

April 8, 2009

MINUTES

THE STATE MEDICAL BOARD OF OHIO

April 8, 2009

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

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

MINUTES REVIEW

DR. STEINBERGH MOVED TO APPROVE THE MINUTES OF MARCH 11-12, 2009.

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

EXECUTIVE SESSION

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

VOTE:	Mr. Albert	- aye
	Dr. Suppan	- aye
	Mr. Jacobson	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye

April 8, 2009

Dr. Steinbergh - aye
Dr. Madia - aye

The motion carried.

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

Dr. Talmage, Dr. Egner and Dr. Varyani joined the meeting during the executive session.

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

REPORTS AND RECOMMENDATIONS

Dr. Madia announced that the Board would now consider the Reports and Recommendations and the Proposed Findings And Proposed Order appearing on its agenda.

Dr. Madia 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 Mark Andrew Banks, M.D.; Scott Brian Lindsay, D.P.M.; Al Muzzammel, M.D.; David P. Olson, M.D.; Lisa A. Simpson, M.D.; Julie A. Taylor, M.D.; and David Antonio Velasquez, M.D. A roll call was taken:

ROLL CALL:

Mr. Albert	- aye
Dr. Egner	- aye
Dr. Talmage	- aye
Dr. Suppan	- aye
Dr. Varyani	- aye
Mr. Jacobson	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

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

ROLL CALL:

Mr. Albert	- aye
Dr. Egner	- aye
Dr. Talmage	- aye
Dr. Suppan	- aye

April 8, 2009

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

Dr. Madia 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. He advised that they may participate in the case of Dr. Simpson, as that case is not disciplinary in nature and concerns only the doctor's qualifications for licensure. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

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

MARK ANDREW BANKS, M.D.

Dr. Madia directed the Board's attention to the matter of Dr. Banks. He advised that no objections were filed to Hearing Examiner Siobhan R. Clovis' Report and Recommendation.

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

Dr. Banks stated that there are three points he would like to raise: he enjoys being a physician; the care he provides is natural; and he doesn't want to be addicted to pain medication, but he does suffer from chronic back pain for which he needs treatment.

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

Ms. Pfeiffer reviewed Dr. Banks' history with the Board, including a history of relapse. She noted that an August 2004 Step I consent agreement removed Dr. Banks for practicing medicine, based on his obtaining Oxycodone or hydrocodone for his own from patients. She advised that Dr. Banks would write prescriptions which the patients would have filled, and then the patient would return part or all of the prescription to Dr. Banks. Under the terms of a February 2005 Step II consent agreement, Dr. Banks was permitted to return to practice.

Ms. Pfeiffer advised that in July 2005, the Board summarily suspended Dr. Banks' license after he tested positive for anabolic steroids and Tramadol. Ms. Pfeiffer stated that Tramadol is not a controlled substance; however, it is a prescription medication that is used to treat pain. Although he had been prescribed Tramadol for pain by a physician who knew of his dependency issues, he began self-medicating

April 8, 2009

with additional quantities of the drug, using samples delivered to his office. His license remained under suspension until May 2006. In May 2006 he returned to practice, under a consent agreement with the traditional standard terms for practitioners who are impaired. The terms included that he not take any drugs unless they are lawfully prescribed by someone who knew of his chemical history.

Ms. Pfeiffer stated that, unfortunately, in August 2008, Dr. Banks relapsed on Fentanyl, a highly controlled, Schedule II substance. Fentanyl is a very potent substance and Dr. Banks testified that it is commonly used to treat the pain of cancer patients. This particular form of Fentanyl is in patches, and each patch lasts about 72 hours to treat pain. Ms. Pfeiffer stated that when she questioned Dr. Banks about where he got the Fentanyl, he responded that he found it behind some books in his house. He testified that it came from his activities back in 2003 or 2004, when he got into trouble. Ms. Pfeiffer stated that she infers this to mean that Dr. Banks was writing prescriptions for Fentanyl for patients and having them bring patches, and he kept a stash at his house.

Ms. Pfeiffer stated that she asked Dr. Banks when he found the patches. Dr. Banks stated that he found them sometime in early 2008, approximately four years after he supposedly got the stash of eight to ten patches, and put them in his house. When asked what he did when he first found them, Dr. Banks replied that he just stepped back and left them there. It stayed there for several months, and then in August 2008, his pain was so great that he used one of those patches. Ms. Pfeiffer stated that, according to Dr. Banks' testimony, the first time he had ever used Fentanyl was in August 2008, when he put one of the patches on. That coincided with a subsequent urine screen by the Board that tested positive. Ms. Pfeiffer stated that she clearly asked Dr. Banks when he had used Fentanyl prior to that administration, and Dr. Banks replied that he had never used it before. When asked what happened to the rest of the patches, Dr. Banks testified that he tore them up and flushed them.

Ms. Pfeiffer stated that she presents that information to the Board because she finds that testimony to be very non-credible. If he got those packages back in 2003 or 2004, he would have been using them then in 2004, 2005, 2006 or 2007. He wouldn't have waited until 2008 to use them. She added that she doesn't buy Dr. Banks' testimony that he forgot about those patients. Ms. Pfeiffer stated that she finds that testimony to be very non-credible. Ms. Pfeiffer stated that she thinks that the Board can infer from this that Dr. Banks has a new source. In 2008 he had another setup to get his medication.

Ms. Pfeiffer noted that the Hearing Examiner's recommendation is for non-permanent revocation. She stated that it's important for the Board to consider those factors that she doesn't think were clear in the face of the Report and Recommendation.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. CLOVIS' FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF MARK ANDREW BANKS, M.D. DR. VARYANI SECONDED THE MOTION.

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

Dr. Steinbergh stated that she thinks it's clear that Dr. Banks has a very severe chemical dependency

April 8, 2009

problem, with a long history of chemical dependence. She reviewed his history with the Board. She stated that she does question whether revocation, as opposed to permanent revocation, is appropriate at this time. She stated that after reading this case, she feels that the proposed revocation is appropriate.

Dr. Egner stated that she is always hesitant in cases such as this to adopt an order revoking a physician's license without giving the physician some guidance into what the Board expects of him to get his license back. Dr. Banks' problems are serious, and she thinks that he is truthful when he says that he will not be able to follow any kind of Board Order currently. She doesn't think that he will follow any monitoring or receive adequate treatment. Dr. Egner stated that Dr. Banks' credibility is poor. She stated that it disturbs her that Dr. Banks practices pain management, and his self-treatment is so atrocious. She noted that, physically, he suffers from numerous severe orthopedic problems. He's had six surgeries since 2005. That's the piece of the puzzle that doesn't make sense to her. She noted that Dr. Banks is seeing a physician constantly, and yet he doesn't get treatment for his pain management. She commented that she doesn't know whether that is his fault or his physician's fault.

Dr. Egner stated that Dr. Banks currently describes his pain as incapacitating. He's also developed renal failure. Dr. Egner stated that there are significant issues that the Board needs to consider if Dr. Banks is going to come back to practice. She stated that she has been working on an alternative order, but it isn't ready yet. She stated that she wasn't thinking of permanent revocation, although she's not totally opposed to it because she thinks that Dr. Banks' likelihood for success is so low. She stated that if the Board does give him another chance, she thinks that his license should be suspended for at least two years. Prior to his return, he will have to show that he's gone through another 28-day treatment program with active outpatient therapy; he should undergo a thorough evaluation by an addictionologist prior to requesting his license; he should have a thorough evaluation by an orthopedist and an internist regarding his orthopedic problems and his renal status, and whether he is even physically able to practice; and he will need to pass the SPEX. Dr. Egner stated that he will need to do all of these things prior to reinstatement of his license.

Dr. Egner stated that if her proposal is one in which the Board would be interested, she would ask to table this matter to allow her to continue working with staff on an alternative order.

DR. SUPPAN MOVED TO TABLE THE MATTER OF MARK ANDREW BANKS, M.D. The motion died for lack of a second.

Dr. Amato stated that it seems to him that a revocation does not preclude Dr. Banks reapplying. When he reapplies, terms could be placed on reinstatement. Dr. Amato stated that it seems that Dr. Banks has been given ample opportunity, and he would personally vote for revocation or permanent revocation. He asked how many chances the Board can take with the public.

Dr. Madia and Dr. Varyani agreed with Dr. Amato.

Dr. Stephens stated that she doesn't think that Dr. Banks needs to have a clear idea of what the Board expects. She stated that her two-year-old niece could know what to expect. The Board expects him not to take drugs, not to share drugs with his patients, and to admit that he has a problem. He said in his

April 8, 2009

statement that he doesn't want to be addicted to drugs. Dr. Stephens stated that that doesn't put the onus on him, it makes it seem like it's someone else's fault. He also said that the care he provides to his patients is natural. Dr. Stephens stated that she finds nothing natural about sharing narcotic prescriptions with patients. She also finds nothing natural about a physician taking drugs and then graduating to anabolic steroids, and then Fentanyl and everything else. Dr. Stephens stated that Dr. Banks is a pain management doctor and should know about chronic pain. If his is untreated, that's his fault, not the Board's fault and certainly not the fault of the citizens of Ohio. She stated that Ultram is a street drug, it has metabolites that give the same sensation as narcotics.

Dr. Stephens stated that she thinks that the Board is very caring in not permanently revoking someone's license because it doesn't want to make it seem like a physician can't ever come back and be a physician, but she thinks it's unfair of the Board, sometimes, if it doesn't permanently revoke someone's license. Dr. Stephens stated that Dr. Banks needs to be realistic with himself and start thinking about pursuing some other options in terms of employment.

Mr. Hairston stated that what goes through his mind is the public. He thinks that this has gone far enough and revocation is where the Board needs to go right now.

Dr. Steinbergh stated that she appreciates Dr. Egner's guidance, adding that her suggestion would clarify things for Dr. Banks, perhaps. However, after the number of consent agreements that Dr. Banks has been in, he knows what the Board will allow and what the Board won't allow. He's typically been unable to follow the consent agreements.

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

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

The motion carried.

SCOTT BRIAN LINDSAY, D.P.M.

Dr. Madia directed the Board's attention to the matter of Scott Brian Lindsay, D.P.M. He advised that

April 8, 2009

objections were filed to Hearing Examiner Porter's Report and Recommendation and were previously distributed to Board members.

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

Dr. Lindsay stated that he's sorry for his conduct and for the time he's taking from the Board. He stated that he's paid a very dear price for his poor conduct through frustration, poor judgment. He stated that he wants to reiterate that, in the interests of remorse and redemption, he's cooperated in every phase of this aspect. He's accepted responsibility for what he's done. He's accepted his incarceration, his probation, his restitution, which he is faithfully paying now.

Dr. Lindsay stated that he is anxious to practice again. He stated that there was never any question as to his competence or the quality of care that he delivered. Dr. Lindsay stated that he appreciates the generous recommendation that he received. He asked the Board for continued leniency.

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

Ms. Unver stated that she does not.

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

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

Dr. Egner stated that she is not in agreement with this Report and Recommendation, adding that she thinks that it takes Dr. Lindsay's offenses much too lightly. She added that she thinks that Dr. Lindsay takes his offenses much too lightly. He describes them as "poor conduct," he's sorry for his "offenses." Dr. Egner stated that these are felonies that occurred multiple times. She stated that Dr. Lindsay never grasped the seriousness, over and over and over again. He first defaulted on his student loan, and that had consequences to it. He didn't have to do what most have to do. He didn't have to pay his student loan back. He was finally in such financial straits that it was found to be "uncollectable." When he was excused from Medicare and Medicaid because of that, he went on seeing patients. Dr. Egner acknowledged that the Medicare/Medicaid system is difficult. When you get into trouble with that system, it becomes a bit of a maze. She acknowledged that it sometimes takes years to get that straightened out. She stated that it's not any different for Dr. Lindsay. It's what every person goes through who runs into problems with these programs. Dr. Egner again stressed that these problems weren't just "problems," but were felonies.

