

October 8, 2008

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**MINUTES**

**THE STATE MEDICAL BOARD OF OHIO**

**October 8, 2008**

Nandlal Varyani, M.D., President, called the meeting to order at 1:00 p.m., in the Administrative Hearing Room, 3<sup>rd</sup> Floor, the James A. Rhodes State Office Tower, 30 E. Broad St., Columbus, Ohio 43215, with the following members present: Dalsukh Madia, M.D., Vice-President; Lance A. Talmage, M.D., Secretary; Raymond J. Albert, Supervising Member; Carol L. Egner, M.D.; Marchelle L. Suppan, D.P.M.; W. Frank Hairston; Jack C. Amato, M.D.; Susan E. Stephens, M.D.; and Anita M. Steinbergh, D.O. The following did not attend the meeting: Darshan Mahajan, M.D.

Also present were: Richard A. Whitehouse, Executive Director; Diann K. Thompson, Assistant Executive Director; Kimberly C. Anderson, Assistant Executive Director; Sallie J. Debolt, General Counsel; 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; Michael K. Miller, Public Policy & Government Affairs Officer; Karry Thacker, Executive Staff Assistant; Danielle Bickers, Compliance Supervisor; Jean Gillman, Compliance Officer; Barbara Jacobs, Public Services Administrator; and Jacqueline A. Moore, Disciplinary Information Assistant.

MINUTES REVIEW

**MR. ALBERT MOVED TO APPROVE THE REVISED MINUTES OF JULY 9-10, 2008, AND THE MINUTES OF SEPTEMBER 10-11, 2008. MR. HAIRSTON SECONDED THE MOTION. A** vote was taken

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

The motion carried.

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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. SUPPAN SECONDED THE MOTION.** A vote was taken

VOTE:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- 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: Patricia A. Davidson, Chief Hearing Examiner; R. Gregory Porter and Gretchen Petrucci, Hearing Examiners.

REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Varyani announced that the Board would now consider the Reports and Recommendations, and the Proposed Findings and Proposed Orders 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: Lee C. D. Hang-Fu, M.D.; Jason R. Molder, M.T.; Carolyn Johnson, M.D.; Ravi Kumar Jonnalagadda, M.D.; Mehrdad Nikfarjam, M.D.; Steven M. Oppenheimer, M.D.; Robert Rowan Summers, D.O.; Jennifer Marie Tucker, M.T.; and Mani A. Vannan, M.D. A roll call was taken:

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

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

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

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

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

LEE C. D. HANG-FU, M.D.

At this time Dr. Varyani advised that he must recuse himself from this matter. He at this time left the room.

As Dr. Madia was also required to recuse himself from this matter, Dr. Steinbergh assumed the Chair in Dr. Varyani's absence.

Dr. Steinbergh directed the Board's attention to the matter of Lee C. D. Hang-Fu, M.D. She advised that no objections were filed to Hearing Examiner Petrucci's Report and Recommendation.

Dr. Steinbergh advised that this matter was considered by the Board at its September 10, 2008 meeting, but was tabled due to lack of a voting quorum. At the time it was tabled, a motion to approve and confirm had been made and seconded, and the matter had been tabled for purposes of drafting an alternative order.

Dr. Steinbergh stated that those Board members who were present last month will recall that the Board had grave concerns about Dr. Hang-Fu's ability to practice. She asked that copies of the draft alternative order

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be distributed to Board members at this time.

**DR. STEINBEGH MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF LEE C. D. HANG-FU, M.D. BY SUBSTITUTING THE FOLLOWING:**

It is hereby ORDERED that:

- A. **PERMANENT REVOCATION, STAYED; SUSPENSION:** The certificate of Lee C.D. Hang-Fu, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED. Such revocation is STAYED, and Dr. Hang-Fu's certificate shall be SUSPENDED for an indefinite period of time, but not less than one year.
- B. **CONDITIONS FOR FULL REINSTATEMENT OR RESTORATION:** The Board shall not consider full reinstatement or restoration of Dr. Hang-Fu's certificate to practice medicine and surgery until all of the following conditions have been met:
1. **Application for Reinstatement or Restoration:** Dr. Hang-Fu shall submit an application for full reinstatement or restoration, accompanied by appropriate fees, if any.
  2. **Professional Ethics Course or Courses:** At the time he submits his application for full reinstatement or restoration, Dr. Hang-Fu 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 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. Hang-Fu 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(s), setting forth what he learned from the course(s), and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

3. **Assessment by Post-Licensure Assessment System [PLAS] and Successful Completion of Any Recommended Education Plan:** Prior to his application for full reinstatement or restoration, Dr. Hang-Fu shall undertake and complete a multi-modal clinical competence assessment at the University of Wisconsin School of Medicine and Public Health, Individually Designed Education and Assessment Services [IDEAS] or other PLAS collaborating program as

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approved by the Board. Additionally, prior to his application for full reinstatement or restoration of his certificate, Dr. Hang-Fu shall undertake and complete all educational activities recommended by the program.

- a. Dr. Hang-Fu's participation in the assessment and the educational activities shall be at his own expense.
- b. Prior to the assessment, Dr. Hang-Fu shall furnish the program with copies of the Board's Order, including the Summary of the Evidence, Findings of Fact, and Conclusions of Law, and any other documentation from the hearing record that the Board may deem appropriate or helpful to that assessment. Dr. Hang-Fu shall also comply with all requests for information from the program in order to complete the assessment.

Upon completion of the assessment, Dr. Hang-Fu shall ensure that the program issues a written assessment outcome report, in which the program states whether Dr. Hang-Fu has been found capable of practicing according to acceptable and prevailing standards of care and whether Dr. Hang-Fu should participate in an education plan. Dr. Hang-Fu shall complete and sign the written assessment outcome report within 120 days of the assessment. Further, Dr. Hang-Fu shall ensure that the program provides this Board with a copy of the signed written assessment outcome report within fifteen days of its signing by all necessary parties.

- c. In the event that the written assessment outcome report indicates that Dr. Hang-Fu should participate in an education plan, Dr. Hang-Fu shall provide documentation acceptable to the Board that he has successfully completed all educational activities that do not require an active certificate to complete, prior to his application for full reinstatement or restoration.
- d. In the event that the education plan includes educational activities that require an active certificate to practice medicine and surgery, Dr. Hang-Fu shall file a request with the Board for limited reinstatement or restoration of his license, under specific identified terms, conditions and limitations in order to allow him to engage in the educational activities only. If the Board and Dr. Hang-Fu are unable to agree on the terms for such limited reinstatement or restoration of his certificate, then Dr. Hang-Fu shall be provided notice that a hearing has been scheduled pursuant to Chapter 119. of the Ohio Revised Code, advising Dr. Hang-Fu of his hearing rights, and stating the date, time and location of the hearing at which the Board will present its evidence, after which the Board will make a determination of the matter by Board Order.

4. **Practice Plan**: At the time he applies for full reinstatement or restoration, or as

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otherwise determined by the Board, Dr. Hang-Fu shall also submit to the Board and receive its approval for a plan of practice in Ohio. The practice plan, unless otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Hang-Fu's activities will be directly supervised and overseen by a monitoring physician approved by the Board. Further, if the practice plan includes Dr. Hang-Fu's participation in outpatient surgeries, such surgeries shall be performed only in appropriately accredited facilities. Dr. Hang-Fu shall obtain the Board's prior approval for any alteration to the practice plan approved pursuant to this Order.

At the time Dr. Hang-Fu submits his practice plan, he shall also submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary or Supervising Member will give preference to a physician who practices in the same locale as Dr. Hang-Fu and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Hang-Fu and his medical practice, and shall review Dr. Hang-Fu's patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Hang-Fu and his medical practice, and on the review of Dr. Hang-Fu's patient charts. Dr. Hang-Fu shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Hang-Fu's quarterly declaration.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Hang-Fu must immediately so notify the Board in writing. Dr. Hang-Fu shall suspend all surgical activity until a new monitoring physician is approved by the Board. In addition, Dr. Hang-Fu shall make arrangements acceptable to the Board for another monitoring physician within 30 days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Hang-Fu shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

5. **Additional Evidence of Fitness To Resume Practice:** In the event that Dr. Hang-Fu has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to recommencing the practice of medicine in Ohio, the Board may exercise its discretion under Section 4731.222 of the Revised Code to require additional evidence of his fitness to resume

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practice.

- C. **PROBATION:** Upon full reinstatement or restoration, Dr. Hang-Fu's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least two years:
1. **Obey the Law:** Dr. Hang-Fu shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio and any other state in which he is practicing.
  2. **Comply with Practice Plan:** Dr. Hang-Fu shall practice in accordance with the practice plan approved by the Board, as set forth in paragraph B.4., above.
  3. **Declarations of Compliance:** Dr. Hang-Fu 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. Hang-Fu's certificate is restored or reinstated, or as otherwise directed by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
  4. **Personal Appearances:** Dr. Hang-Fu 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. Hang-Fu's certificate is restored or reinstated, or as otherwise directed by the Board. Subsequent personal appearances must occur every six months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
  5. **Noncompliance Will Not Reduce Probationary Period:** In the event Dr. Hang-Fu is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.
- D. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Hang-Fu's certificate will be fully restored.
- E. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER:**
1. **Required Reporting to Employers and Others:** Within 30 days of the

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effective date of this Order, Dr. Hang-Fu 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 not 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. Hang-Fu shall promptly provide a copy of this Order to all employers or entities with which he contracts to provide health care services (including but not limited to third-party payors), or entities to which Dr. Hang-Fu 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 Dr. Hang-Fu receives from the Board written notification of the successful completion of the probation.

In the event that Dr. Hang-Fu 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, within 30 days of the effective date of this Order, he shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services. This requirement shall continue until Dr. Hang-Fu receives from the Board written notification of the successful completion of the probation.

Further, Dr. Hang-Fu shall provide the Board with one of the following documents as proof of each required notification within 30 days of the date of each notification: (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.

2. **Required Reporting to Other State Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Hang-Fu 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 Administration, through which he currently holds any license or certificate. Also, Dr. Hang-Fu shall provide a copy of this Order at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement/restoration of any professional license. This requirement shall continue until Dr. Hang-Fu receives from the Board written notification of the successful completion of the probation.

Further, Dr. Hang-Fu shall provide this Board with one of the following

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documents as proof of each required notification within 30 days of the date of each such notification: (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.

- F. **REQUIRED REPORTING OF CHANGE OF ADDRESS:** Dr. Hang-Fu shall notify the Board in writing of any change of principal practice address or residence address within 30 days of such change.

This Order shall become effective immediately upon the mailing of the notification of approval by the Board.

**MR. HAIRSTON SECONDED THE MOTION.**

Dr. Egner asked whether the comments she made about this case at the September meeting would be put into the minutes for this month, or would the Board discuss this case again. She stated that to just look at the amended order, with none of the comments as to the rationale behind the Order would not be prudent. She stated that she still agrees with the comments she made last month.

Mr. Whitehouse stated that the Board could probably incorporate by reference for purposes of saving a little time.

Dr. Steinbergh noted that there are members who were not present in September, and once there has been a motion and a second to amend the Proposed Order there can be discussion on the amended Order. She stated that the Board can incorporate the September minutes into the discussion of this case. Board members who wish to reiterate anything they said in September can do so during the discussion.

Dr. Steinbergh reviewed the elements of the amendment, stating that the most important piece is the assessment by the PLAS system, and successful completion of any recommended education plan.

**DR. AMATO MOVED THAT THE BOARD'S SEPTEMBER MINUTES REGARDING THIS MATTER BE INCLUDED IN TOTO UNDER DISCUSSION FOR THIS MONTH.**

**MR. HAIRSTON SECONDED THE MOTION.**

Dr. Egner stated that this case involved a plastic surgeon performing office-based surgery. Dr. Hang-Fu said that he was never familiar with the Board's rules, and that he didn't know that there was a January 2007 deadline to have his office accredited. Dr. Egner stated that she questions how much of the rules Dr. Hang-Fu didn't know or how much he just disregarded. Either way, the case comes down to a few very serious practices in that he gave IV sedation with Valium and Demerol and listed this as minimal sedation

when, in fact, it was clearly moderate sedation. Dr. Egner remarked that Dr. Hang-Fu should have known that.

Dr. Egner stated that Dr. Hang-Fu's facility was never accredited. She stated that she takes issue with some of the excuses Dr. Hang-Fu gave, and which were listed in the Report and Recommendation. She stated that Dr. Hang-Fu gave the impression that he was making clinical, operational kinds of changes to the clinic and that's why the accreditation was put off. Dr. Egner stated that, in fact, it wasn't. Dr. Hang-Fu was making a few structural changes with the building, which should have had absolutely nothing to do with their ability to be accredited. When the facility was looked at by an accrediting body, it could not be accredited because there were just too many deficiencies.

Dr. Egner stated that there were other rules that Dr. Hang-Fu disregarded: he used a larger cannula for liposuction than is allowed and he dropped his malpractice coverage but did not inform Patient 1 of this. Dr. Egner added that the minimal standards allegations are very evident. Dr. Hang-Fu's medical record was absolutely atrocious. Having no licensed nursing personnel employed in a facility like this, when you are doing substantial plastic surgery work is placing the patient at harm. Dr. Egner stated that the record shows terrible postoperative care, with not having vital signs on patients, and patients not really being directly watched. She stated that these are minimal standards violations.

Dr. Egner stated that she will reluctantly go along with the amendment, although her first inclination is to permanently revoke Dr. Hang-Fu's license. She feels that Dr. Hang-Fu placed patients in very vulnerable positions that could have had disastrous outcomes. Dr. Egner stated that she's not usually in favor of making conditions so difficult that, in essence, it does keep a physician from practice. She feels that the Board should make a statement that it either wants a physician to practice or it doesn't. Dr. Egner stated that she has some reservations about the proposed amendment, but she will go along with it.

Dr. Steinbergh noted that the Board needs to vote on Dr. Amato's motion.

Dr. Egner asked for discussion first.

Dr. Steinbergh stated that one of the issues is that there are Board members present this month who weren't present last month. It would be important that any members who have not participated in the discussion do so.

Ms. Pfeiffer stated that she thinks it's fair to say that the deliberations from the last Board meeting are still a part of this. The Board just tabled the matter, and this discussion is a continuation of last month's discussion. Board members who weren't present in September can review the minutes and the Board can have whatever discussion it wants today. She stated that she doesn't know that it's a problem to incorporate the minutes, but she's not sure that the Board needs to do that for purposes of its deliberations today.

