going to work at the mall. Ms. Van Wagoner stated that she has a very supportive family, and added that her mother is a psychologist. She continued, however, that anyone can tell you what you need to do, but it has to come from within. It finally did. Ms. Van Wagoner stated that she's wanted to be a doctor since she was five years old, and she just finally decided that she didn't want to work at the mall. She stated that she's wanted to be in medicine forever, and she let one ridiculous time in her life change that. Ms. Van Wagoner stated that appearing before the Board makes things very real and very serious, as opposed to sitting in her apartment when it seemed very surreal.

Ms. Van Wagoner stated that when she first met with Mr. Albert and Ms. Bickers, she felt they were the

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niciest people in the world. She stated that she'd gone to some meetings and had heard that the Medical Board is hard, but what she experienced was the complete opposite. She felt that they really cared about her. Ms. Van Wagoner stated that it was so nice to hear that the Board really does care.

Dr. Steinbergh stated that the Board is here to support recovering licensees. She asked Ms. Van Wagoner to tell the Board a little bit about her recovery.

Ms. Van Wagoner stated that she attends three meetings a week and one Caduceus meeting a week. She stated that she's very fortunate in that one of the churches down the street from where she lives has two meetings back to back: one A.A. 12-step meeting and one Caduceus meeting. She met her sponsor there. She stated that she attends church regularly and is now teaching the three and four year olds every Sunday. She advised that she's just returned from girls camp, where she was a youth church camp leader. Ms. Van Wagoner stated that it keeps her centered. She's trying to be an example to these young people, and that's a responsibility.

In response to further Board member questions, Ms. Van Wagoner stated that she takes Vicoprofen, which is prescribed for her. She stated that she's had headaches since grade school. She has off and on tried to manage them. She's been on any number of medications over the years and there's nothing that has been consistently helpful. Ms. Van Wagoner advised that the court recommended that she see an addiction specialist, which she did. The diagnosis given allowed Dr. Kaiser, her family practitioner, who was initially prescribing her medication, to re-prescribe Vicoprofen under certain conditions because she's having drug screens. Ms. Van Wagoner noted that there's nothing else in her urine. Ms. Van Wagoner stated that Dr. Kaiser has been monitoring her and continues to do so.

Concerning how often she has the headaches, Ms. Van Wagoner stated that it's an off and on thing. She can go several days without a headache, depending upon the degree of stress. She's been in the emergency room with migraines, although not recently. She stated that she would say that she has headaches daily. She has not seen a neurologist or anyone who specializes in headache management. She stated that she is currently taking the Vicoprofen every day.

Dr. Egner stated that she finds this to be a problem.

Ms. Van Wagoner stated that Mr. Albert actually mentioned that to her, and she wants to be compliant with the Board and not have the Board worry. She stated that the fact that she doesn't have any health insurance is a bit of a problem. Dr. Kaiser has agreed to see her because he understands the situation. She stated that she has tried a hundred things over the past 20 years, but she would be happy to try again.

Dr. Steinbergh stated that she believes that Ms. Van Wagoner ought to find a good neurologist to be treated in a more appropriate fashion. Dr. Steinbergh stated that Ms. Van Wagoner can't recover if she's taking the medication to which she's addicted.

Ms. Van Wagoner stated that she understands the Board's concern and will be happy to do that if she can afford a consult. She stated that she might be able to work out a payment schedule with someone.

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DR. STEINBERGH MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORT OF CONFERENCE ON JUNE 9, 2008, AND TO CONTINUE MS. VAN WAGONER UNDER THE TERMS OF HER JUNE 13, 2007 STEP I 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
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

EXECUTIVE SESSION

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

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

The motion carried.

Pursuant to Sections 121.22(G)(1), Revised Code, the Board went into executive session at 4:52 p.m. Following the executive session, Dr. Varyani adjourned the meeting.

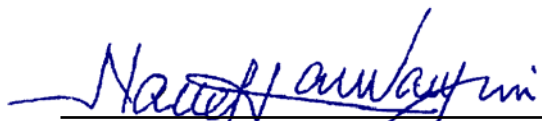
Thereupon the January 11, 2008 session of the State Medical Board of Ohio was duly adjourned.


We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio,

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meeting on July 9, 2008, as approved on August 13, 2008.


Nandlal Varyani, M.D., President


Lance A. Talmage, M.D., Secretary

(SEAL)



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MINUTES

THE STATE MEDICAL BOARD OF OHIO

July 10, 2008

Nandlal Varyani, M.D., President, called the meeting to order at 8:19 a.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: Lance A. Talmage, M.D., Secretary; Raymond J. Albert, Supervising Member; Marchelle L. Suppan, D.P.M.; R. Gregory Browning, Ph.D.; W. Frank Hairston; and Jack C. Amato, M.D. The following joined the meeting at a later time: Carol L. Egner, M.D. The following did not attend the meeting: Dalsukh Madia, M.D., Vice-President; Susan E. Stephens, M.D.; and Anita M. Steinbergh, D.O.

Also present were: Richard A. Whitehouse, Executive Director; Diann K. Thompson, Assistant Executive Director; Kimberly C. Anderson, Assistant Executive Director; Rebecca J. Marshall, Chief Enforcement Attorney; Barbara J. Pfeiffer 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; Danielle Bickers, Compliance Supervisor; Jean Gillman, Compliance Officer; and Barbara Jacobs, Public Services Administrator.

EXECUTIVE SESSION

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

ROLL CALL:	Mr. Albert	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- aye
	Dr. Varyani	- aye

The motion carried.

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

Dr. Egner joined the meeting during the executive session.

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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.

