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MINUTES**THE STATE MEDICAL BOARD OF OHIO****September 10, 2008**

Nandlal Varyani, M.D., President, called the meeting to order at 1:14 p.m., in the Administrative Hearing Room, 3rd Floor, the James A. Rhodes State Office Tower, 30 E. Broad St., Columbus, Ohio 43215, with the following members present: Dalsukh Madia, M.D., Vice-President; Lance A. Talmage, M.D., Secretary; Raymond J. Albert, Supervising Member; Carol L. Egner, M.D.; R. Gregory Browning, Ph.D.; W. Frank Hairston; Jack C. Amato, M.D.; and Anita M. Steinbergh, D.O. The following did not attend the meeting: Marchelle L. Suppan, D.P.M.; Susan E. Stephens, M.D.; and Darshan Mahajan, M.D.

Also present were: Richard A. Whitehouse, Executive Director; Diann K. Thompson, Assistant Executive Director; Kimberly C. Anderson, Assistant Executive Director; William J. Schmidt, Senior Counsel, Enforcement, Compliance & Investigations; Rebecca J. Marshall, Chief Enforcement Attorney; Mark R. Blackmer, David P. Katko, Angela S. McNair, Karen H. Mortland, Marcie P. Pastrick, Cheryl D. Pokorny, Sheldon Safko and Daniel S. Zinsmaster, Enforcement Attorneys; Barbara J. Pfeiffer, Karen A. Unver, and Kyle C. Wilcox, Assistant Attorneys General; Eileen M. Schmidt, Executive Assistant to the Director; Joan K. Wehrle, Executive Staff Coordinator; Sallie J. Debolt, General Counsel; 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 MINUTES OF AUGUST 14-15, 2008. MR. HAIRSTON SECONDED THE MOTION. A vote was taken

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

The motion carried.

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EXECUTIVE SESSION

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

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

Dr. Varyani announced that the Board would now consider the Reports and Recommendations appearing on its agenda. He asked whether each member of the Board had received, read and considered the hearing record; the Findings of Fact, Conclusions of Law and Proposed Orders; and any objections filed in the matters of Khaled Mohamed Abdelhady, M.D.; Tina Nichole Ammons, M.T.; Andrew John Castellanos, M.D.; Lee C D Hang-Fu, M.D.; Elias Tessema, M.D.; Robert L. Wolfe, M.T.; and the Proposed Findings and Proposed Orders in the matters of Dereck Peery, D.O. and Thomas Edward Taylor, P.A. A roll call was taken:

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

Dr. Varyani asked whether each member of the Board understands that the disciplinary guidelines do not

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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. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- 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 Dr. Abdelhady and Dr. Tessema, 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 the Proposed Findings and Proposed Order shall be maintained in the exhibits section of this Journal.

KHALED MOHAMED ABDELHADY, M.D.

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

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

Dr. Abdelhady was accompanied by his attorney, Eric J. Plinke.

Dr. Abdelhady thanked the Board for its time in reviewing this matter. He stated that it's been a long process attempting to obtain an Ohio medical license since he applied for it last summer. He's spent many years in graduate medical education and surgical training to be able to obtain the American Board of Cardiothoracic Surgery. While he has medical licenses in the states of Illinois and Washington, he pursued an Ohio license because he always considered Ohio to be his home after many years of training in the state.

Dr. Abdelhady stated that he would like to have the ability to potentially relocate here and consider positions in the State of Ohio. He advised that he agrees wholeheartedly with Mr. Porter's Recommendation. That would not only provide patients in Ohio with the services of a double board-certified cardiothoracic surgeon with an impeccable record, but will also provide him with the privilege to

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care for those kind patients with whom he's spent many years in Ohio. Dr. Abdelhady stated that he hopes that the Board will concur and grant him a license.

Mr. Plinke advised that he didn't file objections in this case. He added that he agrees with the factual analysis and, more importantly, the legal conclusion that Mr. Porter came to – that Dr. Abdelhady's case fits directly with how this Board has defined "good cause" to exist. Dr. Abdelhady has repeated his residency programs in the United States in order to become board certified in cardiothoracic surgery. He is doubly board-certified; he's essentially doubly trained. Mr. Plinke stated that he's not sure that the Board would find another person with that training history. Mr. Plinke stated that, under the way this Board has defined "good cause," Dr. Abdelhady exceeds by a measure of four- to five-fold the Board's requirements for graduate medical education training. Mr. Plinke stated that if there ever was a case that fit how the Board has defined good cause to exist under the Step 3 rules, he would submit that this is the case. The Board may never find someone come before it again with eight years of residency training in the United States, plus additional training abroad.

Mr. Plinke stated that there were a couple of typographical errors in the Report and Recommendation in that Dr. Abdelhady graduated in 1992 and not in 1994. Dr. Abdelhady did a year of national service and then a mandatory internship before starting his residency programs in Egypt. Mr. Plinke added that the Dr. Ponsky who testified was Dr. Jeff Ponsky, and not Dr. Lee Ponsky. Both physicians are at Case Western Reserve.

Mr. Plinke stated that he would like to make sure that the Board members are familiar with some of the testimony that was given from the physicians who trained Dr. Abdelhady. He stated that Dr. Jerry Shuck testified that Dr. Abdelhady was "as good a resident as we ever had", that he was technically extremely skillful, very mature in his judgment, very understated, kind to patients, and calm under difficult trauma situations. Dr. Shuck stated that "it was as if we had another faculty person, but he was a resident." Mr. Plinke advised that Dr. Ponsky stated that Dr. Abdelhady was a talented resident, far beyond the average in his ability, that his skill as a surgeon was excellent, and Dr. Ponsky felt that the citizens of Ohio would absolutely benefit from Dr. Abdelhady obtaining a license in Ohio. Mr. Plinke noted that Dr. Shuck also characterized Dr. Abdelhady as a lost resource to the state if he's not available. Dr. Stellato's comments were similar.

Mr. Plinke stated that based on the record, Dr. Abdelhady specifically fits with how the Board defines good cause to exist based on his voluminous training. Dr. Abdelhady is current in his clinical knowledge and abilities. Mr. Plinke added that, in this state of economy, the Board should be seeking people like Dr. Abdelhady to come to Ohio rather than proposing to deny them. Mr. Plinke asked that the Board adopt Mr. Porter's Proposed Order and grant Dr. Abdelhady a license.

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

Mr. Wilcox stated that he did not.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. PORTER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF KHALED

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MOHAMED ABDELHADY, M.D. MR. HAIRSTON SECONDED THE MOTION.

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

Dr. Steinbergh stated that she agrees with the Proposed Order in this case. She feels that Dr. Abdelhady does meet the “good cause” criteria. She added that, with his additional training, she looks at this case in the same way as she would a physician who completed an M.D./Ph.D program.

Dr. Madia agreed with Dr. Steinbergh, adding that he feels that Dr. Abdelhady is qualified for licensure.

Dr. Egner also agreed, but added that the additional information gathered at hearing allows the Board to reach this conclusion. The Board didn’t have the information at the time the Committee made its recommendation for denial.

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

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

The motion carried.

TINA NICHOLE AMMONS, M.T.

Dr. Varyani directed the Board’s attention to the matter of Tina Nichole Ammons, M.T. He advised that objections were filed by the State to Hearing Examiner Petrucci’s Report and Recommendation and were previously distributed to Board members.

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

Ms. Ammons thanked Board members for giving her the time to speak today. She stated that she had a hearing a couple of months ago with Ms. Petrucci and Ms. Unver. She stated that she was cited for intentionally deceiving the Medical Board by providing false information on her application for licensure. She testified at hearing that this was not intentionally stated. When she completed her application for massage school, she was asked about her criminal background, and she had to turn over the information to the school. She was also advised by her instructor to turn the information over to the Medical Board because the school was concerned that she possibly could not sit for her licensure examination. When it

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came time for her to fill out her Medical Board application, questions 11 and 12 had asked whether she had ever been convicted of a misdemeanor or a felony and she did mark, "no," after consulting with her instructor because she'd already turned that information in.

Ms. Ammons stated that she did not intentionally deceive anybody. She'd turned the information to her teachers, they'd contacted the Medical Board and there was no problem with her taking the program or being able to sit for the licensure examination. Ms. Ammons apologized for wasting anyone's time for this. She stated that somewhere along the line it has become quite a disastrous mistake that she's made. She stated that she's still working as a massage therapist, and that is how she supports her child and herself. Ms. Ammons stated that she does want to continue to practice massage, adding that she enjoys it. Ms. Ammons stated that she hopes that everyone can be open-minded and allow her to continue practicing. She stated that it was a very hard struggle going to school, working full time and raising a child on her own. Her dad had cancer and her grandfather passed away. She stated that it was a real struggle. The course was not easy, and studying for the exam was not easy. She stated that after working so hard to be able to take that exam and pass it, she wouldn't jeopardize that intentionally. She stated that that would have been a lot of time wasted.

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

Ms. Unver stated that the Report and Recommendation in this case recommends that the allegations in the notice of opportunity for hearing against Ms. Ammons be dismissed. She stated that she filed objections to that recommendation because the evidence in this case shows by a preponderance of the evidence that Ms. Ammons intended to provide false, fraudulent, deceptive or misleading statements in answering questions 11 and 12 on both her 2004 application for massage therapy, as well as her 2005 reapplication. Ms. Unver asked that the Board modify the findings in the Report and Recommendation to find that the answers in the application were made with the intent to make a false, fraudulent, deceptive or misleading statement in an attempt to secure a license.

Ms. Unver stated that, as she mentioned in her objections, there is no issue as to whether or not Ms. Ammons knew at the time that she filled out those applications that the information she was providing to the Board was false. She stated in her testimony that she knew that. What Ms. Ammons is banking on for her defense is whether that false information was provided with intent to deceive or to mislead the Board. What Ms. Ammons is asserting, essentially, is a defense based on ignorance. She throws in a whole series of excuses to suggest that she didn't intend to deceive the Board, and her main reason was that she thought that the Board already knew about the convictions, so she didn't need to tell them about the convictions again in her applications.

Ms. Unver stated that the word, "intent," has been defined by a plethora of case law over the years. It commonly means "a state of mind of a person who desires to cause consequences as a result of certain actions." In Ohio, case law holds that intent can be inferred from the surrounding circumstances, such as when a licensee clearly has information which she fails to disclose in a response to a direct question. Ms. Unver stated that Ms. Ammons clearly knew about her convictions from the year 2000, and she specifically withheld that information and falsely answered, "no," on those applications. Questions 11 and 12 on the application are crystal clear. They specifically ask, "Have you ever" been convicted or had any lawsuit

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filed against you.” Ms. Ammons cannot argue that the questions were confusing or open to interpretation, and she cannot argue that her teacher told her to answer, “no,” to the questions because, ultimately, the responsibility for filling out an application and signing an affidavit certifying that the information in that application is true is Ms. Ammons’ alone. Ms. Unver continued that, even beyond Ms. Ammons’ ultimate responsibility for filling out the application, Ms. Ammons admitted at hearing that the teacher did not remember giving her that advice. Ms. Unver added that Kay Rieve, Administrative Officer for the Board, testified that the Board always advises schools and applicants to disclose everything.

Ms. Unver stated that the most telling information as to Ms. Ammons’ state of mind at the time of filling out the 2004 and 2005 applications comes from her responses to questions asked by the Hearing Examiner at the hearing. Ms. Ammons testified, “if you marked, ‘yes,’ to questions 11 and 12, you had to turn all the information in again with the application and it was going to delay the process for the licensure exam because it was already turned in.” Ms. Unver stated that the fact is that Ms. Ammons did not want to delay her exam date, and she did not want to take time to get the certified documentation from the court. Her motive for answering, “no,” to questions 11 and 12 is based purely on an intent to deceive the Board. Ms. Unver stated that that is why the State objects to the Report and Recommendation as written and asks that the Board modify the Report and Recommendation to find that Ms. Ammons did intend to make false, fraudulent, deceptive or misleading statements in answering questions 11 and 12, and that’s in violation of Ohio Revised Code Section 4731.22(B)(5).

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI’S FINDINGS OF FACT, CONCLUSION OF LAW, AND PROPOSED ORDER IN THE MATTER OF TINA NICHOLE AMMONS, M.T. MR. BROWNING SECONDED THE MOTION.

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

Dr. Steinbergh stated that she thinks that she understands Ms. Ammons’ concerns and so forth, but she disagrees with Ms. Ammons’ reasons for not affirmatively answering those questions. She stated that she has developed an alternative Conclusion of Law and Order, and asked that it be distributed.

Dr. Steinbergh stated that it’s pretty clear that Ms. Ammons knew what she was doing. She seems to be articulate and understanding of things, and in the hearing record it was clear that she understood the answers to the questions. Dr. Steinbergh stated that she thinks that Ms. Unver’s objections to the Report and Recommendation are appropriate, because she thinks that the State has, in fact, proved that Ms. Ammons’ conduct does, in fact, constitute making a false, fraudulent, deceptive or misleading statement.

DR. STEINBERGH MOVED TO DELETE THE TWO PARAGRAPHS FOLLOWING THE FIVE STARS UNDER THE CONCLUSION OF LAW, AND TO SUBSTITUTE THE CONCLUSIONS OF LAW AND THE PROPOSED ORDER WITH THE FOLLOWING:

CONCLUSION OF LAW

The conduct of Tina Nichole Ammons, M.T., as set forth in Findings of Fact 1 through 4 above, constitutes “[m]aking a false, fraudulent, deceptive, or misleading statement in the

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solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board,” as set forth in Section 4731.22(B)(5), Ohio Revised Code.

ORDER

It is hereby ORDERED that:

- A. **REPRIMAND:** Tina Nichole Ammons, M.T., is REPRIMANDED.
- B. **PROBATION:** The certificate of Tina Nichole Ammons, M.T., to practice massage therapy in the State of Ohio shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least two years:
 1. **Obey the Law:** Ms. Ammons shall obey all federal, state, and local laws, and all rules governing the practice of massage therapy in Ohio.
 2. **Declarations of Compliance:** Ms. Ammons 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 this Order becomes effective. Subsequent quarterly declarations must be received in the Board’s offices on or before the first day of every third month.
 3. **Personal Appearances:** Ms. Ammons shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective 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.
 4. **Professional Ethics Course:** Before the end of the first year of probation, or as otherwise approved by the Board, Ms. Ammons 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 Ms. Ammons submits the documentation of successful completion of the course or courses dealing with professional ethics, she shall

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also submit to the Board a written report describing the course, setting forth what she learned from the course, and identifying with specificity how she will apply what she has learned to her practice of massage therapy in the future.

5. **Noncompliance Will Not Reduce Probationary Period:** In the event Ms. Ammons 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.

C. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Ms. Ammons' certificate will be fully restored.

D. **REQUIRED REPORTING AND DOCUMENTATION OF REPORTING:**

1. **Required Reporting To Employers and Others:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Ms. Ammons shall provide a copy of this Order to all employers or entities with which she 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 she 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, Ms. Ammons shall provide a copy of this Order to all employers or entities with which she 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 she applies for or obtains privileges or appointments. This requirement shall continue until Ms. Ammons receives from the Board written notification of her successful completion of probation as set forth in section C above.

2. **Required Reporting To Emergency Medical Services Organization or Provider:** In the event that Ms. Ammons 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, Ms. Ammons 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.