Dr. Steinbergh asked to approve Dr. Amato's motion to make certain that the Board is incorporating last month's minutes into this discussion.

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Dr. Steinbergh stated that, in September, when it discussed permanent revocation versus going into an amended order, she thinks that Dr. Amato felt that there was not concurrence that the Board could go forward with a vote for revocation. She added that, unless there's other discussion on this, she thinks that the Board will first take a vote on the amended order and see where it goes with this.

Dr. Amato asked that a vote be taken on his motion first.

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

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

The motion carried.

LEE C.D. HANG-FU, M.D. (SEPTEMBER 10, 2008 DISCUSSION)

*At this time Dr. Varyani advised that he must abstain from this case and withdrew from the room. Dr. Madia assumed the Chair in Dr. Varyani's absence.*

*Dr. Madia directed the Board's attention to the matter of Lee C.D. Hang-Fu, M.D. He advised that no objections were filed to Hearing Examiner Petrucci's Report and Recommendation.*

**DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF LEE C.D. HANG-FU, M.D. MR. HAIRSTON SECONDED THE MOTION.**

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

*Ms. Pfeiffer stated that she talked with Dr. Hang-Fu's attorney last week, and he indicated that neither he nor Dr. Hang-Fu would be attending this meeting.*

*Dr. Egner stated that there are quite a few issues in this case of a plastic surgeon performing office-based surgery:*

*He was never familiar with the Board's rules; however, he knew that there was this January*

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2007 deadline. She stated that that's really inconsistent.

Although he gave IV sedation with valium and Demerol, he listed this as minimal sedation when, in fact, it's very clear that it's moderate sedation. Dr. Egner stated that, even if you hadn't read the Board's rules, if you're going to do office-based surgery and administer analgesics and anesthetics, just with basic medical knowledge you should know what is minimal, moderate and deep sedation. Dr. Egner stated that she's upset that Dr. Hang-Fu either doesn't know or he falsified the record. She commented that, either way, it's wrong.

Dr. Egner noted that Dr. Hang-Fu's facility was never accredited. Dr. Egner stated that going through the record, and she thinks that Ms. Petrucci did a good job in looking at that, this again is kind of playing the game: "I'm going to get accredited, but not really going to get accredited," and delaying it. Dr. Egner stated that if you go through the problems with that facility, there were some terrible issues, and it didn't meet the requirements for accreditation. Dr. Egner advised that she'll address those issues later, as they're not part of the citation letter.

Dr. Egner noted that Dr. Hang-Fu used a larger cannula for liposuction than is allowed by the Board's rules. Dr. Egner stated that, as she read the case, she thought to herself, "what if this was the only thing that someone had done wrong? Everything else was okay." Dr. Egner stated that she probably couldn't get too upset about that. In light of everything else, however, she finds that this is a person who performs office-based surgery and says, "I don't need to follow anybody's rules, I can just do what I want to do."

Dr. Egner stated that Dr. Hang-Fu's dropping malpractice coverage is a big red flag to her. There was no evidence on patient 1's chart that she ever knew that he had no malpractice insurance. Dr. Egner stated that she doesn't buy the explanation that the patient was a patient at the clinic beforehand and therefore this wasn't on her chart. Dr. Egner stated that it's a difficult thing to disclose to a patient that you have decided not to carry malpractice insurance. Dr. Egner stated that Dr. Hang-Fu has been dishonest about everything else, and she won't accept his answer that the premium was just too high.

Dr. Egner stated that these first items are the basis for her thought process in this case. She also has to look at some of the other things that came out at hearing but are not necessarily the basis for her decision. Dr. Egner noted that Dr. Hang-Fu's medical records are atrocious, he has no licensed nursing personnel, and inconsistent post-operative vital signs. Dr. Egner stated that all of these things speak to a lack of conscientious, respectful, and good medical care for the patient. In fact, he was just outright dangerous.

Dr. Egner stated that the Proposed Order is to suspend Dr. Hang-Fu's license for one year, require that he take ethics courses, that he submit a practice plan for Board approval. Dr. Egner stated that she would favor of permanent revocation in this case. She stated that her concern is that there's nothing in the Proposed Order that looks at either working or owning an accredited facility. If Dr. Hang-Fu is going to practice, accreditation of the

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*facility has to be an absolute.*

*Mr. Browning suggested tabling this matter to write a new recommendation. He stated that he agrees with Dr. Egner that there are a number of concerns here that are not being fully addressed by this Report and Recommendation. He added that he finds it interesting that medical malpractice insurance is discretionary in this state. You have to have insurance to drive a car, but you don't have to have insurance to drive a scalpel. Mr. Browning stated that the Board needs to think about a new order in this case.*

*Dr. Amato agreed with Mr. Browning and Dr. Egner. Dr. Amato stated that the Board's here to protect the citizens of the State of Ohio. He stated that the Board has just spent an hour and a half on ethics that can relate to patient care, and probably do long-term; and then here's a case that just cries out "poor practice of medicine" and the Proposed Order only talks about a one-year suspension and nothing whatsoever to make sure that when he comes back to practice, he's practicing at a level that's acceptable in the State of Ohio today. Dr. Amato stated that this Proposed Order needs to be rewritten to put guarantees in place that this physician does not return to the type of practice he was doing.*

*Dr. Madia stated that he thinks that he agrees with all three of the Board members who have spoken. He noted that Dr. Hang-Fu gives 80 mg of Valium and 400 mg of Demerol to the patient and there is no R.N. in the facility. Dr. Hang-Fu is the surgeon, doing all of this. Dr. Madia stated that he saw nothing in the Report and Recommendation indicating whether Dr. Hang-Fu is SA-certified or not. Dr. Madia stated that, if the patient stops breathing, he doesn't think that Dr. Hang-Fu is capable of reviving the patient. Dr. Madia stated that in every hospital now, by JCAHO rule, if you are giving conscious sedation, which Dr. Hang-Fu was doing, they have to be ACLS-certified. Dr. Madia stated that the way Dr. Hang-Fu was practicing in his office, he was clearly putting patients in danger.*

*Dr. Steinbergh stated that she agrees with everything said thus far. She added that the record is interesting in that as Dr. Hang-Fu began to look at accreditation, what he was looking at was the external features of his office, painting, etc. He thought if it looked better, that would give him better chances for accreditation. She noted also that he was clearly not interested in the Medical Board rules.*

*Dr. Steinbergh stated that she did want to address the issue of medical malpractice. She stated that at this time in the State of Ohio, you can practice medicine without malpractice insurance, but you must give appropriate notice to patients. This was discussed in the hearing record. The notice has to be posted and has to be presented to each patient before they come in for non-emergent care, or something to that effect. Dr. Steinbergh commented that malpractice insurance is atrociously high, and there are more and more physicians who are choosing to opt out of malpractice insurance because they simply cannot afford it. That is in response to the poor payment levels to physicians and so forth.*

*Dr. Egner stated that her understanding of renovation was that that was not a legitimate*

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*reason. He made that up as a reason for not going through the process, saying that he was renovating the surgery center. Dr. Egner stated that as you think of that, you think they're updating the facilities, the technology. As it turns out, he was adding an awning and a window and painting the rooms.*

*Dr. Egner stated that, as far as tabling this case for an appropriate recommendation, she stated that she hasn't heard anyone say anything as to why Dr. Hang-Fu should still practice medicine. Before she would take the time to write a new recommendation, she would like a little discussion as to what facts the Board knows that say that he should be allowed to continue and what restrictions should be placed on his practice. She added that, personally, she would speak to permanent revocation. Dr. Egner stated that everything Dr. Hang-Fu has said has been dishonest and extremely poor practice, putting patients in great jeopardy.*

*Dr. Steinbergh stated that she was looking at the Board's disciplinary guidelines, and permanent revocation is consistent with the guidelines. The only reason to look at this is to look at the Conclusions of Law and the comments of the Hearing Examiner to make certain that they are consistent with the Order.*

*Dr. Madia stated that with Dr. Hang-Fu's background, his practice is going to be in outpatient plastic surgery, whether at an accredited outpatient facility, or gaining accreditation for his own office. Dr. Madia stated that, if he understands correctly, Dr. Hang-Fu had privileges somewhere in Cleveland in an outpatient surgery center, which were taken away. He stated that he didn't see any mention of that in the Report and Recommendation, and he doesn't know the reasons, but that's his understanding. Dr. Madia stated that he doesn't think that Dr. Hang-Fu would be able to get privileges elsewhere.*

*Dr. Egner stated that if it wasn't in the hearing record, the Board can't consider it.*

*Dr. Steinbergh agreed, stating that Board members can't consider their personal knowledge of a situation in their deliberations.*

*Dr. Madia stated that he understands. He added that Dr. Hang-Fu would have to get privileges somewhere so that someone can supervise him doing outpatient surgery.*

*Dr. Steinbergh spoke in support of tabling this matter in order to come to some determination that the report itself is consistent with the Board's decision.*

*Mr. Browning stated that he doesn't think that there's consensus on permanent revocation.*

*Dr. Amato asked whether the Board could get consensus on a stayed permanent revocation, and putting conditions in place.*

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*Mr. Browning stated that that is something that can be talked about when the topic is tabled and someone works with staff to reconstruct the Report and Recommendation.*

**MR. BROWNING MOVED TO TABLE THE MATTER OF LEE C.D. HANG-FU, M.D.  
DR. EGNER SECONDED THE MOTION.** *A vote was taken:*

<i>ROLL CALL:</i>	<i>Mr. Albert</i>	<i>- abstain</i>
	<i>Dr. Egner</i>	<i>- nay</i>
	<i>Dr. Talmage</i>	<i>- abstain</i>
	<i>Dr. Madia</i>	<i>- aye</i>
	<i>Mr. Browning</i>	<i>- aye</i>
	<i>Mr. Hairston</i>	<i>- aye</i>
	<i>Dr. Amato</i>	<i>- aye</i>
	<i>Dr. Steinbergh</i>	<i>- aye</i>

*The motion carried.*

*Dr. Varyani returned to the meeting and resumed the Chair.*

*Later in the meeting, Ms. Pfeiffer recommended that the Board table this matter until next month. She stated that comments made by Dr. Madia suggest that he should recuse himself from the discussion and the vote in this case. Absent that vote, there are not enough Board members present for purposes of voting to adopt the Report and Recommendation.*

Dr. Stephens stated that she'd read the discussion in September. She asked why the Board decided on probation as opposed to revocation.

Dr. Steinbergh stated that the proposed amendment calls for a stayed permanent revocation. Then Dr. Hang-Fu's license would be suspended for a year, and he would be evaluated by PLAS. Dr. Steinbergh explained what PLAS does for the benefit of new Board members.

Dr. Stephens noted that Dr. Egner stated that she would have liked to have seen a permanent revocation and that she was going along with the probation. Dr. Stephens stated that she wants to know what happened that permanent revocation was taken off the table. Was there some additional information?

Dr. Steinbergh stated that there was not a motion approved and voted on and it was all under discussion.

Dr. Amato advised that the original Proposed Order was not for revocation, with or without a stay. It was for a one-year suspension. The consensus of the Board in September was somewhere between permanent revocation and stayed permanent revocation. Dr. Amato stated that he feels that the Board's discussion went far beyond what the Proposed Order was. The Hearing Examiner's Proposed Order had no threat of permanent revocation. The stayed revocation was a compromise between what was proposed and a permanent revocation with no chance of practicing again.

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Dr. Steinbergh stated that Dr. Egner did discuss permanent revocation, and other Board members discussed an option to it. At that point the Board tabled the matter because two Board members needed to recuse themselves and the Board didn't have a voting quorum present.

Dr. Stephens stated that she did receive this case and she did read it. She just wanted to get the gaps filled.

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
	Dr. Madia	- abstain
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye

The motion carried.

**DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF LEE C. D. HANG-FU, M.D. DR. EGNER SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

Dr. Varyani returned to the meeting at this time.

JASON R. MOLDER, M.T.

Dr. Varyani directed the Board's attention to the matter of Jason R. Molder, M.T. He advised that no objections were filed to Hearing Examiner Davidson's Report and Recommendation.

**DR. MADIA MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT,**

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**CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF JASON R. MOLDER, M.T. DR. STEINBERGH SECONDED THE MOTION.**

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

Dr. Steinbergh noted that the Proposed Order is for a stayed revocation, suspension of license and probation for at least five years. She stated that Mr. Molder had been convicted of multiple misdemeanors between June 1995 and November 2000. When he completed his application, he answered, "no," to questions asking whether he'd ever been convicted or found guilty of a violation of any law, and so forth. Dr. Steinbergh stated that, subsequently, the Board learned of a list of multiple misdemeanors. The Hearing Examiner's Conclusions of Law were that Mr. Molder did make a false, fraudulent, deceptive and misleading statement as he applied for his license. He had pled guilty to a judicial finding of guilt for intervention in lieu of conviction of a misdemeanor involving moral turpitude. Dr. Steinbergh stated that the Hearing Examiner felt that Mr. Molder was very truthful at the time of his hearing. There was discussion as to why he did what he did, and he did, obviously, use misguided judgment at that point. The Hearing Examiner felt that the Board should be lenient with this young man, noting that he's had no trouble with the law for the eight years leading up to this date, and there was no evidence of a felony conviction.

Dr. Steinbergh stated that the Proposed Order suspends Mr. Molder's license for 60 days and places him under probationary terms for the next five years. Terms include personal appearances, declarations of compliance and the Board's usual terms.

Dr. Steinbergh stated that she has an alternative Order to propose. Copies of that alternative were distributed to Board members, and Dr. Steinbergh reviewed the differences between her proposal and the Hearing Examiner's Proposed Order.

It is ORDERED that:

- A. **PERMANENT REVOCATION, STAYED; SUSPENSION; PROBATION.** The certificate of Jason R. Molder, M.T., to practice massage therapy in the State of Ohio is hereby PERMANENTLY REVOKED. Such permanent revocation is STAYED, subject to a SUSPENSION of his certificate for 60 days and subject to PROBATIONARY terms, conditions, and limitations as follows for a period of at least five years.
- B. **INTERIM MONITORING:** During the period that Mr. Molder's certificate is suspended, he shall comply with the following terms, conditions, and limitations:
  1. **Obey the Law:** Mr. Molder shall obey all federal, state, and local laws, and all rules governing the practice of massage therapy in Ohio.
  2. **Personal Appearances:** Mr. Molder shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Order or as otherwise ordered by the Board.