MR. HAIRSTON MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES ON JUNE 9-10, 2008, WITH: CELESTE D. BREWER-EDWARDS, P.A.; MICHAEL B. BURGHARDT, M.D.; GREGORY B. CAMP, M.D.; ALLAN W. CLARK, M.D.; RICHARD J. DEFRANCO, M.D.; ELIZABETH A. DORIOTT, D.O.; GREGORY G. DUMA, M.D.; WILLIAM H. FIEGENSCHUH JR., M.D.; DEBORAH LYNNE FRANKOWSKI, M.D.; RYAN STEVEN FRYMAN, D.O.; LAMBERTO T.R. GALANG, JR., M.D.; RICHARD DAVID GRECZANIK, D.O.; ARLAN MARCUS GUSTILO-ASHBY, M.D.; MARK O. HENSON, M.D.; TIMOTHY J. HEYD, M.D.; ROBERT L. HUBLEY, D.O.; JAMES CAMERON JOHNSON, D.O.; JAMES M. KENNEN, D.O.; ALBERTO LEON, M.D.; DONALD C. MANN, M.D.; GREGORY S. MASIMORE, M.D.; BRETON LEE MORGAN, M.D.; FRANCINE R. MOSLEY, M.D.; CARLA M. MYERS, D.O.; TANIA RENEE (ECK) NEATER, M.T.; THOMAS A. NGUYEN, M.D.; ALAN J. PARKS, M.D.; NATHAN THOMAS PENNEY, D.P.M.; JOSEPH ALOYSIUS RIDGEWAY, IV., M.D.; LEROY P. RISE, M.D.; WILLIAM DENNY ROBERTSON, M.D.; STEPHEN J. ROLFE, M.D.; WILLIAM A. ROMER, M.D.; KIMBERLY M. (TELMANIK) SCHERRY, P.A.; WILLIAM L. SCHLOTTERER, D.O.; CHRISTOPHER S. SHAW, M.D.; JACK E. SLINGLUFF, D.O.; MATTHEW ALLAN SNYDER, L.M.T.; BRIAN D. SOUTHERN, M.D.; PATRICIA A. SPIESS, M.D.; WILLIAM C. STEVENSON, D.O.; DAVID E. SUBLER, M.D.; ROBERT R. SUMMERS, D.O.; DEBORAH L. TAYLOR, M.D.; MICHAEL J. VJECHA, M.D.; RANDALL G. WHITLOCK, JR., P.A.; AND JAMES F. ZIMMERMANN, D.P.M.

MR. HAIRSTON FURTHER MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES AND THE SECRETARY AND SUPERVISING MEMBER'S RECOMMENDATIONS AS FOLLOWS FOR BOTH PROBATIONARY REQUESTS AND REINSTATEMENT REQUESTS:

- **DAVID E. ALLEN, M.D.'S REQUEST FOR: A REDUCTION IN PSYCHIATRIC SESSIONS FROM EVERY THREE MONTHS TO EVERY SIX MONTHS; ELIMINATION OF CONTROLLED SUBSTANCE LOG MAINTENANCE; AND ELIMINATION OF THE CHART REVIEW REQUIREMENT;**
- **STEVEN R. ALLEN, SR., M.D.'S REQUEST FOR APPROVAL OF PATRICK M. REILLY, M.D., TO SERVE AS HIS NEW MONITORING PHYSICIAN, WITH ALL CHARTS TO BE REVIEWED WHILE DR. ALLEN IS IN HIS FELLOWSHIP PROGRAM;**
- **TODD S. CARRAN, M.D.'S REQUEST FOR APPROVAL OF JEFFREY W. MERLING, M.D., TO SERVE AS HIS MONITORING PHYSICIAN, WITH 10 CHARTS REVIEWED PER MONTH;**

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- **JASON V. CHURCH, M.D.’S REQUEST FOR APPROVAL OF MATTHEW J. GARDINER, M.D., TO SERVE AS HIS NEW MENTAL HEALTH PROFESSIONAL;**
- **LYNNE A. EATON, M.D.’S REQUEST FOR APPROVAL OF ALVIN D. PELT, M.D., TO SERVE AS HER TREATING PSYCHIATRIST;**
- **PETER FRAGATOS, M.D.’S REQUEST TO DEFER ALL MENTAL HEALTH TREATMENT TO HIS APPROVED TREATING PSYCHIATRIST;**
- **JAMES VINCENT FURICCHIA, M.D.’S REQUEST FOR APPROVAL OF WILLIAM F. WILEY, M.D., TO SERVE AS HIS NEW MONITORING PHYSICIAN;**
- **BOBBY C. LENOX, JR., D.O.’S REQUEST FOR APPROVAL OF ANNETTE M. CHAVEZ, M.D., TO SERVE AS HIS NEW MONITORING PHYSICIAN;**
- **IMRAN RAZA NAQVI, M.D.’S REQUESTS FOR APPROVAL OF ELLIOT M. FRIEDEMANN, M.D., TO SERVE AS HIS TREATING PSYCHIATRIST, AND APPROVAL OF EUGENE M. COLINA, LISW, TO SERVE AS HIS MENTAL HEALTH PROFESSIONAL;**
- **JOHN W. SHAW, M.D.’S REQUEST FOR APPROVAL OF DAVID C. DEAL, PHD., TO SERVE AS HIS MENTAL HEALTH PROFESSIONAL; AND**
- **ALAN B. STORROW, M.D.’S REQUEST FOR A REDUCTION IN ALCOHOL AND DRUG REHABILITATION MEETINGS TO TWO PER WEEK, WITH A TOTAL OF 10 PER MONTH.**

MR. HAIRSTON FURTHER MOVED: TO APPROVE FOR LICENSURE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCEPTANCE WITH LICENSURE PROTOCOLS, THE PHYSICIAN APPLICANTS LISTED IN EXHIBIT “A,” THE P.A. APPLICANTS LISTED IN EXHIBIT “B,” THE ACUPUNCTURE APPLICATIONS LISTED IN EXHIBIT “C,” AND THE ANESTHESIOLOGIST ASSISTANT APPLICATIONS LISTED IN EXHIBIT “D;” TO APPROVE THE RESULTS OF THE JUNE 2008 PMLEXIS AND MASSAGE THERAPY EXAMINATIONS, AND TO CERTIFY AS PASSING AND LICENSE THOSE RECEIVING A SCORE OF 75 PERCENT OR GREATER ON THEIR EXAMINATION, AND TO CERTIFY AS FAILING AND DENY LICENSURE TO THOSE WHO RECEIVED A SCORE OF LESS THAN 75 PERCENT ON THE EXAMINATION (EXHIBIT E); AND TO GRANT CERTIFICATES OF GOOD STANDING TO THE SCHOOLS OF MASSAGE THERAPY, LISTED IN EXHIBIT “F.” DR. AMATO SECONDED THE MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- aye
Dr. Egner	- aye

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Dr. Talmage	- aye
Dr. Suppan	- aye
Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Mahajan	- aye
Dr. Varyani	- aye

The motion carried.