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3. **Required Reporting To Other Licensing Authorities:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Ms. Ammons shall provide a copy of this Order to the proper licensing authority of any State or jurisdiction in which she currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which she currently holds any license or certificate.

When Ms. Ammons applies for any professional license or reinstatement/restoration of any professional license in any State or jurisdiction, she 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 Ms. Ammons receives from the Board written notification of her successful completion of probation as set forth in section C, above.

4. **Documentation that the Required Reporting Has Been Performed:** Further, Ms. Ammons 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.

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

DR. AMATO SECONDED THE MOTION.

Dr. Egner stated that she is not in favor of the amendment because she feels it is too harsh. Dr. Egner stated that she doesn't read the Report and Recommendation in the same way as Dr. Steinbergh. She noted that Ms. Ammons disclosed the information previously to a number of sources. She stated that she can't help but take into account the circumstances of Ms. Ammons' convictions. Dr. Egner asked how much punishment is needed for someone who is trying to make it out of an incredibly deep hole. Dr. Egner stated that she would rather be on the side of helping Ms. Ammons than making her life harder. She stated that it was her intention coming into this meeting to agree with the Report and Recommendation. She stated that, at most, she would agree to a reprimand.

Dr. Madia stated that he concurs with Dr. Egner. He acknowledged that Ms. Ammons should have answered the questions properly, but the amendment is too harsh. He stated that a reprimand would be appropriate.

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Dr. Steinbergh stated that the important thing to her is that Ms. Ammons knew what the application questions meant and decided to answer them incorrectly. She would agree with a Proposed Order of reprimand only, but she still wants to change the conclusion of law. Dr. Steinbergh stated that she doesn't disagree with being compassionate in this case. She stated that she appreciates the difficulty with which Ms. Ammons' life has continued, but she knew the correct answers to those questions. Dr. Steinbergh added that, if she had questions, she should have asked the Medical Board, and not an instructor at her school.

Dr. Madia agreed.

DR. STEINBERGH AMENDED HER MOTION TO SUBSTITUTE THE PROPOSED ORDER WITH AN ORDER OF REPRIMAND. DR. AMATO, AS SECOND, AGREED TO THE AMENDED MOTION. A vote was taken:

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

The motion carried.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSION OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF TINA NICHOLE AMMONS, M.T. MR. BROWNING SECONDED THE MOTION. A vote was taken:

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

The motion carried.

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ANDREW JOHN CASTELLANOS, M.D.

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

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

Dr. Castellanos was accompanied by his attorney, Terri-Lynne Smiles. Ms. Smiles advised that she knows that the Board members have read the materials and that they know that years ago, when he was in medical school, Dr. Castellanos drafted a recommendation for a friend, to be signed by a faculty member, Dr. DeGannes. Dr. Castellanos has never denied that he did that. Nor has he ever denied that some of the statements in that letter were false. He has fully admitted to that from the time that he was in medical school through the current hearing. Ms. Smiles stated that there is no question in Dr. Castellanos' mind that he should not have written that letter, and certainly not have written it with false information in it. She stated that there is also no question in Dr. Castellanos' mind that he should have presented the letter to Dr. DeGannes in a different manner. By sticking the letter in Dr. DeGannes' mailbox with other forms that needed to be signed, there was a great potential for an error to be made. Ms. Smiles stated that Dr. Castellanos was wrong, he knows that he was wrong, and he has paid dearly for it.

Ms. Smiles stated that, before being disciplined by Howard University for writing that letter, Dr. Castellanos had a very bright future as a physician in his home state of California. As a result of his actions, particularly in connection with the recommendation letter, he had to delay his residency for one year. He had to switch residencies and move to Ohio to complete his residency program, and he was denied a California license, which was his home state. That denial will have negative ramifications on credentialing and licensing for years to come. Ms. Smiles stated that Dr. Castellanos has also had to spend more than his life's savings pursuing a license to practice medicine. Ms. Smiles stated that Dr. Castellanos accepts all of this. He recognizes that that's the price he's had to pay for the mistakes that he's made.

Ms. Smiles stated that she would submit to the Board that Dr. Castellanos has paid enough. As he's demonstrated, and as clearly reflected in the testimony of two of his residency program directors, who actually testified at the hearing. Also, an assistant program director testified on his behalf at the hearing. These were people who worked with Dr. Castellanos day in and day out, who understand his character, his capabilities, and his integrity. They all testified, and many other attending physicians provided letters, showing that he is conscientious, forthright, and upstanding. The words that kept being repeated over and over by the attending physicians in their letters and by the residency directors is that he is a role model for other residents. Ms. Smiles stated that, having spent a fair amount of time with Dr. Castellanos the last few months, she would echo those sentiments. She added that he's really a remarkable young man, perhaps because of the mistakes he's made in his past. Ms. Smiles stated that, today, he exhibits the characteristics of a moral and ethical physician. She stated that it would be a shame to throw away his years of education and training, as well as his lifelong dream of serving people as a physician.

Ms. Smiles stated that Dr. Castellanos truly understands the gravity of the situation, and he understands

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how his record at this point really casts a very negative light on him and raises some very legitimate questions about his ethics and integrity. Therefore, they have proposed in the objections an alternative to denial of his license, namely that he be placed on probation, but that he be given the chance to have a license and to prove to the Board that he can be a very competent, ethical and compassionate physician in the State of Ohio.

Dr. Castellanos thanked the Board for the opportunity to speak today. He stated that he is humbled and embarrassed to be before the Board today. He has made mistakes in his past, but he has done his best to prove himself and to move past those mistakes, and to be a worthy physician.

Dr. Castellanos stated that in his third year of medical school a family friend asked him to write a letter of recommendation for her. He had approached a faculty member in connection with the letter of recommendation and also for her application for medical school. He stated that he was uncomfortable at that time and he should have followed his instincts. That was his first mistake. He asked Dr. DeGannes if he would do a letter of recommendation for his friend, and Dr. DeGannes told him to draft something and that he would take care of it. Dr. Castellanos stated that he looked at letters of recommendation and he wrote something similar in putting together her letter of recommendation. He wrote that Dr. DeGannes knew the applicant, even though he did not. That was his second mistake. Dr. Castellanos stated that he printed the draft letter on medical school stationery and took it to Dr. DeGannes' office, along with a couple of internship forms he needed Dr. DeGannes to sign. Dr. DeGannes was not in his office, and he didn't wait for Dr. DeGannes. He placed the forms and letter in Dr. DeGannes' mailbox; that was his third mistake. Dr. Castellanos stated that he should have reviewed the letter with Dr. DeGannes directly, and maybe that would have avoided some of the confusion.

Dr. Castellanos stated that there has been a lot of speculation as to how the letter got signed and mailed and what his involvement was in the process. Dr. Castellanos stated that he would like to be able to answer the questions for the Board once and for all, but he cannot. He doesn't know how it got signed or mailed, but he can tell the Board that he did not sign Dr. DeGannes' name to the letter or mail it. He didn't see the letter again after placing it in Dr. DeGannes' mailbox. As a result of these events, he was initially expelled from Howard University. Upon appeal, he was given a limited term suspension. He completed an ethics research paper on ethics and professionalism for physicians. He completed 100 hours of community service. He attended A.M.A. meetings in Washington, DC, that involved doctor issues and also disciplinary matters. He also wrote a letter of apology to DeGannes before being reinstated and permitted to graduate. Dr. Castellanos stated that he was extremely grateful that the internal medicine residency program at St. Mary's in California, had accepted him. He had worked as hard as he could to learn from his mistakes and also from other physicians, and to prove that their trust was not misplaced.

Dr. Castellanos stated that he believes that he was successful in proving himself to them.

Dr. Castellanos stated that he then, inadvertently, made one more mistake. In completing his licensure application for California in 2006, he forgot that 14 years prior he had pled "no contest," and paid a fine for a misdemeanor. He had failed to disclose it on his California application; he had forgotten about it in an attempt to disclose what had happened at Howard. Dr. Castellanos stated that these mistakes resulted in the denial of his California application. He understands that the combination of these mistakes seems to show someone who plays fast and loose with the truth. He added that he understands that these mistakes have

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raised concerns as to whether or not he is an ethical person, and also to his integrity and to serve as a physician. Dr. Castellanos stated that this does not reflect who he is. He was honored by the kind words of his residency directors, and by their willingness to testify on his behalf. He's proud that in working with them over the past three years, they have found him to be honest and forthright. This is the kind of person he prides himself on being. In addition, he was also selected to be chief resident of Jewish Hospital, and he serves as a role model for others. He commented that, perhaps, his greatest honor has been to be selected and to serve on the Ethics Committee for Jewish Hospital. Dr. Castellanos stated that he believes these opinions and honors more closely reflect who he is.

Dr. Castellanos continued that since he was eight years old he has dreamt of becoming a physician, to care for and serve patients. He is the product of a single parent, and he was the first in his family to complete high school. He is the only one to obtain a college and graduate degree. He worked hard to attend college after his honorable discharge from the navy, put himself through medical school, and also pursue his internal medicine residency training. It has been a great sacrifice to his wife and children, who have been a source of strength to him throughout his education and training. He knows he can be a good physician. Dr. Castellanos stated that he only asks for a change to prove himself. He asked that the Board grant his application for a license, adding that he's more than happy to comply with any conditions the Board believes are appropriate.

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

Ms. Pfeiffer stated that 75 is the minimum two-digit passing score for steps 1, 2 and 3 of the USMLE. Dr. Castellanos got an 88, an 82 and an 84 first time around each step. Ms. Pfeiffer stated that that's not disputed. His talent, his competency and his intelligence are not disputed. Unfortunately for Dr. Castellanos, what is at issue here is the fact that the state of California denied him licensure for two basic reasons: he failed to disclose his vandalism conviction on his application, and the disciplinary action that occurred while he was in medical school at Howard University. Also, the California Board had concerns with the credibility of Dr. Castellanos while testifying at its hearing.

Ms. Pfeiffer stated that what Dr. Castellanos does in this current case before the Ohio Board is to repeatedly insist that, with respect to the Howard University Medical School incident, he was only doing what he was asked to do. Repeatedly, he said that he only did what he was told to do. He tried to shift and make it look like Dr. DeGannes requested him to do this, and so he was on a mission to do it. Ms. Pfeiffer noted that Dr. Castellanos was the one who went to Dr. DeGannes and supposedly asked for the letter of recommendation for his friend. Dr. Castellanos tries to shift the blame and not take the full responsibility. In his objections to the Report and Recommendation, he states, "I disclosed the facts of the incident at Howard University to both residency directors." Ms. Pfeiffer stated that Dr. Castellanos only disclosed some of the facts, and he slanted them to minimize the true depths of his misconduct. She noted that Dr. Goldberg, the current program residency director at Jewish Hospital testified, "the basic thing that Dr. Castellanos did wrong, the act that showed immaturity and lack of judgment, was to ask his professor to write a letter for someone he did not know." Ms. Pfeiffer stated that this clearly shows that Dr. Goldberg did not understand, did not know exactly what took place in medical school. Ms. Pfeiffer stated that she would be hard-pressed to find a doctor who would testify that the fact that Dr. Castellanos drafted a reference letter that was, basically, completely false, would not cause him any consternation.

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Ms. Pfeiffer continued that Dr. Nix, the Associate Program Director, testified in person, but he also testified that he was “not in a position to, I think, view a lot of issues as far as honesty related.”

Ms. Pfeiffer stated that these physicians raved about Dr. Castellanos’ clinical competency, but that is not the issue. In fact, one of the letters Dr. Castellanos submitted at hearing was a character reference letter that he obtained from Dr. Joyce Yeh for his California hearing, Dr. Yeh wrote in her closing: “Needless to say, I was quite surprised when the issue about his character was raised. I have no doubt that the entire issue has no grounds and was likely a misunderstanding.” Ms. Pfeiffer stated that what that is to her is more evidence that when Dr. Castellanos shares this incident with folks, he’s shading, he’s slanting, and he’s hiding some of the key characteristics.

Ms. Pfeiffer stated that in Dr. Castellanos’ letter of apology to Dr. DeGannes, he wrote that he was sorry for the misunderstanding that they had. He’s not sorry for creating the false document that he presented to Dr. DeGannes. Ms. Pfeiffer stated that she’s not sure that Dr. Castellanos gets it in terms of the ethics, the honesty and the integrity that’s needed for his profession.

Ms. Pfeiffer stated that she would close with one quote from the Dean of Special Student Services at Howard University, regarding Dr. Castellanos’ disciplinary action.

The role of a physician is arguably the most trusted of any other profession in virtually every society on earth. A physician’s ability through training and experience to make life and death decisions for people is a power that must also be grounded in ethics that are beyond reproach. The importance of ethics in the field you seek to enter cannot be overstated.

Ms. Pfeiffer stated that she’s been trying these cases for a little over two years, and she finds this to be a challenging and difficult decision. She applauds the Hearing Examiner’s effort in her proposal. This was not an easy decision. Dr. Castellanos is a bright, intelligent man, but he’s flawed in an area that could wreak havoc down the line. He’s gone through some type of rehabilitation efforts through Howard University, but it doesn’t seem to have done what it needs to do.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. DAVIDSON’S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF ANDREW JOHN CASTELLANOS, M.D. MR. BROWNING SECONDED THE DISCUSSION.

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

Dr. Steinbergh stated that it was disappointing to see that a medical student would have such poor judgment. At this point Dr. Castellanos has been appropriately educated and trained. The Board does know that when you receive an academic degree to become a physician, no one can take that degree away from you. The ability to use that degree is then on the line. There is an absolute professional responsibility that physicians have to patient. They expect a physician to be ethical and honest. Everything physicians do every day challenges that. There are financial challenges. There are time constraints and a lot of pressures on physicians. Dr. Steinbergh stated that Board members worry time and time again about how a

person who is not based in good ethics and has a good moral code will respond to these pressures. Does a young man such as Dr. Castellanos, who made this mistake, go on to assume that other mistakes can be made and no one will notice it or that he can argue it away? Dr. Steinbergh noted that Dr. Castellanos has said that he's done a good job in patient care; but when he walks away from that university setting, will he always remember to complete progress notes, and to complete the assessment of the patient? Will he negate away a finding as if it didn't exist because he's not certain about it or because it could challenge his wisdom as a physician? Dr. Steinbergh stated that there are choices that physicians make when the patient walks in the room and asks the physician to care for him or her. There's a huge amount of responsibility to care for that person. However, the biggest piece beyond training comes from one's ability to be intellectually honest about the decisions the physician makes. Dr. Steinbergh stated that she has significant question about that.

Dr. Steinbergh stated that the Board recognizes what happened to Dr. Castellanos there. The real issue for her is whether or not he was telling the truth, and whether or not he continues to hide the truth. She stated that accepting the truth is relieving yourself of the burden of it. Dr. Steinbergh stated that she understands that Dr. Castellanos takes responsibility for his version of this. The question of the difference of versions, and what came out of Howard University and that lengthy letter of concern from the Director of Special Student Services, was a huge concern. Dr. Steinbergh stated that that Director recognized the problem, and it was her responsibility to bring down harsh judgment. Dr. Castellanos won on appeal, and they felt that the judgment was too harsh. He was suspended for a period of time and was allowed to come back with stipulations, which he said he did, and one would hope that he would have said to himself after this was all over that he did what they said he did, and that he's really sorry. Dr. Steinbergh stated that Dr. Castellanos now knows it was wrong, but Board members, after reading the hearing record, still aren't convinced that he understands it.

