

MINUTES**THE STATE MEDICAL BOARD OF OHIO****December 8, 2010**

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

Also present were: Richard A. Whitehouse, Executive Director; Kimberly C. Anderson, Assistant Executive Director; Sara Vollmer, Assistant Executive Director; Sallie J. Debolt, General Counsel; Rebecca J. Marshall, Chief Enforcement Attorney; Marcie P. Pastrick, Sheldon Safko, Angela McNair, Daniel Zinsmaster, David P. Katko, and Karen Mortland, Enforcement Attorneys; Patricia A. Davidson, Chief Hearing Examiner; Gregory Porter, Gretchen Petrucci, and Danielle Blue, Hearing Examiners; Kyle Wilcox, Karen Unver, and Lisa M. Eschbacher, Assistant Attorneys General; Joan K. Wehrle, Education & Outreach Program Manager; Danielle Bickers, Compliance Supervisor; Kay Rieve, Administrative Officer; Barbara Jacobs, Senior Executive Staff Attorney; Jacqueline A. Moore, Public Information Assistant; Susan Loe, Assistant Executive Director, Program Management and Operations; and Benton Taylor, Executive Assistant to the Executive Director.

MINUTES REVIEW

Dr. Steinbergh moved to approve the draft minutes of November 10, 2010, as written. Mr. Hairston seconded the motion. All Members voted aye. The motion carried.

EXECUTIVE SESSION

Dr. Madia moved that the Board declare Executive Session to confer with the Attorney General's representatives on matters of pending or imminent court action. Mr. Hairston seconded the motion. A vote was taken:

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

Mr. Morris - aye
Dr. Ramprasad - aye

The motion carried.

Pursuant to Section 121.22(G)(3), Revised Code, the Board went into executive session, with Mr. Whitehouse, Ms. Anderson, Ms. Vollmer, Ms. Debolt, Ms. Marshall, the Enforcement Attorneys, Ms. Bickers, the Assistant Attorneys General, Ms. Jacobs, Ms. Moore, Ms. Loe, and Mr. Taylor in attendance.

The Board returned to public session.

REPORTS AND RECOMMENDATIONS

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

Dr. Amato asked whether each member of the Board had received, read and considered the hearing records; the Findings of Fact, Conclusions of Law, Proposed Orders, and any objections filed in the matters of: Charles H. Cook, M.D.; Tonya Nicole Croak, M.T.; John Thomas Hibler, D.O.; Bertram Royce Russell, Jr., M.D.; and Edward Jose Soler-Valcourt, M.D. A roll call was taken:

ROLL CALL:

Dr. Strafford	- aye
Mr. Hairston	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Amato	- aye
Mr. Albert	- aye
Dr. Madia	- aye
Dr. Talmage	- aye
Dr. Suppan	- aye
Mr. Morris	- aye
Dr. Ramprasad	- aye

Dr. Amato 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:

Dr. Strafford	- aye
Mr. Hairston	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Amato	- aye
Mr. Albert	- aye
Dr. Madia	- aye

Dr. Talmage - aye
Dr. Suppan - aye
Mr. Morris - aye
Dr. Ramprasad - aye

Dr. Amato noted that, in accordance with the provision in section 4731.22(F)(2), Ohio Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member. In addition, Dr. Amato served as Acting Supervising Member in the cases of Charles H. Cook, M.D., and John Thomas Hibler, D.O.; therefore, Dr. Amato cannot vote in those matters. Dr. Amato stated that all Board members may vote on the matter of Edward Jose Soler-Valcourt, M.D., as that case is not disciplinary in nature and only involves the respondent's qualifications for licensure.

Dr. Amato reminded all parties that no oral motions may be made during these proceedings.

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

CHARLES H. COOK, M.D., Case No. 10-CRF-097

Dr. Amato directed the Board's attention to the matter of Charles H. Cook, M.D. He advised no objections were filed to Hearing Examiner Blue's Report and Recommendation.

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

Dr. Cook thanked the Board for allowing him to speak and apologized for causing this inconvenience. Dr. Cook stated that he had not completed the required 40 hours of Category I Continuing Medical Education (CME) credits in his prior renewal period. Dr. Cook stated that when he renewed his medical license, he had thought he had more than the required 40 hours. Dr. Cook explained that this error came about because he does chart reviews for his hospital and reviews with the surgeons, and he had been told that he could claim one hour of credit for the meeting and preparation. Dr. Cook stated that during the renewal period in question, he had seven hours that were credited for preparation for those meetings.