LICENSURE APPLICATIONS

Dr. Egner advised that the Licensure Committee did not meet this month, but there are a number of applications that need to be considered by the Board.

Mohan V. Belthur, M.D.

Dr. Egner advised that Dr. Belthur is seeking licensure based on the applicability of ORC Section 4731.14(B) (2), which permits the Board to determine an equivalent to the GME training requirement of two years through the second year level. She stated that Dr. Belthur graduated from Bangalore Medical College in January 1991. He trained and practiced in India from January 1991 until August 1996. He then immigrated to the United Kingdom and obtained his Certificate of Completion of Higher Specialist Training in Trauma and Orthopedic Surgery in March 2005 from the Medical Royal Colleges. Dr. Belthur immigrated to the U.S. and did a Pediatric Fellowship at Alfred DuPont Hospital from August 2005 until June 2006. He then participated in an Orthopedic Limb Reconstruction Fellowship at Sinai Hospital of Baltimore from August 2006 until July 2007. Dr. Belthur holds inactive training licenses in Delaware and Maryland.

Dr. Egner advised that Dr. Belthur is requesting that the Board deem his training and experience in the United Kingdom, and his two 12 month fellowships 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. Mahajan asked what happens when a physician is trained in surgery only and wants to go into family practice or some other specialty. He asked whether there is any recourse.

Dr. Egner stated that he would have a license to practice medicine and surgery in Ohio. She stated that the problem that the Board has had with these fellowships is that many many things are called fellowships and they may or may not necessarily be all that educational. She stated that that's always a dilemma the Board faces. She asked Ms. Rieve whether the Board knows anything about the fellowships in which Dr. Belthur participated.

Ms. Rieve stated that she checked and the institutions do have A.C.G.M.E.-approved residencies in the specialties. Technically, they would be approved fellowships, as much as the Board can approve them. The problem with this particular case is that the fellowships weren't two years in a row.

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MR. BROWNING MOVED TO GRANT DR. BELTHUR'S REQUEST THAT THE BOARD DEEM HIS TRAINING AND EXPERIENCE IN THE UNITED KINGDOM AND HIS TWO TWELVE-MONTH FELLOWSHIPS IN THE UNITED STATES TO BE EQUIVALENT TO 24 MONTHS THROUGH THE SECOND YEAR LEVEL OF GRADUATE MEDICAL EDUCATION AND TO APPROVE DR. BELTHUR'S APPLICATION FOR LICENSURE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCORDANCE WITH LICENSURE PROTOCOLS. MR. HAIRSTON SECONDED THE MOTION.

Dr. Varyani stated that he'd also like to add that Dr. Belthur is a Fellow of the Royal College of Physicians and Surgeons of Glasgow, which is basically board certification. Dr. Varyani stated that he feels that Dr. Belthur has worked hard enough and done a fellowship. He agreed with the motion to approve this application because Ohio does need doctors.

A vote was taken on Mr. Browning's motion:

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

The motion carried.

Benjamin Bryant, M.D.

Dr. Egner advised that Dr. Bryant is applying for licensure in Ohio, but has indicated that he has not been engaged in the clinical practice of medicine since August 2005. Dr. Bryant graduated from Oregon Health and Sciences University in June 1985. He is requesting endorsement of his National Board of Medical Examiners Diplomate status. Dr. Bryant completed training in General Surgery at Indiana University School of Medicine from July 1985 through June 1990. Dr. Bryant practiced as a Surgeon in Battle Creek, Michigan from July 1990 until August 2005. Dr. Bryant has not practiced since August 2005. Dr. Bryant has been American Board certified in Surgery since 1981, and he recertified in 2002.

DR. TALMAGE MOVED TO APPROVE DR. BRYANT'S APPLICATION FOR LICENSURE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCEPTANCE WITH LICENSURE PROTOCOLS, AND SUBJECT TO HIS PASSING THE SPEX OR SPECIALTY BOARD RECERTIFICATION EXAMINATION. MR. BROWNING SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Zahra Darejeh, M.D.

Dr. Egner advised that Dr. Darejeh is a graduate of Shiraz University in Shiraz, Iran. She stated on her application that she has completed 12 months of a Research Fellowship at University Hospitals in Cleveland, and a 12-month Internal Medicine Internship at University Hospitals Case Medical Center. Dr. Darejeh graduated from Shiraz University in Shiraz, Iran in December 1989. She trained and practiced in Iran from January 1991 until August 2001. Dr. Darejeh then immigrated to the U.S. and began a Postdoctoral Research Fellowship at Case Western Reserve University from February 2002 until April 2004. She then began a Fellowship at University Hospitals in Cleveland from May 2005 until June 2006. Dr. Darejeh reported the fellowship was clinical; however the FCVS verification from University Hospitals said it was a research fellowship. She then participated in an Internal Medicine Internship, which the program reports as PGY 1, from August 2006 until July 2007. Dr. Darejeh holds a training license in Ohio.

Dr. Egner advised that Dr. Darejeh is requesting that the Board deem her training and experience in Iran and the 12-month research fellowship and 12 months of internship in the United States to be equivalent to the 24 months of graduate medical education through the second-year level of GME so that she may be granted a license.

Dr. Talmage stated that he thinks that the Board will be seeing more of these highly specialized people requesting licensure. He noted that Dr. Darejeh is trained in a very narrow field of medicine, but added that it is a very respected field.

DR. TALMAGE MOVED TO GRANT DR. DAREJEH'S REQUEST THAT THE BOARD DEEM HER TRAINING AND EXPERIENCE IN IRAN AND THE 12-MONTH RESEARCH FELLOWSHIP AND 12 MONTHS OF INTERNSHIP IN THE UNITED STATES TO BE EQUIVALENT TO THE 24 MONTHS OF GRADUATE MEDICAL EDUCATION THROUGH THE SECOND-YEAR LEVEL OF GRADUATE MEDICAL EDUCATION AND TO APPROVE DR. DAREJEH'S APPLICATION FOR LICENSURE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCORDANCE WITH LICENSURE PROTOCOLS. DR. SUPPAN SECONDED THE MOTION. A vote was taken:

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

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Dr. Talmage	- aye
Dr. Suppan	- aye
Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Mahajan	- aye
Dr. Varyani	- abstain

The motion carried.