Dr. Steinbergh stated that, to the Board, this is a very serious thing. Dr. Castellanos could say that it was a lack of judgment, and that's really true. The issue for her is whether Dr. Castellanos has learned from that lack of judgment. His mentors who came to the hearing said nice things about him, but the hearing record is clear to her that Dr. Castellanos had not been honest with them when he told them his side of the story. She added that what surprised her was a statement by Dr. Choi, the residency program director at St. Mary's, that they had grave concerns, and that they talked about Dr. Castellanos a lot during their deliberations on whether or not to accept him as a resident. Dr. Steinbergh noted, however, that there were red flags there, but no one went back to Howard University to really look at the record. Dr. Castellanos slipped through that way.

Dr. Steinbergh stated that she has no doubt that Dr. Castellanos is working very, very hard to be the best that he can be. She added that Dr. Castellanos is the only one who knows whether that is because he lives with a lie that he's trying to get past. Dr. Steinbergh stated that she's trying to think about how this must be affecting him on a day-to-day basis. Dr. Steinbergh added that, with all the things being said, she questions whether or not he is a role model for young residents. She stated that, apparently, he is, academically. She added that she's pleased to hear that he's been asked to be on an ethics committee, but he will have to be really honest and understanding when he serves on an ethics committee in a hospital system and has to give input into, not just end-of-life care, but all kinds of challenges that come down the line in terms of professional and medical ethics, and how families rely on his judgment.

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Dr. Steinbergh stated that she does not agree with the Proposed Order of permanent denial, because she thinks that the Board should give Dr. Castellanos a chance to prove himself. She stated that she thinks of all the years of education that have gone on, and she thinks that Dr. Castellanos made a bad decision. Dr. Steinbergh stated that when she read through this case, she thought about a case that the Board had a few years ago. It involved a young man who came to the Board from another state who had, in fact, done an even more egregious thing with the stationery of the university that he had attended. Dr. Steinbergh stated that the part of this case that bothers her so much is that not only did Dr. Castellanos prepare a letter for Dr. DeGannes to sign, which should have been on Dr. DeGannes' personal stationery, but Dr. Castellanos had the audacity to use Howard University stationery to provide this letter. Dr. Steinbergh stated that, if Dr. DeGannes had agreed to send such a letter, Dr. Castellanos should have composed a letter and given it to Dr. DeGannes, who would have printed it on his own stationery, and Dr. Castellanos would not be before the Board today. Dr. Steinbergh stated that Dr. Castellanos made the horrible decision to involve the university in this deceit. Dr. Steinbergh stated that in the earlier case, the physician had involved others in a plan, and when he came to the Board for licensure, the Board struggled in the same way. She added that she never did agree that he should have a license. The other physician was granted a license, and, as far as she knows, has gone on to practice in an honorable fashion.

DR. STEINBERGH MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF ANDREW JOHN CASTELLANOS, M.D., BY SUBSTITUTING THE FOLLOWING:

It is ORDERED that:

The application of Andrew John Castellanos, M.D., for a certificate to practice medicine and surgery in Ohio is GRANTED, provided that he otherwise meets all statutory and regulatory requirements, and subject to the following terms, conditions, and limitations:

PERMANENT REVOCATION, STAYED; PROBATION: The certificate of Andrew John Castellanos, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED. Such permanent revocation is STAYED, subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least three years, two years of which must follow completion of post-graduate training, including any fellowships:

- a. **Obey the Law:** Dr. Castellanos shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.
- b. **Declarations of Compliance:** Dr. Castellanos 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 this Order becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third

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month.

- c. **Personal Appearances:** Dr. Castellanos shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective, or as otherwise directed by the Board. Subsequent personal appearances must occur every three 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.
- d. **Noncompliance Will Not Reduce Probationary Period:** In the event Dr. Castellanos 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.
- e. **Personal Ethics Course:** Before the end of the first year of probation, or as otherwise approved by the Board, Dr. Castellanos shall provide acceptable documentation of successful completion of a course or courses dealing with personal 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. Castellanos submits the documentation of successful completion of the course or courses dealing with personal ethics, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

- f. **Professional Ethics Course:** Before the end of the first year of probation, or as otherwise approved by the Board, Dr. Castellanos 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. Castellanos 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

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learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

- g. Monitoring Physician:** Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Castellanos shall 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 and Supervising Member will give preference to a physician who practices in the same locale as Dr. Castellanos and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Castellanos and his medical practice, and shall review Dr. Castellanos' 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. Castellanos and his medical practice, and on the review of Dr. Castellanos' patient charts. Dr. Castellanos 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. Castellanos' quarterly declaration.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Castellanos must immediately so notify the Board in writing. In addition, Dr. Castellanos shall make arrangements acceptable to the Board for another monitoring physician within thirty days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Castellanos 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.

- h. Required Reporting To Employers And Hospitals:** Within thirty days of the effective date of this Order, Dr. Castellanos 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 where he has privileges or appointments. Further, Dr. Castellanos shall promptly provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments. In the event that Dr. Castellanos provides any health care services or health care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within thirty days of the effective date of this Order Dr. Castellanos shall provide a

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copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services. Further, Dr. Castellanos shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty 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 email transmission of a copy of the Order to the person or entity to whom a copy of the Order was emailed.

- i. Required Reporting To Other State Licensing Authorities:** Within thirty days of the effective date of this Order, Dr. Castellanos 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. Dr. Castellanos further agrees to provide a copy of this Order at time of application to the proper licensing authority of any state in which he applies for any professional license or for reinstatement of any professional license. Further, Dr. Castellanos shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty 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 email transmission of a copy of the Order to the person or entity to whom a copy of the Order was emailed.
- j. Violation Of The Terms Of This Order:** If Dr. Castellanos violates the terms of this Order 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.

TERMINATION OF PROBATION: Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Castellanos' certificate will be fully restored.

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

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MR. HAIRSTON SECONDED THE MOTION.

Dr. Steinbergh noted that her proposed amendment imposes a stayed permanent revocation. She added, however, that she is not married to that language if Board members are inclined to be less harsh with the language. She added that she could agree to a reprimand. Dr. Steinbergh stated that what's important to her is that Dr. Castellanos goes into probationary terms so that the Board can monitor him in a way that he understands what this is all about. Dr. Steinbergh stated that she knows that, at this point, this has got to be the most horrible thing he's had to go through in his life. She added that the Board's mission is public protection, and when the Board talks about the ethical responsibilities of a young physician, she thinks her motion says that the Board has considered this case and is going to monitor Dr. Castellanos.

Dr. Steinbergh noted that her motion places probationary terms for at least three years, two years of which must follow completion of his postgraduate training, including a fellowship. Dr. Steinbergh stated that the reason that she did that is that if you go through the years of training, if you don't realize the effects that this has on your career, then the Board may have failed. That's the purpose of three years of probation with these stipulations.

Dr. Steinbergh noted that the proposed amended order also requires a personal ethics course, a professional ethics course, and a monitoring physician. Dr. Steinbergh stated that the amendment is very consistent with other orders the Board has entered when there were concerns about the judgment of a young physician. Dr. Steinbergh stated that she personally wishes Dr. Castellanos well, and she hopes that he understands and comes to terms with whatever the truth is so that he can, at some point, leave this behind.

Dr. Steinbergh stated that, in regards to the California license issue, she appreciates why California denied him a license. She stated that she thinks that it is not beyond understanding that he would have forgotten about the misdemeanor as a teenager. She stated that, when young men or women make a bad judgment in their teen years and they do something bad, it goes on with them for a while. After a while, you get into the seriousness of this current problem, and she can imagine that he's not focused on the misdemeanor, but it's a lesson that everything you do in life continues on.

Mr. Browning stated that he likes the direction of this proposed amendment. He added that he also likes the idea of this doctor getting beyond this and succeeding. He stated that he's not sure how the language of permanent revocation helps that. It really ought to be about the probation and the process he goes through, and not about permanent revocation. Mr. Browning stated that "permanent revocation" is language that's a big red flag that hangs with someone for the rest of his or her life. Mr. Browning stated that a reprimand and probation would give Dr. Castellanos a better chance of getting beyond this over time.

Mr. Browning stated that he also thinks that a three-year probation is reasonable, but when you start adding language of postgraduate training, fellowships, etc., the physician could be with the Board for years on end. He stated that it seems to him that one year of practice would be sufficient, instead of two, and still have the three year language. Mr. Browning stated that the idea is for Dr. Castellanos to get through this, take it very seriously, but get through it.

Dr. Steinbergh stated that she agrees with the language issue. She stated that she wrote that language

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because when you're talking about permanent revocation of a training certificate and denial of a license, that language was meant to demonstrate to Dr. Castellanos that the Board takes this issue very seriously. She added that she does not disagree with the reprimand language.

Dr. Amato stated that he would go along with the idea of reprimand. He pointed out to the Board that that would be consistent with the last case the Board just talked about. Dr. Amato stated that one thing this Board needs to do more of is to be consistent.

Dr. Amato stated that he disagrees with Mr. Browning about the post-training language. He stated that he spoke with Dr. Steinbergh about this amendment. A person can be in fellowships for a number of years, and he would like to be darn sure that once Dr. Castellanos leaves the academic environment, where he is somewhat supervised, there is a couple of years out there totally making decisions for himself, knowing that this Board is concerned with what he did and wants to make darn sure that it doesn't happen again.

Mr. Hairston stated that this case is interesting. He indicated that Dr. Castellanos should work to make sure that young physicians don't go through what Dr. Castellanos has gone through. He noted that there are young medical students in the room who need to know that. Mr. Hairston stated that everyone makes mistakes, and he personally tells young people about mistakes he's made

Dr. Egner stated that, as she was reading this case, she thought the absolutely stupid things that people do in their youth are incredible. Does she believe Dr. Castellanos' story? She stated that she doesn't know; but when you have circumstances like that, she finds that it's hard to know exactly what the truth is. Either scenario is outrageous. Dr. Castellanos wrote a letter for somebody that didn't know the person about whom the letter was written. She stated that she can't imagine this, but Dr. Castellanos did it. Dr. Egner stated that when she read the attorney's objections, she found that she had the same thoughts as those objections. She also thought that she would have to rely somewhat on Dr. Castellanos' appearance here today. Dr. Egner stated that Dr. Castellanos does come across as having learned his lesson, being truly sorry, and she hopes that he's learned an incredible lesson.

Dr. Egner stated that she agrees with Mr. Browning. If the Board is going to allow Dr. Castellanos to practice medicine, she wants him to get over this. If he has a propensity to lie, then she's wrong. At this moment in time, she will give him the benefit of the doubt. Dr. Egner stated that she would go with a reprimand, but, because there are still doubts, the Board needs to watch him for some probationary time. Dr. Egner stated that she's also not married to the time.

Dr. Madia stated that he struggled with this case quite a bit. What Dr. Castellanos did was absolutely wrong. He got a letterhead from Howard University, and Dr. Madia added that he personally isn't sure who signed Dr. DeGannes' name to the letter. At the same time, after doing all these things and going through all the stipulations of the medical school, including an ethics course, when he applied for a California license, he did the same thing again. Dr. Madia stated that he can't understand why he would do the same thing again after going through all the medical school's stipulations. Dr. Madia stated that no one questions that Dr. Castellanos is a hardworking, intelligent doctor. Dr. Madia stated that the Board should give him a second chance. He agreed with Mr. Browning that a permanent revocation will stick with Dr. Castellanos for the rest of his life. He added that the Board has to make sure, once Dr. Castellanos is

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out practicing on his own, that he does the right thing, ethically, for the patient. He stated that Dr. Castellanos should be supervised for at least a year after he's finished training.

Mr. Browning asked that Dr. Steinbergh amend her proposed order to change the permanent revocation language to a reprimand. He added that he agrees with three years of probation, but feels that only one needs to be done following training.

Dr. Steinbergh asked Dr. Castellanos what his plans are after he leaves residency.

Dr. Castellanos advised that he intends to do a fellowship in pulmonary and critical care medicine.

Dr. Steinbergh stated that, with this understanding, she feels that Dr. Castellanos will be appropriately monitored in the hospital setting.

DR. STEINBERGH ACCEPTED MR. BROWNING'S FRIENDLY AMENDMENT TO CHANGE THE "PERMANENT REVOCATION" PARAGRAPH IN THE PROPOSED AMENDED ORDER TO READ AS FOLLOWS:

REPRIMAND; PROBATION: Andrew John Castellanos, M.D., is REPRIMANDED. Dr. Castellanos shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least three years, one year of which must follow completion of post-graduate training, including any fellowships:

MR. HAIRSTON, AS SECOND, AGREED TO THE AMENDMENT. A vote was taken on Dr. Steinbergh's motion to amend:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- 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 ANDREW JOHN CASTELLANOS, M.D. MR. BROWNING SECONDED THE MOTION. A vote was taken:

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

The motion carried.

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

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 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

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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 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

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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 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.

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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.

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:

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

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.

ELIAS TESSEMA, M.D.

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

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DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF ELIAS TESSEMA, M.D. MR. BROWNING SECONDED THE MOTION.

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

Dr. Egner stated that Dr. Tessema was from Ethiopia, and his case went to hearing after the Board initially proposed to deny his application for licensure, based on his being over the seven-year rule. Dr. Tessema completed the exam sequence in just under ten years. With the additional information obtained during the hearing process, she would be in favor of granting Dr. Tessema a license. She noted that Dr. Tessema plans to be a neonatologist at Miami Valley Hospital in Dayton, Ohio, and he seems to have appropriate training. Dr. Egner stated that she thinks that Dr. Tessema would be an asset to the citizens of Ohio. She added that the additional information was helpful to bring her to this conclusion.

Dr. Talmage left the room during the previous discussion

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

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

The motion carried.

ROBERT L. WOLFE, M.T.

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

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF ROBERT L. WOLFE, M.T. MR. BROWNING SECONDED THE MOTION.

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

Dr. Steinbergh stated that Mr. Wolfe is a concern of the Boards in regards to chemical dependency and impairment. The Board ordered Mr. Wolfe to a 72-hour inpatient examination to assess his impairment. He failed to submit to that and has not demonstrated reasons beyond his control for his not going. Dr.

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Steinbergh stated that the Proposed Order is consistent with the Board's concerns for his impairment. The Proposed Order is for a non-permanent revocation. Should Mr. Wolfe at some point feel that he can go to the inpatient evaluation, conditions are placed on any future application. He would also go into probationary conditions that would be placed on any future certificate for at least five years. Dr. Steinbergh noted that this is pretty standard language.

Dr. Egner stated that she does want to say something positive about Mr. Wolfe. She stated that she was most appreciative with the fact that at his hearing he said that he lied on his application, that he meant to lie on the application, and he did it because he didn't want anyone to know the truth. Dr. Egner stated that she appreciates that honesty at his hearing.

Dr. Talmage returned 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. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

At 2:44 p.m. the Board took a break. The meeting reconvened at 3:05 p.m.

PROPOSED FINDINGS AND PROPOSED ORDERS

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. Each matter was reviewed by a hearing examiner, who prepared proposed findings and a proposed order, and is now before the Board for final disposition.

DERECK AARON PEERY, D.O.

Dr. Varyani directed the Board's attention to the matter of Dr. Peery. He at this time asked for a motion in this matter.