Dr. Cook continued that he was later informed by a hospital staff member that it was uncertain if Dr. Cook's preparation time for the meetings could be counted as Category I credits. When CME accreditation representatives arrived several weeks later for a scheduled review of the hospital's CME program, the hospital staff asked them for clarification on this point. Dr. Cook stated that the CME accreditation representatives were uncertain if the preparation hours were Category I or Category II. Dr. Cook stated that without counting those seven credits, he was 4.5 credits short of his requirements.

Dr. Cook reiterated that when he signed the document declaring that he had met his CME requirements, he was under the impression that that was true. Dr. Cook stated that he made no attempt to commit fraud or

to lie to the Board. Dr. Cook opined that the Proposed Order's stipulations for reprimand and fine are not inappropriate, but asked the Board to refrain from suspending his medical license. Dr. Cook stated that he has spoken to Ms. Hawk on the Board's staff and has taken care of the 4.5 credits that he is short.

Dr. Amato asked if the Assistant Attorney General would like to respond. Mr. Wilcox stated that he would like to respond.

Mr. Wilcox stated that the State supports the Proposed Order as written. Mr. Wilcox stated that the Ohio Revised Code requires licensed physicians to complete a required number of CME credits during their CME renewal period. Mr. Wilcox stated that, unfortunately, Dr. Cook is a few hours short of the required number and there is no evidence that Dr. Cook has since made up these hours. Since there is no evidence that the delinquent hours have been made up, the statute requires that Dr. Cook's license be suspended until he is compliant with the CME requirements. Mr. Wilcox stated that the amount of the fine to be imposed on Dr. Cook is within the Board's discretion.

Dr. Steinbergh moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Charles H. Cook, M.D. Dr. Mahajan seconded the motion.

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

Dr. Strafford opined that Dr. Cook honestly thought he had met the requirement of 40 Category I CME credits. Dr. Strafford stated that the rules in this regard are clear. Dr. Strafford stated that if Dr. Cook has indeed made up the delinquent 4.5 hours, then he will not have a suspension. Dr. Strafford supported the Proposed Order.

Dr. Steinbergh stated that the Proposed Order will reprimand Dr. Cook, fine him \$1,000.00, and suspend his medical license indefinitely until any outstanding CME credits have been rectified. The Proposed Order also stipulates conditions for reinstatement and requires Dr. Cook to maintain documentation of his next two CME periods.

Dr. Mahajan asked if Dr. Cook has already completed his delinquent CME credits, as he stated in his address. Ms. Debolt replied that the hearing record shows the Dr. Cook did not submit evidence that he has rectified his deficiency. Ms. Debolt stated that the Board can only go by what is in the hearing record. Dr. Mahajan asked if the suspension of Dr. Cook's license will result in a report to the National Practitioner's Data Bank (NPDB). Ms. Debolt replied that a report will be made to the NPDB in any case because of the reprimand and fine in the Proposed Order.

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

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- abstain

Mr. Albert	- abstain
Dr. Madia	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Morris	- aye
Dr. Ramprasad	- aye

The motion carried.

TONYA NICOLE CROAK, M.T., Case No. 10-CRF-017

Dr. Amato directed the Board's attention to the matter of Tonya Nicole Croak, M.T. He advised that no objections were filed to Hearing Examiner Porter's Report and Recommendation.

Dr. Steinbergh moved to approve and confirm Mr. Porter's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Tonya Nicole Croak, M.T. Dr. Mahajan seconded the motion.

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

Mr. Hairston stated that Ms. Croak has applied for restoration of her massage therapy license, which had previously expired. The Board alleges that Ms. Croak made false statements on her application for restoration concerning her criminal history and past formal action taken against her by the Medical Board. Mr. Hairston observed that the Proposed Order will restore Ms. Croak's massage therapy license and suspend it for an indefinite period, but not less than 90 days. The Proposed Order establishes probationary terms and conditions for at least one year following the reinstatement of Ms. Croak's license.

Dr. Steinbergh stated that she disagrees with the Proposed Order. Dr. Steinbergh stated that this case is different from most other cases involving massage therapists because Ms. Croak is also a Registered Nurse (RN). Dr. Steinbergh stated that the Board has no authority over Ms. Croak's nursing license, but did have authority over her massage therapy license.

Dr. Steinbergh continued that the questions on the restoration application are very concise and found it difficult to imagine that someone who earned a bachelor in science in nursing from Otterbein College and became a licensed RN in Ohio could not understand the questions. This caused Dr. Steinbergh to wonder about Ms. Croak's honesty. Dr. Steinbergh opined that Ms. Croak answered the questions incorrectly purposely.