Robert A. Ziff, M.D.

Dr. Egner advised that Dr. Ziff is applying for licensure in Ohio. Dr. Ziff has indicated that he has not been engaged in the clinical practice of medicine since April 2006. He is currently employed as the Associate Medical Director at Q2 Administrator, LLC. Dr. Ziff graduated from UMDNJ Robert Wood Johnson Medical School in Piscataway, NJ in June 1978. He is requesting endorsement of his National Board of Medical Examiners Diplomate status. Dr. Ziff completed training in Obstetrics and Gynecology at Lenox Hill Hospital in New York from July 1978 through June 1982. He practiced as an Ob/Gyn in New York from July 1982 until November 1984, practiced as a physician in South Carolina from November 1984 through March 2006. Dr. Ziff has been employed as Associate Medical Director at Q2 Administrator, LLC. since March 2006 to the present. He has been American Board certified in Obstetrics and Gynecology since 1985.

DR. EGNER MOVED TO APPROVE DR. ZIFF'S APPLICATION FOR LICENSURE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCEPTANCE WITH LICENSURE PROTOCOLS, AND SUBJECT TO HIS PASSING THE SPEX OR SPECIALTY BOARD RECERTIFICATION EXAMINATION. MR. BROWNING SECONDED THE MOTION.

Dr. Talmage asked whether the Board knows if Dr. Ziff is going to go back into clinical practice.

Ms. Rieve stated that she doesn't know, but that she thinks that Dr. Ziff just wants to do administrative medicine.

Dr. Talmage expressed concern as someone who has been out of practice as a hospital commander for six months and then going back into the operating room, he was a bit shaky. What the Board is not testing is the technical skill of an individual like this. Dr. Talmage stated that the Board needs to work with medical schools and others to develop a system by which technical skills are tested when someone re-enters practice after significant time out, particularly in surgical specialties. If he's going to do administrative medicine, the SPEX is all the Board has right now, but the Board needs to look to the future for ways to test technical skills or simulation before someone actually operates on a live human being.

Dr. Suppan agreed, and suggested that this could be done through the hospital system. For instance, the Board could require that the hospital could require supervision through the first number of cases.

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Dr. Mahajan stated that when someone who has been out of practice for a while applies for hospital credentials, the hospital does require a proctor. The insurance company will also ask for some certifications. Dr. Mahajan stated that there are some safety guidelines, but not everything.

Dr. Varyani stated that everything is harping on maintenance of license, maintenance of skills. This person has been out of practice so long. He was board-certified in 1985. Dr. Varyani stated that most boards only certify for up to ten years. He commented that even the boards feel that you lose your skills in time. Dr. Varyani stated that he would agree with Dr. Talmage, that the Board needs to be careful. If it's an administrative job that Dr. Ziff is doing, that's fine. But once the Board gives Dr. Ziff a license, it has no recourse.

Dr. Egner stated that she thinks that the last year for OB/GYN is 1986. After that, they gave timed licenses. She stated that she would have to assume that Dr. Ziff has not taken any more tests, or he would have said that. Dr. Egner stated that many people who were board-certified prior to 1986 still do the recertification because it's a good thing to do. She stated that she doesn't have any problem with saying that Dr. Ziff should take the recertification exam or the SPEX.

Dr. Suppan asked how the Board could address the training piece that was suggested.

Dr. Egner stated that she doesn't think that the Board can right now.

Dr. Varyani stated that the Board doesn't have the vehicle to send him through more training. He suggested that the Board get together with program directors at a retreat to discuss this issue.

Mr. Albert stated that to require a physician to have so many procedures monitored, but to do that, the Board would have to put the physician under a consent agreement, which is a disciplinary action. The Board should have a procedure where someone like this could be put into a consent agreement without it being discipline.

Dr. Suppan stated that the Board could put the onus on the individual to get the supervising institution to do it.

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

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

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The motion carried.

COMMITTEE TO EXAMINE PHYSICIAN ADVERTISING

Mr. Miller advised that, in June, a plastic surgeon addressed the Legislative Liaison and Rule Review Committee regarding board-certification issues and truth-in-advertising. The surgeon indicated that he had seen numerous patients who had had procedures done by other individuals who advertised themselves as being “board-certified” but not indicating in what specialty their board certification is. Mr. Miller stated that the Committee as a whole decided that this should be studied, and it suggested the creation of an ad hoc committee to look at different ways to go about doing that and seeing what kinds of policies, rules or statutes with which the Board could go forward.

Mr. Browning stated that he had met with this surgeon before that meeting. He stated that the physician came in concerned about the fact that he increasingly sees non-plastic surgeons doing plastic surgery. The physician stated that he opens the newspapers and finds big ads for physicians doing plastic surgery and related services and the physicians are OB/GYNs or other specialists but the ad doesn’t say that. He feels that the ads suggest that the physicians are board-certified by some board of cosmetic surgery that the State Medical Board does not recognize.

Mr. Browning stated that this goes to the issue of clarity in communicating with the public. Mr. Browning stated that the Board ought to have on its website whether or not the physician is board-certified and stipulate which boards the Board agrees are legitimate. Someone could see the ad in the newspaper and then look up the “board of cosmetic surgery” and see on the Board’s website that it does not recognize that board. The Board does not do that.

Mr. Browning stated that the message is: should the Board step back and look at current practices, procedures and regulations and see if there are any adjustments that ought to be made. This seems to be a legitimate set of issues that the Board needs to spend some time looking at, and which cross over various committees. The Legislative Liaison and Rule Review Committee felt that an ad hoc committee would be appropriate.

Dr. Talmage stated that he shares this physician’s concerns. He stated that every day he sees complaints by physicians about physicians who have done this. They’re family practitioners, internists, and they do a lot of this cosmetic stuff. The problem is that if they are certified by a board, and they put that in the ad, the public does not know how to determine whether it is an ABMS-certified board. He stated that he thinks that California legislation might be a model for the Board to study. He added that at some point in his career, the A.M.A. said that it was unethical to advertise. The F.T.C. stripped that and said that it was untenable and cannot be enforced. Suddenly the one-page ads started showing up in the Yellow Pages. He suggested seeking advice from the F.T.C. He added that the Board should also make an inquiry of the A.M.A. to find out what their ethical opinions are on advertising and what should be included in advertisements regarding the board by which you are certified.