DR. STEINBERGH MOVED TO FIND THAT THE ALLEGATIONS AS SET FORTH IN THE APRIL 9, 2008 NOTICE OF OPPORTUNITY FOR HEARING IN THE MATTER OF DR. PEERY HAVE BEEN PROVEN TO BE TRUE BY A PREPONDERANCE OF THE EVIDENCE AND TO

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ADOPT THE PROPOSED FINDINGS AND PROPOSED ORDER. DR. MADIA SECONDED THE MOTION.

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

Dr. Steinbergh stated that Dr. Peery is a chemically dependent physician who no longer resides in Ohio. Under his contract with OPHP, he submitted specimens for drug and alcohol testing, and he tested positive for Ultram. Dr. Steinbergh noted that the Proposed Order is the revocation of Dr. Peery's license. This Order would allow him to come back and prove to the Board that he is healthy again. Dr. Steinbergh noted that Dr. Peery did cooperate in the investigation of his case. She added that his Ohio license has expired.

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

The motion carried.

THOMAS EDWARD TAYLOR, P.A.

Dr. Varyani directed the Board's attention to the matter of Dr. Taylor. He at this time asked for a motion in this matter.

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 THOMAS EDWARD TAYLOR, P.A., 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. Steinbergh stated that she has one correction for the Proposed Findings in this matter. She referred Board members to paragraph 4 of the "Basis for Review" portion of the "Introduction," noting that it refers to a "memorandum dated August 21, 2001." Dr. Steinbergh stated that she believes that the correct date would be August 21, 2008.

Dr. Steinbergh noted that this is a P.A. who was granted a certificate in 2001.

Dr. Egner stated that this individual is impaired/dependent on Ultram. She stated that, in reading this

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document, you do get the impression that Mr. Taylor was somewhat cooperative with the Board's investigation. He went through 72 hours of detox and then outpatient treatment. He didn't do 28 days of inpatient treatment, either because he can't afford it, or for some other reason. He now says that he will never return to work as a P.A. Dr. Egner stated that she is in favor of the Proposed Order, revoking Mr. Taylor's certificate to practice as a P.A. She added, however, that when the Board looks at the impairment rules, she would really like that this person and others in the same position can come back and make amends. She stated that when Mr. Taylor decides to come back, he will be held to a 28-day inpatient treatment when new P.A.s are going to be able to do intensive outpatient treatment.

Ms. Anderson stated that the rule change will not affect P.A.s.

Dr. Egner expressed concern that M.T.s that are being required to do inpatient treatments today won't be able to come back and do just the intensive outpatient treatment.

Ms. Anderson stated that they will be able to request to do the intensive outpatient program.

Mr. Albert commented that there are facilities around the state that will take people on a sliding scale basis, if they're unable to pay full price.

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

The motion carried.

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

MARK ANDREW BANKS, M.D. – ORDER OF SUMMARY SUSPENSION AND NOTICE OF OPPORTUNITY FOR HEARING

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

DR. STEINBERGH MOVED TO ENTER AN ORDER OF SUMMARY SUSPENSION IN THE MATTER OF MARK ANDREW BANKS, M.D., IN ACCORDANCE WITH SECTION 4731.22(G),

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OHIO REVISED CODE, AND TO ISSUE THE NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY FOR HEARING. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

The motion carried.

DAVID MILES BARRERE, 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. BARRERE. MR. BROWNING SECONDED THE MOTION. A vote was taken:

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

The motion carried.

ANDREW BEISTEL, 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.

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

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ROLL CALL:

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

The motion carried.

JACK DAVID BENNETT, 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. BENNETT. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:

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

The motion carried.

SHANNON LIN BOYER – LETTER OF PROPOSED DENIAL

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

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

ROLL CALL:

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

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

The motion carried.

RALPH ARDEN HUGUNIN, 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. HUGUNIN. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

DAROLD R. LANCE, JR., D.O. – – CITATION LETTER

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

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

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

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The motion carried.

GERALD WILLIAM LANE, 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. AMATO MOVED TO SEND THE CITATION LETTER TO DR. LANE. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

The motion carried.

RICHARD J. SCHRAMO, D.P.M. – CITATION LETTER

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

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

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

The motion carried.

ABBY R. URIDEL, M.T. – CITATION LETTER

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

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DR. MADIA MOVED TO SEND THE CITATION LETTER TO MS. URIDEL. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

The motion carried.

RATIFICATION OF SETTLEMENT AGREEMENTS

PATRICK ROBERT DENNISON, D.O. – CONSENT AGREEMENT

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

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

The motion carried.

MARK ERIK BLAIR, M.D. – STEP I CONSENT AGREEMENT

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

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

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

The motion carried.

EMMANOUEL CORONEOS, M.D. – CONSENT AGREEMENT

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

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

The motion carried.

JAMES MAUCH, M.D. – SURRENDER OF CERTIFICATE TO PRACTICE MEDICINE AND SURGERY

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

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

The motion carried.

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ROBERT VANCOURT REINHOLD, M.D. – PERMANENT SURRENDER/CONSENT TO REVOCATION OF LICENSE

DR. STEINBERGH MOVED TO RATIFY THE PERMANENT SURRENDER WITH CONSENT TO REVOCATION OF REINHOLD'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. Talmage	- abstain
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Steinbergh	- aye

The motion carried.

JEFFREY W. WINHOLT, M.D. – SURRENDER OF CERTIFICATE TO PRACTICE MEDICINE AND SURGERY

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

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

The motion carried.

PROBATIONARY APPEARANCES

ROBERT M. BENSON, M.D.

Dr. Benson appeared before the Board pursuant to his request for release from the terms of his August 13, 2003 Consent Agreement.

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Ms. Bickers advised that, should the Board release Dr. Benson from probation, his license will permanently require him to have a chaperone present at all times when interacting with a patient or a member of the patient's family, except in the case of a life-threatening emergency.

In response to Board members' questions, Dr. Benson stated that his health is stable at this time. He has been diagnosed with non-Hodgkins lymphoma, which is under good condition. He just saw his oncologist three weeks ago and everything was fine. Dr. Benson stated that he is currently living with a significant other, who has been very supportive. He stated that he has three sons who are very supportive, and that he might be meeting with one of them after this meeting. Dr. Benson stated that he also has two granddaughters now, of whom he is very, very proud.

In response to questions about his mental health, Dr. Benson stated that he is currently taking Lithium CR; Synthroid, and Remeron. He stated that that all seems to be in balance, and he seems to be in good mental health right now.

In response to further questions, Dr. Benson stated that his medical practice is at half-time right now. One of the problems with a restricted license is that insurance companies will often drop you, so he's working at about 50% capacity with insurance companies. He currently sees patients two days a week, on Saturdays and on Mondays, and that has been working out well. He stated that he doesn't anticipate the insurance coverage coming back because his license will still be restricted. He added that he will work with it as best as he can.

DR. STEINBERGH MOVED TO RELEASE DR. BENSON FROM THE PROBATIONARY TERMS AND CONDITIONS OF HIS AUGUST 13, 2003 CONSENT AGREEMENT. DR. AMATO SECONDED THE MOTION. A vote was taken:

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

The motion carried.

KEVIN R. CLARK, M.D.

Dr. Clark appeared before the Board pursuant to his request for release from the terms of his September 13, 2000 Consent Agreement. If approved, release from probation would become effective September 13, 2008.

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In response to Board members' questions, he stated that his personal health is excellent. He's doing well. His current support system involves certain members of his family and his friends. His daughter is about to enter medical school. He also has a sponsor in his 12-step, abstinence-based recovery program. Dr. Clark stated that he practices addiction medicine and is currently the medical director and current chief medical officer at Hazelden Foundation in Minnesota.

Dr. Varyani commented that Dr. Clark has, basically, turned things around 180 degrees.

Dr. Steinbergh agreed, except for one thing. She stated that the Board has seen a lot of people who, unfortunately, became addicted and who went into addiction medicine. She stated that it's still imperative for him to do this one day at a time. There's no guarantee that because he practices addiction medicine that he won't relapse. Dr. Steinbergh added that it's a wonderful thing that he has the personal knowledge to take with him to help others.

Dr. Clark agreed, adding that the insight helps a great deal in the line of work he's in.

DR. STEINBERGH MOVED TO RELEASE DR. CLARK FROM THE TERMS OF HIS SEPTEMBER 13, 2000 CONSENT AGREEMENT. DR. MADIA SECONDED THE MOTION. A vote was taken:

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

The motion carried.

JACK E. SLINGLUFF, D.O.

Although scheduled, Dr. Slingluff did not appear.

BRUCE S. WORRELL, D.O.

Dr. Worrell appeared before the Board pursuant to his request for release from the terms of his September 10, 2003 Step II Consent Agreement.

In response to Board members' questions, Dr. Worrell stated that he thinks that his experience with the Medical Board has been good. He's had good communication with the Board, especially with Ms. Bickers. Dr. Worrell stated that he feels that this process has been fruitful in guiding his recovery. To continue his

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recovery, he will continue in his 12-step program, work with his sponsor, and sponsoring others in the program.

Concerning his family and personal support, Dr. Worrell stated that his wife is with him today. The rest of his family is very supportive. He has four children, ages 12, 9, 8 and 6. He stated that at this point in time his situation hasn't impacted his children very much. He commented that when the whole thing started, they were quite young. He stated that they've tried not to disrupt the children's lives too much with this, but it obviously has to a certain degree because there were certain limitations in what they could or couldn't do with them along the way. Things are turning around now, and the family is doing quite well.

Dr. Steinbergh asked whether Dr. Worrell knows what things to watch for in his own children. Dr. Worrell responded that he does.

DR. STEINBERGH MOVED TO RELEASE DR. WORRELL FROM THE TERMS OF HIS SEPTEMBER 10, 2003 STEP II CONSENT AGREEMENT. DR. AMATO SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Dr. Egner congratulated Dr. Worrell on completing this process without relapse. She commented that the Board members have seen so many relapses in this process. She wished him well in the future.

STEPHEN T. MCCARREN, M.D.

Dr. McCarren made his initial appearance before the Board, pursuant to the terms of his June 11, 2008 Step I Consent Agreement.

Dr. Steinbergh commented that, fortunately, Dr. McCarren has seen those who have successfully completed their consent agreements. She stated that the Board has every hope that he will do the same.

In response to Board members' questions, Dr. McCarren stated that his license is currently suspended. On a day-to-day basis, he does a lot of self-reflection and attends a lot of meetings. He stated that he has the support of his family and friends. The time out of practice has allowed him to have time to spend with his family and to take a look at what's important in life. Dr. McCarren stated that he's happier these past four

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months than he has been in a long time. Dr. McCarren stated that he tries to make a meeting every day, and he's very in touch with himself and the Higher Power. Dr. McCarren stated that he does understand his consent agreement

Dr. Steinbergh cautioned Dr. McCarren that, because he's an anesthesiologist and he has such exposure to drugs, he needs to give deep consideration to understanding that piece. She commented that anesthesiologists are particularly at risk.

Dr. McCarren stated that he understands. He stated that he does feel that he's coping.

DR. STEINBERGH MOVED TO CONTINUE DR. MCCARREN UNDER THE TERMS OF HIS JUNE 11, 2008 STEP I CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. MADIA SECONDED THE MOTION. A vote was taken:

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

The motion carried.

MICHAEL J. VJECHA, M.D.

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

Ms. Bickers advised that Dr. Vjecha is also requesting approval of a monitoring physician, and a mental health professional. She stated that the Secretary and Supervising Member are in support of these requests, and they are also in support of waiving the chart review requirement while Dr. Vjecha participates in a research program.

Dr. Steinbergh noted that the consent agreement requires Dr. Vjecha to undergo psychotherapy delegated by the approved psychiatrist. She asked whether the Board has approved a psychiatrist for Dr. Vjecha.

Ms. Bickers stated that Dr. Vjecha has nominated a psychiatrist, and that nomination will be presented to the Board in October.

Dr. Steinbergh asked whether the Board knows if the psychiatrist Dr. Vjecha has nominated is all right with

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the psychotherapist.

Dr. Vjecha stated that he is, and added that both are affiliated with St. Luke Institute.

Dr. Steinbergh noted that Dr. Vjecha has a diagnosis of Attention Deficit Disorder. She asked whether he is taking medication for that.

Dr. Vjecha stated that he's been taking Stratera for the past four years.

In response to Board members questions, Dr. Vjecha stated that his life is generally very stable right now, which he's grateful for. He's been working in research administration since 2004. His boss took him back after his relapse at the end of 2005, so he's been continuing to do the work that has been very satisfying, given the restrictions on his clinical practice. He stated that the work is intellectually engaging and provides him with full days.

Dr. Vjecha advised that his colleagues are very supportive, since he's open with them about his history. He has a good recovery network in D.C., which is one of the reasons he continues to live there. He has two sponsors and two programs, and he's had sponsees there. For the past year and a half, he made a transition out of community life after 30 years, and he's been living on his own for two years. He signed papers in March, which is the final departure. Dr. Vjecha stated that this has been a good decision, and there's a lot of relief associated with it. He stated that he feels that he's living a new life right now.

Dr. Steinbergh asked Dr. Vjecha whether he could continue the work he is doing if he didn't have a license. Dr. Vjecha stated that he could.

DR. STEINBERGH MOVED TO APPROVE FRED M. GORDIN, M.D., TO SERVE AS DR. VJECHA'S MONITORING PHYSICIAN, TO WAIVE THE CHART REVIEW REQUIREMENT WHILE DR. VJECHA PARTICIPATES IN THE RESEARCH PROGRAM, TO APPROVE MARGARET M. PAKULSKI, MA, LCSW-C., TO SERVE AS DR. VJECHA'S MENTAL HEALTH PROFESSIONAL RESPONSIBLE FOR PSYCHOTHERAPY, AND TO CONTINUE DR. VJECHA UNDER THE TERMS OF HIS JULY 9, 2008 STEP II CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

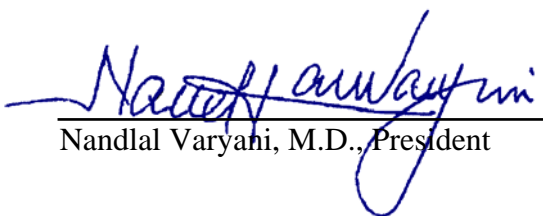
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The motion carried.

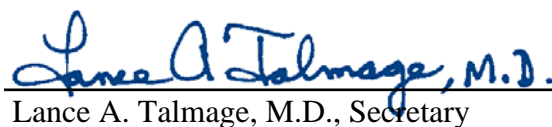
DR. STEINBERGH MOVED TO ADJOURN. MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

Thereupon at 4:00 p.m. the September 10, 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 September 10, 2008, as approved on October 8, 2008.



Nandlal Varyahi, M.D., President



Lance A. Talmage, M.D., Secretary

(SEAL)



September 11, 2008

MINUTES

THE STATE MEDICAL BOARD OF OHIO

September 11, 2008

Nandlal Varyani, M.D., President, called the meeting to order at 8:15 a.m., in the Administrative Hearing Room, 3rd Floor, the James A. Rhodes State Office Tower, 30 E. Broad St., Columbus, Ohio 43215, with the following members present: Dalsukh Madia, M.D., Vice-President; Lance A. Talmage, M.D., Secretary; Raymond J. Albert, Supervising Member; Carol L. Egner, M.D.; R. Gregory Browning, Ph.D.; W. Frank Hairston; Jack C. Amato, M.D.; and Anita M. Steinbergh, D.O. The following did not attend the meeting: Marchelle L. Suppan, D.P.M.; Susan E. Stephens, M.D.; and Darshan Mahajan, M.D.