Dr. Steinbergh did not feel that Ms. Croak should regain her massage therapy license, noting that Ms. Croak is a nurse who has lied to the Medical Board. Dr. Steinbergh stated that someone with Ms. Croak's training and education should have been able to read the questions on the restoration application correctly and answer them truthfully. Dr. Steinbergh concluded that Ms. Croak was untruthful on her application and was very discouraged that an RN would lie to the Medical Board.

Dr. Steinbergh moved to amend the Proposed Order to deny the restoration of Ms. Croak's license

to practice massage therapy in the State of Ohio. Dr. Madia seconded the motion.

Dr. Amato stated that he would now entertain discussion of the proposed amendment.

Dr. Mahajan asked if Ms. Croak would be able to continue practicing as a nurse if her application for restoration of her massage therapy license is denied. Dr. Steinbergh replied that the Medical Board as no authority over Ms. Croak's nursing license, and therefore she could continue practicing as a nurse.

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

ROLL CALL:	Dr. Strafford	- nay
	Mr. Hairston	- nay
	Dr. Mahajan	- nay
	Dr. Steinbergh	- aye
	Dr. Amato	- nay
	Mr. Albert	- abstain
	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- nay
	Mr. Morris	- nay
	Dr. Ramprasad	- nay

The motion to amend did not carry.

Dr. Steinbergh moved to amend the Proposed Order to stipulate that the probationary period will be a minimum of two years. Mr. Hairston seconded the motion.

Dr. Amato stated that he would now entertain discussion of the proposed amendment.

Dr. Steinbergh stated that her rationale for offering this amendment is the same as for the previous proposed amendment. Dr. Steinbergh opined that someone who is untruthful like Ms. Croak should be monitored for at least two years, as opposed to a minimum of one year as stipulated in the Proposed Order.

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

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

Mr. Morris - aye
Dr. Ramprasad - aye

The second motion to amend 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 Tonya Nicole Croak, M.T. Dr. Madia seconded the motion.

ROLL CALL:

Dr. Strafford	- aye
Mr. Hairston	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Amato	- aye
Mr. Albert	- abstain
Dr. Madia	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Morris	- aye
Dr. Ramprasad	- aye

The motion carried.

JOHN THOMAS HIBLER, D.O., Case No. 10-CRF-038

Dr. Amato directed the Board's attention to the matter of John Thomas Hibler, D.O. He advised that objections were filed to Hearing Examiner Blue's Report and Recommendation and were previously distributed to the Board members.

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

Dr. Hibler was accompanied by his attorney, Michael Traven.

Mr. Traven stated that his response to the Hearing Examiner's Report and Recommendation has been adequately set forth in the written objections. Mr. Traven reserved the remainder of the allotted time for Dr. Hibler to address the Board.

Dr. Hibler stated that he respects that the Medical Board has absolute authority in medical affairs in Ohio and that he respects the application process. Dr. Hibler stated that he also respects the Board's hearing process and he respects Hearing Examiner Blue.

Dr. Hibler stated that he made an honest mistake on his application for a license to practice medicine and surgery in Ohio. Dr. Hibler stated that during the Board's one-and-a-half year investigation, he has been

more than compliant with what the Board has asked him to do. Dr. Hibler stated that he is currently between his training years; he has completed his internship and is in the process of applying for a residency.

Dr. Hibler continued that he was raised in Ohio, his family and friends are in Ohio, and it is his life goal to practice medicine in Ohio and serve its people. Dr. Hibler asked the Board to honor the fact that he is likely to be in training for the next three years and that being out of the medical community can be very damaging for a competent physician. Dr. Hibler asked the Board to consider issuing a reprimand instead of adopting the Proposed Order.

Dr. Amato asked if the Assistant Attorney General would like to respond. Ms. Unver stated that she would like to respond.

Ms. Unver briefly reviewed the facts of this case. In 2000, Dr. Hibler was convicted of two misdemeanors in Ohio. One conviction was for prohibition due to his possession of beer while under the age of 21. The second conviction occurred later that year after Dr. Hibler furnished alcohol to an underage person, Dr. Hibler himself having reached the age of 21 at that point.

Ms. Unver stated that in 2008, Dr. Hibler submitted an application for a Michigan medical license. On that application, Dr. Hibler answered "no" to whether or not he had ever been convicted of a misdemeanor involving the use of alcohol. Also in 2008, Dr. Hibler submitted an application for a training certificate in Ohio. On the application for the training certificate, Dr. Hibler answered "no" to question 15, which asked whether Dr. Hibler had ever been found guilty of a violation of any law.