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Subsequent personal appearances must occur every six months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

3. **Declarations**: Mr. Molder shall submit declarations every six months under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first declaration must be received in the Board's offices on or before the first day of the third month following the month in which this Order becomes effective. Subsequent declarations must be received in the Board's offices on or before the first day of every third month.
- C. **PROBATION**: Upon restoration or reinstatement, Mr. Molder's training certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:
1. **Terms, Conditions, and Limitations Continued from Suspension Period**: Mr. Molder shall continue to be subject to the terms, conditions, and limitations specified in Paragraph B of this Order.
  2. **Professional Ethics Course**: Before the end of the first year of probation, or as otherwise approved by the Board, Mr. Molder 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.  
  
In addition, at the time Mr. Molder 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 massage therapy in the future.
  3. **Violation of Terms of Probation**: If Mr. Molder violates probation in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.
- D. **TERMINATION OF PROBATION**: Upon successful completion of probation, as evidenced by a written release from the Board, Mr. Molder's certificate will be fully restored.
- E. **REQUIRED REPORTING AND DOCUMENTATION OF REPORTING**

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1. **Required Reporting To Employers and Others:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Mr. Molder 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.

For massage therapists, the term “health-care services” includes massage-therapy services, and the term “health-care center” includes but is not limited to entities that may be referred to as a wellness center, exercise center, health club, spa, salon, or gymnasium.

Further, Mr. Molder 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 Mr. Molder receives from the Board written notification of his successful completion of probation as set forth in section D above.

2. **Required Reporting To Emergency Medical Services Organization or Provider:** In the event that Mr. Molder 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, Mr. Molder 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, Mr. Molder 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 Mr. Molder 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 Mr. Molder receives from the Board written notification of his successful completion of probation as set forth in section D, above.

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4. **Documentation that the Required Reporting Has Been Performed:** Further, Mr. Molder 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 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.

This Order shall become effective immediately upon the mailing of notification of approval by the Board.

Dr. Egner spoke against the proposed amendment, but added that she didn't like the Report & Recommendation's Proposed Order, either. Dr. Egner stated that she gets a sense that Mr. Molder is a New Age massage therapist who didn't disclose his misdemeanor convictions, but who then was "born again," not in the Christian sense, but in under a new enlightenment to his life. Dr. Egner stated that she gets a sense from the hearing record that Mr. Molder was allowed to go on a little too much about all this new philosophy and life enlightening; however, there's one thing he said that really strikes her. Dr. Egner referred to the following statement of Mr. Molder's:

At long last in my life, I had found something in my life that I loved. I did not want any past to rise up and prevent something good from happening in my present life. So in that moment back in 2004, I chose incorrectly. I was dishonest. I should have had more faith in the people representing the Ohio Medical Board. I should have trusted back then that I could have just been honest about my past, and they would have allowed my past mistakes to be forgiven, but I was confused and I did what I did. So now in 2008, my past is rising up and threatening me, for I chose incorrectly by being dishonest. I should have known better than that. I definitely know better now.

Dr. Egner stated that she takes that statement as Mr. Molder's word, and she believes that it is true. Dr. Egner stated that she feels that both the Proposed Order and the proposed amendment are both way too harsh in this case. She stated that she would like to remove the stayed permanent revocation language. Dr. Egner added that she would like to see some suspension period, but she also thinks that a five-year probationary period is excessive. She stated that five years is the longest probationary period that the Board usually gives to physicians who have real issues that need to be watched. She added that she's not saying that Mr. Molder doesn't need to be watched, but questioned the need to watch him for five years.

Dr. Steinbergh agreed, adding that she'd meant to change the alternative to a three-year probation.

Dr. Egner stated that she takes into account that Mr. Molder is a massage therapist, and she does believe

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that his life is different today. Dr. Egner stated that she would prefer a two-year suspension to a three-year suspension.

Dr. Madia stated that he agrees with Dr. Egner that five years is too long. He added that two or three years is more appropriate.

Mr. Hairston spoke in support of a three-year probation. He added that he definitely agrees with adding the ethics course requirement. He stated that he feels that that is very important.

Dr. Varyani asked whether everyone is comfortable with the proposed amendment.

Dr. Steinbergh noted that Dr. Egner has indicated that she's not comfortable with the permanent revocation language. She stated that the one thing that she really feels about massage therapists is that this is a group of professionals who want to be considered as professional. They are very proud to have a license from the Medical Board, and they want their profession to be reputable. Dr. Steinbergh stated that she doesn't make a difference in her mind between what a massage therapist does and how that massage therapist should act, professionally, when he or she is licensed by this Board. Dr. Steinbergh stated that although she understands some of the background issues that come with massage therapists, and she would absolutely agree that this young man has made a change in his life and ought to go on, there is a responsibility that comes when you answer questions for a license. There is a responsibility that you have to the potential physicians writing a prescription for massage therapy. The physician must be able to believe that the massage therapist is going to be professional and behave appropriately.

Dr. Steinbergh stated that she holds massage therapists to the same standard. She tries to appreciate the differences in human beings, where they came from and where they're going, and it appears that Mr. Molder has changed his life around. Dr. Steinbergh stated that she respects Mr. Molder for that, but added that he did make decisions to answer the way he answered for his own reasons.

Dr. Varyani stated that he thinks that the consensus is for a three-year probation. He asked Board members to discuss the issue of revocation.

Dr. Suppan stated that she thinks that two years of probation is sufficient. She added that she also would like to stay away from the whole revocation piece.

Dr. Steinbergh agreed to remove the revocation language from her proposed amendment, to suspend Mr. Molder's license for a period of not less than 60 days, and to place him on probation for at least three years.

Dr. Suppan asked whether the probation would be for three years or two years.

Dr. Egner stated that she would prefer two years, but would agree to three as a compromise.

Dr. Steinbergh asked for other Board members' opinions.

Mr. Hairston and Dr. Amato both indicated that they would want a three-year probation.

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Dr. Steinbergh stated that she would leave her amended motion at three years, noting that the Board does have consumer representation and the Board is talking about patients.

**DR. STEINBERGH MOVED TO AMEND HER AMENDMENT TO REMOVE THE REVOCATION LANGUAGE, TO PLACE MR. MOLDER'S CERTIFICATE TO PRACTICE MASSAGE UNDER SUSPENSION FOR A PERIOD OF NOT LESS THAN SIXTY DAYS, AND TO CHANGE THE LENGTH OF THE PROBATIONARY PERIOD FROM FIVE YEARS TO THREE YEARS. DR. MADIA SECONDED THE AMENDED MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- 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 JASON R. MOLDER, M.T. MR. HAIRSTON SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	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 this matter was initially considered by the Board at its July 9, 2008 meeting, and an order was

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adopted. However, on July 14, 2008, the copy of the original Report and Recommendation was returned as “unclaimed” to the Board. The Report and Recommendation was subsequently published in the legal notice section of the *Detroit Free Press* on August 4, August 12, and August 20, 2008. A copy of the affidavit of publication, along with a copy of the Report and Recommendation, was then mailed to Dr. Johnson on September 15, 2008. To date, the Board has received no response from Dr. Johnson. The Board’s July 2008 action has been vacated by the Board’s Secretary and Supervising Member, and the matter is once again before the Board for final disposition.

**DR. STEINBERGH 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. DR. MADIA SECONDED THE MOTION.**

Dr. Steinbergh stated that the Board moved to approve the hearing record in this case in July. At the time, the Board was concerned about Dr. Johnson’s mental health, as well as the fact that the physician failed to cooperate with the Medical Board investigation. Dr. Steinbergh stated that she has reviewed this case and feels the same way at this time as she had felt in July.

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

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

The motion carried.

**RAVI KUMAR JONNALAGADDA, M.D.**

Dr. Varyani directed the Board’s attention to the matter of Ravi Kumar Jonnalagadda, M.D. He advised that no objections were filed to Hearing Examiner Porter’s Report and Recommendation.

**DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. PORTER’S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF RAVI KUMAR JONNALAGADDA, M.D. DR. STEPHENS SECONDED THE MOTION.**

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

Dr. Egner stated that Dr. Kumar’s training history is riddled with changing programs, disciplinary

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problems, dismissal and resignation. These are the very events that he left out on his Ohio training certificate application, his Ohio license application, and the CLAF application. Dr. Egner stated that she agrees with the Hearing Examiner that the false statements were made with the intention to deceive. She does not feel that Dr. Kumar can be trusted to be truthful, and she therefore agrees with permanent denial.

Dr. Madia agreed with Dr. Egner, stating that Dr. Kumar purposely left out information from where he trained, where he was disciplined, and where he was let go. The whole purpose was to deceive the Board. Dr. Madia spoke in support of permanent denial.

Dr. Steinbergh stated that she also agrees, adding that the hearing record is quite detailed. Dr. Kumar applied for a training certificate as well as a license in Ohio in a fraudulent and misleading way. Dr. Steinbergh stated that she believes that Dr. Kumar absolutely intended to lie on his applications, and that he's failed to demonstrate appropriate moral character to practice in the State of Ohio.

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

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

The motion carried.

MEHRDAD NIKFARJAM, M.D.

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

**DR. MADIA MOVED TO APPROVE AND CONFIRM MR. PORTER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF MEHRDAD NIKFARJAM, M.D. DR. STEINBERGH SECONDED THE MOTION.**

Dr. Varyani stated that he would now entertain discussion in the above matter, and he reminded Dr. Talmage and Mr. Albert that they may participate in the discussion and vote in this case.

Dr. Egner stated that the Board initially denied Dr. Nikfarjam's application for licensure on the basis that he had graduated from a medical school that is not accredited by the Liaison Committee on Medical Education (LCME) or the American Osteopathic Association (AOA), and that he has not completed two

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years of graduate medical education through the second year level or its equivalent. At the hearing, Dr. Nikfarjam provided the Board with much more detailed information about his training, including training he previously received in Australia, and 16 months of training he has received in the United States. Dr. Egner spoke in support of granting Dr. Nikfarjam a license.

Dr. Steinbergh stated that the piece that was important to her is that Dr. Nikfarjam has consistently developed his expertise in surgery. He hasn't been hopping from one field to another.

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

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

The motion carried.

STEVEN M. OPPENHEIMER, M.D.

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

**DR. MADIA MOVED TO APPROVE AND CONFIRM MR. PORTER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF STEVEN M. OPPENHEIMER, M.D. DR. STEINBERGH SECONDED THE MOTION.**

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

Dr. Egner stated that this is another licensure issue, but it is a little different. Dr. Oppenheimer doesn't hold ECFMG certification, as required for all graduates of medical schools that are not accredited by the LCME or the AOA. Dr. Egner suggested that the Board would like legislation that would allow it to license an individual such as this, but at this time it cannot. Dr. Egner commented that the Board does not have any discretion in this case.

Dr. Madia agreed with Dr. Egner.

Dr. Varyani stated that he personally has a problem in this case. He stated that he knows that, by law, the Board is not supposed to license individuals without ECFMG certification; but this physician is licensed in

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California, New York, Pennsylvania and Kentucky. Dr. Varyani stated that he knows that the Board has to follow Ohio law, but it seems that Dr. Oppenheimer is an expert in his field. Dr. Varyani asked that Dr. Egner and the Licensure Committee work on this problem.

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

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

The motion carried.

ROBERT ROWAN SUMMERS, D.O.

Dr. Varyani advised that the Board issued its notice of opportunity for hearing to Dr. Summers on July 9, 2008, and documentation of service was received. There was no request for hearing filed, and more than 30 days have elapsed since the mailing of the notice. This matter was reviewed by a Hearing Examiner, who prepared Proposed Findings and a Proposed Order, and is now before the Board for final disposition.

**DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE JULY 9, 2008 NOTICE OF OPPORTUNITY FOR HEARING IN THE MATTER OF DR. SUMMERS 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, unfortunately, Dr. Summers is a chemically dependent physician and has been, as far as the Board knows, since 1998. He has had repeated relapses and has undergone inpatient treatment several times. His most recent relapse began in February 2008, shortly after his license was last reinstated. Dr. Summers has now violated the January 2008 Board Order. Dr. Summers made a false declaration of compliance to the Board, knowing that his false representation could result in further discipline. Dr. Steinbergh stated that Dr. Summers has been unable to appropriately comply with his Consent Agreements, and after receiving the most recent notice of summary suspension and citation of violations in July of this year, he did not request a hearing. Dr. Steinbergh stated that at this point the Board has no other choice but to revoke this license. This will allow Dr. Summers to become well again if he so wishes, and to reapply for licensure in the future if he can demonstrate to the Board that he can practice under

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appropriate standards of care.

Dr. Egner stated that the Board knows that this physician has been impaired since 1988. He relapsed in 1998 and in 2001. In 2002 he went through his third inpatient treatment program. He entered into a consent agreement in 2002, and in 2007 he relapsed. In December 2007, the Board entered an order, staying a permanent revocation. In June 2008 Dr. Summers again relapsed, and in July 2008 his license was summarily suspended. Dr. Summers did not request a hearing. Dr. Egner stated that, personally, she feels that the Board has enough evidence that this is a physician who is not going to make it. He hasn't demonstrated any glimmer of hope. Dr. Egner stated that she would be in favor of a permanent revocation in this case. Dr. Egner stated that she's always very hesitant to vote for permanent revocation in cases involving impairment. She stated that she realizes the seriousness of this, but added that there is something to be said for the fact that the relapses always come on the heels of being reinstated into practice. Dr. Egner stated that she just doesn't think that Dr. Summers can practice. She stated that she just has no hope in this case.

Dr. Amato stated that he agrees with Dr. Egner 100%. He stated that he finds it surprising the disparate move for permanent revocation, stayed, a year and a half ago. Now the Order is just for revocation, and there's been another relapse. If, in fact, the Board voted for permanent revocation eighteen months ago and he's had a relapse, why is the Board only revoking his license now?

Dr. Steinbergh stated that he went into a Board Order that absolutely said that the Board is very, very serious about this.

Dr. Amato stated that the Board said that it was very, very serious, it permanently revoked his license, he relapsed and now the Board is going to revoke.

Dr. Steinbergh stated that, historically, the Board has permanently revoked a license under conditions such as this. She stated that there have been times that she has wished that the Board hasn't done that. She added that, even believing in the disease model of chemical dependency, she does sometime struggle with whether or not a person can find himself or herself. She stated that in some cases it's very clear to her. In impairment, it has become a choice over the past several years where she says to herself that she's not sure that she can go there anymore and just absolutely shuts the door. Dr. Steinbergh stated that she's not in disagreement with that concept, but she just can't quite say that he can't come back. At some point, something can change for this person. It may not be right now because he's diseased. Dr. Steinbergh stated that she would probably agree that there's no hope in this case, but she doesn't want to slam the door on hope.