Also present were: Richard A. Whitehouse, Executive Director; Diann K. Thompson, Assistant Executive Director; Kimberly C. Anderson, Assistant Executive Director; William J. Schmidt, Senior Counsel, Enforcement, Compliance & Investigations; Rebecca J. Marshall, Chief Enforcement Attorney; Barbara J. Pfeiffer, Karen A. Unver, and Kyle C. Wilcox, Assistant Attorneys General; Eileen M. Schmidt, Executive Assistant to the Director; Joan K. Wehrle, Executive Staff Coordinator; Sallie J. Debolt, General Counsel; 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.

MR. HAIRSTON MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES ON AUGUST 11-12, 2008, WITH: DAVID B. AXELSON, M.D.; ASHRAF S. BADOUR, M.D.; KRISTINE M. BLAZEY, M.T.; CELESTE D. BREWER-EDWARDS, P.A. GREGORY B. CAMP, M.D.; PATRICK BRIAN CESTONE, JR., M.D.; PAUL CLAASSEN, D.O..L. JEAN COOPER, M.D.; WENDY KAY DEAN, M.D.; RICHARD R. DELAFLOR, M.D.; MILES E. DRAKE, JR., M.D.; MARY JO FOOTE, P.A.; GEORGE V. HASSINK, M.D.; DAROLD R. LANCE, JR., D.O.; CHRISTOPHER T. LIEDERBACH, M.D.; DAVID W. MASSIE, M.D.; IMRAN RAZA NAQVI, M.D.; WILLIAM J. PLATT, D.O.; DALE PRATT-HARRINGTON, D.O.; JOHN H. ROCKWOOD, P.A.; TOBY JAMES TIPPIE, P.A.; SCOTT R. WELDEN, M.D.; GREGORY S. ZINNI, M.D.;

MR. HAIRSTON FURTHER MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES AND THE SECRETARY AND SUPERVISING MEMBER'S

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RECOMMENDATIONS AS FOLLOWS FOR BOTH PROBATIONARY REQUESTS AND REINSTATEMENT REQUESTS:

- **TO GRANT MICHAEL TODD ADAMS, M.D.'S REQUEST TO DISCONTINUE HIS CONTROLLED SUBSTANCE LOGS REQUIREMENT;**
- **TO GRANT STEVEN R. ALLEN, SR., M.D.'S REQUESTS FOR: A REDUCTION IN HIS PSYCHIATRIC SESSIONS TO EVERY EIGHT WEEKS, A REDUCTION IN MENTAL HEALTH SESSIONS TO ONCE A MONTH, CONTINGENT UPON RECEIPT OF A RECOMMENDATION FROM HIS THERAPIST, AND WAIVER OF HIS PERSONAL APPEARANCES UNTIL HIS FINAL APPEARANCE;**
- **TO GRANT KEVIN W. BOWERS, D.O.'S REQUESTS FOR: DISCONTINUANCE OF HIS CONTROLLED SUBSTANCE LOG REQUIREMENT; ELIMINATION OF HIS CHART REVIEW REQUIREMENT; REDUCTION IN DRUG SCREENS TO TWICE PER MONTH; AND APPROVAL OF RANI A. LAKHI, M.D., TO SERVE AS AN ADDITIONAL MONITORING PHYSICIAN;**
- **TO GRANT ROBERT L. BRANDT, JR., M.D.'S REQUEST FOR PERMISSION TO ADMINISTER, PERSONALLY FURNISH OR POSSESS CONTROLLED SUBSTANCES, SUBJECT TO HIS MAINTAINING PRESCRIBING LOGS;**
- **TO GRANT STEVEN W. CRAWFORD, M.D.'S REQUEST FOR ELIMINATION OF HIS CONTROLLED SUBSTANCE LOG REQUIREMENT;**
- **TO GRANT GREGORY G. DUMA, M.D.'S REQUEST FOR APPROVAL OF LISA C. GENNARI, M.D., TO SERVE AS THE MONITORING PHYSICIAN, WITH 10 CHARTS REVIEWED PER MONTH;**
- **TO GRANT PAUL E. DUNCAN, M.D.'S REQUESTS FOR: REDUCTION IN PSYCHIATRIC SESSIONS TO EVERY TWO MONTHS; REDUCTION IN COUNSELING SESSIONS TO AN AS NEEDED BASIS; REDUCTION IN DRUG SCREENS TO TWICE PER MONTH; PERMISSION TO ADMINISTER, PERSONALLY FURNISH, OR POSSESS CONTROLLED SUBSTANCES; AND TO DENY HIS REQUEST FOR A REDUCTION IN ALCOHOL AND DRUG REHABILITATION MEETINGS TO TWO PER WEEK;**
- **TO GRANT RONALD C. HETMAN, D.P.M.'S REQUEST FOR: REDUCTION IN APPEARANCES TO EVERY SIX MONTHS; REDUCTION OF THE ALCOHOL AND DRUG AND REHABILITATION MEETINGS TO TWO A WEEK, WITH A TOTAL OF 10 PER MONTH; AND A REDUCTION IN DRUG SCREENS TO TWICE A MONTH;**
- **TO GRANT BOBBY C. LENOX, JR., D.O.'S REQUEST FOR APPROVAL OF A MODIFIED PRACTICE PLAN;**

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- TO GRANT KEVIN DALE MCKEE, D.O.'S REQUEST FOR THE DISCONTINUANCE OF THE CHART REVIEW REQUIREMENT;
- TO GRANT PHILLIP THIELE NORTH, M.D.'S REQUESTS, SUBJECT TO RECEIPT OF OUTSTANDING DOCUMENTATION, FOR: A REDUCTION IN DRUG SCREENS TO TWICE A MONTH; A REDUCTION IN PSYCHIATRIC SESSIONS TO EVERY TWO WEEKS; AND THE ELIMINATION OF CONTROLLED SUBSTANCE LOGS;
- TO GRANT PAUL E. PANCOAST, M.D.'S REQUEST FOR A WAIVER OF PERSONAL APPEARANCES UNTIL FINAL APPEARANCE IN MAY 2009;
- TO GRANT CHRISTOPHER S. SHAW, M.D.'S REQUESTS FOR: A REDUCTION IN SCREENS TO TWICE PER MONTH; AND THE REDUCTION IN APPEARANCES TO EVERY SIX MONTHS;
- TO GRANT JOSEPH COOPER SIMONE, D.O.'S REQUESTS FOR: APPROVAL OF RANI A. LAKHI, M.D., TO SERVE AS THE INITIAL MONITORING PHYSICIAN, WITH TEN CHARTS REVIEWED PER MONTH; AND APPROVAL OF RONALD L. MILLER, M.D., TO SERVE AS A SUBSEQUENT MONITORING PHYSICIAN;
- TO GRANT MICHAEL CRAIG WARREN, D.O.'S REQUESTS FOR APPROVAL OF A NEW PRACTICE PLAN AND APPROVAL OF MICHAEL L. HOOKER, D.O., TO SERVE AS THE NEW MONITORING PHYSICIAN; AND
- TO GRANT BRADLEY R. WOLF, M.D. REQUEST FOR APPROVAL OF THE ETHICS COURSE *ETHICS ACROSS THE MEDICAL PROFESSIONS*, TAILORED FOR THE DOCTOR BY DONNA F. HOMENKO, PHD

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

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

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Dr. Amato	- aye
Dr. Steinbergh	- aye
Dr. Varyani	- aye

The motion carried.

REINSTATEMENT REQUESTS

UJWALA PAGEDAR, M.D.

At this time the Board considered Dr. Pagedar's request for reinstatement of her license to practice medicine and surgery, which was suspended by Board Order of February 13, 2008.

DR. STEINBERGH MOVED THAT THE APPLICATION FOR THE REINSTATEMENT OF THE LICENSE OF UJWALA PAGEDAR, M.D., TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF OHIO BE APPROVED, SUBJECT TO THE PROBATIONARY TERMS AND CONDITIONS AS OUTLINED THE BOARD'S FEBRUARY 13, 2008 ORDER. MR. BROWNING SECONDED THE MOTION. A vote was taken:

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

The motion carried.

FINDINGS AND ORDER IN THE MATTER OF ADOPTION OF RULES 4730-1-06, 4730-3-01, 4730-3-02, 4731-4-01, 4731-4-02, 4731-6-21, 4731-11-02, 4731-11-08, AND 4731-12-05 O.A.C., AND RESCISSION OF RULE 4731-11-06 O.A.C.

Ms. Debolt stated that these are the criminal records check rules, and they amend current rules regarding the licensure application process. In the future, applications won't be deemed complete until the background check has been received. She added that there are two minor amendments to the controlled substance rules. There were no comments received on these rules, and they are now ready for the Board's adoption. They have gone through JCARR.

MR. ALBERT MOVED THAT THE FINDINGS AND ORDER CONCERNING THE ADOPTION RULES 4730-1-06, 4730-3-01, 4730-3-02, 4731-4-01, 4731-4-02, 4731-6-21, 4731-11-02, 4731-11-08, AND 4731-12-05 OF THE OHIO ADMINISTRATIVE CODE, AND THE RESCISSION OF RULE

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4731-11-06 OF THE OHIO ADMINISTRATIVE CODE, BE ADOPTED, AND THAT THE STAFF PROCEED TO FILE FINAL THE RULES WITH AN EFFECTIVE DATE OF SEPTEMBER 30, 2008. MR. BROWNING SECONDED THE MOTION.

Dr. Steinbergh referred to Rule 4730-1-06, which concerns CME for P.A.s. She said she previously had asked Ms. Debolt whether the Board audits P.A. CMEs, and was informed that, although the Board does have the authority to audit, it does not. Dr. Steinbergh stated that she feels that the Board should audit P.A.s in the same way it audits physicians. She asked what the next step would be to make that happen.

Ms. Debolt stated that this is a matter to be discussed with the Records Department, which is in charge of auditing.

Dr. Steinbergh stated that at some point she will make a motion to do a P.A. CME audit.

Ms. Debolt stated that she has passed Dr. Steinbergh's inquiry on to the Records Department, so they are aware of Dr. Steinbergh's concern. She stated that currently it is a manpower problem.

Dr. Varyani asked that the Licensure Committee take up this issue.

A vote was taken on Mr. Albert's motion to file the rules:

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

The motion carried.

PROBATIONARY APPEARANCES

RICHARD DAVID GRECZANIK, D.O.

Dr. Greczanik made his initial appearance before the Board, pursuant to the terms of his June 11, 2008 Step II Consent Agreement.

In response to Board members' questions, Dr. Greczanik stated that he does daily morning meditations. He has started his third year as a family practice resident at Cuyahoga Falls General. He usually attends one A.A. meeting a day. He also attends Caduceus and aftercare meetings at Shepherd Hill. He sees both a psychiatrist and a psychologist. Dr. Greczanik stated that things have been going extremely well for him.

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He added that it is a day-to-day process, but overall he thinks things are going very well.

In response to questions about how his dependence affects his daily responsibilities as a resident, Dr. Greczanik stated that, with more things to do, it's a little bit easier for him to stay more grounded. The year off was very good for him, but he wasn't very happy during that time. Overall, his thought process has improved vastly. Day-to-day, things are much easier for him than they were before.

Concerning his relationships with his colleagues and the support he gets from them, Dr. Greczanik stated that this is a tremendous support group and everyone is happy to see him back. He also has a tremendous support group with his two bosses. Dr. Greczanik stated that when he came back to work, one of the office managers pulled him aside and told him that she didn't know where he'd been, but she had gone through treatment herself, so if she ever needed someone to talk to during the day, she's available. He added that his parents, with whom he lives, are also very supportive.

Dr. Greczanik advised that he understands his consent agreement, and doesn't have any questions about it.

DR. STEINBERGH MOVED TO CONTINUE DR. GRECZANIK UNDER THE TERMS OF HIS JUNE 11, 2008 STEP II CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

The motion carried.

JAMES CAMERON JOHNSON, D.O.

Dr. Johnson 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. Johnson stated that he is doing well with his recovery now, although he had a very difficult time at first. He was overwhelmed and very stressed with everything, including the action of the Board and treating his alcoholism. Since some time has progressed, he's been doing much better with his recovery. He'll have ten months' sobriety in a few days. He has a sponsor and he attends at least three meetings a week, but sometimes one meeting a day. He added that he averages about five or six meetings weekly. He has a home group and he's fairly active in his recovery. He

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continues to attend church, as he did before. Dr. Johnson stated that he's just looking forward to returning to work as a physician, eventually.

Concerning his support system, Dr. Johnson stated that he's close to his parents. His mother and father live in Alabama, but his father usually comes to Columbus. He also lives with a brother, who's helping him pay the mortgage right now. He also has two sisters and two other brothers with whom he speaks. He also has a girlfriend who is very supportive, as well.

Dr. Johnson advised that he believes he understands the terms of his agreement with the Board. He added that he doesn't have any questions of the Board.

In response to questions about his practice, Dr. Johnson stated that, prior to entering treatment, he was engaged in a private practice in family medicine, which he started after his residency completed in 2003, with some assistance from Doctors West Hospital. He stated that it was a completely separate practice and was in no way managed by the hospital. Dr. Johnson stated that he did have a friend cover his practice for a month, but when he figured out the length of his suspension, he pretty-much closed his practice indefinitely at the end of November, early December, 2007.

Dr. Johnson stated that he has one job offer when his license is reinstated. He doesn't think that it will be feasible for him to reopen private practice at that time. After a year, the patients will have been forced to find another physician.

Dr. Steinbergh asked Dr. Johnson to address what led him to relapse immediately after leaving recovery.

Dr. Johnson stated that there's no good answer to that. He wasn't thinking. Dr. Johnson stated that it's the nature of the disease. When he went into treatment, he was still in a lot of denial. Even at the end of the 30 days at Parkside, he really wasn't in recovery yet. He began to understand why he was drinking like he was and the nature of alcoholism and addiction. He continued to "white knuckle" not drinking. It was well into January before he started going to more meetings. He got a sponsor and just started to take hold of recovery at that point. At some point those cravings just went away gradually after that. Dr. Johnson stated that it was not a thought-out decision by any means to leave treatment and have a drink. Dr. Johnson stated that he was in a very bad state of mind. As soon as he started to drink, he didn't even finish what he was doing there.

Dr. Steinbergh stated that she gets the feeling that it's not going to be easy for Dr. Johnson, but she hopes that he will be successful.

Mr. Hairston stated that he's been on the Board since December, and this is the first time he's heard someone say that he might not be sure about the agreement. He stated that Dr. Johnson needs to meet with Ms. Bickers before he leaves this building to make sure that he does understand his consent agreement.

Mr. Albert asked Dr. Johnson what his experience at Parkside was.

Dr. Johnson stated that he believes that they had a good treatment program. It was structured fairly well,

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and the group sessions were effective. He doesn't think that the relapse was any fault of theirs. He stated that he felt that they could have put together a little bit more of a plan for what he was going to do immediately when he got out. Other than that, he thinks it's a good program.

DR. STEINBERGH MOVED TO CONTINUE DR. JOHNSON 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. A vote was taken:

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

The motion carried.