Ms. Unver continued that in January 2009, a Board investigator spoke with Dr. Hibler. At that time, Dr. Hibler acknowledged his past misdemeanors and stated that not listing them on his applications was merely an omission. Dr. Hibler provided a letter explaining the deficiencies in his Ohio application, as requested and required by the Board investigator. Ms. Unver emphasized that Dr. Hibler spoke to a Board investigator and stated that this should have given Dr. Hibler a heightened sense of awareness in carefully handling his matters in the future.

Ms. Unver stated that on September 10, 2009, Dr. Hibler was arrested and subsequently convicted of driving while impaired in Queens, New York. Five days after that incident, Dr. Hibler submitted his application to practice medicine in Ohio. On that application, he answered "yes" to question 15, but only spoke about his prior convictions from 2000 and provided no information about the arrest and conviction that occurred five days earlier.

Ms. Unver noted that Dr. Hibler testified at his hearing that he did not understand the word "jurisdiction." Ms. Unver opined that a young, bright physician-to-be should know what the word "jurisdiction" means, or know how to look it up or call the Board to ask.

Ms. Unver stated that Dr. Hibler filed a false, fraudulent, deceptive, or misleading statement when he filed his application to practice medicine in Ohio. Ms. Unver further stated that Dr. Hibler has failed to furnish satisfactory proof of good moral character. Ms. Unver stated that Dr. Hibler has shown a pattern of failure

to be truthful and that honesty and integrity are very important in the profession of medicine. Ms. Unver stated that the State agrees with the Proposed Order as written.

Dr. Steinbergh moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of John Thomas Hibler, D.O. Dr. Madia seconded the motion.

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

Dr. Suppan stated that Dr. Hibler should have disclosed his two misdemeanor convictions from 2000 on his 2008 applications for a Michigan medical license and Ohio training certificate. Dr. Suppan noted that Dr. Hibler testified that he did not disclose the two misdemeanor convictions because he had forgotten about both of these incidents which had occurred so long ago. Dr. Hibler also testified that he did not disclose his 2009 conviction because of the question of jurisdiction.

Dr. Suppan opined that Dr. Hibler has demonstrated a clear pattern of nondisclosure. Dr. Suppan stated that, in addition to the mistake of not disclosing, Dr. Hibler also made the mistake of driving while impaired. Dr. Suppan stated that it is very important that the Board have accurate and truthful information in deciding on a potential licensing action.

Dr. Suppan stated that this case involves a very serious incident. Dr. Suppan stated that Dr. Hibler's explanation regarding the word "jurisdiction" is not believable and agreed with Ms. Unver that Dr. Hibler should have been able to learn what that word meant. Dr. Suppan wondered how Dr. Hibler could have thought that the Board would not want to know about his 2009 conviction.

Dr. Suppan stated that she agreed with the Proposed Order to deny Dr. Hibler's application.

Dr. Steinbergh asked for clarification as to Dr. Hibler's current licensure status with the Board. Ms. Debolt replied that Dr. Hibler does not currently hold a license or training certificate and he has applied for a full medical license.

Dr. Steinbergh stated that she agrees with the Proposed Order for the reasons specified by Dr. Suppan. However, Dr. Steinbergh suggested amending the Proposed Order to stipulate that Dr. Hibler may not apply for an Ohio medical license for at least two years. Dr. Steinbergh stated that her rationale for offering the amendment is to keep the denial non-permanent, but make a clear statement that the Board takes this case very seriously.

Dr. Steinbergh moved to amend the Proposed Order to stipulate that Dr. Hibler shall not apply for a license to practice medicine and surgery in the State of Ohio, or for any other license issued by the Medical Board, for a period of at least two years from the effective date of the order. Dr. Mahajan seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- nay
	Mr. Hairston	- nay
	Dr. Mahajan	- aye

Dr. Steinbergh	- aye
Dr. Amato	- abstain
Mr. Albert	- abstain
Dr. Madia	- aye
Dr. Talmage	- abstain
Dr. Suppan	- nay
Mr. Morris	- nay
Dr. Ramprasad	- aye

The motion to amend did not carry.

Dr. Strafford stated that young people make terrible errors in judgment, and Dr. Hibler's errors in judgment are an example. Dr. Strafford suspected that Dr. Hibler's appearance before the Board today will be shocking enough to change that behavior. Dr. Strafford stated that this is why he did not vote to interrupt Dr. Hibler's training further. Dr. Suppan noted that the denial of Dr. Hibler's license would only prohibit him from training in Ohio, not in another state. Dr. Strafford agreed and affirmed his prior statement.