Dr. Egner continued that Dr. Lindsay then got mad at the system. He got mad that he wasn't being treated right, and so he committed more felonies, and he billed under someone else's name. Dr. Egner stated that she is appalled. She stated that the penalty, which includes a stayed revocation, a one-year suspension, and

April 8, 2009

ethics courses is not going to cure Dr. Lindsay. She stated that Dr. Lindsay has had years and years to learn a lesson that he still has not learned. Dr. Egner stated that she thinks that felons in the State of Ohio who commit health fraud over and over again should be permanently revoked. She noted that that's what the Board's guidelines say, and there's nothing here that tells her that there are significant mitigating circumstances and that the Board should deviate from the guidelines.

Dr. Stephens stated that she's at the polar opposite of Dr. Egner. She stated that she thinks that he has paid a debt to society and paid a debt to himself and to his family. She stated that the financial straits that people get into after training, and with family and children, it sometimes just swirls out of control. Dr. Stephens added that podiatry salaries may not be commensurate with the debt that they incur, as sometimes medical doctors' salaries become commensurate with the debt that they incur.

Dr. Stephens stated that she actually wanted to amend the Proposed Order to terminate probation at the time he meets the Order's conditions.

Dr. Steinbergh stated that she agrees with Dr. Egner. She stated that health fraud is a very serious offense. She agrees that, at some point, this physician should have learned a lesson. She agreed with Dr. Stephens that sometimes paying back loans becomes overwhelming, there's no question about that. She stated that the bottom line for her was that, with regard to his debt, he should have continued to renegotiate the debt. Dr. Steinbergh stated that Dr. Egner is right when she notes that each physician is faced with this. Absolutely every physician is faced with these financial issues. As years go on, there's more and more financial stress on the physician, and physicians are less and less capable of making the living they expected to make when they graduated from medical school. She added, however, that the Board doesn't see a lot of this type of decision-making. She stated that the decision-making included ongoing and increasing dishonesty. It's very significant.

Dr. Steinbergh added that his ignoring the Medicare and Medicaid exclusions was shocking to her. She stated that at some point one has to face the problem, and she doesn't think that it was faced honestly. He defied the requirements of Medicare and Medicaid rules. She added that another thing that bothered her was that the judge in his criminal trial, from the bench, had the audacity to proclaim that Dr. Lindsay is an honorable criminal. He finds Dr. Lindsay to be an honorable man, convicted of healthcare fraud. Dr. Steinbergh stated that she cannot use the words, "honorable" and "criminal," in describing the same person.

Dr. Steinbergh stated that she agrees with the Conclusions of Law, but she thinks that the Proposed Order is very lenient. She stated that she doesn't think that it would be appropriate to not suspend Dr. Lindsay's license for a significant period of time.

Dr. Stephens noted that Dr. Lindsay hasn't worked for 18 months.

Dr. Steinbergh stated that this was of Dr. Lindsay's doing, but there's a penalty, unfortunately, and for health care fraud, the penalty is significant. She does think that he's learned, but she doesn't know that for sure. She stated that she thought that Dr. Lindsay would have learned from the first time. She stated that if this happened to her, it would be a huge wakeup call and she'd be really scared. Dr. Lindsay went on to

April 8, 2009

defy these people and to bill under another physician's provider number. Everything was done inappropriately and in strict defiance.

Dr. Amato stated that he doesn't read this as Dr. Lindsay being defiant so much as he made a choice, an error, and defaulted on his loans. He then lost his Medicare and Medicaid abilities. Dr. Amato stated that he thinks that the crime was that Medicare and Medicaid continued to reimburse the man for two years and then asked for the money back, after he was "no longer a member." Dr. Amato asked how many practitioners who are just getting out of financial difficulties could come up with the necessary means to pay Medicare and Medicaid back two years' work and services in one fell swoop.

Dr. Amato stated that, as Dr. Lindsay stated and as the record reflects, there's not an issue with Dr. Lindsay's ability to practice podiatry. The issue of safeguarding the citizens of Ohio is not an issue. Dr. Amato stated that the question then becomes a crime and a punishment. He added that not working for 18 months, putting a figure on a monthly income, that's a heck of a fine. He's already paid a heck of a penalty.

Dr. Amato stated that he agrees with Dr. Stephens and would recommend a short suspension until he satisfies conditions for reinstatement, and then let's get this practitioner back to work, hopefully on a level footing, financially, so it doesn't recur and the citizens can receive health care.

Dr. Suppan stated that she appreciates Dr. Stephens' sensitivity to the issue that she brought up about the podiatry salary in relation to the student debt. She stated that that is something that the profession of podiatry has discussed at a national level, as well as a state level. Dr. Suppan stated that that doesn't justify anything that Dr. Lindsay did, but it does put her in a position of feeling more compassion towards this situation.

Dr. Suppan stated that she doesn't know Dr. Lindsay, but she is from the area where he practices. The area in which he practices is extremely economically depressed. In addition to that, there aren't a lot of doctors in that area that are going to be serving the population that he's serving. She stated that she has a concern that there are a group of people who can't afford to travel anywhere for care that will not have podiatric care if Dr. Lindsay is taken out of practice. She stated that she's leaning toward Dr. Stephens and Dr. Amato, to try to keep the doctor in practice, and to rebuild Dr. Lindsay's honesty and ethics.

Dr. Stephens suggested proposing an alternative amendment. She stated that she would amend the Proposed Order to remove the probationary term and to just say that probation will be terminated at the time that his conditions are met.

Dr. Steinbergh stated that the Proposed Order calls for a stayed revocation, suspension for an indefinite period of time but not less than one year, and then he goes into a probationary period of time.

Dr. Stephens stated that she wants to stay the suspension.

Dr. Steinbergh suggested tabling the matter to allow Board members to work with Ms. Thompson to craft

April 8, 2009

an alternative order.

DR. AMATO MOVED TO TABLE THE REPORT AND RECOMMENDATION IN THE MATTER OF SCOTT BRIAN LINDSAY, D.P.M. MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

Dr. Egner commented that she truly doesn't agree with Dr. Stephens' suggestion to terminate probation at the time he completes the probationary terms. If he does that, it means that Dr. Lindsay will have no reporting requirements. She stated that she thinks that it is very important that Dr. Lindsay be honest and up-front with future employers, licensing agencies, hospitals.

Dr. Stephens stated that he'll have no choice. He can't do any Medicare/Medicaid for twelve years anyway.

Dr. Egner stated that she still feels that he should have some probation conditions.

Mr. Jacobson stated that he agrees with Dr. Egner on this.

Dr. Madia stated that he feels that there has to be a probationary period for some length of time.

Dr. Steinbergh stated that this is a serious offense.

Dr. Egner agreed, stating again that it's a felony.

Dr. Varyani stated that the Board can't take away probation because it would be saying that the Board doesn't care if he reports or not. He stated that Dr. Lindsay was the one who did something wrong. The Board is allowing him to practice, but he should practice for a period of time where reporting is required.

Dr. Stephens asked what kind of reporting.

Dr. Steinbergh referred Dr. Stephens to the probationary terms in the Proposed Order.

Dr. Madia stated that the majority of the Board wants a probationary term, and he asked that the amendment be drafted as such.

When the matter was removed from the table later in the meeting, Mr. Albert and Dr. Suppan were absent.

DR. STEPHENS MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF DR. LINDSAY BY SUBSTITUTING THE FOLLOWING:

- A. **SUSPENSION OF CERTIFICATE, STAYED; PROBATION:** The certificate of Scott Brian Lindsay, D.P.M., to practice podiatric medicine and surgery in the State of Ohio shall be **SUSPENDED** for a period of one year. Such suspension is

April 8, 2009

STAYED, subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least one year.

1. **Obey the Law**: Dr. Lindsay shall obey all federal, state, and local laws, and all rules governing the practice of podiatric medicine and surgery in Ohio.
2. **Declarations of Compliance**: Dr. Lindsay shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which Dr. Lindsay's certificate is restored or reinstated. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. **Personal Appearances**: Dr. Lindsay shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which Dr. Lindsay's certificate is restored or reinstated, or as otherwise directed by the Board. Subsequent personal appearances must occur every six months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
4. **Professional Ethics Course(s)**: Before the end of the first year of probation, or as otherwise approved by the Board, Dr. Lindsay 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. Lindsay 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 or courses, setting forth what he learned from the course(s), and identifying with specificity how he will apply what he has learned to his practice of podiatric medicine in the future.

5. **Personal Ethics Course(s)**: Before the end of the first year of probation, or as otherwise approved by the Board, Dr. Lindsay shall provide acceptable documentation of successful completion of a course or courses dealing with

April 8, 2009

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. Lindsay 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 or courses, setting forth what he learned from the course(s), and identifying with specificity how he will apply what he has learned to his practice of podiatric medicine in the future.

- B. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Lindsay's certificate will be fully restored.
- C. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER:**
1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Lindsay shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services (including but not limited to third-party payors), or is receiving training; and the Chief of Staff at each hospital or health-care center where he has privileges or appointments. Further, Dr. Lindsay shall promptly provide a copy of this Order to all employers or entities with which he contracts to provide health care services (including but not limited to third-party payors), or entities to which Dr. Lindsay applies for or receives training, and the Chief of Staff at each hospital or health-care center where he applies for or obtains privileges or appointments. This requirement shall continue until Dr. Lindsay receives from the Board written notification of the successful completion of the probation.

In the event that Dr. Lindsay provides any health-care services or health-care direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, within 30 days of the effective date of this Order, he shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services. This requirement shall continue until Dr. Lindsay receives from the Board written notification of the successful completion of the probation.
 2. **Required Reporting to Other State Licensing Authorities:** Within 30

April 8, 2009

days of the effective date of this Order, Dr. Lindsay 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. Also, Dr. Lindsay shall provide a copy of this Order at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement/restoration of any professional license. This requirement shall continue until Dr. Lindsay receives from the Board written notification of the successful completion of the probation.

3. **Required Documentation of the Reporting Required by Paragraph C:** Dr. Lindsay shall provide this Board with **one** of the following documents as proof of each required notification within 30 days of the date of each such notification: (1) the return receipt of certified mail within 30 days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

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

DR. AMATO SECONDED THE MOTION.

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

Dr. Egner commented that the proposed amended order is an absolute gift.

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

ROLL CALL:	Dr. Egner	- nay
	Dr. Talmage	- abstain
	Dr. Varyani	- aye
	Mr. Jacobson	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye

April 8, 2009

Dr. Steinbergh - nay
Dr. Madia - aye

The motion carried.

Mr. Jacobson stated that he does think that the Board has a tendency to deal with two concepts: 1. What do Board members think the penalty should be in theory when there is a felony, and 2. What does it assign when it comes to the actual decision making of the Board? Mr. Jacobson stated that sometimes they are in sync, and sometimes they conflict. Mr. Jacobson stated that it might be valuable to ask the staff to go back and take a look at the last few years and determine what penalties were recommended for certain kinds of violations that are felonies. He stated that he thinks that that would be helpful for the Board because too often it talks about this only in the context of an individual case. When you talk about it only with regard to this particular human being, you potentially get emotionally charged. He stated that he would like to see whether there is a pattern in the Board's decisions, and whether the Board is comfortable with the pattern.

Dr. Madia stated that he agrees with Mr. Jacobson that that could give some guidance, but in reality, some cases are unique.

Mr. Jacobson agreed, but if every single case seems to start at one place and end up at a different place, that would be worth noting.

DR. AMATO MOVED TO APPROVE AND CONFIRM MR. PORTER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF SCOTT BRIAN LINDSAY, D.P.M. DR. MAHAJAN SECONDED THE MOTION. A vote was taken:

ROLL CALL:

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

The motion carried.

April 8, 2009

AL MUZZAMMEL, M.D.