Dr. Talmage stated that it’s going to be a very difficult task to come up with a rule, and then there will

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probably need to be legislation to enforce the rule. Dr. Talmage stated that he thinks that it's a worthwhile thing to look at because it is becoming pervasive. There are all kinds of surgical procedures, such as vaginal reconstructive surgery, which is something that somebody just totally invented, and for which there are boards whose only requirements for certification are paying a fee of \$250 a year. Dr. Talmage stated that the public does not know this. He stated that he doesn't know how to acquaint the public with the standard.

Dr. Suppan stated that he agrees with Dr. Talmage. She stated that by the end of the day, she could create a website and create a board and suddenly have this magical portal for people to say that they're board-certified. The thing is that this has been an issue for probably 20 years, and it's something that the professional associations have addressed. She stated that if the Board does set up this committee, it can also look to those bodies because they will actually have affiliate organizations. That would take the Board out of the role of endorsing a certain board. The Board could list the affiliates, which are de facto legitimized boards. Dr. Suppan stated that these are things that don't have to be decided now. It would go to the formation of the Committee.

Mr. Albert commented that the majority of people who testified on the rules dealing with liposuction were dermatologists. You have ophthalmologists who do a certain amount of reconstructive surgery, and there are dentists who do some. He stated that this will be a difficult rule to craft.

Mr. Browning agreed, but stated that, from a consumer perspective, unless the Medical Board, possibly through legislation, stands up on this issue, the problem will go on. It's driven by economics. He stated this really goes to the need for the Board, over time, to change the way the Board licenses and to go to more competency-based licensure. He stated that it's outrageous that people get to go out and determine for themselves what they get to do.

Dr. Varyani stated that California law addresses truth-in-advertising. He added, however, that California is having a hard time. Organized medicine and the legitimate boards are having a hard time with scope of practice issues. Ophthalmologists can take the fat off the eyes and that's okay, so why can't they take the fat off the cheek? Dr. Varyani stated that even the A.M.A. is having problem with these issues. These are scope of practice issues that he's glad the Board is addressing.

Dr. Varyani continued that when the Board issues a license, it's to practice medicine in the State of Ohio. It behooves the Board to not just give a blank statement. That might be the answer to the issue. The Board could issue licenses to practice X, Y or Z specific. He stated that organized medicine has been banging their head against this for the last 20 years.

Mr. Browning stated that there too many internal conflicts.

Dr. Varyani stated that it would make more sense for this Board to issue a license to practice a specialty such as anesthesiology, which would be defined. That would be the answer, rather than giving a license to practice medicine and surgery, which allows anything.

Dr. Amato stated that he's in full agreement long-term. The Board also needs to look at these medical

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boutiques right now and how they are advertising. As the Board looks at the licensure long-term, he thinks organized medicine will have to address the distribution of medical services. It is not uncommon in his practice to be on the telephone with an internist or family practitioner giving guidance. He stated that, in rural areas, sometimes a physician can't get a patient to a specialist, unless you admit the patient to a hospital. If the Board doesn't solve the distribution problems, there will be two different levels of licensure, because rural Ohio doesn't have the access to different specialists.

Dr. Varyani stated that, eventually, that will have to come. The problem will be solved with the maintenance of certification and license. He commented that medicine is moving that direction. He added that he doesn't know when it will happen, but it will happen.

Dr. Amato stated that he had heard that distribution problems would be solved when he graduated from medical school and medical school classes in Ohio are doubling in size. He heard that when NEOUCOM and Wright State medical school were opened, primarily to train family practitioners. He stated that he doesn't think that rural Ohio has seen a lot of those graduates.

Dr. Mahajan asked whether any other states have guidelines about this issue.

Dr. Varyani stated that, unfortunately, he doesn't think any state medical board issues specific licenses.

Dr. Talmage stated that he is unaware of any.

Dr. Mahajan suggested that the Federation also be asked to look into this.

Mr. Albert suggested public service announcements be prepared for radio and television, warning patients.

Dr. Talmage stated that the other night he had dinner with James N. Thompson, M.D., F.A.C.S., FSMB President/CEO, who had just come from a meeting of the ABMS, FSMB, National Board of Medical Examiners, and other interested groups that are looking at a consensus agreement on competence-based licensure. These were very disparate groups who formerly didn't much agree on what was good for medicine or the public. Dr. Thompson's take on the meeting was that it was a very congenial meeting and that there was much more of a meeting of minds. Dr. Talmage stated that he thinks that over the next couple of years the Board will see a great deal of movement toward this competence base for both continuing competence for licensure, and for the educational process. Hopefully, this will make some meaningful changes for the consumer. Dr. Talmage stated that it will come about slowly because each state will have to have legislation. He added that you're not going to see a huge organization like the AMA, with the inertia that it has, change overnight, but he thinks that over the next couple of years the Board will see significant changes.

Dr. Suppan stated that public service announcements would be a great idea, but it would be kind of like a "one moment in time." If the Board puts something on its website that would give consumers instruction on how to evaluate board-certification for legitimacy, the information would be there for perpetuity. A consumer doing a search on the internet would find the Board's website if it uses the right language. Dr. Suppan stated that she thinks that consumers are getting a little more savvy and they do look at things.

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Dr. Suppan added that the Board should have an ad hoc committee on this topic.

DRAFT IMPAIRMENT RULES REGARDING MASSAGE THERAPISTS AND COSMETIC THERAPISTS

Mr. Albert stated that the proposed rules, a copy of which shall be maintained in the exhibits section of this journal, are the first radical change to the impairment rules in 15 years. It pulls out a certain section of the Board's licensees and says that the Board will deal differently with these individuals than it does with physicians. He stated that when the Board first promulgated the impairment rules, there were 200 or fewer massage therapists and a different breed of massage therapists. They were generally older people. Now there are over 10,000 massage therapists, and for the most part they are young people who have just gotten out of high school. They want to pursue some kind of career, and they see that massage therapists are licensed by the State Medical Board. They take these courses to become massage therapists. Some of these individuals have impairment issues.