Dr. Suppan stated that she wanted to see a different pattern from Dr. Hibler, a pattern of doing things right, answering questions correctly, and being honest. Dr. Suppan stated that the Board can make a decision on any future applications from Dr. Hibler based on new patterns he establishes. Dr. Suppan stated that she voted against the amendment because she did not feel comfortable establishing a specific time frame.

Dr. Ramprasad stated that he had the same opinion as Dr. Strafford. Dr. Ramprasad stated that if the Board examines what Dr. Hibler did in college in 2000, then the Board should understand that these things happen in college all the time. Dr. Ramprasad stated that an underage person can attend a party and have a drink, resulting in the person hosting the party being charged even though they were unaware of the infraction.

Dr. Ramprasad stated that he had a very difficult time understanding why the 2009 incident happened and that the Board cannot excuse it. However, Dr. Ramprasad also noted that Dr. Hibler went to Africa to do dermatology work, indicating the he has feelings for patients and their needs and for people who are downtrodden. Dr. Hibler also has references from two physicians, one of whom stated that Dr. Hibler's performance was the best he had ever witnessed during his 11 years of clinical practice. Dr. Ramprasad stated that Dr. Hibler has a lot of potential to do a great deal of good for the community.

Dr. Ramprasad opined that it would be preferable to grant Dr. Hibler's license and impose a suspension, followed by probationary terms to allow the Medical Board to monitor him. Dr. Ramprasad stated that by imposing a probationary period, the Board can monitor Dr. Hibler and require him to take ethics courses. Dr. Ramprasad stated that the goal of the Medical Board is to rehabilitate physicians and correct their inappropriate behavior.

Dr. Suppan stated that Dr. Hibler's convictions are only part of this case. Dr. Suppan stated that she is also very concerned about the fact that Dr. Hibler lied on his 2009 application. Dr. Ramprasad agreed, but

opined that probationary terms such as ethics courses would address that issue.

Dr. Madia asked for clarification on when Dr. Hibler can submit another application under the Proposed Order. Dr. Amato stated that the Proposed Order does not impose any time limit, and so Dr. Hibler could theoretically submit another application for licensure at any time. Dr. Suppan stated that if Dr. Hibler submits another application for licensure, the Board can take into consideration actions that Dr. Hibler may have taken by then, such as taking an ethics course or other efforts to turn his life around. Dr. Amato stated that if Dr. Hibler submits another application, the Board could choose at that time to impose some of the probationary terms suggested by Dr. Ramprasad.

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

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- abstain
	Mr. Albert	- abstain
	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Morris	- aye
	Dr. Ramprasad	- aye

The motion carried.

BERTRAM ROYCE RUSSELL, JR., M.D., Case No. 10-CRF-090

Dr. Amato directed the Board's attention to the matter of Bertram Royce Russell, Jr., M.D. He advised that objections were filed to Hearing Examiner Porter's Report and Recommendation and were previously distributed to the Board members.

Dr. Steinbergh moved to approve and confirm Mr. Porter's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Bertram Royce Russell, Jr., M.D. Mr. Hairston seconded the motion.

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

Dr. Mahajan stated that Dr. Russell finished medical school in 1976. In 2009, after a 13-day trial, Dr. Russell was found guilty of one felony count of conspiracy to defraud the United States, seven felony counts of income tax evasion, and two felony counts of subscribing false tax returns. Dr. Mahajan stated that Dr. Russell's written objections to the Hearing Examiner's Report and Recommendation gave no indication that Dr. Russell realizes or acknowledges that he defrauded the United States or tried to evade taxes. Dr. Mahajan stated that he agrees with the Proposed Order to permanently revoke Dr. Russell's

license to practice medicine and surgery in Ohio.

Mr. Morris noted that a significant portion of Dr. Russell's written objections were redacted. Ms. Debolt stated that, evidently, Dr. Russell submitted evidence as part of his objections that was not included in the discovery materials at hearing and was not newly-discovered material. Ms. Debolt stated that Dr. Amato agreed that this new evidence was not properly submitted and ruled that it be redacted.

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

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Mr. Albert	- abstain
	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Morris	- aye
	Dr. Ramprasad	- aye

The motion carried.

EDWIN JOSE SOLER-VALCOURT, M.D., Case No. 10-CRF-036

Dr. Amato directed the Board's attention to the matter of Edwin Jose Soler-Valcourt, M.D. He advised that no objections were filed to Hearing Examiner Blue's Report and Recommendation.