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

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

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

Mr. Plinke stated that they didn't file objections to the Report and Recommendation because they agree with the Hearing Examiner's Proposed Order that no further action was necessary. He stated that Dr. Muzzammel hasn't practiced medicine in Ohio for seven years. He does not currently have a license in Ohio. The reason he is before the Board is because of a Virginia probationary order that lasted approximately six months, that involved the care and treatment of a single patient. He complied with those probationary terms and that probationary order was terminated after approximately six months.

Mr. Plinke stated that through Dr. Muzzammel's 20-plus year career, this has really been the only incident that drew any regulatory attention, and, as a non-licensee, he agrees that no further action is necessary.

Dr. Muzzammel apologized to the Board. He stated that he has been a practicing physician for 27 years, and this is the only incident that has happened. A patient had complications from his surgical procedure and the Virginia Board found two negligences. The nurse who assisted him did not have a license, even though she is qualified; and the Board required him to have licensed nurses assist him in the future. The Virginia Board also found that some of his care was not appropriate and required that he take 100 hours of C.M.E. He complied with that request within three months, and he was released from probation. He now has an unrestricted license. Dr. Muzzammel stated that he practiced in Ohio for eight years, from 1984 to 1992, and he had no complaints in Ohio. He is a Board certified OB/GYN. Dr. Muzzammel stated that he plans to practice good medicine, and he's learned from his mistakes. He left Ohio seven years ago and no longer has an Ohio license. He plans to retire in a few years and has no intention to come back to Ohio to practice. He added that he agrees with the Proposed Order, that no further action should be taken.

Dr. Varyani asked whether Dr. Muzzammel is still practicing plastic surgery.

In answer to Dr. Varyani's questions, Dr. Muzzammel stated that a part of his practice is cosmetic surgery, about 25% of his practice. He no longer practices obstetrics, only gynecology and cosmetic surgery.

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

Ms. Unver stated that she doesn't.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF AL

April 8, 2009

MUZZAMMEL, M.D. MR. HAIRSTON SECONDED THE MOTION.

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

There was no discussion of this case.

Dr. Talmage left the meeting during the previous discussion.

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

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

The motion carried.

DAVID P. OLSON, M.D.

Dr. Madia directed the Board's attention to the matter of David P. Olson, M.D. He advised that objections were filed by the State to Hearing Examiner Davidson's Report and Recommendation, and a response to those objections was filed by Dr. Olson's attorney. Both documents were previously distributed to Board members.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF DAVID P. OLSON, M.D. DR. VARYANI SECONDED THE MOTION.

Dr. Varyani commented that he seconded the motion for discussion purposes.

Dr. Steinbergh stated that she had some difficulty with this particular Report and Recommendation. She stated that she found the report itself to be appropriate, but she doesn't agree with the Findings of Fact and the Proposed Order. Dr. Steinbergh stated that Dr. Olson applied to reinstate his license in Colorado, in about the middle of 2007. He had not practiced for approximately five years. The Board there took a look at his application and decided that they would send him to CPEP for an assessment. If such assessments demonstrate that the applicants are competent, Colorado will reinstate the licenses. If an assessment

April 8, 2009

indicates that further education is needed, an educational piece is developed by CPEP. If the applicant completes the recommended education and receives a positive report from CPEP, the Colorado Board reinstates the license. Dr. Olson did get his Colorado license after being assessed and completing training recommended by CPEP. Prior to his completing the educational piece, Colorado did issue Dr. Olson a limited license that allowed him to practice under terms of CPEP. Dr. Steinbergh stated that this matter was reported to the National Practitioners Data Bank.

Dr. Steinbergh stated that the question in this case is whether Colorado's action was a disciplinary action or probation. She noted that the Colorado Board has indicated that this is not a disciplinary action or probation. The Hearing Examiner proposes that the Board dismiss this case. Dr. Steinbergh stated that the argument from the Attorney General's Office is that, in fact, the Board had a right to take a look at this case, it's a bootstrap action, Dr. Olson did, in fact, have a limited license. If the Board feels that nothing further needs to be done, it should say that, rather than dismiss the case.

DR. STEINBERGH MOVED TO AMEND THE PROPOSED ORDER BY SUBSTITUTING THE FOLLOWING:

It is hereby ORDERED that no further action be taken in the matter of David P. Olson, M.D.

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

DR. EGNER SECONDED THE MOTION.

Dr. Egner agreed with the proposed amendment, stating that this is not just a matter of semantics. She stated that Dr. Olson did have a limitation on his Colorado license, a basis for this Board to take action. The Board had a duty to look into this matter.

Mr. Jacobson left the meeting during the previous discussion.

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

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

April 8, 2009

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 DAVID P. OLSON, M.D. DR. EGNER SECONDED THE MOTION. A vote was taken:

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

The motion carried.

LISA A. SIMPSON, M.D.

Dr. Madia directed the Board's attention to the matter of Lisa A. Simpson, M.D.. He advised that objections were filed to Hearing Examiner Ronda Shamansky's Report and Recommendation and were previously distributed to Board members.

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

Dr. Simpson was represented at the meeting by her Attorney, Terri-Lynne B. Smiles. Ms. Smiles stated that Dr. Simpson was unable to be here today due to the start of Passover, but she did ask that Ms. Smiles address the Board on her behalf.

Ms. Smiles stated that this is a licensure case. She advised that Dr. Simpson is a nationally recognized expert in pediatric health policy. She has particular interests in childhood obesity. Also, one of her current research projects is on the clinical effects of electronic medical records. Ms. Smiles stated that Dr. Simpson is board certified in pediatrics and holds current medical licenses in Florida and Hawaii.

Ms. Smiles stated that there is no dispute in this matter that Dr. Simpson meets the basic qualifications for licensure in Ohio. The only issue in this case has to do with the Board's authority to impose additional requirements if an applicant has been away from medicine for two years or more. That's really the entire issue in this case. The recommendation before the Board is to require Dr. Simpson to pass the SPEX or to recertify in pediatrics before she receives her license. Ms. Smiles stated that while they certainly understand and appreciate the concern before she re-enters clinical medicine, they submit that these tests

April 8, 2009

are not the most appropriate way to address them, or one of the most effective ways to address them.

Ms. Smiles stated that this is not a case where the physician has entirely left the practice of medicine for a period of time. She stated that Dr. Simpson has been integrally involved in medicine through her entire career, and certainly for the past two years. This is a case where there is no question that Dr. Simpson has the fundamental medical knowledge. She remains current in her C.M.E. and, in fact, vastly exceeds the C.M.E. requirements each year. In addition to Dr. Simpson's research, she works with clinical physicians on a regular basis to address and recognize patient issues such as those involved in pediatric obesity.

Ms. Smiles stated that requiring Dr. Simpson to take the SPEX won't really accomplish anything in terms of protection of the citizens or the testing of whether or not she's prepared to re-enter clinical medicine. Ms. Smiles stated that Dr. Simpson admits that she has not been actively involved in the clinical practice of medicine the last two years. She does plan to shadow a clinician as she re-enters medicine, as well as to take other steps to make sure her clinical skills are up-to-speed. Ms. Smiles suggested that, rather than requiring Dr. Simpson to take the SPEX or to recertify in pediatrics, the Board grant Dr. Simpson a probationary license that would require some monitoring of her clinical skills for a period of time. Ms. Smiles stated that they think that that would adequately address the concerns for the citizens of Ohio, as well as giving everyone some comfort that she really is up to speed in terms of actual clinical care.

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

Mr. Wilcox stated that he does not.

DR. EGNER MOVED TO APPROVE AND CONFIRM MS. SHAMANSKY'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF LISA A. SIMPSON, M.D. DR. VARYANI SECONDED THE MOTION.

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

Dr. Egner stated that, being Chair of the Licensure Committee, she takes this case pretty much to heart. She stated that she has some disagreements with Ms. Smiles. Dr. Egner stated that concerning whether or not Dr. Simpson meets the basic qualifications for licensure, Dr. Simpson has not practiced medicine for more than two years. Dr. Egner stated that the Board has very specific rules as to what it requires of physicians who have been out of practice for more than two years. There is no dispute that Dr. Simpson has been out of practice for more than two years. Dr. Egner stated that Dr. Simpson would like to have an exception made to this rule, and yet the entire response of the physician is that she has kept up with clinical medicine, her knowledge is good, she has a current knowledge base and that the Board should trust that she has this. Dr. Egner stated that if that's true, which she hopes it is and has no reason to believe that it isn't, then passing the SPEX or recertifying in pediatrics should be no problem. Dr. Egner stated that SPEX looks at whether a physician has current clinical knowledge. Dr. Egner noted that Dr. Simpson has been involved in pediatric medicine for her life and should be able to recertify. The Board isn't asking her to do anything more than it asks of any other physician in the state of Ohio who is out of practice for two years.

April 8, 2009

Dr. Egner stated that she would like to respond to the objections, because the objections look at the appropriateness of the SPEX, as if it is not an appropriate test. Dr. Egner stated that the SPEX is appropriate for Dr. Simpson. It tests a physician's current clinical medical knowledge. There is nothing wrong with requiring her to take the SPEX to show that she has that knowledge. Dr. Egner commented that the objections do not at all address her recertifying in pediatrics, and the physician is given that choice. There is nothing that says that the Board should change its rules or change how it evaluates physicians re-entering practice. Dr. Egner spoke in support of the Proposed Order.

Dr. Stephens agreed. She stated that, despite a lot of verbiage in this report about how Dr. Simpson has worked with clinicians, she admitted at hearing that she only minimally engaged in clinical practice over the last several years. Dr. Stephens stated that she agrees that Dr. Simpson needs to demonstrate current competency in clinical practice.

Dr. Steinbergh also agreed.

Dr. Madia reminded Mr. Albert that he could vote on this case, as it is not disciplinary in nature.

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

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

The motion carried.

DAVID ANTONIO VELASQUEZ, M.D.

Dr. Madia directed the Board's attention to the matter of David Antonio Velasquez, M.D. He advised that no objections were filed to Hearing Examiner Porter's Report and Recommendation.

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

Dr. Velasquez thanked the Board for taking the time to review all the evidence in his case, and to give him the opportunity to appear before the Board today. He stated that it has taken him a lifetime of hard work to get where he is today. He always wanted to be a doctor, but growing up in El Salvador, when it was on the

April 8, 2009

verge of civil war, made getting an education very difficult. In 1990 he completed medical school in Mexico, and in 1992 he immigrated to the United States. When he first came to the United States, his English was not strong, and he didn't have any credentials to enter a residency program. He, therefore, worked for many years in a variety of jobs to learn the language and to complete all the education required to enter residency training in the United States. Dr. Velasquez stated that he eventually entered residency training in internal medicine, but he ran into different problems because of a failed marriage.

Dr. Velasquez advised that in 2004, he started to set up a private medical practice. This has always been his dream. He saw this as a way to give back to many people who had helped him along the way. This was an exciting and stressful time for him. Members of his church came to help him set up his medical practice. At that time he advised them that he could not pay them, but once his medical practice got established, he would pay them in time. Dr. Velasquez stated that his goal was to have his practice open in Lorain, Ohio, where there is a Hispanic community, and where there is a need for a Spanish-speaking physician. His expectation was to open that practice in 2005.

Dr. Velasquez stated that in December 2004, he was contacted by his family in El Salvador and advised that his father was gravely ill. He purchased a round-trip plane ticket to visit his father for ten days in December. Before leaving, he had some people ask him when he was going to pay them back. He told that he had no money, but that he was in the process of getting a loan. When they heard that he was leaving the country, they were afraid that he would not pay them back. So, in order for him to reassure them that he would pay them, he wrote checks which he cautioned them not to cash until he returned in ten days, and that he was waiting for the bank to approve his loan. Dr. Velasquez stated that the loan was not approved before he left El Salvador. At that time, he also wrote a check to Dr. Haldar, who was a physician who was supposed to work with him. Dr. Haldar had offered some equipment for his new office.