LLOYD S. NARAMORE, D.O.

Although scheduled, Dr. Naramore did not make his initial appearance before the Board, pursuant to the terms of his June 11, 2008 Consent Agreement.

LOVSHO PHEN, M.D.

Dr. Phen made her initial appearance before the Board, pursuant to the terms of the Board's Order of March 14, 2007.

In response to Board members' questions, Dr. Phen stated that she is doing well. She practices in California in a very small community with a population of around 9,000. She has a hospital-based practice. They have three clinics and two long-term facilities. She works in two clinics and the hospital. She does work full time, five days a week. She has weekend call at the hospital once a month.

Dr. Steinbergh asked whether Dr. Phen has an action on her California license.

Dr. Phen stated that she does. Based on the Ohio action, she is on probation in California for three years. She has not yet appeared before the California Board. She just meets the probation officer there. That occurred in July of this year. She will not have to appear before the Board, a probation officer there will periodically visit her. She stated that she doesn't know how often that will be. Dr. Phen stated that she does understand her responsibilities under the Ohio Board Order, and added that she doesn't have any questions about it.

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In response to further questions, Dr. Phen stated that she took the *Physician Prescribing Course*, offered by the University of California, School of Medicine, Physician Assessment and Clinical Education Program [PACE]. She learned how to prescribe medications from that course. When asked whether the course addressed personal use and family use, Dr. Phen stated that she doesn't prescribe to anyone in her family or for personal use. There was no action on her DEA license. She does have to keep drug logs.

DR. STEINBERGH MOVED TO CONTINUE DR. PHEN UNDER THE TERMS OF THE BOARD'S ORDER OF MARCH 14, 2007, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

The motion carried.

MARK A. RHODEBACK, M.T.

Mr. Rhodeback made his initial appearance before the Board, pursuant to the terms of his August 13, 2008 Step II Consent Agreement.

In response to Board member questions, Mr. Rhodeback stated that things have been going really well for him. He finds that he has no problems with his recovery. He's following the directions he's being given, and everything seems to be working well with that. He attends his meetings, he has a sponsor, he's explained what is going on with him to his friends and family and they're very supportive. Mr. Rhodeback stated that he intends to do some psychotherapy to further his recovery, and to talk about ADHD, for which he'd been treated in the past. He is not taking any medication for his ADHD.

Concerning his work, Mr. Rhodeback stated that he's working for a clinic massage entity, and it's basically on appointment. He is actually doing between 20 and 35 hours of massage per week. If appointments build up, he backs off so that he can physically be able to not break down. Mr. Rhodeback stated that he's basically available for appointments six days out of the week. Mr. Rhodeback stated that he loves his work. He also understands that he has to have his license to do that.

DR. STEINBERGH MOVED TO CONTINUE MR. RHODEBACK UNDER THE TERMS OF HIS AUGUST 13, 2008 STEP II CONSENT AGREEMENT, WITH FUTURE APPEARANCES

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BEFORE THE BOARD SECRETARY OR DESIGNEE. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

The motion carried.

RANDALL G. WHITLOCK, JR., P.A.

Mr. Whitlock made his initial appearance before the Board, pursuant to the terms of his August 13, 2008 Step II Consent Agreement.

In response to Board members' questions, Mr. Whitlock stated that he relapsed because he didn't understand the disease model. He hadn't surrendered, and that's the key for him. He's now doing very well. He does the twelve-step model, has a sponsor, a home group and has professional aftercare once a week. He does service work with recovering addicts. He also does some readings. Mr. Whitlock stated that that all goes with the surrender and understanding that if you don't do something daily, you definitely can slip.

Mr. Whitlock stated that he currently is working in a Logistics Department in a hospital. He's worked there for about 13 months, waiting for reinstatement of his license so that he can return to practice. This job is in the hospital where he previously practiced. Mr. Whitlock explained that they placed him in that position with the idea that he would eventually be able to return to practice. Prior to entering treatment, he practiced occupational medicine with a group practice. There are twelve physicians in his group with which he works.

Dr. Steinbergh stated that she thought Mr. Whitlock was reinstated.

Ms. Bickers stated that he was. He entered into his Step 2 Consent Agreement at the August meeting.

Mr. Whitlock stated that he was told that, until he had approval of a reporting physician, he could not practice. That's one of the things that's kept him from going back. There's also a paperwork thing with human resources trying to go back. It will probably be a couple of weeks before he goes back.

DR. STEINBERGH MOVED TO APPROVE DOUGLAS H. LINZ, M.D., TO SERVE AS MR. WHITLOCK'S REPORTING PHYSICIAN. DR. STEINBERGH FURTHER MOVED TO

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CONTINUE MR. WHITLOCK UNDER THE TERMS OF HIS AUGUST 13, 2008 STEP II CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. MADIA SECONDED THE MOTION. A vote was taken:

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

The motion carried.

REPORTS OF ASSIGNED COMMITTEES

LICENSURE COMMITTEE

Kelly D. Cole, M.D.

Dr. Egner advised that Dr. Cole is over the seven-year time limit by seven months. She passed Steps 1, 2, and 3 on the first attempt with scores of 85, 86 and 93. Dr. Cole sent a letter of explanation explaining she went over the seven-year limit for USMLE because she was asked by her obstetrics and gynecology program to not take Step 3 until her final year.

Dr. Egner stated that the Committee recommends approving the limited exception of the seven-year rule as outlined in 4731-6-14(C) (3), and accepting Dr. Cole's examination sequence in order for her to be granted a license.

DR. MADIA MOVED TO APPROVE DR. COLE'S REQUEST FOR THE LIMITED EXCEPTION OF THE SEVEN-YEAR RULE, TO ACCEPT DR. COLE'S EXAMINATION SEQUENCE, AND TO GRANT DR. COLE A LICENSE TO PRACTICE MEDICINE AND SURGERY, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCORDANCE WITH LICENSURE PROTOCOLS. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

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Dr. Amato - aye
Dr. Steinbergh - aye
Dr. Varyani - aye

The motion carried.

Marjorie Ebenezer, M.D.

Dr. Egner advised that Dr. Ebenezer has presented some additional information for the Board's consideration. She noted that Dr. Ebenezer has not been engaged in practice since 1987, however, by her record, it is indicated that Dr. Ebenezer had been in practice until September 2007. If the Board finds that she has not practiced in over two years, she will have to take the SPEX. Dr. Egner stated that Dr. Ebenezer has had multiple jobs, mainly in health clinics.

Dr. Egner stated that additional information was provided by Dr. Ebenezer's supervisor, and it indicates that Dr. Ebenezer's last job in Illinois was Medical Director of the Maternal and Child Health Program at the Cook County Department of Public Health from March 1989 until July 2001. Dr. Ebenezer relocated to Pennsylvania, and then worked part-time at the Hamilton Health Center in Harrisburg, PA, and then her last job in Pennsylvania was Arbovirus Coordinator for Pennsylvania at the Pennsylvania Dept of Health from November 2002 until September 2007. Dr. Egner stated that the Board has received a note from the supervisor, saying that this was a clinical job. On her licensure application, Dr. Ebenezer stated initially that it was administrative. Dr. Ebenezer indicates that she is retired and living in Westerville, Ohio. Dr. Ebenezer has licenses in Florida, New Mexico, New York and Pennsylvania. She does not report any American Board Certification.

Dr. Egner referred the Board to an e-mail from Dr. Ebenezer's supervisor, Kirsten Waller, M.D., M.P.H. It says:

Dr. Ebenezer's position at the Pennsylvania Department of Health was "Public Health Physician," a position for which an active medical license is required. Dr. Ebenezer's responsibilities were primarily clinical in nature. Dr. Ebenezer was the medical liaison for the multi-agency West Nile Virus program. In this capacity, she provided consultation regarding testing, interpretation of testing, and diagnosis to neurologists and others in the Pennsylvania medical community. She worked closely with the state public health laboratory and with the field nursing staff in case management of WNV patients. She also was responsible for communicating with CDC and consulting with them on difficult cases. Dr. Ebenezer was also the influenza coordinator for the Pennsylvania Bureau of Epidemiology. In this capacity she consulted with long term care facilities throughout the state, providing recommendations regarding infection control activities and vaccination strategies. Dr. Ebenezer was also on the very short list of physicians working for the state who were authorized to dispense medications from the National Strategic Stockpile.

Dr. Egner stated that the Committee had quite a discussion over Dr. Ebenezer and ended with a split vote of

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3-2 on a recommendation for licensure.

DR. EGNER MOVED TO APPROVE DR. EBENEZER'S REQUEST FOR LICENSURE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCORDANCE WITH LICENSURE PROTOCOLS. DR. STEINBERGH SECONDED THE MOTION.

Dr. Steinbergh stated that Dr. Ebenezer has a skill that is different from other physicians. On the other hand, she had an active license. Dr. Steinbergh stated that she thinks that Dr. Ebenezer adds value to Ohio's medical community.

Dr. Varyani stated that he would agreed that she has skills, but he doesn't thinks that she has had clinical practice for a while. He asked how many cases of West Nile Virus there are, and suggested that there are as many as four. He stated that, as for treating influenza, all she was doing was giving drugs from the National Strategic Stockpile and forming policy. Dr. Varyani stated that he doesn't see how that could be clinical. He stated that he would vote with the majority. Dr. Varyani indicated that he would like her to take the SPEX.

Dr. Steinbergh stated that she's not opposed to that.

Dr. Amato agreed with Dr. Varyani. He stated that, if you read Dr. Ebenezer's letter, not once does it say that she laid hands on a patient. That at least goes back to 2003. Dr. Amato stated that the Board requires other practitioners to prove their clinical competence. Dr. Amato stated that Dr. Ebenezer needs to pass the SPEX to make sure that her skills are where they should be.

Dr. Egner commented that what Dr. Ebenezer does is pretty specialized. She added that there are many areas of medicine where you're not examining patients, and yet you're still practicing medicine. She noted that Dr. Ebenezer has had an active license in Pennsylvania. She had to have an active license in order to do this job. Dr. Egner stated that this was all part of the Committee's discussion. Dr. Egner stated that she thinks that the Board should approve Dr. Ebenezer's application.

Dr. Steinbergh commented that Dr. Ebenezer probably had a Pennsylvania license, and then eventually went into this. She stated that it's just like in Ohio. If she had a license already, no one is going to take it away from her, but she might have devoted her practice into another area of expertise. In this case, this Board is licensing Dr. Ebenezer for the first time and wanting some general medical knowledge.

Dr. Amato referred to the last paragraph of Dr. Ebenezer's letter, it indicates that she's going to go into the underprivileged clinics, she's going to be taking care of patients. That's what she wants an Ohio license for. Dr. Amato stated that those patients deserve the same guarantees as any other citizen of the State of Ohio. What she will be doing with her Ohio license is totally different from what she was doing with her Pennsylvania license.

A vote was taken on Dr. Egner's motion to grant a license:

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

The motion failed.

DR. AMATO MOVED TO APPROVE DR. EBENEZER'S REQUEST FOR LICENSURE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCORDANCE WITH LICENSURE PROTOCOLS, AND SUBJECT TO HER PASSING THE SPEX OR SPECIALTY BOARD CERTIFICATION EXAMINATION. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Dr. Amato left the meeting at this time.

Danny E. Huntley, M.D.

Dr. Egner advised that Dr. Huntley graduated from Wake Forest University in Winston Salem, N.C. in May 1977. He has requested endorsement of his National Board of Medical Examiners Diplomate status. Dr. Huntley completed training in Family Practice at Pitt County Memorial Hospital in Greenville, N.C. from July 1977 through June 1980. Dr. Huntley practiced as a Family Practitioner in Salisbury, N.C., and Charlotte, N.C., from July 1980 until June 1994. Dr. Huntley then participated in a preceptorship at Vein Clinics of America in Schaumburg, IL from March 1994 until May 1995. Dr. Huntley practiced at Georgia Phlebology in Atlanta, GA, from May 1994 until August 2004, when he became disabled. Dr. Huntley has been American Board certified in Family Practice since 1984.

DR. EGNER MOVED TO APPROVE DR. HUNTLEY'S REQUEST FOR OHIO LICENSURE

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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. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Michael Pappas, M.D.

Dr. Egner advised that Dr. Pappas is over the seven-year time limit by less than 1 month. He passed Step 1, Step 2 and Step 3 on the first attempt with scores of 84, 76, and 87. Dr. Pappas has sent a letter of explanation stating that he went over the seven-year limit for USMLE since he postponed the exam until after he was in the last year of fellowship because he suffered from severe ulcerative colitis, which affected his ability to prepare for and take tests.

Dr. Egner continued that Dr. Pappas graduated from the Medical College of Toledo in June 1998. Dr. Pappas trained at St. Louis University in Internal Medicine from June 1998 until June 2001, then participated in a Fellowship in Gastroenterology there from July 2001 until July 2004. Dr. Pappas practiced as a Gastroenterologist in Florida from July 2004 until April 2008. Dr. Pappas holds licenses in Florida and Missouri, and he was American Board Certified in Internal Medicine in 2003, and Gastroenterology in 2006.

DR. EGNER MOVED TO GRANT DR. PAPPAS' APPLICATION FOR ENDORSEMENT LICENSURE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCORDANCE WITH LICENSURE PROTOCOLS. DR. MADIA SECONDED THE MOTION. A vote was taken:

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

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The motion carried.

Dr. Amato returned to the meeting at this time.

Ikle Sipahi, M.D.

Dr. Egner advised that Dr. Sipahi is over the seven-year time limit by one month. He passed Step 1, Step 2 and Step 3 on the first attempt with scores of 99, 95, and 91. Dr. Sipahi has sent a letter of explanation, advising that he went over the seven-year limit for USMLE because he had low-back surgery, and he wasn't able to study or work until late in 2005.

Dr. Egner stated that Dr. Sipahi graduated from the Istanbul University in Turkey in July 1998. Dr. Sipahi trained in Cardiology at Istanbul University from November 1998 until August 2003, when he immigrated to the United States. Dr. Sipahi practiced as a Research fellow at the Cleveland Clinic from April 2004 until May 2006. Then Dr. Sipahi entered a Clinical fellowship in Cardiology and Heart Failure Transplantation from June 2006 until the present. Dr. Sipahi holds an Ohio training certificate, and does not report any American Board certification.

DR. EGNER MOVED TO GRANT A LIMITED EXCEPTION OF THE SEVEN-YEAR RULE AS OUTLINED IN 4731-6-14(C) (3), TO ACCEPT DR. SIPAHI'S EXAMINATION SEQUENCE AND TO GRANT DR. SIPAHI 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. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

Lisa Anne Simpson, M.D.

Dr. Egner advised that Dr. Simpson worked in Hawaii and Bethesda, Maryland in Maternal Child Health from January 1988 until September 1991. She then worked as a post-doctoral fellow at the Institute for Policy Studies at the University of California from September 1991 until July 1993. Dr. Simpson worked as a policy analyst, and in several policy management positions at the Department of Health and Human Services in Washington DC, and Rockville, Maryland from September 1993 until January 2003. She was a

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professor of Pediatrics at the University of South Florida from February 2003 until December 2005. Dr. Simpson is currently the Director of the Child Policy Research Center. She has licenses in Florida, Hawaii and North Carolina, and has been American Board certified in Pediatrics since 1987.