Dr. Steinbergh moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Edwin Jose Soler-Valcourt, M.D. Dr. Madia seconded the motion.

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

Dr. Steinbergh stated that Dr. Soler-Valcourt does not meet the licensure standards of the state of Ohio. Dr. Steinbergh stated that Dr. Soler-Valcourt graduated from Universidad Central Del Este in the Dominican Republic in 1978. Dr. Steinbergh noted that the Universidad Central Del Este is not accredited by the Liaison Committee on Medical Education (LCME) or the American Osteopathic Association (AOA). Also, Dr. Soler-Valcourt does not hold a certificate from the Educational Commission for Foreign Medical Graduates (ECFMG) and is not a graduate of the Fifth Pathway Training Program. Dr. Soler-Valcourt has had some work experience and currently has an active medical license in Michigan.

Dr. Steinbergh agreed with the Proposed Order to deny Dr. Soler-Valcourt's application for licensure. Dr. Steinbergh stated that Dr. Soler-Valcourt's work history does not substitute for the requirements set forth in Section 4731.091 of the Ohio Revised Code and that he has only 17 months of post-graduate education.

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

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Mr. Albert	- aye
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Morris	- aye
	Dr. Ramprasad	- aye

The motion carried.

PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Amato advised that in the following matter, the Board issued a notice of opportunity for hearing, and documentation of service was received. There was no request for hearing filed, and more than 30 days have elapsed since the mailing of the notice. The matter was reviewed by a hearing examiner, who prepared proposed findings and a proposed order, and it is now before the Board for final disposition.

CHRISTOPHER D. DIAZ, M.D., Case No. 09-CRF-155

Dr. Amato directed the Board's attention to the Matter of Christopher D. Diaz, M.D. He advised that the Board issued a Notice of Opportunity for Hearing to Dr. Diaz, and documentation of service was received. There was no request for hearing filed, and more than 30 days have elapsed since the mailing of the Notice. This matter was reviewed by Hearing Examiner Blue, who prepared Proposed Findings and Proposed Order, and it is now before the Board for final disposition.

Dr. Steinbergh moved to find that the allegations as set forth in the December 9, 2009 Notice of Opportunity for Hearing in the matter of Dr. Diaz have been proven to be true by a preponderance of the evidence and to adopt the Proposed Findings and Proposed Order. Mr. Hairston seconded the motion.

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

Dr. Madia stated that on his April 2007 online renewal application, Dr. Diaz certified that he had completed his Continuing Medical Education (CME) requirements. However, when Dr. Diaz was asked to produce documentation, he was only able to document 23.5 Category I hours out of the 40 hours required.

Dr. Madia noted that during Dr. Diaz's CME period, he was pulled out of his residency by the Air Force

and served in the Air Force from 2005 to 2006. Dr. Diaz's CME renewal period was April 2005 to April 2007. The Proposed Order would fine Dr. Diaz \$3,000.00. Dr. Madia stated that, considering these circumstances, he would favor reducing the fine to \$1,000.00.

Dr. Madia moved to amend the Proposed Order to reduce the fine imposed on Dr. Diaz from \$3,000.00 to \$1,000.00. Dr. Steinbergh seconded the motion.

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

Dr. Suppan asked how difficult it is to obtain CME credits while serving in the military. Dr. Talmage replied that the difficulty in obtaining CME credits during military service depends on if the individual is deployed. Dr. Talmage stated that if one is deployed in the field, it is virtually impossible to obtain CME credits. Dr. Ramprasad noted that Dr. Diaz served in Iraq and Kuwait during the time in question.

Dr. Suppan favored removing the fine entirely from the Proposed Order. Dr. Ramprasad agreed.

Dr. Madia withdrew his motion to amend. Dr. Steinbergh agreed.

Dr. Madia moved to amend the Proposed Order so that no fine will be imposed on Dr. Diaz. Dr. Steinbergh seconded the motion.

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

Dr. Amato agreed with the proposed amendment and noted that for about one-half of Dr. Diaz's CME renewal period, he was in residency. Dr. Amato speculated that in that one year, Dr. Diaz probably got more didactics than any Board member would get in five years of regular practice. Dr. Amato supported the rest of the Proposed Order, which reprimands Dr. Diaz, suspends his medical license indefinitely until he meets his CME requirements, sets conditions for reinstatement, and requires documentation of Dr. Diaz's CME hours for the next two renewal periods.