Dr. Madia at this time advised Dr. Velasquez that he has one more minute to conclude his address.

Dr. Velasquez indicated that, due to lack of funds, he was unable to return from El Salvador within that ten days. It took him a long time to earn enough money to get back to Ohio. When he returned to the United States, he was stopped at the border and advised that there was a warrant out for his arrest for passing bad checks. He explained to the judge that he was returning to Ohio to pay his debts, so the judge allowed him to return to Ohio.

Dr. Velasquez stated that he has made restitution. He stated that he is before the Board today because of the bad business decisions he made. He thanked Hearing Examiner Porter for taking the time to understand his story and recommend a 15-day suspension in his case. He added that he's very concerned that if he has to serve the 15-day suspension, he will be dropped from the insurance companies and he might lose his part-time job. He has spent time for four years trying to pay his bills and set up a new practice. His financial situation is still not stable, but at least he keeps going. He pays child support for two teenage children, one of whom is ready to go to college. Dr. Velasquez stated that he would like to continue to work, and he requested that the Board not impose any suspension of his license. He stated that he would gladly take continuing education courses, or anything else that the Board might find helpful to him.

April 8, 2009

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

Ms. Pfeiffer stated that she does not wish to respond.

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

Dr. Steinbergh stated that she agrees with the Proposed Order. She stated that there are consequences for inappropriate behavior, and this is a most minimal order.

Dr. Varyani stated that he was reading this case, and he happened to believe Dr. Velasquez. He stated that in Lorain the GM plants are closing, and it's a very poor situation. It's true that they need a Hispanic physician. Dr. Varyani stated that he doesn't know what more could happen to Dr. Velasquez, and he really feels that the Board needs to give him a chance. A suspension for even 15 days will drop him from insurance rolls. Dr. Varyani stated that Dr. Velasquez is being sincere and has admitted to everything. Dr. Velasquez does realize that he did something wrong. Dr. Varyani stated that Dr. Velasquez hasn't hurt anyone, but is trying to help the people in Lorain. Dr. Varyani stated that he would like to give Dr. Velasquez a chance.

DR. VARYANI MOVED TO AMEND THE PROPOSED ORDER BY STAYING THE SUSPENSION. The motion died for lack of a second.

Dr. Amato stated that he would like to see the probation cut from one year to six months.

Dr. Steinbergh stated that the issue of probation is to be certain that the practitioner is moving along in an appropriate way. She stated that Dr. Velasquez has indicated that he would be willing to take courses, and she thinks that he needs a practice management course. She stated that if the Board is going to stay the suspension, she would like to add the requirement that he complete a practice management course, under the personal ethics course. She added that she thinks that probation for a year is appropriate, to make certain that he gets through these courses.

Dr. Varyani stated that as long as the suspension is dropped, he's happy.

Dr. Amato stated that he's almost happy. He agreed that the suspension should be stayed. He stated that he understands the purpose of probation, but this man is in a poorly served area. He believes that as long as Dr. Velasquez is on probation, the Board is punishing him because he probably won't be able to stay on provider panels. The Board needs to get him off probation as quickly as possible. Dr. Amato stated that he agrees with Dr. Steinbergh that a practice management course is necessary, but he questions whether Dr. Velasquez can afford to take one. Different courses he's read about don't come cheap.

Dr. Steinbergh stated that Dr. Velasquez is willing to take such a course. She added that, to be successful in life, he perhaps needs this course.

April 8, 2009

Dr. Amato stated that he agrees it would be helpful, but as a term and condition, he worries about it. He again stated that he would like to see the probation cut in half.

Dr. Madia stated that he thinks a one-year probation may be appropriate to complete the conditions. Otherwise, he has to rush and finish everything in six months.

Dr. Stephens stated that she gets back to asking about what kind of reporting is required. If the Board takes away the suspension, he still has to do this reporting. It's really just going to have the same effect.

Dr. Stephens added that the Board is still talking about felonies. Passing bad checks is a felony, and the Board is falling over backwards to be lenient in this case. She stated that she thinks that leniency is appropriate, but, as someone else said, a felony is a felony.

DR. STEINBERGH MOVED TO AMEND THE PROPOSED ORDER TO STAY THE 15-DAY SUSPENSION, AND TO REQUIRE THAT DR. VELASQUEZ COMPLETE A PRACTICE MANAGEMENT COURSE. DR. VARYANI SECONDED THE MOTION. A vote was taken:

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

The motion carried.

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

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

April 8, 2009

Dr. Mahajan - aye
Dr. Steinbergh - aye
Dr. Madia - aye

The motion carried.

JULIE A. TAYLOR, M.D.

Dr. Madia directed the Board's attention to the matter of Julie A. Taylor, M.D. He advised that objections were filed to Hearing Examiner Paul Stehura's Report and Recommendation and were previously distributed to Board members.

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

Dr. Taylor was accompanied by her attorney, Jeffrey J. Jurca. Mr. Jurca stated that there is a procedural matter to be addressed prior to Dr. Taylor making a statement. He stated that he filed a motion to introduce additional documentary evidence. He stated that he learned shortly before today's meeting that some of the objections filed and documents that were part of the objections were stricken from the record, apparently by order of the President. He therefore filed a motion, pursuant to Section 119.09, O.R.C., which allows the Board to consider additional documentary evidence, to have that evidence before the Board. He stated that it was his understanding that copies of that motion have been distributed to the Board members.

Dr. Madia asked when that motion was filed.

Ms. Debolt stated that it is her understanding that it was filed at about 1:15 this afternoon.

Dr. Madia stated that when a motion is filed this late, the other side doesn't have the opportunity to look at the motion and file an answer to it.

Ms. Debolt stated that the Medical Board has rules to further implement Chapter 119., that are applicable to administrative hearings. The Board's rule, 4731-13-15, addresses motions that are filed post-hearing. That rule provides that a motion that is filed, or a document that is filed, that submits additional evidence, shall be deemed to be a motion to reopen the hearing. The motion distributed this afternoon is styled, a "Motion for the Board to permit the introduction of further documentary evidence." Ms. Debolt stated that the Board's rule speaks to that. The procedure is that the motion must be filed fourteen days prior to the scheduled date that the Report and Recommendation is to be considered. If not filed fourteen days prior, it must include an affidavit explaining why. If the Board considers the motion, the Board could refer the actual decision as to whether the additional information should be remanded back to the Hearing Examiner. Ms. Debolt stated that her recommendation is that the motion is out of time and should not be considered.

Mr. Jurca stated that he and Dr. Taylor did not know that the documentary evidence that was submitted

April 8, 2009

with the objections, which were filed on time, were stricken from the record until April 2. They could not have possibly filed their motion fourteen days prior to this hearing. He stated that he didn't get the ruling from the President until April 3. Mr. Jurca added that they were not familiar with any authority that would allow the Board President to strike any portion of their objections that were timely filed. He asked that there be a ruling on his motion, that that motion be granted, and that the Board look at the additional materials.

In subsequent discussion, Board members opposed to granting Dr. Taylor's motion indicated that the information being offered could have been presented at the time of hearing, and wasn't. They were also concerned that Dr. Taylor's motion wasn't filed until after this Board meeting started.

Board members in favor of granting the motion and admitting the additional materials indicated that they felt that the Board rules should be relaxed in order for the Board to have all the information it can get prior to making its decision. They also felt that the matter should be remanded to the Hearing Examiner to consider the additional materials that were redacted from the objections filed.

DR. AMATO MOVED TO REMAND THE MATTER OF DR. TAYLOR TO THE HEARING EXAMINER FOR CONSIDERATION OF THE MATERIALS SUBMITTED WITH THE OBJECTIONS IN MAKING A FINAL DETERMINATION ON THE CASE. MR. JACOBSON SECONDED THE MOTION.

Dr. Egner commented that if that's what the Board wants to do, it could just take ten minutes to review those materials itself and make its decision today.

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

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

The motion carried.

April 8, 2009

CITATIONS, PROPOSED DENIALS, ORDERS OF SUMMARY SUSPENSION & NOTICES OF IMMEDIATE SUSPENSIONJOHN ALBERT HALPIN, 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. VARYANI MOVED TO SEND THE CITATION LETTER TO DR. HALPIN. DR. MAHAJAN SECONDED THE MOTION. A vote was taken:

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

The motion carried.

EHTESHAMUL HAQUE, 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. HAQUE. DR. VARYANI SECONDED THE MOTION. A vote was taken:

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

April 8, 2009

The motion carried.

RAVI DUTT MADAN, 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. MADAN.
DR. VARYANI SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

JASON RICK MCNEAL, M.T. APPLICANT – LETTER OF PROPOSED DENIAL

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

**DR. VARYANI MOVED TO SEND THE LETTER OF PROPOSED DENIAL TO MR. MCNEAL.
MR. HAIRSTON SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

April 8, 2009

CHARLES W. NELSON, L.M.T. – CITATION LETTER

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

**DR. VARYANI MOVED TO SEND THE CITATION LETTER TO MR. NELSON.
MR. HAIRSTON SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

JOVENCIO L. RANESES, 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. VARYANI MOVED TO SEND THE CITATION LETTER TO DR. RANESES.
DR. STEINBERGH SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

April 8, 2009

DARRELL SEILER, M.T. APPLICANT - - LETTER OF PROPOSED DENIAL

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

DR. STEINBERGH MOVED TO SEND THE LETTER OF PROPOSED DENIAL TO MR. SEILER. DR. VARYANI SECONDED THE MOTION. A vote was taken:

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

The motion carried.

RICK D. ST. ONGE, 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. VARYANI MOVED TO ENTER AN ORDER OF SUMMARY SUSPENSION IN THE MATTER OF RICK D. ST. ONGE, M.D., IN ACCORDANCE WITH SECTION 4731.22(G), OHIO REVISED CODE, AND TO ISSUE THE NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY FOR HEARING. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

April 8, 2009

Dr. Madia - aye

The motion carried.

STEVEN DOUGLAS STOWELL, M.D. - NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING

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

MR. HAIRSTON MOVED TO SEND THE NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING TO DR. STOWELL. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

CYNTHIA D. WESTER-BRONER, 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. VARYANI MOVED TO SEND THE CITATION LETTER TO DR. WESTER-BRONER. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

April 8, 2009

Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

WAYNE MARSHALL WILLIAMS, 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. VARYANI MOVED TO SEND THE CITATION LETTER TO DR. WILLIAMS. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

RATIFICATION OF SETTLEMENT AGREEMENTS

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

GRETCHEN C. WOLF, M.T. APPLICANT – WITHDRAWAL OF APPLICATION

DR. STEINBERGH MOVED TO RATIFY THE WITHDRAWAL OF MS. WOLF'S APPLICATION TO PRACTICE MASSAGE THERAPY. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

April 8, 2009

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

The motion carried.

Mr. Jacobson returned to the meeting at this time.

AIMEE V. CHAPPELOW, M.D. – STEP I CONSENT AGREEMENT

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

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

The motion carried.

Dr. Talmage returned to the meeting at this time.

CHRISTOPHER MCKINLEY HEBEN, P.A. – STEP I CONSENT AGREEMENT

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

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

April 8, 2009

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

The motion carried.

DALE PRATT-HARRINGTON, M.D. – STEP II CONSENT AGREEMENT

DR. STEINBERGH MOVED TO RATIFY THE PROPOSED STEP II CONSENT AGREEMENT WITH DR. PRATT-HARRINGTON. DR. MAHAJAN SECONDED THE MOTION. A vote was taken:

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

The motion carried.

MATTHEW P. NOYES, M.D. APPLICANT – CONSENT AGREEMENT

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

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

April 8, 2009

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

The motion carried.