Mr. Albert stated that the Impairment Committee feels that, because of this group's exposure to harm the public, the Board can deal differently with them. Mr. Albert stated that most of these individuals owe \$10,000 to \$15,000 toward their education and they don't have \$15,000 to \$20,000 to go in for treatment the Board requires. Mr. Albert stated that the Committee is proposing that these individuals be allowed to take intensive outpatient treatment in lieu of the mandatory minimum 28 days of inpatient treatment.

Mr. Albert stated that the proposed rules have been reviewed by Frederick N. Karaffa, M.D. and Theodore V. Parran, Jr., M.D. for their input on the proposed rules.

Dr. Egner stated that she is very supportive of this idea. She stated that every month the Board sees a massage therapist who doesn't go into treatment because of the cost factor. She asked whether those individuals have the opportunity to come back and whether those whose licenses have been revoked for non-compliance have an opportunity to come back.

Ms. Anderson stated that individuals who were sanctioned by the Board were sanctioned based on the rule in place at the time.

Mr. Schmidt referred to proposed rule 4731-16-02 (B)(3)(a)(iii) stating that it should read:

If the impaired individual is a massage therapist or cosmetic therapist who was investigated by the board for possible impairment as part of a previous application for or while holding any certificate, other than massage therapy or cosmetic therapy, issued by the board, the required treatment shall be in compliance with paragraph (B)(3)(a)(i) of this rule.

Mr. Schmidt stated that he's recommending that the Board insert the words, "other than massage therapy or cosmetic therapy." He advised that if those words aren't inserted, anyone the Board dealt with in the past would be under the old rule of 72-hour evaluation and 28-day inpatient treatment rule. He asked that, if the Board does want to file the rules at this time, this amendment be included.

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Dr. Amato stated that he thinks that these rules are needed from what he's seen over the past year. He asked what would happen if a physician takes the Board to court and some judge says that the Board has two different sets of standards on licenses you issue. Will the Board be shooting itself in the foot?

Mr. Albert stated that the Committee anticipates that someone will test the Board on this. He stated that he's relatively comfortable that the Board will successfully defend these rules.

Ms. Bickers stated that one of the major reasons that these rules are being recommended is not an issue of whether or not the individual can afford the treatment. The issue is the exposure and the danger to the public. That's where the staff feels the Board would be successful should a physician bring this concern.

Dr. Amato stated that that's why he thinks this needs to be done. He suggested that there is a world of difference in the risk exposure from a massage therapist versus a physician who is impaired.

Mr. Albert stated that you always run that risk, but he feels that, with the good that these rules will do, it's worth the effort.

Dr. Amato asked for the opinion of the Board's legal representatives.

Ms. Pfeiffer stated that she feels very comfortable defending this case. She stated that the Board is talking about a whole different type of regulated entity between M.D.s, D.O.s, D.P.M.s and massage therapists. It doesn't give her any concern at all.

Mr. Schmidt stated that there is more justification than simply the difference in exposure. He stated that one comment frequently heard from treatment providers is that the only patients tougher than lawyers in terms of treating chemical dependence is physicians. Their denial system is ironclad, and they're very difficult to treat. The type of treatment that would work for most people, generally does not work for physicians. Mr. Schmidt stated that there is a lot of justification for this difference.

MR. BROWNING MOVED TO APPROVE THE RULES, WITH MR. SCHMIDT'S AMENDMENT, AND TO PROCEED TO RULES HEARING. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

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The motion carried.

ADMINISTRATIVE REPORT

At this time Mr. Whitehouse reviewed his written report, a copy of which shall be maintained in the exhibits section of this journal, highlighting the following items:

On June 25th, oral arguments were presented by counsel before the State Personnel Board of Review in the matter of Gary Holben. The Personnel Board of Review voted unanimously to reverse the recommendation of the Hearing Officer. A motion to appeal the decision has been filed in the Franklin County Court of Common Pleas by Mr. Holben's counsel. Mr. Whitehouse stated that he feels that the Personnel Board of Review's record is sufficient to uphold its findings.

The long-awaited complaint tracking module of the state's E-licensing system went live on July 1st. As of that date, new complaints received by the Board are scanned and entered into the system, creating an electronic complaint file. Conversion of complaint tracking data stored on the VAX system is in process. The implementation of the E-licensing complaint tracking module was necessary since the Department of Administrative Services will be retiring the VAX system after data maintained on VAX is migrated to the new platform.

Mr. Whitehouse advised that he will be going to the Controlling Board on July 31 to move money previously approved for the purpose of contracting with hearing examiners to the current fiscal year. Mr. Whitehouse stated that the Board was unable to spend all of the money in FY 08 that the Board anticipated; and so, rather than lose that money, the Board wants to move it into FY 09.

Mr. Whitehouse stated that Board previously approved adding a disclaimer to the Board's EMG Statement. He stated that Ms. Debolt has recommended adding the disclaimer to the end of all of the Board's policy statements.

MR. BROWNING MOVED TO INCLUDE THE FOLLOWING LANGUAGE TO ALL OF THE BOARD'S POLICY AND POSITION STATEMENTS:

This policy or position statement is only a guideline and should not be interpreted as being all inclusive or exclusive. The Board will review possible violations of the Medical Practices Act and/or rules promulgated hereunder on a case by case basis.

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

PRESIDENT'S REPORT

Dr. Varyani stated that on June 27th, he and Mike Miller met with representatives from the Ohio Patient Safety Initiative regarding adverse event reporting. He stated that they met regarding his personal concern

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about patient safety and adverse event reporting. He stated that he is personally interested in adverse event reporting because the majority of procedures are being done outside of hospital facilities. Dr. Varyani stated that, in Massachusetts, laws have been enacted so that reporting is made to the Medical Board. In Ohio, he thinks that the Board will be better off going through the Patient Safety Initiative because it has been legislatively approved. Dr. Varyani stated that he doesn't know what the final outcome of this will be.