**DR. AMATO MOVED TO AMEND THE PROPOSED ORDER BY SUBSTITUTING AN ORDER OF PERMANENT REVOCATION. DR. EGNER SECONDED THE MOTION.**

Dr. Madia stated that he thinks that he agrees with Dr. Amato. For twenty years Dr. Summers has relapsed, he knows the consequences, and he still relapses. Dr. Madia stated that he doesn't see any hope either.

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

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

The motion failed.

A vote was taken on Dr. Steinbergh's motion to approve and confirm the Hearing Examiner's Proposed Findings and Proposed Order:

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

The motion carried.

## JENNIFER MARIE TUCKER, M.T.

Dr. Varyani directed the Board's attention to the matter of Jennifer Marie Tucker, M.T. He advised that objections were filed to Hearing Examiner Davidson's Report and Recommendation by the State and were previously distributed to Board members.

Dr. Varyani continued that a request to address the Board has been filed on behalf of Ms. Tucker, but it was not filed in a timely manner. He asked for a motion to grant Ms. Tucker's request to address the Board.

Ms. Pfeiffer advised that Ms. Tucker is not present, and indicated that Ms. Tucker did call the Board offices that morning..

Dr. Varyani asked whether the Board wished to table this matter until she's here.

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Dr. Egner asked with whom Ms. Tucker spoke.

Ms. Moore stated that Ms. Tucker left a message on her voice mail. Ms. Moore stated that it sounded like she'd just gotten up, she was yawning a lot, and she indicated that she was having car trouble and wouldn't make it.

Dr. Egner stated that she would hope that Ms. Tucker didn't come because she felt that she had filed late and that the Board would not be amenable to letting her speak.

Ms. Jacobs stated that Ms. Tucker did talk to her staff earlier and was advised that if she filed a motion to address the Board, it would be presented to the Board and that the Board, traditionally, does allow the person to speak. She stated that the staff does make that clear to everyone who files late.

Mr. Whitehouse asked whether Ms. Jacobs believes that there was clarity in Ms. Tucker's mind that, had she come, she would have been permitted to speak.

Ms. Jacobs stated that she does.

**DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF JENNIFER MARIE TUCKER, M.T. DR. EGNER SECONDED THE MOTION.**

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

Dr. Egner stated that Ms. Tucker was a massage therapist who received notice from the Board to undergo an impairment evaluation, scheduled for March 26, 2008. Dr. Egner stated that the Board's scheduling letter was mailed on March 4, but due to delays in the postal system and her having moved, the letter was received by Ms. Tucker on March 17. Dr. Egner stated that her reading of the record shows that Ms. Tucker spoke to the Enforcement Attorney on multiple times with little help or information and was eventually told that the examination could not be rescheduled. She explained that there were two major issues: cost and arrangements for childcare. She was unable to do this in a timely fashion, due to the late notice. Dr. Egner stated that Ms. Tucker was never told that her health insurance might cover some of those costs. Ms. Tucker found that out after she had called the treatment center herself.

Dr. Egner stated that, personally, she can understand that having to go for an evaluation, having to arrange for childcare and what she initially thought to be \$1,800 out of pocket, could be a significant hardship. Dr. Egner stated that she doesn't know that she could make those arrangements on such a short-term notice, especially when you consider that she didn't receive that letter until the 17<sup>th</sup>. She had nine days to come up with the money and the arrangements. Dr. Egner stated that she can't imagine anyone who wouldn't ask for a change of date. Dr. Egner stated that it's her understanding that the Board grants changes of dates for treatment evaluation on a not-infrequent basis. Dr. Egner stated that she doesn't understand why Ms. Tucker wasn't granted one. It seems that her concerns were very legitimate. Dr. Egner stated that, from Ms. Tucker's testimony, it sounds like she truly does want to comply so that she can be a massage therapist.

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Dr. Egner stated that she doesn't believe that this is the Board's finest hour, and she agrees that no violation was found in this matter, that the examination should be rescheduled, and that the Board should work with her.

Dr. Steinbergh stated that she does want to recognize the objections filed by Ms. Unver. She added that she feels the same way as Dr. Egner. However, the concerns and objections filed by the State questioned whether, if the Board does reschedule this, will it be going around in circles with Ms. Tucker. She stated that she hopes not, and she hopes that the Board can rearrange this and make certain that Ms. Tucker understands the importance of it and that the Board can get this done. She does understand the revolving door.

Dr. Amato left the meeting during the previous discussion.

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

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

The motion carried.

MANI A. VANNAN, M.D.

Dr. Varyani directed the Board's attention to the matter of Mani A. Vannan, M.D. He advised that no objections were filed to Hearing Examiner Davidson's Report and Recommendation.

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

Dr. Vannan was accompanied by his attorney, Elizabeth Y. Collis.

Ms. Collis stated that she and Dr. Vannan agree with the Hearing Examiner's Report and Recommendation. She stated that this is a licensure case. The question before the Board was whether or not Dr. Vannan had two years of graduate medical education or the equivalent. The Hearing Examiner has found that Dr. Vannan has at least eight years of graduate medical education, seven years in Europe and one year in the United States. He's also licensed in multiple states and has held different professor positions throughout the United States.

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Ms. Collis stated that Dr. Vannan is present, should the Board have any questions for him. She added that, otherwise, they fully support the Report and Recommendation before the Board today.

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

Ms. Pfeiffer stated that she agrees with the Proposed Order and urged the Board to grant Dr. Vannan a license.

**DR. MADIA MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF MANI A. VANNAN, M.D. MR. HAIRSTON SECONDED THE MOTION.**

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

Dr. Steinbergh commended the Hearing Examiner on a very thorough Report and Recommendation. She added that, as far as Dr. Vannan's credentials for licensure are concerned, he's been thoroughly vetted. Dr. Steinbergh added that Thomas Ryan, M.D., who testified at the hearing, testified that Dr. Vannan is highly respected in the medical community at OSU and at prior institutions at which he served. Dr. Steinbergh spoke in support of granting licensure.

Dr. Amato returned during the previous discussion.

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

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

The motion carried.

#### FINDINGS, ORDERS AND JOURNAL ENTRIES

Dr. Varyani advised that in the following matters, the Board issued Notices of Opportunity for Hearing, and documentation of service for each was received. There were no requests for hearing filed, and more than 30 days have elapsed since the mailing of the Notices. The matters are therefore before the Board for final disposition. He added that Dr. Talmage and Mr. Albert may participate in the discussion and vote, as

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these cases are not disciplinary in nature and concern only the individuals' qualifications for licensure.

AKELLA CHENDRASEKHAR, M.D.

**DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE AUGUST 14, 2008 NOTICE HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY, REVOKING DR. CHENDRASEKHAR'S LICENSE TO PRACTICE MEDICINE AND SURGERY. DR. MADIA SECONDED THE MOTION.**

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

Dr. Steinbergh stated that Dr. Chendrasekhar was cited, having entered into a settlement agreement in Iowa, wherein he was "cited for demonstrating a pattern of professional incompetency and practice harmful or detrimental to the public, particularly in bariatric surgery." Dr. Steinbergh added that Iowa also fined him \$2,000, and prohibited him from performing gastric bypass surgery in Iowa without prior Board approval. Dr. Steinbergh stated that Dr. Chendrasekhar was ordered into a Center for Personalized Education for Physicians (CPEP) program. Also, his Iowa license was placed on probation for five years.

Dr. Steinbergh stated that Dr. Chendrasekhar did not request a hearing in Ohio. The motion will allow him an opportunity to come back, should he so desire, to have a hearing.

Dr. Varyani asked for a second to Dr. Steinbergh's motion.

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

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

The motion carried.

SUBRAMANYA KRISHNASWAMY PRASAD, M.D.

**DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE AUGUST 14, 2008 NOTICE HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ENTER AN ORDER, EFFECTIVE IMMEDIATELY,**

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**PERMANENTLY REVOKING DR. PRASAD'S LICENSE TO PRACTICE MEDICINE AND SURGERY.**

Dr. Steinbergh stated that Dr. Prasad has improperly prescribed medications over the internet. He entered into a plea agreement in California, in United States District Court, and, as of June 2008, was awaiting sentencing there. Dr. Steinbergh noted that Dr. Prasad did not request a hearing. She stated that in cases such as this, she would recommend permanent revocation.

**DR. MADIA SECONDED DR. STEINBERGH'S MOTION.**

Dr. Varyani noted that Dr. Prasad made restitution in one state. Dr. Varyani added that he agrees with the motion made.

Dr. Steinbergh stated that the record reflects that Dr. Prasad admitted that, as a licensed physician in Kentucky and Ohio, he was recruited by Affpower Enterprise, to review and approve orders for prescription drugs. In a four-month period, from March to June 2006, he approved more than 30,790 orders for prescription drugs from Affpower customers. He occasionally reviewed and approved more than 1,000 orders in a day, and sometimes spent fewer than five seconds for every customer order he reviewed. His earnings during that four-month period exceeded \$95,000. Dr. Steinbergh stated that Dr. Prasad admitted that he and other Affpower doctors had no contact with Affpower customers and lacked any physician/patient relationship with them, that they were not issuing prescriptions in the usual course of a professional practice, and were not issuing the prescriptions for legitimate medical purposes, but simply to make money. Dr. Steinbergh stated that that's what needs to be understood in a case like this and why permanent revocation in Ohio is appropriate.

Dr. Talmage left the meeting during the previous discussion.

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

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

The motion carried.

BELKIS YUCE, M.D.

**DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE**

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**MAY 14, 2008 NOTICE HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO ENTER THE PROPOSED ORDER, EFFECTIVE IMMEDIATELY, IN THE MATTER OF BELKIS YUCE, M.D. DR. AMATO SECONDED THE MOTION.**

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

Dr. Steinbergh stated that Dr. Yuce failed to submit to a Board-ordered examination, and therefore the presumption is one of impairment.

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

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

The motion carried.

CITATIONS, PROPOSED DENIALS, ORDERS OF SUMMARY SUSPENSION & NOTICES OF IMMEDIATE SUSPENSION

JOSEPH HENRY BANKS, JR., M.D. – CITATION LETTER

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

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

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

The motion carried.

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CHRISTOPHER MCKINLEY HEBEN, 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. MADIA MOVED TO SEND THE CITATION LETTER TO MR. HEBEN. DR. STEINBERGH SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

SYED KAZMI, M.D. – 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. MADIA MOVED TO SEND THE LETTER OF PROPOSED DENIAL TO DR. KAZMI. MR. HAIRSTON SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

NANCY JAYNE LISCH, 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.

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

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

The motion carried.

STEVEN PAUL SHERRY, D.O. – CITATION LETTER

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

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

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

The motion carried.

RICK D. ST. ONGE, M.D. – CITATION LETTER

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

**DR. MADIA MOVED TO SEND THE CITATION LETTER TO DR. ST. ONGE. MR. HAIRSTON SECONDED THE MOTION.** A vote was taken:

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

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

The motion carried.

RATIFICATION OF SETTLEMENT AGREEMENTS

WALTER RICHARD RUF, M.D. – PERMANENT SURRENDER/CONSENT TO REVOCATION OF LICENSE

**DR. STEINBERGH MOVED TO RATIFY THE PERMANENT SURRENDER WITH CONSENT TO REVOCATION OF DR. RUF'S LICENSE TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF OHIO. DR. MADIA SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

MARK D. BALDWIN, D.O.– STEP I CONSENT AGREEMENT

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

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

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The motion carried.

JEFFREY C. CHEN, M.D. – CONSENT AGREEMENT

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

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

The motion carried.

TIMOTHY J. HEYD, M.D. – CONSENT AGREEMENT

**DR. STEINBERGH MOVED TO RATIFY THE PROPOSED CONSENT AGREEMENT WITH DR. HEYD. DR. MADIA SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

JAMES CAMERON JOHNSON, D.O. – STEP II CONSENT AGREEMENT

**DR. STEINBERGH MOVED TO RATIFY THE PROPOSED STEP II 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

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

The motion carried.

SRIPRIYA DOSS KOLAKALUR, M.D. – CONSENT AGREEMENT

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

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

The motion carried.

Dr. Talmage returned to the meeting at this time.

RAVI DUTT MADAN, M.D. – STEP I CONSENT AGREEMENT

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

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

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The motion carried.

PAUL E. DUNCAN, M.D. – STEP I CONSENT AGREEMENT

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

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

The motion carried.

STEVEN THOMAS REED, M.D. – CONSENT AGREEMENT

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

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

The motion carried.

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

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

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

The motion carried.

#### PROBATIONARY APPEARANCES

##### ASHFAQ TAJ AHMED, M.D.

Dr. Ahmed appeared before the Board pursuant to his request for release from the terms of Board's Order of June 11, 2003.

In response to Board Members' questions, Dr. Ahmed stated that he is currently in a group practice in Springfield, Ohio. He does have hospital privileges.

Mr. Albert stated that Dr. Ahmed has been doing very well with his probation, and has been very compliant.

Dr. Ahmed thanked the Board for a second chance. He also thanked the Board for sending him to the ethics course prepared for him by Joy D. Skeel, M.Div. He stated that he has seen Professor Skeel every year since taking the class, and he will continue to see her once a year, even though the Board Probation is over.

Dr. Varyani asked that, for the sake of the medical students present, Dr. Ahmed explain what he's learned through this experience.

Dr. Ahmed stated that there was a fundamental thing he didn't realize. First of all, lying is a big deal in the medical profession. More than five years ago he signed his name to rotations he didn't attend, thinking it was "not a big deal." Dr. Ahmed stated that it is a big deal. Lying doesn't happen once; it's a pattern, and it happens more and more. It blends into your personal life, as well as professional life. Dr. Ahmed stated that he was thankful to get an awakening and an insight into that. What he thinks he learned the most is integrity. He learned the word, "veracity," quite a bit in his thesis that he wrote. He also learned about honesty, and to be consistent with it. There's always a better way, if you can just tell the truth.

**DR. MADIA MOVED TO RELEASE DR. AHMED FROM THE TERMS OF THE BOARD'S ORDER OF JUNE 11, 2003, SUBJECT TO RECEIPT OF HIS MONITORING PHYSICIAN'S REPORT. DR. AMATO SECONDED THE MOTION.** All members voted aye. The motion carried.

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JACK E. SLINGLUFF, D.O.