MICHAEL OGDEN, M.D. – PERMANENT SURRENDER OF CERTIFICATE TO PRACTICE
MEDICINE AND SURGERY

**DR. STEINBERGH MOVED TO RATIFY THE PROPOSED PERMANENT SURRENDER OF
DR. OGDEN’S LICENSE TO PRACTICE MEDICINE AND SURGERY. DR. VARYANI
SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

TIMOTHY A. HEINRICKS, M.D. – STEP II CONSENT AGREEMENT

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Varyani	- aye
	Mr. Jacobson	- aye
	Mr. Hairston	- aye

April 8, 2009

Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

MARJORIE MARIE HAAS, M.D. – STEP I CONSENT AGREEMENT

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

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

The motion carried.

PROBATIONARY APPEARANCES

MELANIE E. JUNGBLUT, M.D.

Dr. Jungblut appeared before the Board pursuant to her request or release from the terms of her April 15, 2004 Consent Agreement. If approved, release from probation would become effective April 14, 2009.

Ms. Bickers reviewed Dr. Jungblut's history with the Board.

In response to Board members' questions, Dr. Jungblut stated that she's doing very well. She sees her psychiatrist every three months. She advised that her psychiatrist works nearby and has been very available when she's needed him. That has made the process much easier for her. She advised that she doesn't get confused by the medications she takes; in fact, she gets clearer from them. She stated that there's a very big difference for her that, prior to her diagnosis of bipolar, she had always attributed it to ADHD. She had flights of fancy. Since she's been put on her medication, all of that is pretty much a thing

April 8, 2009

of the past. The diagnosis of ADHD was made by her associate, the Chief of Pediatrics at the facility where she was working. She stated that she's very comfortable that that is the correct diagnosis.

Dr. Jungblut stated that she has been blessed in that the Board has been very supportive. She stated that Ms. Bickers, in particular, has been available at any and all times for her over the last five years.

DR. STEINBERGH MOVED TO RELEASE DR. JUNGBLUT FROM THE TERMS OF HER APRIL 15, 2004 CONSENT AGREEMENT. MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

PAUL H. GOODMAN, D.O.

Dr. Goodman made his initial appearance before the Board, pursuant to the terms of his January 15, 2009 Step I Consent Agreement.

Ms. Bickers reviewed Dr. Goodman's history with the Board.

In response to Board members' questions, Dr. Goodman stated that he does understand the terms of his consent agreement. On the advice of his physicians, he's been attending meetings. He attends at least and as many as five A.A. meetings a week. He's been going to the Caduceus meeting at the Cleveland Clinic every Monday. He also meets with Dr. Collins at the Cleveland Clinic, where he completed his 28-day program. He advised that he's been in compliance with the terms of the consent agreement. He's avoided any and all substances, unless they've been prescribed.

In response to further questions, Dr. Goodman stated that his alcoholism began with a glass of wine now and then. For many years he didn't drink at all because he's a single parent. He was raising his son, and he didn't keep any alcohol or any drugs of any kind around the house because he didn't want his son getting involved in that. He stated that his son is 28 years old, and about four or five years ago he moved to California. Dr. Goodman stated that he's been alone and on his own for quite a bit the last few years, and at times he had some reactive depression and sadness, and he started to drink more. He drank more often than he should have. He just couldn't see it in himself. It wasn't until people started pointing out to him that he was late for work a few times, and he called in sick a few times when he shouldn't have. Dr. Goodman stated that he didn't get into any major trouble, such as accidents or anything like that, but he just came to a point where he realized that it was becoming more of a habit, and he was becoming a slave to drinking alcohol. He knew it was wrong. That's why he called the Board and reported himself.

When asked about his bandaged hand, Dr. Goodman explained that about five or six years ago he had a tendon injury and a broken bone. One of the hand surgeons at the Cleveland Clinic fixed it for him the previous Thursday. Dr. Goodman stated that he was prescribed Percocet for pain, and he took it for two or three days. Dr. Goodman advised that he is aware of the dangers of cross addiction, and that he no longer needs the Percocet. He stated that he feels great today. He added that he's anxious to get back to work. He stated that the emergency department has been the love of his life for the last 26 years – it's all he ever wanted to do. He stated that he misses it a lot.

April 8, 2009

Dr. Goodman advised that when his suspension is lifted, his current job will take him back. He advised that his job has already contacted their insurance carrier and provided them with a copy of his consent agreement. They're anxious to meet with him as soon as he's available.

DR. STEINBERGH MOVED TO CONTINUE DR. GOODMAN UNDER THE TERMS OF HIS JANUARY 15, 2009 STEP I CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. VARYANI SECONDED THE MOTION. All members voted aye. The motion carried.

SARA C. GORBETT, M.T.

Although scheduled to appear before the Board, Ms. Gorbett did not appear this month.

RONALD M. JOHNS, P.A.

Mr. Johns made his initial appearance before the Board, pursuant to the terms of his January 15, 2009 Step I Consent Agreement.

Ms. Bickers reviewed Mr. Johns' history with the Board.

In response to Board members' questions, Mr. Johns stated that he's doing very well. He's working odds and ends jobs, working with his family, getting the trust back. He attends A.A. meetings and also submits random drugs screens. Mr. Johns stated that he's doing very well. He stated that his wife is the trauma coordinator at one of the local hospitals. He has a twelve-year-old son who lives with his mother in Texas. He also has an eight-year-old son and a four-year-old daughter that lives with him and his wife.

Mr. Johns stated that one of the reasons that aided him in doing what he did is that his mother passed away. His father has cancer, which is in remission. Everyone else in the family is doing well.

Mr. Johns advised that he hadn't used drugs before November 2006. He stated that he had a lot of family medical problems. His mother was diagnosed with liver cancer, and shortly afterward his father was diagnosed with prostate cancer. His oldest son moved to Texas. He'd received a call at work from his ex-wife telling him that he had a month to see his son as much as he could before she moved him to Texas. Mr. Johns stated that he had a very hard time struggling with all of that in a short period of time. He went out with a high school friend and made a bad decision. That's what started the ball rolling. Mr. Johns stated that he regrets every minute of it.

Mr. Johns stated that he does understand his consent agreement, and he has been in full compliance thus far. He did see a psychiatrist at St. Thomas Hospital in Akron. He had a lengthy conversation with the psychiatrist, and there was no diagnosis. He had no depression or anxiety, or anything like that. The psychiatrist didn't feel that medication would be necessary. Mr. Johns stated that he is to follow up with the psychiatrist six months from November 2008. Mr. Johns stated that he's surrounded himself with his

April 8, 2009

family. He gets to see his son in Texas five times a year. Mr. Johns stated that he spent a lot of money trying to stop his ex-wife from going, but he lost. Not only did his child support increase, but he gets to see him five times a year and has to pay for the plane ticket for him to fly home and back. He did buy a cell phone for his son, and he calls his son every night.

DR. STEINBERGH MOVED TO CONTINUE MR. JOHNS UNDER THE TERMS OF HIS JANUARY 15, 2009 STEP I CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

ELIZABETH J. MARTIN, P.A.

Ms. Martin made her initial appearance before the Board, pursuant to the terms of her January 15, 2009 Consent Agreement.

Ms. Bickers reviewed Ms. Martin's history with the Board.

In response to Board members questions, Ms. Martin stated that she is doing very well. She saw a psychologist weekly for about the first year and a half of her recovery, and now she sees the psychologist every other week. The only medication she takes is Paxil.

Ms. Martin stated that this has been quite a year for her. She graduated from school, had a child in April 2008, took her boards, got a job and ended up getting a divorce. She's been divorced now for about three months, but she's working and she has custody of her son. Ms. Martin stated that things are good, but it's been trying. She added that her life is much less stressful now.

In response to further questions, Ms. Martin stated that she works for an internal medical practice in Lancaster, Ohio. She does not currently have prescriptive authority, but is in the process of applying for it. She has a master's in physician assistant studies.

Ms. Martin advised that her drug of choice was alcohol. She stated that she drank recreationally in college, but then she started having difficulty sleeping and she found that a beer or two, and then, subsequently, a bottle of wine or more and more was needed to help her sleep. She stated that she did that for years. She probably drank nightly throughout graduate school. When she finished her program, she had not completed her master's thesis, and she was supposed to be home working on her thesis. She was married at the time. She began waking up with a hangover and not wanting to work on the project. She started drinking in the morning. She finally realized that she was not able to function. She wasn't getting anything done. A month would go by and she wouldn't have done anything on her paper. She and her family decided that it was time for her to go to rehab. She had not graduated, so she had never practiced while under the influence of alcohol. When she was in school, she never showed up while she was under the influence of alcohol. She did show up to classes with a hangover, but she didn't to clinicals.

Dr. Steinbergh stated that when Ms. Martin gets prescriptive authority, she needs to respect that. She

April 8, 2009

cautioned her against abusing that authority, noting that Ms. Martin is at risk for other secondary abuses. She will have to be very careful.

In response to further questions, Ms. Martin stated that she does understand her consent agreement.

DR. STEINBERGH MOVED TO CONTINUE MS. MARTIN UNDER THE TERMS OF HER JANUARY 15, 2009 CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. MR. JACOBSON SECONDED THE MOTION. All members voted aye. The motion carried.

Ms. Marshall advised that there is a provision built into Ms. Martin's current consent agreement that says that if she applies for prescriptive authority she has to enter into an addendum that will provide some additional safeguards if she gets the prescriptive authority.

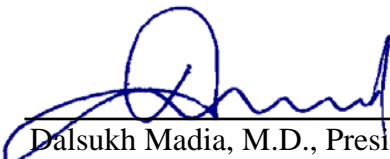
SHAILEN RAJENDRA PATEL, M.D.

Although scheduled to appear before the Board, Dr. Patel did not appear this month.

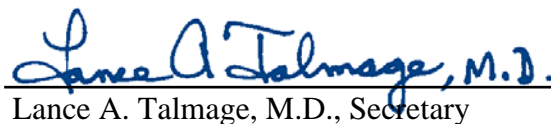
DR. MADIA MOVED TO ADJOURN. DR. STEINBERGH SECONDED THE MOTION. All members voted aye. The motion carried.

Thereupon at 4:10 p.m. the April 8, 2009 session of the State Medical Board of Ohio was duly adjourned.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio, meeting on April 8, 2009, as approved on May 13, 2009.



Dalsukh Madia, M.D., President



Lance A. Talmage, M.D., Secretary

(SEAL)



April 9, 2009

MINUTES

THE STATE MEDICAL BOARD OF OHIO

April 9, 2009

Dalsukh Madia, M.D., President, called the meeting to order at 8:10 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: Jack C. Amato, M.D., Vice-President; Raymond J. Albert, Supervising Member; Marchelle L. Suppan, D.P.M.; Nandlal Varyani, M.D.; W. Frank Hairston; Susan E. Stephens, M.D.; and Anita M. Steinbergh, D.O. The following joined the meeting at a later time: Lance A. Talmage, M.D., Secretary; Carol L. Egner, M.D.; Jeffrey M. Jacobson, Esq.; 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; Sallie J. Debolt, General Counsel; Rebecca J. Marshall, Chief Enforcement Attorney; Barbara J. Pfeiffer, Karen A. Unver, and Kyle C. Wilcox, Assistant Attorneys General; Eileen M. Schmidt, Executive Assistant to the Director; Joan K. Wehrle, Executive Staff Coordinator; Michael K. Miller, Public Policy & Government Affairs Officer; Karry Thacker, Executive Staff Assistant; and Barbara Jacobs, Public Services Administrator.

LICENSURE, PROBATION AND REINSTATEMENT CONSENT AGENDA

Dr. Madia 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. Madia asked whether any Board member wished to consider either an application for licensure or a probationary report or request separately. He noted that all probationers are in compliance.

Dr. Steinbergh stated that she had some concerns about Dr. Dennison's request for approval of a monitoring physician. She stated that Dr. Dennison is a family practitioner working for a cardiology group, and he's requested approval of Dr. Dahdah, a cardiologist, as monitoring physician. Dr. Steinbergh indicated that she had a question about a cardiologist monitoring a family practitioner; however, she talked with Ms. Bickers about this case and learned that Dr. Dahdah also does internal medicine.