Dr. Varyani stated that the Board and Mr. Whitehouse have worked together to address a variety of issues and that it is agreed that Mr. Whitehouse enjoys the Board's full support. The Board will work with Mr. Whitehouse and staff to develop a "dashboard" for the Board to monitor progress toward mutually agreed upon goals. Dr. Varyani stated an ad hoc group will be named to this end, and that he is in full support of this program.

Dr. Varyani noted that Dr. Amato has indicated a willingness to serve on the committee, as has Dr. Suppan. He recommended that the Committee be made up of five members, the Board President, Vice-President, Secretary, Dr. Amato and Dr. Suppan.

MR. BROWNING MOVED TO APPOINT THE FOLLOWING TO THE AD HOC COMMITTEE TO EVALUATE THE EXECUTIVE DIRECTOR: THE BOARD'S PRESIDENT, VICE-PRESIDENT, SECRETARY, DR. AMATO AND DR. SUPPAN. DR. AMATO SECONDED THE MOTION. All members voted aye. The motion carried.

REPORTS BY ASSIGNED COMMITTEES

EXECUTIVE COMMITTEE

Dr. Varyani asked whether the Committee has anything to report.

Mr. Albert stated that the Board is going to talk about fees in August. In the interim, he, Dr. Talmage, Mr. Whitehouse and Ms. Loe would meet and will bring the Board something in August.

Mr. Whitehouse referred to the fiscal materials in the agenda package relating to the Board's fee structure and fiscal status, a copy of which shall be maintained in the exhibits section of this journal. He asked that if Board members have any feedback on this material, they send it to Dr. Talmage, Mr. Albert, Ms. Loe or himself. He stated that the Board members have received three months of fiscal reporting, to include the year end report.

Ms. Loe stated that the Board spent all its appropriation by the end of the fiscal year as suggested by the Committee. She noted that it received a flurry of invoices in the last few weeks of the fiscal year. Anything that the Board didn't invoice, it encumbered. The only thing that remained was the unspent hearing officer money that the Board wants to move to FY09 with the Controlling Board request.

Mr. Albert referred to the \$20.00 included in renewal fees for the Physician Loan Repayment Fund. He asked to whom that money gets sent.

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Ms. Loe stated that right now it goes to the Board of Regents, but she believes that part of the Budget Corrections bill returns it to the Department of Health.

Mr. Albert stated that he thinks that the physician licensees deserve to know how that money is being spent. He asked that Ms. Loe get that information.

Dr. Varyani asked when the Board expects to implement the national massage therapy examination.

Mr. Whitehouse called upon Ms. Thompson to provide an update on our evaluation of the national exam.

Ms. Thompson stated that the last time the Board held its exam, good students also took the national exam and passed. This time, students who failed the Board's June exam are being sent to take the national exam. If the results are consistent with Ohio's results, the Board can feel much more comfortable about using the national exam.

Mr. Whitehouse asked whether the Board should anticipate a net loss in revenue in the coming biennium if the national exam is adopted.

Ms. Rieve stated that, if we move from a fee to sit for the Ohio examination, a licensure application fee would be established for those who wish to practice in Ohio after successfully passing the national exam.

Dr. Varyani stated that he would rather plan for not having the examination fee, rather than have the Board feel the impact of not having the money for two years. He stated that the Board needs to be involved in that process.

A short discussion was held on the budgetary impact of no longer administering a massage therapy examination. Dr. Varyani asked staff to get information on what the budgetary impact will be.

P.A. COMMITTEE

The issue of Tri-County Dermatology's application for its P.A.s to do excisional biopsies/excision of skin lesions was considered at the June 2008 Board meeting. At that time, a motion to approve Tri-County's request failed unanimously, however, there was no motion made to propose to deny the application.

Dr. Talmage at this time stated that there are nine criteria the Board may consider in proposing to deny a special services plan. He referred to Rule 4731-1-08 (C), which lists the nine considerations the Board may use. He noted that the basis for denying an application must be stated in the motion.

MR. BROWNING MOVED TO DENY TRI-COUNTY DERMATOLOGY'S APPLICATION FOR ITS P.A.S TO DO EXCISIONAL BIOPSIES/EXCISION OF SKIN LESIONS ON THE BASIS THAT THE PROCEDURES WILL LIKELY REQUIRE COMPLEX OBSERVATIONS OR CRITICAL DECISIONMAKING DURING THE PERFORMANCE OF THE SERVICE, AND MEDICAL JUDGMENT REQUIRING THE EXCLUSIVE EXPERTISE AND TRAINING OF A

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PHYSICIAN MUST ORDINARILY BE EXERCISED DURING THE PERFORMANCE OF THE SERVICE. DR. AMATO SECONDED THE MOTION. A vote was taken:

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

The motion carried.

MEDICAL BOARD RETREAT PLANNING

Dr. Varyani stated that the Executive Committee was also to discuss what topics would be on the Board's next retreat agenda. Discussion topics suggested are as follows: Light-based Medical Devices; Disciplinary Guidelines; Quality Intervention Program; and Strategic Plan Progress Report.

Dr. Talmage suggested that the Board reconsider the issue of light-based medical devices. He stated that this is a technical issue that will have to go to public hearing. Dr. Talmage stated that until the Board has that public hearing, discussion of the topic while on retreat might be premature. The Board could better spend its discussion time on some other topic.

Dr. Varyani stated that his suggestion to Ms. Debolt concerned an exception to the light-based rule, where certain lights are used in pediatrics for bilirubin.

Ms. Debolt stated that that will be a limited rule change. She added that, since the light-based rules were adopted, there have been so many technology changes and so many devices that are available that are light-based and do everything from melting cellulite to serious medical procedures. She stated that it's time for the light-based rules to be looked at under the five-year rule review process, she thought it might be educational for the Board to know what's out there so that when a serious review of the rules is done, the Board has a background of what's there. The goal of the staff in placing this matter on the retreat agenda is as an educational opportunity for the Board to get an idea of what this vast array of technology is.

Dr. Varyani stated that this is going to be an extensive talk.

Dr. Suppan asked whether this retreat is going to be for strategic planning or for education.

Mr. Whitehouse stated that this is a Board retreat, and he would like to know what the Board members want. It can be educational, information, introspective.

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Dr. Suppan stated that if it's for strategic planning, the Board really needs to focus on strategic planning. If it's for working through difficult issues, that has value to, but it's a whole different kind of retreat.