Dr. Slingluff appeared before the Board pursuant to his request for release from the terms of Board's Order of November 10, 2004.

In response to Board members' questions, Dr. Slingluff stated that he is doing very well. In explanation of his history with the Board, Dr. Slingluff stated that the big argument was that he had patients who had been treated with Laetrile in Mexico. When they came back to Ohio, he continued that treatment, and that is the reason he got into problems. He has quit using Laetrile in his practice, and he does not intend to use it again. He stated that he would like to return to a normal practice as an osteopathic physician.

Dr. Stephens asked whether the reason Dr. Slingluff got into trouble was because Laetrile is not an FDA-approved drug.

Dr. Slingluff stated that he believes that that's the case.

**DR. MADIA MOVED TO RELEASE DR. SLINGLUFF FROM THE TERMS OF THE BOARD'S ORDER OF NOVEMBER 10, 2004. DR. SUPPAN SECONDED THE MOTION.** All members voted aye. The motion carried.

PAULA CLARK ADKINS, M.D.

Dr. Adkins made her initial appearance before the Board, pursuant to the terms of the Board's Order of July 9, 2008.

Dr. Varyani noted that Dr. Adkins has a long history of addiction.

In response to Board members' questions, Dr. Adkins advised that she is doing well. She has about a year and a half of sobriety. She attends three or four meetings a week, she goes to her Caduceus meetings, she meets with a relapse prevention specialist every week in Charlotte, NC. Dr. Adkins stated that she is living the life of recovery. Dr. Adkins stated that her family is very supportive, and commented that she finds that surprising. The only medication she currently takes is Wellbutrin XL. Dr. Adkins stated that she also meets with an addictionologist every two months.

In response to further questions, Dr. Adkins stated that she's not currently practicing. She's spending her time with family, which she enjoys. She added that she has three children, one of whom is with her today. She also reads and keeps up with her CME requirements. Dr. Adkins stated that she would like to go back to work, but right now she's enjoying time with the family. Her children are at the age where they appreciate that as well. She's trying to do the right thing, go forward, not forget the past but not dwell on it either. She's just doing what she's supposed to do.

Dr. Varyani asked Dr. Adkins whether she has any questions of the Board.

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Dr. Adkins stated that she did have a question as to whether she sent in all of her paperwork, but she checked and she understands that she had. She advised that she doesn't have any other questions.

**DR. MADIA MOVED TO CONTINUE DR. ADKINS UNDER THE TERMS OF THE BOARD'S ORDER OF JULY 9, 2008, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. MR. HAIRSTON SECONDED THE MOTION.** All members voted aye. The motion carried.

MARK E. BLAIR, M.D.

Dr. Blair made his initial appearance before the Board, pursuant to the terms of his September 10, 2008 Step I Consent Agreement.

In response to Board members' questions, Dr. Blair stated that he is doing very well. He doesn't have any questions of the Board. Dr. Blair stated that he attends five to seven recovery meetings a week, and he attends Caduceus meetings, as well. He's attempting to train for 5- and 10-Ks, and he plays tennis regularly. He reads quite a bit, and writes in a journal about what he's going through. He also spends time with his family. He is not working at this time.

Dr. Blair advised that as far as family support is concerned, his family lives out of town, but family members do visit. He wasn't working at the time his mother recently visited.

In response to further questions, Dr. Blair stated that he takes Depakote ER, Gabitril, and Zonegran for his bipolar diagnosis. He stated that he was seeing his psychiatrist every three months, but since the episode in July, which involved alcohol, he's seen his psychiatrist monthly. Concerning the earlier episodes, which involved gamma hydroxybutyrate (GHB), Dr. Blair stated that the drug was sold on an internet website called "bodybuilding.com." He stated that, looking back at it, he feels he was self-medicating for not being able to sleep, likely due to mood symptoms either related to bipolar disorder or depression. The drug was promoted to improve sleep and increase lean body mass. Dr. Blair added that the drug also had the extravagant side effect of making you feel really euphoric. He started taking it, not only at bedtime, but in place of drinking alcohol when he would go out with friends. That's what got him hospitalized. Dr. Blair stated that at the time he was in denial about any type of addiction going on with him. He would just say that it was an accident, that he didn't understand what was going on, and that it was only a sleep aid. Dr. Blair stated that he now understands that it is a disease into which he had very little insight. Now that he recognizes what it was doing to him, how little control he had and how powerless he was to it, with the help of recovery, he can hopefully move in the right direction.

Dr. Blair stated that he graduated from his residency program in May 2007. He did not have the psychiatric diagnosis prior to entering his residency program. He was in one year of internship, entered in 2000, and three years of residency. He was in PGY-3 when he had his manic episode of bipolar disorder and incidences of GHB overdoses. He was also in the Air Force. Due to the overdoses, the Air Force released him and gave him a medical discharge based on bipolar disorder and substance abuse. He did get treatment for the bipolar disorder, but not the substance abuse. He stated that he should have gotten treatment, but he was denying the symptoms and people didn't pick it up. Even the Air Force sent him to

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multiple evaluations. He suggested that he was either answering the questions in such a way that they wouldn't pick it up, or he knew enough from his psychiatric training to beat the system. While he was waiting for the civilian residency to pick him back up, he worked through a locum tenens agency for the corrections system, still doing psychiatry. He did that for approximately one and a half to two years.

Dr. Egner commented that Dr. Blair will certainly have personal experience like no one else to help his patients.

Dr. Blair agreed, stating that last year he began giving talks to medical students on impaired physicians. He added that, unfortunately, he had little insight into the substance abuse part of his illness. He talked primarily about the mental illness and not about his impairment. Dr. Blair stated that on November 5 he's speaking to Wright State medical students and, hopefully, he'll be more insightful about the dual nature of his disease.

Dr. Varyani asked Dr. Blair how he feels about what has transpired and the future.

Dr. Blair stated that when everything happened in July, he was scared to death. Now he feels that, despite everything, things are going to be okay and he's moving in the right direction. He feels that this will make him a stronger, healthier person. Dr. Blair added that he's already a healthier person.

**MR. HAIRSTON MOVED TO CONTINUE DR. BLAIR UNDER THE TERMS OF HIS SEPTEMBER 10, 2008 STEP I CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. AMATO SECONDED THE MOTION.** All members voted aye. The motion carried.

PATRICK R. DENNISON, D.O.

Dr. Dennison made his initial appearance before the Board, pursuant to the terms of his September 10, 2008 Consent Agreement.

In response to Board members' questions, Dr. Dennison stated that he's very happy to be here, and, in general, he's very happy in the sense that he still has a future, that his license and his future are viable and there's hope.

Dr. Egner stated that Dr. Dennison's initial contact with the Board came as a result of an allegation of sexual contact with a patient. Then, in 2006, there was a complaint of sexual contact with two additional patients. Dr. Egner asked when those contacts occurred.

Dr. Dennison stated that all the contacts with all three patients were within about the same year.

Dr. Egner commented that Dr. Dennison is lucky that he has a future, and she cautioned him against messing up.

Dr. Dennison stated that he doesn't plan on messing up.

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Dr. Stephens noted that Dr. Dennison has a psychiatric diagnosis of paraphilia, and she asked that he explain what that is.

Dr. Dennison stated that, specifically, its sexual masochism. Nobody really knows what causes it, but there are probably multiple factors. Dr. Dennison stated that the best way that he can explain it is that a person that has that ideology enjoys humiliation, enjoys public exposure. Most likely, it's attention-getting. Dr. Dennison advised that the way that it was explained to him is that people involved in that are basically their own producer, their own actor, their own stage director. They go through these scenarios where they're manufacturing the whole fantasy. Dr. Dennison commented that it's a hard thing to get at and no one really knows what causes it.

Dr. Varyani stated that, having served on the Board and various ethics committees, the one thing he personally despises is sexual contact between patient and physician. He stated that he understands that it is part of the disease, but he agreed with Dr. Egner's statement that Dr. Dennison should feel very lucky that he has a future. Dr. Varyani stated that, if Dr. Dennison repeats this behavior, he will fight tooth and nail to make sure that Dr. Dennison has no future in medicine. Dr. Varyani stated that he's very old-fashioned and stringent about these things.

Dr. Dennison stated that he's not putting this forth as an excuse. He's putting it forth more for educational purposes. There is this thing called a slippery slope, and he knew a little bit about it before he got onto it. Once you get onto it, it's very hard to climb back up. There's also this concept of patient/physician boundaries. When he was in practice, he knew a little bit about patient/physician boundaries, but he didn't know a lot and he didn't know as much as he should have. Dr. Dennison stated that there are a lot of subtle things that are involved. The bottom line is that you're a doctor and the responsibility lies with you and no one else. It doesn't lie with the patient. Dr. Dennison stated that he thinks that it pays to become educated about those issues. It pays for one to become aware of those issues and hopefully he or she won't go through the same thing that he did. Dr. Dennison commented that it was a hard lesson. He also stated that he would recommend taking an ethics course before getting into practice, exploring issues of patient/physician boundaries and becoming more aware of them.

Dr. Stephens stated that she doesn't think that you need an ethics course to know that you shouldn't have sex with your patients, but she appreciates his comments.

Mr. Hairston stated that he thinks that, as a consumer advocate, he's really taken aback on this. He stated that he's a marketing director, and if he did something like this, he wouldn't get a second chance. Mr. Hairston stated that Dr. Dennison's not lucky, he's blessed. Mr. Hairston stated that he hopes that Dr. Dennison never comes back here. He indicated that Dr. Dennison will have problems if he ever comes back before the Board. Mr. Hairston stated that he takes this very seriously.

**DR. MADIA MOVED TO CONTINUE DR. DENNISON UNDER THE TERMS OF HIS SEPTEMBER 10, 2008 CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. AMATO SECONDED THE MOTION.** All members voted aye. The motion carried.

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MALCOLM W. HENDERSON, M.D.

Dr. Henderson made his initial appearance before the Board, pursuant to the terms of his July 9, 2008 Step I Consent Agreement.

In response to Board members' questions, Dr. Henderson stated that he completed treatment a couple of weeks ago and he feels great. He understands the terms of his agreement.

In response to questions about his use of Fentanyl, obtained from hospital stock, Dr. Henderson stated that it was a very poor decision on his part. He added that he is a body builder and weight lifter. That's how he passed his time through his surgery residency. He incurred a pretty bad shoulder injury while working out, and he ended up in the emergency room. He was diagnosed with osteosis of the distal clavicle and rotator cuff problems, which would have taken a big surgery to fix. He was treated with Fentanyl and Toradol in the emergency room, and the Fentanyl worked wonderfully for taking the pain away and making his shoulder more functional. Rather than get an operation with a four-to-six-month recovery period, he made the erroneous decision to treat himself with the Fentanyl. Dr. Henderson stated that they have a big trauma surgery area of their surgical program in Youngstown, and Fentanyl was always available in the trauma bay. When the trauma workup was over and the patient was leaving, he took any Fentanyl that wasn't used. He started off using very little amounts, but the tolerance to opiates gets pretty high pretty quickly. To get the same effect for pain and stress relief, he was taking almost two to three times the amount anesthesiologists were using, and he was walking around fine on it. He added that he continued to work out and he was treating himself two to three times a week after the workout.

Dr. Henderson stated that it was arrogance on his part to not get the appropriate operative treatment he needed. He stated that he did this for roughly two and a half to three months before he was caught. He advised that it was honestly starting to worry him, and he's actually glad he was caught when he was because he can't honestly say where it would have gone in the future. At that time he was still using it for workouts, but he would have probably started to use it a lot more. The 28-day inpatient treatment really helped him see a lot about himself and his decisionmaking and the erroneous portions of that.

In response to Dr. Madia's questions, Dr. Henderson stated that he was taking the Fentanyl by IV. He advised that if the patient needed the Fentanyl, the patient got it right away. He only took it afterward. He added that there was a lot of Fentanyl that wasn't used in the trauma bay for people coming in for emergency surgery, and he would take that.

In response to Mr. Albert's questions, Dr. Henderson stated that the hospital did have a program for handling waste. That's how he was caught, the drug was missing. He understands that his shoulder problems weren't going to be solved by taking drugs. He again stated that he needed the operation and he should have gotten it. Dr. Henderson commented that that's how athletes work in this country.

In response to questions about whether this was Dr. Henderson's first experience with any kind of mood altering substances, Dr. Henderson stated that he did experiment in high school 15 to 20 years ago. He tried marijuana and a few things like that, but he never used anything consistently. He stated that for his

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bodybuilding, he is completely legal. He doesn't use any anabolic steroids. He just uses GNC products that are sold over-the-counter.

In response to questions about his support system, Dr. Henderson stated that he has a family who supports him. He stated that he has a huge support system for this. Right now he's passing his time by studying three to four hours a day. He also continues to run and exercise. He will also need to get his shoulder work done sooner or later. He hasn't had the surgery yet. He explained that the recovery is pretty lengthy, and he has a lot of requirements to meet relative to his recovery program.

Dr. Stephens stated that she's worried about this being a chronic excuse for his issues. She added that she doesn't think that they're related to his shoulder.

Dr. Henderson stated that he is going to get his shoulder fixed.

In response to further questions, Dr. Henderson stated that he's been in contact with his program director, who has informed him that when his license is reinstated in 180 days, he will be reinstated into the residency program.

**MR. ALBERT MOVED TO CONTINUE DR. HENDERSON UNDER THE TERMS OF HIS JULY 9, 2008 STEP I CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. MADIA SECONDED THE MOTION.** All members voted aye. The motion carried.

GREGORY S. UHL, M.D.

Dr. Uhl made his initial appearance before the Board, pursuant to the terms of the Board's Order of June 11, 2008.

In response to Board members' questions, Dr. Uhl stated that he is doing fine. He's working full-time as a cardiologist in South Georgia. He has no questions of the Board.

In response to further questions, Dr. Uhl stated that the New Mexico Board took action against him because he had some anger issues. He was basically burned out and depressed. Dr. Uhl stated that he'd been in a practice that had gone through bankruptcy. He attempted to salvage the practice with three of his associates and was in terrible debt as a result. Dr. Uhl stated that a lot of doctors, having what they have, feel entitled to having things go right. When you lose control of things going right, you have a tendency to not handle things well. He said that that's exactly what he did. He got burned out. Dr. Uhl stated that he thinks that he'd been depressed for a number of years, but the depression took hold of him and most of his problems were angry outbursts with nursing personnel. Since 2004, after electively placing himself in a psychiatric institution for six weeks, he's continued to see a psychiatrist and a psychologist on a monthly basis and a Caduceus group on a weekly basis. He still works 70 to 100 hours a week. Dr. Uhl stated that he's the only cardiologist in a town of 17,000 people and in a practice that serves 150,000 people.