Dr. Talmage and Dr. Mahajan joined the meeting at this time.

Mr. Albert stated that this issue comes up occasionally. He stated that he can't see why one specialist can't monitor another specialist.

Dr. Steinbergh stated that, speaking about family practitioners, the goal is to make sure that the thought process is appropriate, that they're treating their patients appropriately. That's why the Board wants charts monitored. A dermatologist has no knowledge of family medicine. He or she doesn't practice it. It would be no different from any one of the other members of this Board coming and looking at her charts. It's not

April 9, 2009

the same practice and they can't tell you that she's doing an okay job. An internist would be appropriate to monitor a family practitioner's charts. A cardiologist is highly specialized in cardiovascular medicine, but they don't always understand what a family doctor does.

Dr. Egner joined the meeting at this time.

Mr. Albert commented that he can't remember where a monitoring physician came up with anything out of line.

Dr. Varyani stated that sometimes physicians go through a residency, then become an internist and then goes on to specialize in something like cardiology. He'll have both practices at the same time, depending upon which one flourishes more or in which one the person is more interested. Dr. Varyani stated that in a lot of instances there is a commonality between some specialties.

Dr. Stephens stated that this should be looked at on a case-by-case basis. She stated that she doesn't want the Board to rubber stamp these requests.

DR. VARYANI MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES ON MARCH 9, 10 AND 12, 2009, WITH: MOHAMMAD A. ADAS, M.D.; KEVIN W. BOWERS, D.O.; TODD S. CARRAN, M.D.; WENDY KAY DEAN, M.D.; RICHARD J. DEFRANCO, M.D.; GREGORY G. DUMA, M.D.; MARY JO FOOTE, P.A.; DEBORAH LYNNE FRANKOWSKI, M.D.; RICHARD DAVID GRECZANIK, D.O.; ARLAN MARCUS GUSTILO-ASHBY, M.D.; NORMAN I. HIRSCH, D.O.; JAMES CAMERON JOHNSON, D.O.; GREGORY KARASIK, M.D.; JAMES M. KENNEN, D.O.; MAHENDRA K. MAHAJAN, M.D.; DONALD C. MANN, M.D.; DAVID W. MASSIE, M.D.; BRETON LEE MORGAN, M.D.; WILLIAM O. MURTAGH, JR., M.D.; THOMAS A. NGUYEN, M.D.; MARK A. RHODEBACK, M.T.; LEROY P. RISE, M.D.; KENT ROBINSON, M.D.; KIMBERLY M. (TELMANIK) SCHERRY, P.A.; CHRISTOPHER S. SHAW, M.D.; JOHN W. SHAW, M.D.; JOSEPH COOPER SIMONE, D.O.; RICHARD S. SKOBLAR, M.D.; STEVEN H. SUESS, M.D.; ANDREAS HERBERT SZOKOLOCZY-SYLLABA, D.O.; DEBORAH L. TAYLOR, M.D.; ROSS PUTMAN TURNER, D.O.; MICHAEL J. VJECHA, M.D.; AND RANDALL G. WHITLOCK, JR., P.A.

DR. VARYANI FURTHER MOVED TO ACCEPT THE COMPLIANCE STAFF'S REPORTS OF CONFERENCES AND THE SECRETARY AND SUPERVISING MEMBER'S RECOMMENDATIONS AS FOLLOWS:

- **TO GRANT DAVID B. AXELSON, M.D.'S REQUESTS FOR: A REDUCTION IN HIS APPEARANCE REQUIREMENT FROM EVERY THREE MONTHS TO EVERY SIX MONTHS; AND FOR A REDUCTION IN URINE TOXICOLOGY SCREENS FROM WEEKLY TO TWO TIMES PER MONTH;**
- **TO GRANT PATRICK R. DENNISON, D.O.'S REQUEST FOR APPROVAL OF SALIM O. DAHDAH, M.D., TO SERVE AS HIS MONITORING PHYSICIAN, WITH 10 CHARTS**

April 9, 2009

REVIEWED PER MONTH;

- **TO GRANT STEPHEN R. GIORDANO, D.O.'S REQUEST FOR THE DISCONTINUANCE OF HIS CONTROLLED SUBSTANCE LOG REQUIREMENT;**
- **TO GRANT ADAM P. HALL, D.O.'S REQUESTS FOR A REDUCTION IN ALCOHOL AND DRUG REHABILITATION MEETINGS TO TWO MEETINGS PER WEEK WITH A MINIMUM OF 10 PER MONTH;**
- **TO GRANT ROBERT L. HUBLEY, D.O.'S REQUESTS FOR: A REDUCTION IN HIS DRUG SCREEN REQUIREMENT FROM ONCE A WEEK TO TWICE PER MONTH; A REDUCTION IN HIS APPEARANCE SCHEDULE FROM EVERY THREE MONTHS TO EVERY SIX MONTHS; AND APPROVAL OF JAMES E. MARTIN, D.O.. TO SERVE AS HIS MONITORING PHYSICIAN, WITH 10 CHARTS REVIEWED EACH MONTH;**
- **TO GRANT WILLIAM L. SCHLOTTERER, D.O.'S REQUEST FOR ELIMINATION OF HIS CHART REVIEW REQUIREMENT; AND**
- **TO GRANT BRETT E. TOWARD, M.D.'S REQUESTS FOR: APPROVAL OF A PRACTICE PLAN; AND APPROVAL OF ERIC P. HAUS, D.O., TO SERVE AS HIS MONITORING PHYSICIAN, WITH 10 CHARTS REVIEWED EACH MONTH.**

DR. VARYANI FURTHER MOVED TO APPROVE FOR LICENSURE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCEPTANCE WITH LICENSURE PROTOCOLS, THE PHYSICIAN APPLICANTS LISTED IN EXHIBIT "A," AND THE P.A. APPLICANTS LISTED IN EXHIBIT "B," AND TO GRANT CERTIFICATES OF GOOD STANDING TO THE SCHOOLS OF MASSAGE THERAPY, LISTED IN EXHIBIT "C."

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

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

The motion carried.

April 9, 2009

Catherine R. Van Vorce (Horner), M.D. – Non-Consent Agenda Probationary Request

Dr. Madia referred the Board to Dr. Van Vorce's request for release from the terms of her December 1, 1989 Consent Agreement. Dr. Van Vorce entered into this Agreement due to her non-compliance with the C.M.E. requirements for the 1986-1988 biennium. Dr. Van Vorce has completed all the probationary terms.

DR. STEINBERGH MOVED TO GRANT DR. VAN VORCE'S REQUEST FOR RELEASE FROM THE TERMS OF HER DECEMBER 1, 1989 CONSENT AGREEMENT. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

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

The motion carried.

REPORT FROM THE AMERICAN ASSOCIATION OF OSTEOPATHIC EXAMINERS SUMMIT MEETING

Dr. Steinbergh reported on her attendance at the AAOE Summit meeting on January 17. She reviewed materials that were distributed to the Board, copies of which shall be maintained in the exhibits section of this Journal.

Mr. Jacobson arrived during Dr. Steinbergh's report.

FINDINGS AND ORDER IN THE MATTER OF ADOPTION OF RULES 4731-6-14, 4731-16-05, AND 4731-11-03 O.A.C

Ms. Debolt stated that these rules are not related to each other, but they went through hearing at the same time. They consist of the USMLE rule, a clarification/modification to the impairment examination rule, and the rule regarding prescribing Schedule II controlled substance stimulants. The latter rule was modified to reflect comments received at the original public hearing on the controlled substance rules.

Ms. Debolt stated that no comments were received at the public hearing, and there were no comments or

April 9, 2009

questions at JCARR. The rules are ready for the Board's adoption, and the staff suggests an effective date of April 30, consistent with the Board's policy of making rules effective the last day of the month in which they were adopted.

DR. EGNER MOVED:

- **THAT THE FINDINGS AND ORDER CONCERNING THE RESCISSION OF RULE 4731-6-14, AS EFFECTIVE ON JUNE 30, 2005, AND ADOPTION OF RULES 4731-6-14, 4731-16-05, AND 4731-11-03, OF THE OHIO ADMINISTRATIVE CODE BE ADOPTED, AND**
- **THAT THE STAFF PROCEED TO FILE THE RULES AS FORMALLY ADOPTED WITH AN EFFECTIVE DATE OF APRIL 30, 2009.**

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

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

The motion carried.

ADMINISTRATIVE REPORT

Mr. Whitehouse reviewed his written report, a copy of which shall be maintained in the exhibits section of this journal. He reminded the Board members that they are required to attend ethics training provided by the Ohio Ethics Commission every two years. Registration for the seminars can be done on-line, and a link for registration can be found on the Governor's website. He also reminded Board members that April 15 is the deadline for filing their Financial Disclosure Statements to the Ethics Commission.

Mr. Whitehouse reported on the previous evening's meeting with representatives of the Governor's office, including his Chief of Staff, concerning the Board's budget proposals. Mr. Whitehouse stated that the Board has been given additional assurances with regard to the integrity of the Board's fund.

Mr. Whitehouse stated that he felt that the Board's concerns were listened to and that it was a good meeting.

April 9, 2009

Dr. Amato stated that he thinks that Mr. Whitehouse covered things well. He added that, most importantly, they were able to secure the Board's funds. He stated that that has to remain the Board's prime focus.

Mr. Albert stated that he feels that the Board made a lot of progress in the meeting. He stated that the Governor came out and spoke to them briefly, commenting on the good job the Board is doing.

Dr. Mahajan agreed. He stated that he stressed at the meeting that the Medical Board shouldn't be supporting other boards and commissions with its funds. He was assured that it wouldn't happen. He thanked Board members for their efforts in making contacts on the Board's behalf.

PRESIDENT'S REPORT

Dr. Madia asked that Board members complete the Performance Evaluation form for Mr. Whitehouse and submit them to him as soon as possible.

REPORTS BY ASSIGNED COMMITTEES

EXECUTIVE COMMITTEE

Dr. Madia stated that the Committee discussed Federation resolutions and proposed bylaws changes, copies of which shall be maintained in the exhibits section of this journal).

Dr. Talmage asked that if Board members have any input on the proposed resolutions that they would like him to transmit, they should advise Dr. Madia before he goes into the voting session. The one that was most controversial in the discussion the previous day was the recommendation by the bylaws committee not to pass the proposal that you have to be a current member of a Medical Board in order to run for office. Dr. Talmage stated that individuals who leave their medical boards are still fellows of the Federation for the next three years and are eligible to run for office. This would exclude some people who are term limited, but who may have done a good job on their boards. Dr. Talmage commented that his personal feeling is that one needs to be on a board in order to be a good Federation officer. He commented that Dr. Steinbergh is on the Bylaws Committee and may have some input on that one. Dr. Talmage stated that the other bylaws changes are pretty much tidying up language to be current with the actual function of the organization of today.

Dr. Talmage stated that none of the proposed resolutions were particularly odious, although the Committee felt that one resolution from Texas, resolving that the Federation work to draft and promote a federal law that would assure confidentiality to allow for greater sharing of information between licensing boards, might be more easily done on the state level. Each Board could take the proposal to their state legislators, rather than having a federal law that would supersede state law. Dr. Talmage commented that most states are not in favor of that and would fight it.

Dr. Talmage stated that the other resolution that was of some concern was a resolution for creation of a

April 9, 2009

communication library. He stated that that is probably redundant in that HHS and most specialty societies have patient education literature that is produced and peer reviewed. Having the Federation keep that information and be a repository for that information would probably be redundant and fairly expensive. At this point he would recommend not voting for that one.

Dr. Steinbergh stated that she would be interested in knowing why the North Carolina Board feels that that is needed.

LICENSURE COMMITTEE

Shaher Khan, M.D.