DR. EGNER MOVED TO APPROVE DR. SIMPSON'S APPLICATION FOR ENDORSEMENT LICENSURE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCORDANCE WITH LICENSURE PROTOCOLS, AND SUBJECT TO HER PASSING THE SPEX OR SPECIALTY BOARD RECERTIFICATION EXAMINATION. DR. MADIA SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Kheim Tran M.D.

Dr. Egner advised that Dr. Tran is over the seven-year time limit to complete the USMLE by 5 months. He passed Step 1, on the first attempt with a 76, Step 2 on the seventh attempt with an 80, and Step 3 on the fourth attempt with a score of 76. Dr. Tran has sent a letter of explanation advising that he went over the seven-year limit for USMLE because of family financial hardship and the serious illness of his mother. Dr. Tran took Step 1 over on August 12, 2008, and he advised this week that he failed the exam.

Dr. Egner continued that Dr. Tran graduated from Saba University in the Antilles in May 2002. He postponed training until he passed Step 2 in 2004, then he begin his residency in Family Practice at Barberton Hospital in Barberton, Ohio from July 2005 until June 2008. Dr. Tran holds an Ohio training certificate, and does not report any American Board certification.

DR. EGNER MOVED TO DENY DR. TRAN'S REQUEST FOR APPROVAL OF HIS EXAMINATION SEQUENCE. DR. TALMAGE SECONDED THE MOTION. A vote was taken:

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

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Dr. Amato - aye
Dr. Steinbergh - aye
Dr. Varyani - aye

The motion carried.

Kim Fischer L.M.T.

Dr. Egner advised that Ms. Fischer is applying for restoration of her LMT license in Ohio. Ms. Fischer has indicated on her application for restoration that she has not actively practiced Massage Therapy since 2003.

DR. EGNER MOVED TO APPROVE MS. FISCHER'S REQUEST FOR RESTORATION OF HER OHIO LICENSE SUBJECT TO HER SUCCESSFUL COMPLETION OF THE LIMITED BRANCH PORTION OF THE MASSAGE EXAMINATION. DR. MADIA SECONDED THE MOTION. A vote was taken:

ROLL CALL:

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

The motion carried.

Menna Berhane, M.D.

Dr. Egner advised that Dr. Berhane is over the seven-year time limit for completing the USMLE by 27 months. She passed Step 1 on the first attempt with a score of 77, Step 2 on the second attempt with a score of 77, and Step 3 on the fourth attempt with a score of 76. Dr. Berhane sent a letter of explanation stating she went over the seven-year limit for USMLE because she was in Maryland and was not aware of the seven-year limit.

Dr. Egner continued that Dr. Berhane graduated from Temple University School of Medicine in Philadelphia, PA in May 1998. She did not begin a residency program until June 2000 when she entered a Pediatrics residency at Howard University Hospital from June 2000 until September 2003. Dr. Berhane was not employed from September 2003 until April 2004, and then she worked at a Patient Care/Clinical Research position at Howard University from April 2004 until January 2006. Dr. Berhane then entered a Family Practice Residency at Grant Medical Center from March 2006 until April 2008. Dr. Berhane is not reporting any Board Certification at this time. She holds licenses in New York and is applying in Virginia.

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**DR. EGNER MOVED TO DENY DR. BERHANE'S EXAMINATION SEQUENCE.
DR. STEINBERGH SECONDED THE MOTION.**

Dr. Steinbergh commented that Dr. Berhane clearly did not complete the examination sequence within the seven years, and she has not presented a valid reason for not doing so.

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

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

The motion carried.

LEGISLATIVE LIAISON & RULES COMMITTEE

Mr. Browning stated that he, Dr. Steinbergh, Mr. Whitehouse and others met with the Scope of Practice Focus Group and produced a draft report for the Board's review. A copy of this report shall be maintained in the exhibits section of this journal. Mr. Browning stated that what came out of that meeting is the sense that the Board should have a paradigm shift in the way it thinks about scope of practice issues. Instead of being opposed only, the Board should acknowledge where medicine is today, the fact that it's not going away, and that there will likely be more expansions in scopes. What the Board needs to do is take this very seriously and regulate in a very clear and rational way. Mr. Browning stated that that means thinking about education of physicians, thinking about the fact that many physicians are supervising limited branch practitioners and yet have no training to do that work.

Mr. Browning stated that these relationships are for real, they're authentic, and there has to be accountability around those relationships. If people say they're supervising P.A.s, they need to be supervising P.A.s, and they need to be trained to do that. The understanding coming out of these meetings is that they're fundamentally not being trained to do that work. They don't take courses in that in medical school, and they may not be getting much experience in residency programs. Mr. Browning stated that these relationships need to be real. The Board doesn't want to engage in a wallpaper routine where it's saying one thing and doing another. Mr. Browning stated that this means improving regulation, making what the Board says authentic and accountable to people. Mr. Browning stated that that is the major message to come out of the two meetings held.

Mr. Browning stated that the Committee doesn't have a recipe to hand the Board. He does think that much of it was a reality check and the reality check came back with a clear and compelling message that the

Medical Board's concerns are very legitimate, and the Board needs to work on those issues. The Committee does have recommendations that relate to patient protection and accountability, education and training, competency-based licensure, continuing medical education. Mr. Browning stated that one could argue that a physician who is supervising a P.A. ought to have continuing medical education that reflects that reality, and maybe the Board should be more directive in that regard. He commented that the trend is leading toward competency-based licensure, which could mean licensing by specialty and not just issuing general medical licenses.

Dr. Steinbergh stated that one of her concerns was the comparability of educational background. If someone says that a mid-level practitioner can do something in the same way as a physician can, it needs to be demonstrated how his or her education is equal to the physician's. Dr. Steinbergh stated that she thinks that the group very early on decided that that can't be the way you can compare, but it is an important thing to consider because many of these universities educate all of these different types of people.

Dr. Steinbergh expressed concern that these other practitioners aren't being held to the same level, in terms of competency, as are physicians. She gave as an example the fact that P.A.s aren't audited for C.M.E., while physicians are.

Dr. Steinbergh stated that the Medical Board needs to take special interest in how these people are educated and engage the educators in discussion about these things, and expect them to stand behind the Board, or at least educate it, so that when the Board goes to the Legislature, it's not just the Medical Board going to the Legislature. Dr. Steinbergh stated that educators need to back the Board up when addressing competency concerns with the Legislature.

Dr. Talmage asked whether the group deliberated at any point on numbers. He noted that anesthesia has a fairly rigid and well placed limitation on how many midlevel providers they can supervise. Dr. Talmage stated that he would have some concern about one physician supervising 20 P.A.s. He asked how that physician would know their ability to practice.

Dr. Steinbergh stated that that was not part of the discussion.

Mr. Browning agreed that it is a good point.

Dr. Talmage suggested that this might be a good discussion to take to the Federation. He stated that medical schools and residency programs are going to have to start educating on how to supervise midlevel practitioners. Dr. Talmage stated that that can't be mandated in Ohio and expect that it will be accomplished throughout the country. If physicians come to Ohio, will they have to do a supplemental residency program in supervising midlevel providers in order to get a license? Dr. Talmage stated that he'll take this to the Federation for consideration.

Dr. Varyani stated that the focus group's direction is great, but what the Board really needs is the participation of other entities, as well as the school deans. He noted that Ohio's biggest industry is health care, and the Board needs the support of Ohio's major hospitals. He stated that scope of practice is not a small issue. He expressed concern about how much work would be involved in the Board having to issue

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licenses in every field.

Dr. Varyani stated that he thinks that this report is a great first step. He added that he would like to be a part of the group. He added that he would personally like for most of the medical school deans to get into the discussion, and then the hospitals to get into it. If you don't have the hospitals as partners, you're not going to get anywhere.

Dr. Varyani at this time thanked Mr. Browning and Dr. Steinbergh for beginning the discussions.

Dr. Madia stated that nurse practitioners are a major part of health care, and their presence is going to be increased. The Medical Board doesn't license them and has no say in how they are trained. They basically practice independently. There is no clear-cut definition of what collaboration means or what responsibility the physician has.

Dr. Varyani stated that unless the hospitals are involved in the discussion, he doesn't think that the Board is going to get anywhere.

Mr. Browning agreed, stating that the relationships have to be for real.

Dr. Madia suggested that the Nursing Board should be part of this discussion.

Mr. Browning stated that the next step will be to send this document out to the full focus group for review.

Dr. Varyani stated that he read something about surgical technologists, and asked where the Board stands on that.

Mr. Miller stated that there is a piece of draft legislation on this topic, and there have been meetings with interested parties with respect to it. They've given the Board the surgical technologists' national policy, which appears to be an entry to practice requirement. They want all surgical technologists to be certified through a national association. Since hospitals in Ohio aren't licensed, they feel the only way to do that is to become fully licensed. The proposal is that the Medical Board would be the entity to license them.

Dr. Varyani suggested that the Nursing Board, rather than the Medical Board, would be responsible for that.

Mr. Miller stated that their national policy says that they are part of the medical community rather than the nursing community.

Dr. Steinbergh stated that most of them started out as registered nurses.

Dr. Varyani stated that probably 60% of them are registered nurses.

Mr. Miller commented that a number of nursing entities feel that the Nursing Board is the appropriate entity to license them. Surgical technologists want to differentiate themselves from the nursing

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community. He stated that that's part of the discussion that will take place in the course of that legislation. He stated that there has been one initial meeting on this legislation.

Dr. Varyani asked whether the Board wants to regulate these individuals.

Dr. Steinbergh stated that those who are nurses will clearly be regulated by the Nursing Board. The Medical Board won't be regulating registered nurses.

Mr. Miller stated that this is a separate field.

Mr. Browning stated that if they come forward as surgical technologists for licensure, the Medical Board will have to license and regulate them.

The majority of Board members present felt that the Medical Board would regulate all surgical technologists.

Mr. Albert asked how many additional licensees this would be.

Mr. Miller stated that, currently, the Ohio Association of Surgical Technologists has over 1,000 members.

Mr. Albert stated that the licensure department would need another person, adding that it's overburdened right now.

Dr. Varyani stated that the Board needs to be proactive in this, and take a stand.

Dr. Egner stated that they need to know what it means to be licensed.

Mr. Miller stated that he explained that to the group he met with, and they indicated that that's what they want.

LIMITED BRANCH & ALTERNATIVE MEDICINE COMMITTEE

MR. HAIRSTON MOVED THAT THE PROPOSED LANGUAGE FOR RULE 4731-1-11(G) OF THE ADMINISTRATIVE CODE BE REVISED TO REQUIRE THAT VERIFICATION OF SUCCESSFUL COMPLETION OF THE PROGRAM BE RECEIVED BY THE MEDICAL BOARD NO LATER THAN THIRTY DAYS PRIOR TO THE EXAMINATION, INSTEAD OF THE FORTY-FIVE DAY DEADLINE ORIGINALLY PROPOSED. DR. STEINBERGH SECONDED THE MOTION.

Ms. Debolt stated that this is the second part of the rules that the Board approved for filing earlier in the meeting. This rule was considered at the same public hearing and the Board received comments from the limited branch schools. Paragraph (G) is a new paragraph in the rule. It requires the schools to send documentation to the Board certifying that applicants had completed training 45 days prior to the exam date. Schools stated that they couldn't do that because the courses don't finish in time. One of the schools

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suggested 30 days, and Ms. Thompson and Ms. Rieve have agreed that 30 days is sufficient.

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

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

The motion carried.

P.A. COMMITTEE

Debra M. Calabrese, PA-C

Dr. Talmage advised that this case and the next were inadvertently put in the Licensure Committee agenda materials. Both are applications for Provisional Certificates to Prescribe, and both deal with equivalency for master's degrees. The Committee reviewed Ms. Calabrese's application, considered her degree, and in a split vote recommends approval this as equivalent to a master's degree.

DR. TALMAGE MOVED TO ACCEPT THE MASTERS OF SCIENCE IN "EXERCISE SCIENCE, FROM CLEVELAND STATE UNIVERSITY TO BE DEEMED "CLINICALLY RELEVANT" TO ALLOW MS. CALABRESE TO RECEIVE HER PROVISIONAL CERTIFICATE TO PRESCRIBE. MR. HAIRSTON SECONDED THE MOTION.

Dr. Steinbergh stated that she was the Committee holdout in this case. She didn't think that the master's degree was appropriate.

Dr. Talmage stated that the Committee looked at the curriculum, and added that the transcripts are available. The Committee felt that there are a number of courses that involve human behavior, human physiology. The majority of the Committee felt that this put it in the realm of something that could be useful as a P.A. This does not preclude Ms. Calabrese having to take the extra training in pharmacology. The master's degree does qualify P.A.s to become prescribers. With the formal PA education above this, the Committee felt that it was a legitimate master's degree.

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

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

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Dr. Talmage	- aye
Dr. Madia	- aye
Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Amato	- nay
Dr. Steinbergh	- nay
Dr. Varyani	- aye

The motion carried.

Sandra Saffle, PA-C

Dr. Talmage stated that Ms. Saffle has requested that the Board accept the documentation she has presented for equivalency to ten years of practice while she was in the military. Dr. Talmage commented that it's impossible to track down all the physicians with whom she's worked, but she does have a Department of Defense form that confirms that she was employed as a P.A., probably with the rank of first lieutenant, and that she had over ten years of that type of military duty. The Committee recommends accepting this as documentation.

DR. TALMAGE MOVED TO ACCEPT THE DEPARTMENT OF THE ARMY LETTERS/RECORDS IN LIEU OF FORM B, TO ALLOW MS. SAFFLE TO RECEIVE HER PROVISIONAL CERTIFICATE TO PRESCRIBE. MR. BROWNING SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Cardinal Orthopaedic Institute

Dr. Talmage advised that the PAPC considered this request for ten different injection sites. It was suggested that, in order to approve this, there should be certain changes. Those changes were faxed and the P.A. Committee had those changes at the time it considered the application. Dr. Talmage advised that the Board members have a faxed packet before them, and those changes were in that packet. The group's policy is that all new patients will be seen by the physician. Also, P.A.s are not to see established patients with new problems. Each of the patients will be evaluated by the physicians.

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Dr. Talmage stated that the group's supplemental application indicates that the supervising physician will do quarterly reviews of ten percent of the patient charts. It also indicates that the P.A. will have at least two years of experience prior to performing the injections, and that the P.A. will have 100% onsite supervision. Dr. Talmage stated that, with those documented changes, the Committee voted in a block to approve the ten requests.

DR. TALMAGE MOVED TO APPROVE CARDINAL ORTHOPAEDIC INSTITUTE'S REQUESTS FOR ITS P.A.S TO PERFORM THE FOLLOWING, IN AN OFFICE SETTING, UTILIZING 100% ONSITE SUPERVISION WITH THE P.A. OBSERVING THE PHYSICIAN PERFORM 25 PROCEDURES AND THE PHYSICIAN OBSERVING THE P.A. PERFORM NO LESS THAN 25 PROCEDURES TO DETERMINE COMPETENCY: INJECTIONS OF THE ANKLE; GREATER TROCHANTER BURSA HIP INJECTION; MORTONS NEUROMA INJECTION; LATERAL EPICONDYLITIS INJECTION; MEDIAL EPICONDYLITIS INJECTION; SUBTALAR INJECTIONS; BICEP TENDON INJECTION; ACROMIOCLAVICULAR SHOULDER INJECTION; SUBACROMIAL SHOULDER INJECTION; AND OLECRANON BURSA INJECTIONS. MR. BROWNING SECONDED THE MOTION. All members voted aye. The motion carried.