Dr. Stephens stated that in some of the cases she's seen today, it seems that there's a huge temptation for

today's physician to get caught up in the business of medicine as opposed to the practice of medicine. She asked Dr. Uhl whether he sees that as part of the problem.

Dr. Uhl stated that, actually, he didn't have enough information about the business of medicine, that's what made the group fail. He does understand what Dr. Stephens is talking about, though, because he did have partners who were more interested in the bottom line than they were in how well the practice was run. They actually had one of his associates who didn't pay taxes for almost six months on the 50 personnel working in the office. Dr. Uhl stated that physicians probably need to know a lot more about the sensibility of the business aspects of medicine than to get caught up in watching it fall around them and not having some control over it. There are some associates who are much more devious than others. Dr. Uhl stated that he's learned that very bad lesson from all of this.

Dr. Uhl stated that when you get into the slippery slope, you have a tendency to become ashamed because, after all, you've been educated to be honest and forthright and to be the leader in the room when you're dealing with the patient. When you know in the back of your mind that you've done some things of which you're not proud or of which you're ashamed, there's a tendency for you to be less than honest, not only with yourself, but in other aspects of your life. Dr. Uhl stated that you have to stop lying. If you lie to yourself, everything else becomes a house of cards.

Dr. Varyani stated that he understands that, but he wondered how the dependence side of things are going for Dr. Uhl.

Dr. Uhl stated that he never used or had any alcohol or drug problems. This has all been psychological and anger.

Dr. Suppan noted that Dr. Uhl mentioned that he became aware of his anger in his interaction with some nurses. She asked whether those nurses were at his clinic or at the hospital.

Dr. Uhl stated that these were nurses at the hospital that were calling him on things at night. It might have been the tenth call of the evening that just sort of finally got to him.

Dr. Suppan asked Dr. Uhl to talk a little bit about the action of the nurse and the reaction that he had that was inappropriate. She was also wondering how the next step was initiated.

Dr. Uhl stated that the situations were usually his using inappropriate language. He stated that his language wasn't intimidating, adding that these were people whom he never saw. These were all night time incidents, and most involved sleep deprivation. The hospital had him meet with an ad hoc committee to address this. They recommended that he see a psychologist. He actually did. One of the things that ended up catching him up in the long run is that he thought things were in good shape, and he continued to see a psychologist, and there were no more instances after the first two or three that got everybody's attention. However, there had been an episode that had occurred in the emergency room, and one of the families in the emergency room had overheard him being inappropriate and had complained to the hospital. The hospital did not do anything further because he'd already been involved with the ad hoc committee. It was almost a year and a half later that he got a letter from the State Board saying that they had gotten a

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complaint from this family. It ended up catching him off guard because he wasn't aware that this was going on.

Dr. Suppan asked whether the ad hoc committee was made up of Dr. Uhl's peers. Dr. Uhl replied that it was. Dr. Suppan asked Dr. Uhl to tell the Board about that experience.

Dr. Uhl stated that he wasn't very healthy and he was resistant at first. He had another conversation with one of the committee members in private one evening, and that was when he finally had decided that he was really off the deep end and he needed to go see a psychologist, which he did. He'd moved from New Mexico and had actually seen a psychologist, up until the time that he left. At that time he felt that everything was in pretty good shape. His fatal decision was that when he moved from New Mexico to Georgia, he did not continue to see a psychologist. When all of this came up, he was absolutely ill-prepared to handle it. Rather than confront it directly, he relinquished his license in New Mexico. That started a whole series of situations where people accused him of falsifying applications and that sort of thing. He hadn't. He wasn't aware that the complaint had been made at the time it had occurred. Then it was a matter of not being honest with people or himself about how to handle it appropriately and it got completely out of hand.

In response to further questions, Dr. Uhl stated that his visits with the psychologist have put him in a position to be able to make better choices and to deal with his anger. Dr. Uhl advised that he's taking small doses of Lexipro and Wellbutrin, and he meets with a Caduceus group every week. He also sees his psychiatrist at least once a month and his psychologist a couple of times a month.

Mr. Hairston stated that he heard what Dr. Uhl said about burnout, and then he heard about the number of hours he's still putting in. He asked whether Dr. Uhl has family.

Dr. Uhl advised that he does, but he and his wife are separated right now. He doesn't have much of a support group. This situation has put them in financial ruin, and his wife is now living in a community separate from him where she has family support.

Mr. Hairston stated that it sounds to him that Dr. Uhl needs to take some time for himself, to break away a little bit. He understands that Dr. Uhl might be the only physician of his specialty in the community, but he needs to take some time for himself.

Dr. Uhl agreed. He added that one of the things that he's discovered from this horrible journey that he's been on is that when Boards come out and make decisions like they do, it puts physicians into situations where they're identified as not being acceptable in larger communities. So, they sort of get forced into smaller communities where they are going to be the only doc in town. Dr. Uhl stated that he wishes that there was some way to not have the neon-like "scarlet letter" around his neck, so that people could look at him rather than what has been said about him. Dr. Uhl stated that he understands exactly what Mr. Hairston is saying, and he's not saying this as an excuse, but it does kind of paint him in a corner where most of the jobs he'll get will be in small communities.

Mr. Hairston stated that the question comes back, don't make the situation worse by lapsing into what he's

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already gone through.

Dr. Stephens added that Dr. Uhl controls his work hours.

Dr. Uhl stated that he can control his office hours, but he can't control who shows up in the emergency department.

Dr. Varyani stated that he is in total agreement with Mr. Hairston. Dr. Uhl needs to control his life, his emotions. He can practice however he wants, but the way he practices is totally different and Dr. Uhl has to adapt to it, not the other way around.

**DR. MADIA MOVED TO CONTINUE DR. UHL UNDER THE TERMS OF THE BOARD'S ORDER OF JUNE 11, 2008, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. AMATO SECONDED THE MOTION.** All members voted aye. The motion carried.

SCOTT R. WELDEN, M.D.

Dr. Welden made his initial appearance before the Board, pursuant to the terms of his August 14, 2008 Superseding Step I Consent Agreement.

Dr. Madia noted that Dr. Welden's license was suspended. He asked how Dr. Welden could practice during that time.

Dr. Welden stated that when his license was suspended, he'd started an urgent care. He'd also started a cosmetic practice. At the time of his suspension, he was trying to do the administration for that, and he was able to get doctors to work in the urgent care. He was trying to keep the cosmetic practice afloat by hiring other physicians to be able to work in that. During that time he was trying to orientate some of those physicians to do certain laser procedures, such as laser hair removal. He really wasn't doing the procedure when he was training physicians, but there were a few occasions when he actually did fire the laser. He added that 99 percent of the time another physician was doing it.

Mr. Albert asked whom he was teaching the laser techniques.

Dr. Welden stated that he was training other physicians. The cosmetic procedures, such as laser hair removal, IPL, facial rejuvenation using a light-based device, are not procedures covered by insurance. The practice was collecting the fees. The practice is in his wife's name. His wife is not a physician.

Mr. Albert noted that a Notice of Opportunity for Hearing was issued to Dr. Welden on March 12, 2008, based on his alleged practicing medicine while his license was suspended and his alleged assisting in or abetting the unlicensed practice of medicine by an unlicensed person. He asked who the unlicensed person was.

Dr. Welden stated that he was the unlicensed person.

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In response to further questions, Dr. Welden stated that he never saw any urgent care patients. He was doing the administration for the urgent care. He added that to say that this last two and a half years has been a difficult time would be a huge understatement. It's been devastating – the whole addiction, the recovery, the continuation of all the consequences to come with it – and he was trying to limit some of the consequences and many of the ramifications, trying to protect himself and his family. He commented that he did not make the best decisions.

Ms. Pfeiffer clarified this case for the Board members, advising that Dr. Welden was under suspension at the time he performed a handful of these procedures. There was also an allegation that Dr. Welden aided and abetted the unlicensed practice of medicine for what his wife was doing with respect to laser tattoo removals. That was a separate aspect of the charge against Dr. Welden that resulted in the current consent agreement.

Mr. Albert asked whether Dr. Welden makes a lot of money doing this.

Dr. Welden stated that he does not.

Mr. Albert stated that that's something he can't understand. Physicians get involved in situations like this and they never make a lot of money. They only wind up getting into trouble.

Dr. Welden stated that he loves medicine. He did emergency medicine for seven years and was the medical director at two different hospitals. He tried to look for something in his life that he's good at and that he's passionate about, something that can help people and something that he could make a little bit of money doing. Now he has no savings, he put the last bit of his retirement trying to get back on his feet, and he's on the brink of bankruptcy. Dr. Welden stated that a lot of that is the result of bad choices. Some of it was addiction that brought him before the Board in the first place. Dr. Welden stated that he doesn't always believe that addiction is a choice you make. His feeling is that you may not be responsible falling into addiction, but you're certainly responsible for recovery. That's what he's trying to do.

Dr. Suppan asked Dr. Welden to tell the Board a little about how he first began taking the drugs.

Dr. Welden stated that it's something he's tried to figure out for a couple of years. He looks at it sort of as a perfect storm. His drug of choice was injectable Demerol, which is a potent opiate. There's a theory of why people take certain things, and certainly, with opiates, it's to escape. He was in a very tumultuous relationship with his now-ex-wife, he was in the process of starting the urgent care and the cosmetic center, and during that time he was also the medical director of an emergency department. There wasn't a scarcity of stress in his life. Dr. Welden stated that there were also the access issues, because he was the owner and medical director of the urgent care, he was able to order controlled substances for the urgent care. He would just take the drugs out of the stock, so he had easy access. Dr. Welden added that he comes from a family of alcoholics and addicts, so there is some aspect of it that is hereditary. Dr. Welden stated that there were many factors, not just one that caused him to start putting needles into his arm. Dr. Welden stated that it was a crazy time, and a time to which he never wants to go back.

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In response to further questions, Dr. Welden stated that the urgent care center is still open; but with his divorce, his wife owns the urgent care. He stated that he doesn't go there to practice, and added that he hasn't practiced since 2007.

Concerning his future plans, Dr. Welden stated that he has opened up a practice with two physicians, whom he met in recovery, and another physician who has been a friend of his for a long time. He works as the practice manager. Dr. Welden stated that he is pretty good at the business of medicine. He stated that his first love is medicine, but he thinks that it's important to know about the practice of medicine and to be able to figure out ways to be able to do things the best way possible for patients. He thinks that that's an important skill, and that's what he does in this new practice. He added that he's also opening up a coffee shop, which is something he's always wanted to do. He does intend to return to practice once his suspension is over.

Dr. Egner asked whether Dr. Welden's ex-wife is a physician.

Dr. Welden stated that she is not. Her father is a physician, and her father actually owns the urgent care center. The ownership was transferred to his former father-in-law because he is a physician.

Dr. Stephens asked whether, as practice manager, Dr. Welden is going to be able to put a wall up and not practice while his license is suspended.

Dr. Welden stated that that's a good question, and stated that it was incredibly tempting when he was there. He stated that he never went to work in anything but jeans and a t-shirt when he was on probation; but even dressed like that, it was very hard to not step in to help when it's working with lasers, something that he considers himself an expert. All the legal problems started because a physician injected the wrong substance into a lady's face and she wouldn't let him touch her and it needed to be diluted down so that she wouldn't develop ulcers. She went to the police and was concerned about the other physician's treatment and they discovered that he was unlicensed. Dr. Welden stated that his partners are very aware of his situation, and anybody who works with him now feels like they have a bomb strapped to their chest. They would not allow him to practice.

Mr. Albert noted that Dr. Welden is eligible to get his license back in August 2009. He suggested that Dr. Welden spend a lot of time getting his life back together and think about what he wants to do. He stated that a lot of physicians come back and do all right after a lot more serious problems than what Dr. Welden has.

Dr. Welden stated that he knows that he'll land on his feet. He stated that he's a fighter and not someone who gives up on things. He added that he believes that he's an excellent physician.

Dr. Stephens asked whether Dr. Welden intends to practice in the group for which he is currently practice manager once he gets his license back

Dr. Welden stated that he doesn't know. He probably won't work for anyone for a long time.

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**DR. AMATO MOVED TO CONTINUE DR. WELDEN UNDER THE TERMS OF HIS AUGUST 14, 2008 SUPERSEDING STEP I CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. MADIA SECONDED THE MOTION.** All members voted aye. The motion carried.

At this time Dr. Varyani addressed the medical students present, saying that they have seen personal appearances today ranging from sexual improprieties, impairment issues, and disorderly conduct. He stated that he hopes that the students have understood the procedures and have learned a lot today.

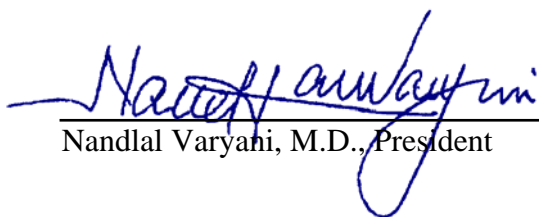
Dr. Stephens advised that dress is important. When they go before a Board or their patients, they need to look professional. They need to wear their white coats so that patients know that's the line. When they come before a professional board for an interview, they should not wear jeans.

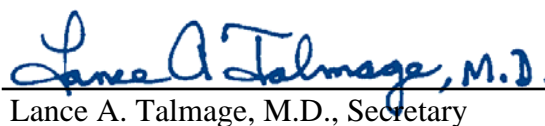
Dr. Egner agreed with Dr. Stephens, and she commended the students present for being dressed appropriately for this meeting.

**DR. AMATO MOVED TO ADJOURN. DR. MADIA SECONDED THE MOTION.** All members voted aye. The motion carried.

Thereupon at 4:45 p.m. the October 8, 2008 session of the State Medical Board of Ohio was duly adjourned.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio, meeting on October 8, 2008, as approved on November 12, 2008.