Dr. Egner advised that Dr. Khan is requesting a waiver for good cause. He is over the seven-year time limit by eight months. He passed Steps 1 and 2 on the first attempt with scores of 88 and 76, and Step 3 on the third attempt with a score of 76. Dr. Khan has sent a letter of explanation claiming he went over the seven-year limit because he took one year off during medical school to conduct research and was not able to complete the sequence in seven years. Had Dr. Khan passed either of the first two attempts of Step 3, he would have had taken all steps within the seven-year period.

Dr. Khan graduated from The Chicago Medical School in June 2003. Dr. Khan started a Surgery residency at Yale New Haven Hospital in New Haven from June 2003 until June 2009. Dr. Khan reports that from June 2005 until May 2007 he participated in a Burn fellowship as part of his training. Dr. Khan holds a license in Connecticut, and does not report American Board Specialty Certification at this time.

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 his examination sequence in order for him to be granted a license. She stated that the Committee vote was not unanimous, however.

DR. EGNER MOVED TO GRANT DR. KHAN'S REQUEST FOR THE LIMITED EXCEPTION OF THE SEVEN-YEAR RULE, AND TO ACCEPT HIS EXAMINATION SEQUENCE IN ORDER FOR HIM TO BE GRANTED A LICENSE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCORDANCE WITH LICENSURE PROTOCOLS. DR. VARYANI SECONDED THE MOTION. A vote was taken:

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

April 9, 2009

Dr. Mahajan - aye
Dr. Steinbergh - aye
Dr. Madia - aye

The motion carried.

Ajay Sharma, M.D.

Dr. Egner advised that Dr. Sharma is over the seven-year time limit by ten months. He passed Steps 1 and 2 on the first attempt with scores of 84 and 76, and Step 3 on the second attempt with a score of 82.

Dr. Sharma has sent a letter of explanation claiming he went over the seven-year limit because he did not arrive in the United States until September 2002 and was not able to complete the sequence in seven years.

Dr. Sharma graduated from the Maulana Azad Medical College in New Delhi in December 1993. He trained and worked in India from January 1994 until September 2002. Dr. Sharma then came to the United States, and started a residency in Radiation Oncology at Albert Einstein College of Medicine from October 2002 until June 2004. He then transferred to Delaware Psychiatric Center in New Castle, Delaware as a Psychiatry Intern and Resident from July 2004 until June 2007. Dr. Sharma has been a fellow in Child Psychiatry at Thomas Jefferson University Hospital from July 2007 to the present time. He holds licenses in Delaware and Pennsylvania, and does not report American Board Specialty Certification at this time.

DR. EGNER MOVED TO GRANT DR. SHARMA'S REQUEST FOR THE APPROVAL OF THE LIMITED EXCEPTION OF THE SEVEN-YEAR RULE, AND TO ACCEPT HIS EXAMINATION SEQUENCE IN ORDER FOR HIM TO BE GRANTED A LICENSE, CONTINGENT UPON ALL REQUESTED DOCUMENTS BEING RECEIVED AND APPROVED IN ACCORDANCE WITH LICENSURE PROTOCOLS. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- aye
Dr. Egner	- aye
Dr. Talmage	- aye
Dr. Suppan	- aye
Dr. Varyani	- aye
Mr. Jacobson	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

April 9, 2009

David Moolten, M.D.

Dr. Egner advised that Dr. Moolten has applied for licensure in Ohio. He has indicated that he has not been engaged in the clinical practice of medicine since June 1992.

Dr. Moolten is a June 1987 graduate of the University of Pennsylvania Medical School. He is requesting endorsement of his USMLE examination. Dr. Moolten completed training in Pathology at the University of Pennsylvania Medical Center from June 1987 until June 1991. He then trained as a Fellow in Blood Bank/Transfusion Medicine at Thomas Jefferson University Hospital from July 1991 until June 1992. Dr. Moolten has served as the Medical Director at the American Red Cross Blood Services in Philadelphia since June 1992. He is American Board certified in Clinical Pathology since November 1991, and Blood Banking/Transfusion Medicine since July 1995. He holds licenses in Virginia, District of Columbia, Maryland, New Jersey and Pennsylvania.

DR. EGNER MOVED TO APPROVE DR. MOOLTEN'S REQUEST FOR OHIO LICENSURE SUBJECT TO SUCCESSFUL COMPLETION OF THE SPEX EXAM OR BOARD RECERTIFICATION EXAMINATION. DR. AMATO SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Maita Jarkewicz, M.D.

Dr. Egner advised that Dr. Jarkewicz has applied restoration of her license in Ohio. She has indicated that she has not been engaged in the clinical practice of medicine since October 2006.

Dr. Jarkewicz graduated from Northeastern Ohio University College of Medicine in June 1986. She indicates in her application that she decided to retire and put her license into Emeritus status. Dr. Jarkewicz is AOA-certified in Family Practice since 1989. She reports a license in Ohio only.

April 9, 2009

DR. EGNER MOVED TO APPROVE DR. JARKEWICZ'S REQUEST FOR OHIO LICENSURE SUBJECT TO SUCCESSFUL COMPLETION OF THE SPEX EXAM OR RECERTIFICATION OF HER AOA FAMILY PRACTICE CERTIFICATE. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Jonathan Anderson, M.T. Applicant

Dr. Egner advised that Mr. Anderson has applied to sit for the June 2, 2009 Massage Therapy examination. He has requested special accommodations under the Americans with Disabilities Act of 1990.

Mr. Anderson has been diagnosed with Specific Learning disability in reading, reading comprehension, and written expression. He has requested a taped exam, and extended testing time (time and a half) in a separate testing area. He is taking both the Basic Science and Limited Branch portions of the exam.

Mr. Anderson has submitted a copy of an assessment done by Plain Local School District. He was given testing accommodations while attending massage school at Oakes School of Massage Therapy.

DR. EGNER MOVED TO APPROVE MR. ANDERSON'S ACCOMMODATION REQUEST FOR A TAPED EXAM, EXTENDED TESTING TIME OF TIME AND A HALF, AND A SEPARATE TESTING AREA. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

April 9, 2009

Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

Shelly Lorenzen, M.T. Applicant

Dr. Egner advised that Ms. Lorenzen has applied to sit for the June 2, 2009 Massage Therapy examination. She has requested special accommodations under the Americans with Disabilities Act of 1990. She has been diagnosed with developmental delays.

Ms. Lorenzen has requested a taped exam, extended testing time (time and a half), and a separate testing area. She is taking both the Basic Science and Limited Branches portions of the exam.

Ms. Lorenzen has documented her disability by submitting the results of an Assessment Team Summary done by Rogers Area School Assistance Center. Owens Community College, Ms. Lorenzen's Massage Therapy school, has also sent a letter documenting the accommodations she has received at that institution.

DR. EGNER MOVED TO APPROVE MS. LORENZEN'S ACCOMMODATION REQUEST FOR A TAPED EXAM, EXTENDED TESTING TIME OF TIME AND A HALF, AND A SEPARATE TESTING AREA. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- aye
Dr. Egner	- aye
Dr. Talmage	- aye
Dr. Suppan	- aye
Dr. Varyani	- aye
Mr. Jacobson	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

Margaret McKenna, M.T. Applicant

Dr. Egner advised that Ms. McKenna has applied to sit for the June 2, 2009 Massage Therapy examination. She has requested special accommodations under the Americans with Disabilities Act of

April 9, 2009

1990. She has been diagnosed with Attention Deficit Disorder. Ms. McKenna has documented her disability by submitting a letter from Fairbanks Local Schools. The American Institute of Alternative Medicine has also documented that Ms. McKenna received accommodations as part of her Massage Therapy education.

Ms. McKenna has requested a taped exam, extended testing time (time and a half), a dedicated proctor to assist her, and a separate testing area. She is taking both the Basic Science and Limited Branches portions of the exam.

DR. EGNER MOVED TO APPROVE MS. MCKENNA'S ACCOMMODATION REQUEST FOR A TAPED EXAM, EXTENDED TESTING TIME OF TIME AND A HALF, A DEDICATED PROCTOR TO ASSIST HER, AND A SEPARATE TESTING AREA. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Franklin Perry, M.T. Applicant

Dr. Egner advised that Mr. Perry has applied to sit for the June 2, 2009 Massage Therapy examination. He has requested special accommodations under the Americans with Disabilities Act of 1990. He has Gyrate Atrophy, a genetic eye disease. Mr. Perry has documented his disability by submitting a letter from Dr. Mark A. Yoder, O.D. which documents Mr. Perry's vision problems.

Mr. Perry has requested a taped exam, extended testing time (time and a half), a dedicated proctor and a separate testing area. He is taking both the Basic Science and Limited Branches portions of the exam.

DR. EGNER MOVED TO APPROVE MR. PERRY'S ACCOMMODATION REQUEST FOR A TAPED EXAM, EXTENDED TESTING TIME OF TIME AND A HALF, A DEDICATED PROCTOR TO ASSIST HIM, AND A SEPARATE TESTING AREA. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

April 9, 2009

ROLL CALL:

Mr. Albert	- aye
Dr. Egner	- aye
Dr. Talmage	- aye
Dr. Suppan	- aye
Dr. Varyani	- aye
Mr. Jacobson	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

Sherry Robinson, M.T. Applicant

Dr. Egner advised that Ms. Robinson has applied to sit for the June 2, 2009 Massage Therapy examination. She has requested special accommodations under the Americans with Disabilities Act of 1990. She has been diagnosed with stable age-related macular degeneration OU and stable ocular hypertension. Ms. Robinson has documented her disability by submitting a letter from Dr. Gregory M. Gray, which documents her ophthalmological status, and also a letter from Stark State College outlining the accommodations she was given for her Massage Therapy training.

Ms. Robinson has requested a taped exam, extended testing time (time and a half), an enlarged-font exam, and a separate testing area. She is taking both the Basic Science and Limited Branches portions of the exam.

DR. EGNER MOVED TO APPROVE MS. ROBINSON'S ACCOMMODATION REQUEST FOR A TAPED EXAM, EXTENDED TESTING TIME OF TIME AND A HALF, AN ENLARGED-FONT EXAM AND A SEPARATE TESTING AREA. DR. STEINBERGH SECONDED THE MOTION.

A vote was taken:

ROLL CALL:

Mr. Albert	- aye
Dr. Egner	- aye
Dr. Talmage	- aye
Dr. Suppan	- aye
Dr. Varyani	- aye
Mr. Jacobson	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye

April 9, 2009

Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

Dr. Amato left the room at this time.

Joseph Spyak, M.T. Applicant

Dr. Egner advised Mr. Spyak has applied to sit for the June 2, 2009 Massage Therapy examination. He has requested special accommodations under the Americans with Disabilities Act of 1990. He has Granular Corneal Dystrophy, and requires assistance with reading. Mr. Spyak has documented his disability by submitting a letter from Dr. Mary Jo Stiegemeier, O.D. which documents Mr. Spaak's vision problems. Harmony Path School of Massage Therapy has also documented that Mr. Spyak has used the CCTV device to allow him to read the exam as part of his Massage Therapy education.

Mr. Spyak has requested a taped exam, extended testing time (time and a half), a CCTV device, and a separate testing area. He is taking both the Basic Science and Limited Branches portions of the exam.

DR. EGNER MOVED TO APPROVE MR. SPYAK'S ACCOMMODATION REQUEST FOR A TAPED EXAM, EXTENDED TESTING TIME OF TIME AND A HALF, A CCTV DEVICE, AND A SEPARATE TESTING AREA. DR. VARYANI SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Jennifer Struthers, M.T. Applicant

Ms. Struthers has applied to sit for the June 2, 2009 Massage Therapy examination. She has requested special accommodations under the Americans with Disabilities Act of 1990. She is blind. Ms. Struthers has documented her disability by submitting a letter from Dr. Rochele M. Beachy which documents

April 9, 2009

Ms. Struthers' vision problems. Sanford Brown College has also documented that Ms. Struthers received accommodations as part of her Massage Therapy education.