Dr. Suppan expressed concern that if the Board mixes the two, it won't be able to focus and won't get anything done.

Dr. Varyani stated that Dr. Steinbergh left him a note indicating that the retreat should be from 8:30 a.m. to 2:30 p.m., and it should cover the complaint process or review, QIP or review, complaint review, resolution and disciplinary guidelines. Dr. Varyani stated that Dr. Steinbergh's reason for suggesting these topics is the fact that there are so many new Board members. He stated that when he was first appointed to the Board, the first retreat was very educational for him because it just so happened that the whole complaint process was the topic. He learned everything very quickly. Dr. Varyani stated that he is open to whatever discussions the Board members want to have at the retreat. He asked for input from other Board members.

Dr. Suppan stated that for the overall success of the organization, she would tend to favor strategic planning in the sense of revisiting the current strategic plan, maybe doing a brief assessment by Board members as to whether the Board is on-track or off-track. Does the Board want to modify the plan? At that point the Board would have the opportunity to bring other issues, prioritize the issues and then amend the plan.

Dr. Suppan stated that she thinks that Ms. Debolt's issue with the light-based medical device rule comes under much broader heading as to how this Board deals with medical device issues. That would be something that the Board could put on the strategic plan and prioritize it in a series.

Dr. Talmage stated that he would prefer to combine the two. He stated that, by the time of the retreat, half of the Board members will have been on the Board for less than two years. The Board could go over the complaint process, review the QIP process and then, during the second half of the day discuss the strategic plan. He stated that he thinks that that will be most productive and the best use of time.

Dr. Egner stated that she's in favor of the time that Dr. Steinbergh suggested. She stated that she would prefer to discuss the strategic plan. She added that she reads the current plan and she doesn't get it. If it's going to be something broad and esoteric, she's not into that. She's more into the nuts and bolts of whether something is meeting with the Board's objective so the Board spends a certain amount of time on what its overall objectives and goals are, not the whole day. She added that there are some issues that would fit into that topic that aren't working well, and the Board could discuss them and figure out a way to make them work better.

Mr. Albert stated that one of the problems that the Board falls into in a lot of retreats is that there are too many subjects and not enough time to cover all of them. He suggested having a working lunch, rather than take a break. The staff can take some cases and go over the case from start to ending. He stated that that worked out well at a previous retreat.

Mr. Whitehouse stated that the Board's staff wants to provide the Board with the information that it needs. He stated that he needs to know what the Board's objectives are for this retreat. He stated that, since half the membership of the Board will be new, process issues should probably be on the agenda.

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Mr. Whitehouse stated that the notion of talking about the complaint process is wise. He stated that he would like to offer an update to the strategic plan and, in the interim, talk about what that means, what that statement is, and what steps the Board has taken in the direction with regard to the three initiatives on the current plan.

Dr. Mahajan stated that his preference would be to tackle the topics one by one and take as much time as is needed. He stated that he doesn't think that the Board should limit the time to 8:30 a.m. to 2:30 p.m.

Dr. Amato stated that he thinks that the full day is the only way to go at it. He likes the idea of devoting some time to the educational process for the benefit of the new Board members. Dr. Amato stated that he thinks that the real role of the Board is to give direction, so the Board needs to spend a moment of time on the strategic plan.

Mr. Hairston stated that he would be in favor of a full day. He also suggested that it could take more than one day. He added that there should be a working lunch to accomplish as much as it can. He added that discussion of a strategic plan is important because that's how Board members can give its director and staff the tools that they need and the things that the Board wants to see happen in the next few years.

Mr. Browning stated that he thinks that doing the things the Board is talking about makes sense. He stated that he really thinks that it's helpful for new Board members and those who have been on the Board a long time to take a case through the process and really understand the major steps. It's also helpful to learn the role of the staff and how important it is.

Dr. Varyani stated that he thinks that everybody is on the same page. He agreed to having a full-day-long meeting, or longer if necessary. He stated that he would like to start the education part of the meeting early, going through the process of what happens from the time a complaint is filed until the matter is resolved, either through consent agreement, formal hearing or dismissal of the complaint. He suggested that even members who have been on the Board for some time could benefit from this, adding that it would help them to understand what takes so much time and how that would fit into the Board's strategic plan. Dr. Varyani continued that the Board could then discuss its and prioritize its goals.

Dr. Varyani stated that a working lunch is fine, but he would prefer a half-hour break. He stated that he strongly feels that the Board should have some social time with the staff.

Dr. Egner agreed with Dr. Varyani.

R. GREGORY BROWNING, PH.D

At this time Dr. Suppan extended to Mr. Browning her personal thanks, as a new Board member, for the extra effort and going the extra mile in bringing closure to the Executive Director evaluation. She stated that she learned a lot watching Mr. Browning through the process.

Mr. Browning thanked Dr. Suppan. He also expressed his thanks to the Board members and staff for a great experience over the ten years. He stated that this has been a unique and wonderful experience for

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him, and he considers it to be an honor. He wished the Board well as it goes forward.

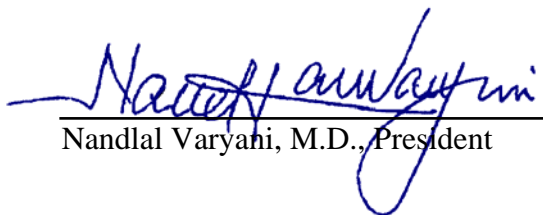
Dr. Egner stated that Mr. Browning has been a tremendous asset to this Board. She stated that he has added so much to the Board, and has brought a tremendous amount of knowledge and experience.

Dr. Varyani thanked Mr. Browning.

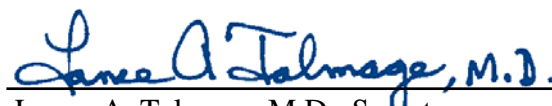
DR. TALMAGE MOVED TO ADJOURN. DR. VARYANI SECONDED THE MOTION. All members voted aye. The motion carried.

Thereupon at 10:35 a.m. on July 10, 2008, the July 9-10, 2008 meeting 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 July 9-10, 2008, as approved on August 13, 2008.



Nandlal Varyani, M.D., President



Lance A. Talmage, M.D., Secretary

(SEAL)