  
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Nandlal Varyani, M.D., President

  
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Lance A. Talmage, M.D., Secretary

(SEAL)



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**MINUTES****THE STATE MEDICAL BOARD OF OHIO****October 9, 2008**

Nandlal Varyani, M.D., President, called the meeting to order at 8:10 a.m., in the Administrative Hearing Room, 3<sup>rd</sup> Floor, the James A. Rhodes State Office Tower, 30 E. Broad St., Columbus, Ohio 43215, with the following members present: Dalsukh Madia, M.D., Vice-President; Lance A. Talmage, M.D., Secretary; Raymond J. Albert, Supervising Member; Marchelle L. Suppan, D.P.M.; W. Frank Hairston; and Susan E. Stephens, M.D. The following joined the meeting at a later time: Carol L. Egner, M.D. The following did not attend the meeting: Jack C. Amato, M.D.; Anita M. Steinbergh, D.O.; and Darshan Mahajan

Also present were: Richard A. Whitehouse, Executive Director; Diann K. Thompson, Assistant Executive Director; Kimberly C. Anderson, Assistant Executive Director; Sallie J. Debolt, General Counsel; William J. Schmidt, Senior Counsel, Enforcement, Compliance & Investigations; Rebecca J. Marshall, Chief Enforcement Attorney; 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; Michael K. Miller, Public Policy & Government Affairs Officer; Karry Thacker, Executive Staff Assistant; Danielle Bickers, Compliance Supervisor; Jean Gillman, Compliance Officer; and Barbara Jacobs, Public Services Administrator.

**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.

Ms. Pfeiffer advised that Dr. Griffin, who had submitted a probationary request, was recently successful in obtaining a stay of the Board's Order of August 13. Therefore, his request has been pulled from this month's agenda.

**DR. SUPPAN MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES ON SEPTEMBER 8-9, 2008, WITH: DAVID C. BLOCKER, M.D.; TODD S. CARRAN, M.D.; ALLAN W. CLARK, M.D.; ELIZABETH A. DORIOTT, D.O.; LYNNE A. EATON, M.D.; DEBORAH LYNNE FRANKOWSKI, M.D.; JAMES VINCENT FURICCHIA, M.D.; ADAM P. HALL, D.O.; WILLIAM CLARK HARLAN, D.O.; TIMOTHY J. HEYD, M.D.; ROBERT L. HUBLEY, D.O.; JAMES M. KENNEN, D.O.; ALBERTO LEON, M.D.; MAHENDRA K. MAHAJAN, M.D.; BRETON LEE MORGAN, M.D.; WILLIAM O. MURTAGH, JR., M.D.; JOSEPH ALOYSIUS RIDGEWAY, IV., M.D.; LEROY P. RISE, M.D.; STEPHEN J. ROLFE, M.D.; KIMBERLY M. (TELMANIK) SCHERRY, P.A.; CHRISTOPHER S. SHAW, M.D.; JOHN**

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**W. SHAW, M.D.; MARIE T. SHEDLOCK, P.A.; JOSEPH COOPER SIMONE, D.O.; RICHARD S. SKOBLAR, M.D.; PATRICIA A. SPIESS, M.D.; DAVID E. SUBLER, M.D.; ANDREAS HERBERT SZOKOLOCZY-SYLLABA, D.O.; DEBORAH L. TAYLOR, M.D.; ROSS PUTMAN TURNER, D.O.; KERRIE VAN WAGONER, P.A.; AND JOSEPH G. WERNER, M.D.**

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

- **TO APPROVE HARRY M. CONDOLEON, D.O.'S PROPOSED PRACTICE PLAN TO SET UP A PRIVATE GENERAL SURGERY PRACTICE IN WARREN, OHIO, WORKING AT ST. JOSEPH HOSPITAL AND TRUMBULL MEMORIAL HOSPITAL;**
- **TO APPROVE RICHARD J. DEFRANCO, M.D.'S REQUESTS FOR: A REDUCTION IN DRUG SCREENS TO TWICE A MONTH; A REDUCTION IN AA MEETINGS TO TWO A WEEK, WITH A TOTAL OF TEN A MONTH, WITH NO SPECIFIC WEEKLY AFTERCARE REQUIREMENT; AND A REDUCTION IN PERSONAL APPEARANCES TO EVERY SIX MONTHS;**
- **TO APPROVE GREGORY G. DUMA, M.D.'S REQUEST FOR A REDUCTION IN PSYCHIATRIC SESSIONS TO EVERY THREE MONTHS;**
- **TO APPROVE GREGORY B. COLLINS, M.D., TO SERVE AS MATTHEW H. EVENHOUSE, M.D.'S TREATING PSYCHIATRIST, AND TO APPROVE JOSEPH W. JANESZ, PHD., TO SERVE AS DR. EVENHOUSE'S MENTAL HEALTH PROFESSIONAL RESPONSIBLE FOR PSYCHOTHERAPY;**
- **TO DISCONTINUE CAREY K. GROSS, D.O.'S REQUIREMENT FOR PSYCHIATRIC SESSIONS;**
- **TO APPROVE ARLAN MARCUS GUSTILO-ASHBY, M.D.'S REQUESTS FOR A REDUCTION IN THE FREQUENCY OF SEXUAL ADDICTION REHABILITATION PROGRAMS TO ONE MEETING PER WEEK, AND A REDUCTION IN BOARD APPEARANCES TO EVERY SIX MONTHS;**
- **TO GRANT ALI KHAN, M.D.'S REQUEST FOR APPROVAL OF THE ETHICS COURSE TAILORED FOR HIM BY DONNA F. HOMENKO, PHD.;**
- **TO APPROVE FRANCINE R. MOSLEY, M.D.'S PROPOSED PRACTICE PLAN TO ALTERNATE WORK DAYS BETWEEN EASTSIDE MEDICAL CENTER AND TRISTATE URGENT CARE, WITHOUT REGULAR WEEKEND WORK;**

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- **TO APPROVE THOMAS A. NGUYEN, M.D.'S REQUESTS FOR A REDUCTION IN DRUG SCREENS TO TWICE PER MONTH, AND A REDUCTION IN APPEARANCES TO EVERY SIX MONTHS;**
- **TO APPROVE ALAN J. PARKS, M.D.'S REQUESTS FOR A REDUCTION IN APPEARANCES TO ANNUALLY, AND A REDUCTION IN THE FREQUENCY OF CHART REVIEW TO 10 PER MONTH;**
- **TO GRANT NYKOLAI VASIL PIDHORODECKYJ, M.D.'S REQUEST FOR APPROVAL OF LYNN M. KLIMO, M.D., TO SERVE AS HIS NEW TREATING PSYCHIATRIST AND SUPERVISING PHYSICIAN;**
- **TO APPROVE KENT ROBINSON, M.D.'S REQUESTS FOR DISCONTINUANCE OF HIS CHART REVIEW REQUIREMENT, AND A REDUCTION IN ALCOHOL AND DRUG REHABILITATION MEETINGS TO TWO PER WEEK WITH A TOTAL OF TEN PER MONTH;**
- **TO APPROVE WILLIAM L. SCHLOTTERER, D.O.'S REQUESTS FOR A REDUCTION IN DRUG SCREENS TO TWO PER MONTH; A REDUCTION IN APPEARANCES TO EVERY SIX MONTHS; AND THE DISCONTINUANCE OF THE CONTROLLED SUBSTANCE LOGS REQUIREMENT; AND**
- **TO GRANT MICHAEL J. VJECHA, M.D.'S REQUEST FOR APPROVAL OF STEPHEN J. ROJCEWICZ, JR., M.D., TO SERVE AS HIS TREATING PSYCHIATRIST.**

**DR. SUPPAN FURTHER MOVED TO APPROVE FOR LICENSURE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCEPTANCE WITH LICENSURE PROTOCOLS, THE PHYSICIAN APPLICANTS LISTED IN EXHIBIT "A," THE P.A. APPLICANTS LISTED IN EXHIBIT "B," THE ACUPUNCTURE APPLICANTS LISTED IN EXHIBIT "C," THE ANESTHESIOLOGIST ASSISTANT APPLICANTS LISTED IN EXHIBIT "D," AND TO GRANT CERTIFICATES OF GOOD STANDING TO THE SCHOOLS OF MASSAGE THERAPY, LISTED IN EXHIBIT "E." DR. MADIA SECONDED THE MOTION. A vote was taken:**

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

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The motion carried.

LICENSURE

DENISE SCOTCH, PA-C

Dr. Talmage advised that the P.A. Committee reviewed Ms. Scotch's application for a Provisional Certificate to Prescribe, and her request that the Board deem Temple University's masters program in physical education as being "clinically relevant" for the purposes of granting the certificate. Dr. Talmage stated that the Committee reviewed Ms. Scotch's transcript from Temple University, a copy of which shall be maintained in the exhibits section of this journal, and recommend that the Board grant Ms. Scotch's request.

**DR. TALMAGE MOVED TO DEEM THE MASTERS OF EDUCATION IN PHYSICAL EDUCATION FROM TEMPLE UNIVERSITY AS BEING "CLINICALLY RELEVANT," AND TO GRANT MS. SCOTCH A PROVISIONAL CERTIFICATE TO PRESCRIBE. MR. HAIRSTON SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

Dr. Egner joined the meeting at this time.

STEVEN THOMAS REED, M.D.

At this time the Board considered Dr. Reed's application for endorsement licensure. Ms. Schmidt advised that the Board ratified a consent agreement with Dr. Reed on the previous day.

**DR. EGNER MOVED TO GRANT DR. REED'S REQUEST FOR ENDORSEMENT OF HIS USMLE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCORDANCE WITH LICENSURE PROTOCOLS. DR. MADIA SECONDED THE MOTION.** A vote was taken:

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

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Dr. Talmage	- aye
Dr. Suppan	- aye
Dr. Madia	- aye
Mr. Hairston	- aye
Dr. Stephens	- aye
Dr. Varyani	- aye

The motion carried.

## REPORTS OF ASSIGNED COMMITTEES

### LEGISLATIVE LIAISON & RULES REVIEW COMMITTEE

Mr. Miller stated that Thomas Olsen, M.D., addressed the Legislative Liaison and Rules Committee regarding House Bill 493 – direct billing of pathology services. He stated that there was extensive discussion regarding the legislation. Mr. Miller stated that the general feeling of the Committee was that the legislation was not necessary, but there was not a firm decision on what the Committee wanted to do or if it wants to take any action with respect to it.

Dr. Stephens stated that she thought that there was a consensus that the Board should oppose the legislation.

Mr. Miller stated that he thought the Committee felt that it was not needed legislation, but he doesn't know that there was a decision as to how far the Board would go; i.e., whether the Board would be an interested party, or openly oppose the legislation or to what degree the Board should go in doing that.

Dr. Suppan asked who the lobbyists are that are pushing this bill.

Mr. Miller stated that the pathologists are the sole group.

Dr. Varyani spoke in support of the Board not being an interested party. He stated that, according to his understanding, it is basically the dermatologists who are interested in doing the biopsies and then sending it to the pathologists and then they do the charge. That's where the problem is. About 80% of the pathologists are part of big companies. Generally, the feeling is that the dermatologists take a biopsy, and then there's something called the markup on the biopsy, which is a little extra thing, and the pathologists want to take that out of the system. Dr. Varyani stated that he understands that the Board has to be the monitor of it, but it's probably a foregone conclusion because the pathologists are for this legislation. The dermatologists are not for it, but he doesn't know how far they'll go. Dr. Varyani stated that he doesn't like the Board to be the one minding them. He added that, according to his understanding, the Board would end up monitoring the markup part.

Dr. Stephens stated that that is her understanding.

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Mr. Miller stated that he believes the Board will get complaints about whether or not the billing is done appropriately, whether the correct people were being billed, whether somebody was billing for the wrong portion of the components or not. He stated that he doesn't know that that's what the Board wants to get into. He stated that, traditionally, it seems that the Board has dealt with fraud cases after they've gone through a process and it's been determined that someone committed fraud versus direct billing issues.

Dr. Suppan suggested, since the Board has heard from one segment, the dermatopathologists, that it invite one of the advocates for this bill to come to speak to the Board before it makes a decision on this legislation, if for no other reason than to give equal time and equal deliberation to both points of view. Dr. Suppan stated that she is concerned with making a decision that would affect part of the Board's licensees without giving them an opportunity to speak to the Board on this.

Dr. Stephens stated that the Board doesn't want to have to monitor or deal with policing these issues. She stated that she doesn't even want to hear about pathologists' problems or whatever. She can imagine the spin that they'll have on it. But from the Board perspective, she doesn't think that the Board should be responsible for monitoring. What will happen is that the Board will have to police billing issues, and that's not the Board's job. Dr. Stephens stated that, just from that perspective, the Board should oppose this bill.

Dr. Suppan agreed, but stated that if the Board has them come, it has the opportunity to talk face-to-face about this so that they understand where the Board is coming from. Also the Board can ask questions and they may want to go back and amend what they're doing.

Mr. Miller stated that the Board has somewhat of a limited timeframe in the sense that the legislators are going to come back from the elections. If the bill is going to go through, it has until December to go through. That's a very short timeframe for them to come in and discuss this.

Dr. Suppan stated that she thinks that the Board's should express concern, but not take a position until it has the opportunity to talk to both sides.

Mr. Albert stated that these bills are driven by money. He stated a few months ago a physician appeared before the Committee and complained that ophthalmologists and dermatologists and some of the other specialties were infringing on their practice. He stated that he read an article that reported that plastic surgeons are having a lot of problems with their practice. A lot of people are not going to put out money for breast augmentations and facelifts because of the economy. He doesn't know whether or not more of this type of legislation will be coming.

Mr. Albert stated that he thinks that the Board should get involved in legislation if it's dealing with issues of care or standards. Then it becomes the Board's problem. The Board doesn't deal with fee disputes. These issues fall in that category.

Dr. Egner stated that she doesn't think that the Board should be silent on this legislation. She stated that she has no objection to talking to the other party if the Board has time to do that; but whether or not the Board has time to do that, she believes that the Board should at least speak to the sponsors of the bill to say

that this is not the role of the Medical Board. Dr. Egner expressed concern that if this becomes law and that becomes the Board's role, there are many specialties with these kinds of issues, and it will become the Board's job to do things that it doesn't want to do. The next time it comes, what will the Board say if it doesn't oppose it this time. Dr. Egner stated that she thinks that the Board should voice its opinion and voice it firmly.

Dr. Stephens stated that the Board should do so immediately.

Dr. Egner agreed, stating that if timing is an issue, the Board needs to get over there and do whatever it can to get this out of the Board's purview. She stated that she doesn't think that this is a huge issue for the pathologists or the dermatologists.

Mr. Miller stated that the pathologists have openly admitted that this is a small portion of the community that they're talking about here.

Dr. Egner stated that about 20 percent of pathologists are independent. This is not a big issue. This isn't a big billing issue. Dr. Egner commented that she's always amazed at how small groups can get a law passed.

Dr. Stephens commented that it's easier to get something done if you have a small group.