Ms. Struthers has requested a taped exam, extended testing time (time and a half), a dedicated proctor to assist her, and a separate testing area. She is taking both the Basic Science and Limited Branches portions of the exam.

DR. EGNER MOVED TO APPROVE MS. STROTHER'S ACCOMMODATION REQUEST FOR A TAPED EXAM, EXTENDED TESTING TIME OF TIME AND A HALF, A DEDICATED PROCTOR TO ASSIST HER, AND A SEPARATE TESTING AREA. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

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

The motion carried.

Dr. Amato returned to the meeting at this time.

IMPAIRMENT COMMITTEE

Mr. Albert advised that the Committee reviewed an application for a Certificate of Good Standing as a Treatment Provider for Impaired Practitioners from Cornerstone of Recovery, Inc., and recommends approval.

DR. AMATO MOVED TO GRANT A CERTIFICATE OF GOOD STANDING AS A TREATMENT PROVIDER FOR IMPAIRED PRACTITIONERS TO THE CORNERSTONE OF RECOVERY, INC. MR. HAIRSTON SECONDED THE MOTION. All members voted aye. The motion carried.

LEGISLATIVE LIAISON & RULES COMMITTEE

Mr. Miller reviewed his written report, a copy of which shall be maintained in the exhibits section of this journal.

April 9, 2009

Mr. Miller advised that the top issue of concern is the budget bill. He stated that he suspects that a substitute bill will probably come out next week with a couple of days of public testimony. A Committee vote and full action by the House are due to take place the week of April 20. The Board is scheduled to give testimony in the Senate on April 21. He stated that he is aware of a variety of amendments related to the Board consolidation. One amendment would seek to remove the Medical, Nursing and Pharmacy Boards entirely from the proposal. Another one would limit the Central Service Agency's ability to initiate personnel actions on behalf of Boards, and the third is language that would allow, rather than require, Boards to enter into service level agreements with Central Service Agency.

Mr. Miller advised that another amendment to the budget bill would require the Medical Board to collect and make publicly accessible information concerning physician applicants' (initial and renewal) special interests, particular experience or competencies, formats of practice, age-specific areas of practice, and other unique characteristics of their practices. He indicated that he did not anticipate this amendment to go into the bill, but that he would continue to monitor the situation. If the amendment does get added, he will work in the Senate to make sure that the language is at least workable and get it to reflect the current language that allows the Board to collect demographic information is.

Mr. Miller stated that another amendment to the budget bill that was introduced the previous day, both in bill form and as an amendment to the budget, that would change current law under which the Board has the authority to "limit, revoke, or suspend an individual's certificate to practice, refuse to register an individual, refuse to reinstate a certificate, or reprimand or place on probation the holder of a certificate" if the applicant or a license holder has committed certain crimes. The amendment would change the varying types of crimes to a "criminal offense that is substantially related to the applicable profession." A "criminal offense that is substantially related" is defined in the amendment. Mr. Miller stated that this would require to adopt rules within 90 days of the effective date.

Mr. Whitehouse stated that he shared concerns about this language with the Governor's Chief of Staff in the previous evening's meeting.

Mr. Miller stated that his understanding from the Governor's Office is that they were going to express to the House that they didn't want this being dealt with through the budget bill, especially.

A number of Board members expressed concern over the addition of this language to the bill.

Other legislation reviewed by Mr. Miller were S.B. 86, Physician Immunity, and S.B. 89, Prescriptive Authority.

LIMITED BRANCH & ALTERNATIVE MEDICINE COMMITTEE

Mr. Hairston stated that the Committee heard a presentation by the Ohio Association of Acupuncture and Oriental Medicine (OAAOM). He stated that it was a discussion meeting and OAAOM didn't present anything for the Board's action. He commented that Committee members had many questions about the

herbal medicine part of the presentation.

Dr. Steinbergh stated that a representative from the certifying body for acupuncturists (NCCAOM) was present at the meeting. Dr. Steinbergh advised that in many states, acupuncturists are certified to do Oriental medicine or herbal medicine. They're looking for the same type of certification in the state of Ohio. The presentation to the Committee was about herbal medicine. She stated that she was impressed with the number of hours of education they have, and that there is national certification.

Dr. Stephens stated that she would be opposed to the Board co-signing onto this because there are no controlled, randomized, double-blind studies, level 1 type, that show: 1) that this is beneficial, and 2) that it's not harmful. Although there are a lot of anecdotal studies and a lot of level 4 and 5 evidence to say that it's helpful, it hasn't been studied in level 1.

Dr. Steinbergh stated that she understands Dr. Stephens' thoughts on this, but advised that when you look at alternative medicine, you look to practitioners who are going to practice competently. Physicians who practice alternative medicine are held to the same standard as any physician practicing traditional medicine. If there is harm to a patient, the physician would be judged the same as if you're using regular medicine.

Dr. Stephens stated that there are no studies. If she starts taking a vitamin, and her liver fails, no one is going to be able to say that it was because of that vitamin. Dr. Stephens stated that before the Board signs on to alternative medicine, there needs to be hard data.

Dr. Egner agreed with Dr. Stephens, stating that the Board has to be very careful. It could be adding a level of legitimizing that she's not sure that the Board should do. She stated that the Board has to be very careful as to how it approaches this.

Mr. Hairston stated that Committee members asked to be provided with outcome studies from states where this has been done for a long period of time. They will continue to bring information to the Board.

Dr. Amato stated that he also has a great deal of concern about this. There is no stamp that says that this can of St. Johns Wort is the same as another can of St. Johns Wort. He stated that a few years ago St. Johns Wort was being touted to treat depression. He stated that he had many patients who told him that they felt better, but that seemed to die down after one of the major news magazines did an analysis of St. Johns Wort bought at five or six different places, five or six different manufacturers, and no two bottles tested the same. Dr. Amato stated that the Board should not be putting its stamp on any kind of treatment that is not scientific nor controlled.

Dr. Varyani stated that he has no problem with acupuncture, but he has a problem with herbology. He stated that herbology and allopathic medicine totally contrast with each other.

Dr. Stephens commented that you can't kill people with acupuncture, but with these medicines, there is some risk of death.

April 9, 2009

Dr. Suppan stated that, as an organization, nationally, they are trying to pursue what they call “good manufacturing processes,” or GMP, but the problem is that at this point Oriental medicines have a very poor degree of regulation.

Dr. Suppan stated that they also gave a fairly lengthy description of the number of hours that each student studies what they call biomedicine and the herbology. Committee members asked how many hours were spent in studying basic pharmacology. Dr. Suppan stated that Committee members wanted to know if they understood how the herb will react with a drug the patient might be taking. Dr. Suppan stated that came under the biomedicine portion, but she wasn’t satisfied that there was a strong connection there.

Dr. Madia stated that he thinks that the Board should try to stay as far away from this as it can.

Dr. Suppan stated that she does think that the Board should listen to them.

Dr. Mahajan stated that the Board needs to keep it’s eye on this issue.

SCOPE OF PRACTICE COMMITTEE

Dr. Steinbergh stated that the Committee reviewed a letter from Lawrence A. DiDomenico, DPM, concerning the use and placement of external fixation for foot and ankle surgery and responses prepared by staff finding that this is within the scope of podiatry and one finding that it is not. A copy of the draft approved by the Committee was distributed to the Board. This letter indicates that this is within the scope of a podiatrist because the external fixation that he is doing is for supporting the foot and ankle. She noted that part of the scope of practice for podiatry is the medical, mechanical and surgical treatment of a ailments of the foot, the muscles, the tendons of the leg, governing the functions of the foot.

Dr. DiDomenico would clearly be applying these external devices for which he has been trained to support the foot and ankle. Dr. Steinbergh asked that Board members review the letter for approval.

Dr. Stephens stated that it would be different if Dr. DiDomenico were applying the Ilizarov to the foot, but he’s applying it to the tibia. Dr. Stephens stated that she did her training at L. A. County Hospital, where a lot of this was developed, and Dr. DiDomenico is using “support” as a smokescreen. He’s using the Ilizarov on the tibia and it’s supporting the ankle and foot. Dr. Stephens felt that this was totally out of the scope of practice of a podiatrist, and that a podiatrist should not be doing this procedure. Dr. Stephens stated that she does not believe the Board should cosign this because once the Board says that it’s within the scope of practice, it will be thrown in the faces of the orthopedic committees of various hospitals that the Medical Board says it is within the scope and those committees will have to approve it whether or not the orthopedic community at that hospital says it’s acceptable.

Dr. Steinbergh stated that the podiatrist would have to be specially trained to do it. Not every podiatrist is going to be doing it.

Dr. Madia stated that there are huge complications, including deep vein thrombosis.

April 9, 2009

Dr. Stephens stated that there's also a significant rate of infection, non-union, nerve loss and function, as well as amputation.

Dr. Steinbergh inquired into the training an orthopedic surgeon receives for this.

Dr. Stephens stated that the orthopedist has been trained over a period of five years, plus a trauma fellowship. She added that most people who specialize in putting the Ilizarov on have gone to Europe for specific Synthes/AO training.

Dr. Suppan stated that Dr. DiDomenico has. She was told that he actually studied with Dr. Ilizarov. Dr. Suppan stated that the concept here is that the external fixation actually would be placed to support the ankle joint. The Board has already determined that the ankle joint is within the scope of practice of podiatry. If the physician were doing a Charcot joint procedure where he might be doing an ankle fusion, or an ankle joint fracture reduction, he might use the frame for that. Dr. Suppan stated that at the meeting the previous day they were shown several pictures of the podiatric applications of this device. If you look at those pictures, you'll see that the inferior part of the device was introduced to the calcaneus end or the talus, and the superior part of the device was applied to the distal tibia in order to go on both sides, to accomplish fixation. Dr. Suppan stated that to have the ankle as part of the scope of practice, and to be able to surgically treat those conditions, and then not to be able to place this frame, puts the podiatrist in a position of having to reduce their standards for being able to conform to the best practices for the correction of the deformity and the ongoing healing.

Dr. Stephens stated that she doesn't have a problem with a podiatrist putting on an Ilizarov if it's used specifically to address an ankle problem. She stated that that means distal fibula, medial malleolus, talus down. To address any problem above the malleoli is out of the scope of practice.

Dr. Suppan stated that she believes that the letter does state that.

Dr. Steinbergh stated that the letter is addressing the use of the external fixation device that would support the foot and ankle.

Dr. Stephens stated that "support" is a weird word. She added that there is a big difference between the external fixator and the Ilizarov, and she described that difference for the benefit of Board members who might not understand the differences. She commented that anybody can put an external fixator on.

Dr. Mahajan stated that he did not understand that there so many things involved in placing the Ilizarov. He stated that he thinks that the letter needs to be redrafted with Dr. Stephens' input.

Dr. Steinbergh agreed with Dr. Mahajan. She stated that the Board will table this matter until Ms. Debolt, with input from Dr. Stephens, revises the letter.

Dr. Stephens asked whether she can consult with a colleague.

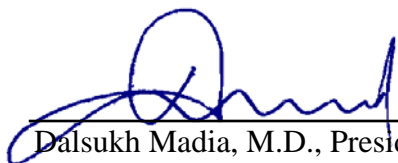
April 9, 2009

Dr. Steinbergh stated that she could.

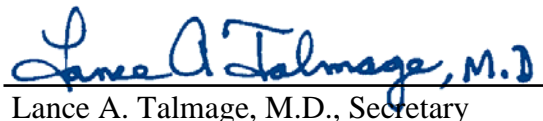
DR. VARYANI MOVED TO ADJOURN. MR. ALBERT SECONDED THE MOTION. All members voted aye. The motion carried.

Thereupon at 9:50 a.m. on April 9, 2009, the April 8-9, 2009 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 April 8-9, 2009, as approved on May 13, 2009.



Dalsukh Madia, M.D., President



Lance A. Talmage, M.D., Secretary

(SEAL)