Dr. Ramprasad stated that Dr. Diaz has not answered any of the Board's attempts to communicate with him. Dr. Ramprasad stated the Dr. Diaz was putting his life on the line for his country during the CME renewal period and questioned if the Board should be suspending his license or requiring him to take the SPEX examination if he does not practice for more than two years. Dr. Suppan stated that Dr. Diaz still has to demonstrate that his knowledge is current before allowing him to resume practice in Ohio.

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

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Mr. Albert	- abstain

Dr. Madia	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Morris	- aye
Dr. Ramprasad	- aye

The motion carried.

Dr. Steinbergh moved to adopt the Proposed Findings and Proposed Order, as amended, in the matter of Christopher D. Diaz, M.D. Dr. Suppan seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Mr. Albert	- abstain
	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Morris	- aye
	Dr. Ramprasad	- aye

The motion carried.

FINDINGS, ORDERS, AND JOURNAL ENTRIES

Dr. Amato advised that, in the following matters, the Board issued a Notice of Opportunity for Hearing, and documentation of service for each was received. There were no requests for hearing filed, and more than 30 days have elapsed since the mailing of the Notices. The matters are therefore before the Board for final disposition.

MARC FRANKEL CYMES

Dr. Steinbergh moved to find that the allegations as set forth in the September 17, 2010 Notice in the matter of Marc Frankel Cymes have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective immediately, denying Mr. Cymes' application for licensure as a physician assistant. Mr. Hairston seconded the motion.

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

Dr. Steinbergh stated that applicants for physician assistant licensure are required to have a master's degree from a program approved by the Accreditation Review Commission on Education for the Physician Assistant, hold a master's degree or higher in a clinically-relevant area, or hold a current valid license from

another jurisdiction that was granted prior to January 1, 2008. Dr. Steinbergh stated that Mr. Cymes does not meet any of these requirements, and therefore found it appropriate to deny his application.

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

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Mr. Albert	- abstain
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Morris	- aye
	Dr. Ramprasad	- aye

The motion carried.

STEVEN MICHAEL GOTTLIEB, M.D.

Dr. Steinbergh moved to find that the allegations as set forth in the September 17, 2010 Notice in the matter of Steven Michael Gottlieb, M.D., have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective immediately, approving Dr. Gottlieb's application for restoration of his license to practice medicine and surgery in the State of Ohio, subject to his passing the Special Purpose Examination (SPEX) or specialty board recertification examination within six months of September 17, 2010. Dr. Madia seconded the motion.

Dr. Amato stated that he will now entertain discussion in the above matter.

Dr. Steinbergh stated that Dr. Gottlieb's Ohio medical license lapsed on or about January 1, 2007, for non-renewal. On November 17, 2009, Dr. Gottlieb submitted an application for restoration of his license. At that time, Dr. Gottlieb had not been actively engaged in the practice of medicine and surgery for more than two years. Dr. Steinbergh supported the order to restore Dr. Gottlieb's medical license, pending his passing of the SPEX or specialty board recertification examination.

Dr. Ramprasad asked what a physician has to minimally do to be considered actively engaged in the practice of medicine and surgery. Ms. Debolt replied that it is within the Board's discretion to define active engagement in the practice of medicine and surgery, but it generally includes some face-to-face contact with patients to whom the physician provides medical services.

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

ROLL CALL:	Dr. Strafford	- aye
------------	---------------	-------

Mr. Hairston	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Amato	- aye
Mr. Albert	- abstain
Dr. Madia	- aye
Dr. Talmage	- aye
Dr. Suppan	- aye
Mr. Morris	- aye
Dr. Ramprasad	- aye

The motion carried.

KAREN SUE MARKLING, M.T.

Dr. Steinbergh moved to find that the allegations as set forth in the September 17, 2010 Notice in the matter of Karen Sue Markling, M.T., have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective immediately, approving Ms. Markling's application for restoration of her license to practice massage therapy in the State of Ohio, subject to her passing the Limited Branch portion of the Massage Therapy Examination within six months of September 17, 2010. Dr. Madia seconded the motion.

Dr. Amato stated that he will now entertain discussion in the above matter.

Dr. Ramprasad noted that Ms. Markling will have to take the Massage Therapy Examination in June 2011, which is the next time it is offered after December 2010. Dr. Ramprasad stated that the Order should be modified to provide a more reasonable time frame in which Ms. Markling can take the examination.

Dr. Ramprasad moved to amend the motion such that the Board will enter an Order, effective immediately, approving Ms. Markling's application for restoration of her license to practice massage therapy in the state of Ohio, subject to her passing the Limited Branch portion of the Massage Therapy Examination within ten months of September 17, 2010. Mr. Hairston seconded Dr. Ramprasad's motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Mr. Albert	- abstain
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Morris	- aye

Dr. Ramprasad - aye

The motion to amend carried.