Dr. Egner stated that she thinks that the Board should take a firm stand against this. It's not really protecting the citizens of the state of Ohio, and it's not a role that the Board wants to get into now or in the future. The Board has more important things to do.

Dr. Talmage stated that the OSMA has a category of either active opposition or technical assistance. Technical assistance is more of an advisory role of the legislative sponsors. The Board could take that tack rather than active opposition against a physician group in an issue in which the Board has no dog in the fight. He stated that active opposition would be excessive. Technical assistance would mean that you would go over to talk to the sponsors and tell them that the Board has no dog in this fight and it will not adjudicate fees.

Dr. Varyani stated that the Board has never had the role of monitoring billing issues. He asked how they came up with this idea of putting the Board into this.

Mr. Miller stated that they're doing these kinds of bills across the country. They take different forms. Some of them are purely anti-markup laws and others are these types of laws regarding indirect and direct billing.

Dr. Varyani suggested that the Board tell the lawmakers that this should be an ODH issue rather than a Board issue. The Board should advise that it is a complaint-driven organization monitoring medical practice, and it does not take care of billing issues. Dr. Varyani stated that he doesn't think it's right that they should put the Board in the middle.

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Dr. Varyani asked for direction from the Board.

Dr. Madia stated that he doesn't think that the Board should be in favor of this bill. The issue is whether it should aggressively oppose it or not. He added that he doesn't think that any Board member is in favor of the bill.

Dr. Varyani suggested that the Board oppose it's being included in the regulatory part of this legislation.

Dr. Suppan stated that she does oppose this legislation, but she thinks that the Board should keep the door open to talk.

Mr. Miller stated that the Board could certainly talk to the sponsors of the bill and also open the door to the pathologists to come and address the Board.

Dr. Suppan stated that if the pathologists don't address the Board, at least they had the chance.

Mr. Albert stated that the Board should moderately oppose the bill, but it shouldn't spend a lot of its chips over there.

Dr. Stephens stated that she doesn't think that the Board should just have people come and talk to the Board for fun. If the Board is going to oppose the bill and the Board opposes the bill to varying degrees for whatever reason, she doesn't want to waste time listening to all these sides and opinions. She stated that the Board has more important things to do.

Dr. Suppan stated that she does want to hear both sides.

Dr. Varyani stated that Mr. Miller will talk to the sponsors, and the Board will talk about this again next month.

Mr. Miller advised that the Committee also discussed draft language for the implementation of a staggered renewal system for massage therapists. The staggered renewal cycle mirrors the renewal cycle of physicians. He stated that this will lessen the amount of work that comes in at one point in time for the renewal section.

**MR. HAIRSTON MOVED TO APPROVE THE DRAFT LEGISLATION. DR. STEPHENS SECONDED THE MOTION.** A vote was taken:

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

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

The motion carried.

Mr. Miller advised that the Committee discussed House Bill 622 – Physician Designation legislation. He stated that this bill would allow an insurance company to place a designation or rating system on a physician's cost efficiency, quality of care, or clinical performance. Mr. Miller stated that the Committee was quite adamant that they were not in support of this concept.

Dr. Madia stated that every physician will oppose this bill. He added that he thinks that the Board should oppose this legislation very aggressively. He stated that this legislation will give a lot of power to insurance companies. He stated that it will have a far-reaching effect on every practicing physician.

Dr. Egner stated that this is the Board's job, and that the Board feels that it does this job and does it well. She stated that the Board should approach it from that standpoint. This is not the insurance company's job.

Dr. Varyani stated that he will play devil's advocate here. The Board is saying that it's doing a good job, but a consumer might ask how the Board knows it's doing a good job.

Dr. Egner stated that the Board knows by the statistics that it has for the Medical Board. The Board knows that it is always highly rated by Public Citizen, a non-profit consumer group.

Dr. Varyani stated that that's not where he's going. What he wants to know is how the Board measures that it is providing quality practitioners for Ohio. How does the State Medical Board know that they're providing quality medical care as far as physicians are concerned? He knows that the Board is doing a good job monitoring physicians, but consumers are going to ask how the Board measures the quality of doctors in Ohio.

Mr. Albert stated that, as a consumer member of this Board, you could go back to the old adage, "let the buyer beware," but the Board doesn't really know and it's hard to find out. A few years back a Harvard study stated that 90,000 people are killed in hospitals every year. A lot of people who go to doctors and don't get good care don't know that they didn't get good care. They think it was just a bad outcome and not the fault of the physician. He stated that he and Dr. Talmage reviewed 4,200 complaints last year.

Dr. Varyani stated that he's not saying that the Board isn't doing a good job. He's asking what the measure is. Insurers are going to rate physicians and say that one physician has good quality numbers and is going to get paid more. Dr. Varyani stated that he's not saying that the Board shouldn't oppose this language, but the Board has to come up with a measure saying, "this is how we do a better job." He stated that the Board doesn't know that.

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Mr. Hairston stated that, as a consumer, he takes it a little differently. He stated that it is his choice to move on from a physician that he doesn't think is doing a good job. He doesn't think rating doctors is the way to go. It's back to the person to make that choice. He doesn't want to go to a physician because the insurance company says that the doctor sees so many patients at one time, etc. It's about choice and should be left to the patient to make that choice. He spoke in opposition to the bill.

Dr. Varyani stated that the Board will oppose this legislation.

#### LICENSURE COMMITTEE

Dr. Egner reviewed the licensure applications considered by the Committee.

#### Ronald Charles, M.D.

Dr. Egner advised that Dr. Charles applied for licensure in Ohio. Dr. Charles has indicated that he has not been engaged in the clinical practice of medicine since November 2005. He has worked mainly in an administrative role since that time.

**DR. EGNER MOVED TO APPROVE DR. CHARLES'S REQUEST FOR OHIO LICENSURE, SUBJECT TO SUCCESSFUL COMPLETION OF THE SPEX EXAM OR BOARD RECERTIFICATION, AND CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCORDANCE WITH LICENSURE PROTOCOLS. MR. HAIRSTON SECONDED THE MOTION.**

Dr. Talmage asked whether the Board could legally make board recertification exam the criteria rather than the SPEX. He stated that the SPEX is pretty general, and he questions whether that really qualifies someone to return to practice.

Ms. Thompson stated that the SPEX is designed for that, but Dr. Talmage is correct, it is a generalist exam and not a specialty exam. The statute under which the Board sends a doctor to an exam does not specify SPEX. SPEX is just an exam that the Board knows is available from the Federation, and is reliable.

Dr. Stephens stated that that means that the Board can require Board certification rather than SPEX.

Ms. Thompson stated that the Board can say that, if it wants to limit physicians to the recertification exam. She added that the advantage to the SPEX is that it's available all the time. Physicians may or may not be eligible to sit for the Board certification. Each specialty board has its own rules and regulations. Many of the Board recertification exams are only offered once or twice a year. A physician could be faced with having to wait several months to take the specialty board exam when they could take the SPEX right now and get back into practice.

Dr. Talmage noted that Dr. Charles is a generalist and he doesn't have any concern, but he thinks it's something that the Board needs to consider in the future. If he were a medical oncologist, he'd have a little

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more problem with just requiring passing the SPEX.

Dr. Madia stated that the Board doesn't require board certification. If it doesn't require board certification to get a license, can it require physicians to be board certified in cases such as this? That's what the Board would be saying.

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

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

The motion carried.

Melissa Hartman, M.D.

Dr. Egner stated that Dr. Hartman applied for licensure in Ohio. Dr. Hartman has indicated that she has not been engaged in the clinical practice of medicine since November 2005. Dr. Egner stated that the Committee again recommends approval subject to examination.

**DR. EGNER MOVED TO APPROVE DR. HARTMAN'S REQUEST FOR OHIO LICENSURE, SUBJECT TO SUCCESSFUL COMPLETION OF THE SPEX EXAM OR BOARD RECERTIFICATION, AND CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCORDANCE WITH LICENSURE PROTOCOLS. DR. MADIA SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

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Zulfikar A. Sharif, M.D.

Dr. Egner advised that Dr. Sharif is over the seven-year time limit for a waiver of the seven-year rule by 14 months. He passed Step 1, Step 2 and Step 3 on the first attempt with scores of 82, 79 and 81. Dr. Sharif sent a letter explaining that he went over the seven years because he had enrolled in a Cardiothoracic Surgery Research Fellowship that lasted two years, and he didn't take Step 3 until his PGY-6 year. Dr. Egner stated that the Committee recommends approval.

**DR. EGNER MOVED TO GRANT DR. SHARIF THE LIMITED EXCEPTION OF THE SEVEN-YEAR RULE AS OUTLINED IN 4731-6-14(C)(3), TO ACCEPT HIS EXAMINATION SEQUENCE AND TO GRANT DR. SHARIF A LICENSE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCORDANCE WITH LICENSURE PROTOCOLS. DR. MADIA SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

Jennifer Thomas, L.M.T.

Dr. Egner advised that Ms. Thomas applied for restoration of her LMT license in Ohio. Ms. Thomas has indicated on her application for restoration that she has not actively practiced Massage Therapy since 2005.

**DR. EGNER MOVED TO APPROVE MS. THOMAS' REQUEST FOR OHIO LICENSURE SUBJECT TO SUCCESSFUL COMPLETION OF THE LIMITED BRANCH PORTION OF THE MESSAGE EXAMINATION, AND CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCORDANCE WITH LICENSURE PROTOCOLS. DR. TALMAGE SECONDED THE MOTION.** A vote was taken:

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

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Dr. Varyani - aye

The motion carried.

Kathleen Zinnecker, L.M.T.

Dr. Egner advised that Ms. Zinnecker applied for restoration of her LMT license in Ohio. Ms. Zinnecker has indicated on her application for restoration that she has not actively practiced Massage Therapy since 2005.

**DR. EGNER MOVED TO APPROVE MS. ZINNECKER'S REQUEST FOR OHIO LICENSURE SUBJECT TO SUCCESSFUL COMPLETION OF THE LIMITED BRANCH PORTION OF THE MASSAGE EXAMINATION, AND CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCORDANCE WITH LICENSURE PROTOCOLS. DR. STEPHENS SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

Yasser Barsoum, M.D.

Dr. Egner advised that Dr. Barsoum has requested a waiver of the seven-year rule for good cause. He is over the seven-year time limit by 15 months. He passed Step 1 on the first attempt, Step 2 on the second attempt and Step 3 on the sixth attempt. Dr. Barsoum has sent a letter of explanation claiming he went over the seven-year limit for USMLE because he attempted Step 3 five (5) times before entering residency in July 2002 and was not successful. He took it again in June 2003, after the first year of residency, and passed.

Dr. Egner stated that the Committee had a lot of discussion about this physician, and the Committee recommends denial of the waiver.

**DR. EGNER MOVED TO DENY DR. BARSOUM'S REQUEST FOR APPROVAL OF HIS EXAMINATION SEQUENCE. DR. MADIA SECONDED THE MOTION.**

Dr. Talmage asked whether there has been any progress on a modification to the rule to define when you're

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over the time limit and the number of tests taken.

Dr. Egner stated that there has been discussion. She added that in November there should be a copy of the rule for the Board to discuss. She stated that she thinks that there has been good progress made.

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

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

The motion carried.

Michael Matheson, M.D.

Dr. Egner advised that Dr. Matheson applied for licensure in Ohio and has indicated that he has not been engaged in the clinical practice of medicine since 2003. Dr. Egner stated that Dr. Matheson is a radiologist

**DR. EGNER MOVED TO APPROVE DR. MATHESON'S REQUEST FOR OHIO LICENSURE, SUBJECT TO SUCCESSFUL COMPLETION OF THE SPEX EXAM OR BOARD RECERTIFICATION, AND CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCORDANCE WITH LICENSURE PROTOCOLS.**

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

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

The motion carried.

Steven J. Weiss, M.D.

Dr. Egner advised that Dr. Weiss applied for licensure in Ohio and has indicated that he has not been

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engaged in the clinical practice of medicine since September 2005.

**DR. EGNER MOVED TO APPROVE DR. WEISS'S REQUEST FOR OHIO LICENSURE, SUBJECT TO SUCCESSFUL COMPLETION OF THE SPEX EXAM OR BOARD RECERTIFICATION. DR. MADIA SECONDED THE MOTION, AND CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCORDANCE WITH LICENSURE PROTOCOLS.** A vote was taken:

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

The motion carried.

#### PRESCRIBING & PAIN MANAGEMENT COMMITTEE

Mr. Miller advised that the Committee discussed the consideration of public hearing comments related to Rule 4731-11-03(A)(6), to allow physicians to use controlled substance stimulants in adjunctive therapy treatment. Specifically, Ohio State University and Hospice had requested that the Board add language that would allow physicians to prescribe them for cancer-related fatigue and fatigue experienced during the terminal stages of the disease. They also asked that the Board clarify the definition of intractable pain, to tie it in with the definition that appears in Rule 4731-21-01. Mr. Miller stated that staff made one additional change to the rule, and that was stating that controlled substance stimulants could also be used for the adjunctive treatment of depression when the depression is experienced in the terminal stages of disease. There was no opposition in Committee related to that.

**DR. STEPHENS MOVED TO ACCEPT THE PROPOSED CHANGES TO RULE 4731-11-03(A)(6) BASED UPON THE COMMENTS RECEIVED AT THE JULY 14, 2008 PUBLIC HEARING. MR. HAIRSTON SECONDED THE MOTION.** A vote was taken:

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

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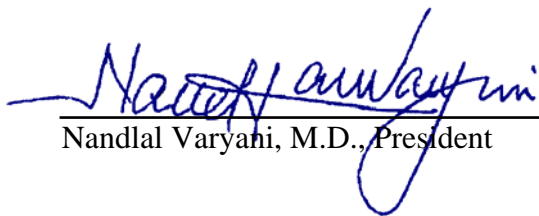
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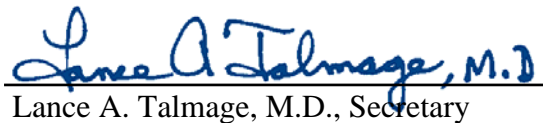
The motion carried.

**DR. STEPHENS MOVED TO ADJOURN. DR. MADIA SECONDED THE MOTION.** All members voted aye. The motion carried.

Thereupon at 9:00 a.m. on October 9, 2008, the October 8-9, 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 October 8-9, 2008, as approved on November 12, 2008.

  
Nandlal Varyani, M.D., President

  
Lance A. Talmage, M.D., Secretary

(SEAL)