William Lovett, M.D.

Dr. Talmage stated that the PAPC tabled Dr. Lovett's Special Services Plan to obtain more information from the physician; therefore, the P.A. Committee did not consider this plan.

Tri-County Dermatology

Dr. Talmage stated that Tri-County Dermatology's special services plan to perform "excisional biopsies/excisions of skin lesions" was considered previously by the P.A. Committee and the full Board. Dr. Talmage stated that he believes that the P.A. Committee recommended approval, but the Board proposed to deny. Ms. Talmage reviewed this request and advised that the Ohio Revised Code does permit P.A.s to perform biopsies of superficial lesions. Dr. Talmage stated that the Board cannot deny this request since it is permitted by law.

SCOPE OF PRACTICE COMMITTEE

Dr. Steinbergh advised that the Committee discussed correspondence regarding the use of dentists and podiatrists to update surgical histories and physicals. The attorney who wrote the letter represents an inpatient facility that would like to engage dentists and podiatrists to update surgical histories and physicals on patients who are not there for dental or podiatric surgeries.

Dr. Steinbergh stated that the response advises that he would have to query the Dental Board concerning the dentists; but as far as podiatrists are concerned, although the Board is aware that podiatrists in an inpatient setting are credentialed to perform histories and physicals on patients who are having podiatric surgery, there is, to her knowledge, no credentialing piece that allows a podiatrist to step outside his or her

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scope of practice and do a history and physical on a patient who is not a podiatric surgical candidate.

Dr. Steinbergh asked that the Board approve the Committee's proposed response, a copy of which shall be maintained in the exhibits section of this journal.

DR. MADIA MOVED TO SEND THE PROPOSED LETTER OF RESPONSE TO RICHARD MILLIGAN, ESQ. MR. BROWNING SECONDED THE MOTION. All members voted aye. The motion carried.

ADMINISTRATIVE REPORT

Mr. Whitehouse stated that school is back in session and the Board is seeing the first group of first year medical students from The Ohio University School of Osteopathic Medicine (OUCOM). He advised that OUCOM has the highest number of students it has ever had. Mr. Whitehouse stated that he appreciates the support of the Board for this program, adding that he thinks that it is important. He added that the school is deeply appreciative of the Board's efforts in this regard. Mr. Whitehouse stated that they look forward to continuing and expanding the program.

Mr. Whitehouse referred to his written report, a copy of which shall be maintained in the exhibits section of this journal, and stated that he would like to highlight the portion concerning his visit to the Federation on the previous Monday. Mr. Whitehouse stated that he sits on the Advisory Council of Board Executives, and they had a very good meeting on Monday on a number of different issues. The Federation informed the group of a number of things that they are working on, including resurrecting the FSMB Exchange. He stated that a few years ago the Federation would publish volumes of information from the results of surveys to member boards. They lost the Ph.D. who compiled that information in 2004. The Federation realizes that there is value in this project, but they're taking it a step beyond that. They're looking at what they do, looking at who they serve and the services they provide. As it relates to member Boards, they realize that the Boards need more information about what other Boards are doing across the country. Mr. Whitehouse stated that access to better data will help Boards identify, not just how well they are performing and how else that might be measured, but also take that information and employ a risk management or cost benefit approach as the Board looks at what works, what matters, best practices. Then, as the Boards deal with limited funds, they can get the most bang for the buck.

Mr. Whitehouse stated that he also learned that they are beginning an ambassador program. He stated that, normally, the Board's big interaction with the Federations, besides the annual meeting, is when they conduct their three-year site visits. There is a question as to whether they should continue this, and whether the three years meant anything. Mr. Whitehouse stated that he thinks that the consensus was that three years makes some sense, but the Boards should also have something on demand. Mr. Whitehouse noted that the Ohio Board has a lot of new members and suggested that, although Ohio has a fairly recent visit from the Federation, it might benefit from another visit in the next few months. Mr. Whitehouse advised that the ambassador program is not a replacement of the site visit. They will create eight teams of three Federation staff members who will actually be a direct link to seven to nine boards apiece. These individuals will be available to the Boards assigned to them. They will be following the Boards with regards to what's going on, with respect to policy, legislation, and any kind of administrative issues the

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Boards might be facing. They'll be a little bit more in tune so there will be a less "bringing up to speed" when an issue comes up.

Mr. Whitehouse stated that the group also talked about the release of disciplinary statistics. There was a good discussion around the table with how to deal with Dr. Wolfe's compilation and ranking, and whether Boards should come up with other measures and just totally ignore that list. They think that there might be a better way, and he actually suggested to the Federation that they look at helping to develop a balanced score card for medical boards that would suggest to the public and to the Boards how they're doing in those areas that the Boards believe are important, which go beyond just simple disciplinary output statistics.

Mr. Whitehouse stated that the group also talked about license portability. Some indicated that they are redefining and refocusing their mindsets on that topic. In terms of redefinition, the Federation is now going to view portability as that state of nature that exists when a medical board receives an application from someone who is already licensed somewhere else. State number 2 might not need to re-verify data that's already out there. That's what they're going to declare as portability. Mr. Whitehouse stated that that basically gives Boards two different approaches. One is that the trusted agent platform will be expanded to include a lot of other information, including information about schools and residency training programs, and thereby shrink the time that it takes and achieve that state of portability. Mr. Whitehouse stated that the other choice, which is done in Idaho, is one he would not necessarily recommend. He stated that if you're with a state for five years and you apply in Idaho, so long as you can complete a criminal background check and have had no other actions against your license, you're in. Mr. Whitehouse stated that he would not recommend that in Ohio.

Mr. Whitehouse stated that there was a good discussion with regard to maintenance of licensure. There was a realization among the group that maintenance of licensure, maintenance of competence and competency-based licensure are really not exactly the same thing. He stated that Board members who attended the Federation's annual meeting know that there was a presentation in this regard. It was anticipated as a time that there was going to be a document that would go to the house of delegates. That didn't happen. What's underway now is the creation of a white paper and, ultimately, next April or May, at the annual meeting, there will be a document presented to the House of Delegates. Basically the Federation is hoping to develop models. They don't know what they look like yet, but that's why they're developing them. They want to implement pilots across the country, and then they want to assess their results and see where they are.

Mr. Whitehouse referred the Board to a memorandum from Ms. Loe concerning budget issues. He stated that he would highlight a couple of things.

Mr. Whitehouse noted that the Board has been concerned about staff overtime, and there was a request that the Board periodically report on that. He noted that, as of August 30, the agency's current calendar 2008 overtime costs are \$16,407. The staff projects that the Board will fall at or somewhat below the figure it had last year for overtime. Mr. Whitehouse stated that the Board is doing this on purpose and that it needs to do this. He commented that if the Board wanted to, it couldn't bring on additional people. He stated that he's not sure that, for some of the reasons overtime is being used, that that would be a good strategy anyway. Overtime is, in some regards, a necessary evil.

Mr. Whitehouse stated that, concerning comprehensive time, the Administration is now requiring that agencies keep track of this. He stated that there was a long period of time when this was time donated on the part of many staff. It was not recorded and it was not dealt with. Now agencies are being required to maintain a record of comprehensive time performed by all members of the staff. That will affect the Board in a variety of different ways. First of all, the Board will see a big number at the end of the year, and certainly bigger than has ever been recorded. This will also have some other ramifications. As the Board is required to maintain this, there will be difficulties associated with it, including people using the time rather than vacation time, their then topping out on vacation, the office being short a staff person when they're out of the office, etc.

Mr. Whitehouse stated that the budget submission deadline is September 15. The budget request includes maintaining all current positions, recognized increased Attorney General fees, as well as anticipated increase in medical expert rates. The Board would like to create another hearing examiner position and it would like to bring on board two more nurses, consistent with the Board's plan to more quickly move more complex cases through the system. The Board also needs another HR fiscal assistant, as well as a couple of upgrades to software. The Board is requesting \$9,007,578 in FY10 and \$9,504,523 in FY11. Mr. Whitehouse stated that this budget request is ambitious and aggressive, and it flies in the face of the direction a lot of folks are headed. He noted that the previous evening's news reported that state agencies across the board are receiving a cut of 4.75%. He stated that he doesn't know that that will directly impact the Board, but it will obviously indirectly impact the Board.

Mr. Whitehouse stated that, as the Board expected, the rotary funds are going to be raided. He stated that he doesn't know how much will be taken, but he will report to the Board when he finds out what that number is.

Mr. Browning asked what the budget increase is over FY08 and FY09.

Ms. Loe stated that the Board's current budget is \$8.2 million. The FY10 budget is \$9 million, which is nearly a 10% increase. The increase from FY10 to FY11 is an additional 5.5%. The fee assumptions are that the Board would have a continued 3% growth that the Board has experienced over time, plus the new fees that the Board is requesting for the replacement wallet cards and verifications. That creates about an additional \$380,000 over the biennium. The Board will be spending more than it's taking in.

Mr. Whitehouse stated that if the Board gets what it wants, at the end of the new biennium coming up, the Board's 5C6 account will be about \$2.6 million, which is right about where the Board wants it to be when it wants to reassess its licensure fee structure.

Mr. Browning stated that the Administration put out budget guidance. He asked what that budget guidance for the Medical Board is.

Ms. Loe stated that there was no cap because the Board has no GRF. GRF agencies were held at 95% of their current cut budgets.

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Mr. Browning asked where the Board is in the fee cycle. The idea is that you raise the fee and then you build up these reserves, and then you slowly take them down over years until you get to a low point, where you feel that you need additional revenue and then you raise fees, and then go through the cycle again. He asked where the Board is in that longer cycle.

Ms. Loe stated that at the end of FY11, the Board would be in a position where the Board would need fees to be raised. It will have about one quarter of its budget in the bank at the beginning of the fiscal year, and the Board would need to propose a fee increase in the next budget.

Mr. Browning asked what would happen if the Board got its budget request but didn't get any fee increases.

Mr. Whitehouse stated that the Board would continue to down the 5C6 at the rate it is now.

Mr. Albert stated that that's taking into consideration that it still has the money there.

Mr. Browning asked what effect it would have on the Board's budget request if half of the money is taken now.

Ms. Loe stated that the Board

Mr. Whitehouse stated that it leaves the Board closer to the point where it will have to talk about raising fees. The Board has not been able to do so because it's laughable to go over with \$5 million in the 5C6 and say we need to increase fees. The Board has identified the end of this new biennium as being where the Board can request a fee increase.

Mr. Browning asked Ms. Loe whether this budget request is dead on arrival in the current context.

Ms. Loe stated that she would think that a 10% increase is highly unlikely. She added that she doesn't know how it looks for the Board to be making that sort of request.

Mr. Browning asked whether Ms. Loe has interacted with her OBM analyst, and do they think that this is a good idea.

Ms. Loe stated that her OBM analyst is brand new. She has not talked to that individual's supervisor.

Mr. Whitehouse stated that they're certainly not going to advise that the Board do this.

Mr. Browning stated that he's concerned with the Board sending over a 10% increase.

Ms. Loe stated that for the Board just to maintain its current staff numbers and to seek the additional funds it needs for the Attorney General's office is about a 7.5% increase. If the Board wants to sustain current operations, it would already be asking for a substantial percentage increase. It's the extra staff that is a bigger concern to think about.

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Mr. Whitehouse stated that the Board isn't going over there asking for frills. It's asking for things that are consistent with the direction and the mission of this Board. If they tell the Board, "no," then it will have to deal with that.

Mr. Browning says that he understands that.

Ms. Loe stated that the Hearing Examiner is valid in that the Board is currently paying a contract for that position.

Dr. Varyani stated that the Board has previously discussed drawing down the funds in the 5C6. If it doesn't happen, at least the Board tried. He noted that there are areas where the Board has specifically said that improvement is needed.

Mr. Browning stated that he just wants everyone to be clear about where the Board is and to be comfortable with it.

Mr. Albert asked Ms. Loe if she has looked to see how the Board would be affected if they cut the Board's budget by 5%.

Ms. Loe stated that, in the budget request, the Board is required to say what would happen if it is flat-funded. As of the previous day, it definitely looks at a 5% cut. She stated that it's horrible. It's another \$400,000.

Mr. Albert asked how that would affect the Board's operations.

Ms. Loe stated that the budget bill is going to reflect a spending amount, and the goal is to not have too large of a spending amount, regardless of funding source.

Mr. Albert stated that this is something that the Board needs to look at.

Mr. Browning stated that the Board doesn't have to raise fees to pay for this budget request. The Board has the money to draw down. He asked how much the state could take and leave the Board with enough to pay for its budget by drawing down the balance.

Ms. Loe acknowledged that they could take half of the funds, and the Board could still fund its budget request. It would draw down faster, and the Board would have very little at the end, but it could still do it.

Ms. Loe stated that the Board isn't in a position where it's asking to go into a negative number or to be even close to a negative number.

Dr. Varyani noted that the Board is very concerned.

Dr. Steinbergh stated that she has concerns about how the physician community will respond to the concept

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that fees, that are being collected to support the Board, could be taken away from the Board and then it's asking for more money. The Board might as well be in the general fund. She stated that the wonderful thing has been the Board's ability to meet its statutory requirements by funding itself.

Ms. Loe stated that there is a group of about 40 boards that are all part of one separate fund that is not GRF, and they have an excess of \$29 million in their fund. She stated that the Medical Board used to be part of that years ago. The Medical Board's fund is not a huge target, but it's there and it has a balance that has been there over time.

Concerning the Board's evaluation of the Executive Director, Mr. Whitehouse at this time stated that he has been working with senior staff to develop the dashboard that the Board has been talking about for some time. He stated that he's hoping, as was suggested in the course of his evaluation, that he can sit down with the Ad Hoc Committee. He stated that he would like to do that with senior staff, and he was hoping that it could be done today, following the Board meeting. Mr. Whitehouse stated that, regardless of that, he would like to know when he might regularly meet with that group. He hasn't met with them yet and he would like to do so.

At this time the Board held a brief discussion concerning the most recent performance evaluation of Mr. Whitehouse. Follow-up items were discussed, as was the recommended plan to create a performance dashboard, and the recommendations for the outline of future evaluations.

EXECUTIVE SESSION

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

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

The motion carried.

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

The meeting reconvened for the purposes of adjournment following the executive session.

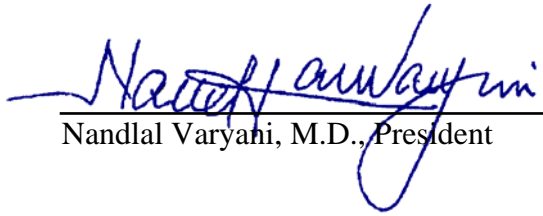
DR. VARYANI MOVED TO ADJOURN. DR. STEINBERGH SECONDED THE MOTION. All

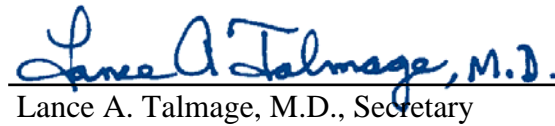
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members voted aye. The motion carried.

Thereupon at 11:25 a.m. on September 11, 2008, the September 10-11, 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 September 10-11, 2008, as approved on October 8, 2008.


Nandlal Varyani, M.D., President


Lance A. Talmage, M.D., Secretary

(SEAL)