Dr. Strafford moved to approve the Proposed Order, as amended, in the matter of Karen Sue Markling, M.T. Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Mr. Albert	- abstain
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Morris	- aye
	Dr. Ramprasad	- aye

The motion carried.

DAYLE OWEN SNYDER, M.D.

Dr. Madia moved to find that the allegations as set forth in the September 17, 2010 Notice in the matter of Dayle Owen Snyder, M.D., have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective immediately, approving Dr. Snyder's application for restoration of his license to practice medicine and surgery in the State of Ohio, subject to his passing the Special Purpose Examination (SPEX) or specialty board recertification examination within six months of September 17, 2010. Mr. Hairston seconded the motion.

Dr. Amato stated that he will now entertain discussion in the above matter.

Dr. Madia stated that Dr. Snyder was first licensed to practice medicine and surgery in Ohio on January 28, 1964. On October 13, 2009, Dr. Snyder applied for restoration of his license. Dr. Snyder has not practiced medicine in more than two years.

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

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Mr. Albert	- abstain

Dr. Madia	- aye
Dr. Talmage	- aye
Dr. Suppan	- aye
Mr. Morris	- aye
Dr. Ramprasad	- aye

The motion carried.

The Board took a brief recess at 2:15 p.m. and returned at 2:35 p.m.

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

RULA NADIM AL-AOUAR, 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. Al-Aouar. Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- abstain
	Mr. Albert	- abstain
	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Morris	- aye
	Dr. Ramprasad	- aye

The motion carried.

KAREN BUTLER, 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. Butler. Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
------------	---------------	-------

Mr. Hairston	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Amato	- aye
Mr. Albert	- abstain
Dr. Madia	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Morris	- aye
Dr. Ramprasad	- aye

The motion carried.

JAMES V. FURICCHIA, 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.

Mr. Hairston moved to send the Citation Letter to Dr. Furicchia. Dr. Steinbergh seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Mr. Albert	- abstain
	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Morris	- aye
	Dr. Ramprasad	- aye

The motion carried.

STACEY YVETTE ROYAL, M.D. – CITATION LETTER

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

Dr. Madia moved to send the Citation Letter to Dr. Royal. Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
------------	---------------	-------

Mr. Hairston	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Amato	- aye
Mr. Albert	- abstain
Dr. Madia	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Morris	- aye
Dr. Ramprasad	- aye

The motion carried.

MEGAN MARIE XENAKIS, M.T. – CITATION LETTER

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

Dr. Steinbergh moved to send the Citation Letter to Ms. Xenakis. Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Mr. Albert	- abstain
	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Morris	- aye
	Dr. Ramprasad	- aye

The motion carried.

RATIFICATION OF SETTLEMENT AGREEMENTS

AMY BEAVER, P.A. – STEP I CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Proposed Step I Consent Agreement with Ms. Beaver. Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye

Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Amato	- abstain
Mr. Albert	- abstain
Dr. Madia	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Morris	- aye
Dr. Ramprasad	- aye

The motion carried.

RICHARD PETER BURKHARDT, M.D. – CONSENT AGREEMENT

Dr. Madia moved to ratify the Proposed Consent Agreement with Dr. Burkhardt. Mr. Hairston seconded the motion.

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

Dr. Madia asked if the physician is a pathologist who prescribed medicine. Mr. Wilcox replied that the physician is a county coroner.

Dr. Steinbergh expressed disappointment that there was no reprimand included in the consent agreement. Dr. Steinbergh also hoped that the Board is looking at the physician's colleague, who was also involved.

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

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- abstain
	Mr. Albert	- abstain
	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Morris	- aye
	Dr. Ramprasad	- aye

The motion carried.

Dr. Talmage exited the meeting at this time.

PETER FRAGATOS, M.D. – STEP II CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Proposed Step II Consent Agreement with Dr. Fragatos. Dr. Madia seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Mr. Albert	- abstain
	Dr. Madia	- aye
	Dr. Suppan	- aye
	Mr. Morris	- aye
	Dr. Ramprasad	- aye

The motion carried.

THERESE MARIE FRANKO-HOLSTEIN, M.D. – CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Proposed Consent Agreement with Dr. Franko-Holstein. Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- abstain
	Mr. Albert	- abstain
	Dr. Madia	- aye
	Dr. Suppan	- aye
	Mr. Morris	- aye
	Dr. Ramprasad	- aye

The motion carried.

Dr. Talmage returned to the meeting at this time.

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

Dr. Steinbergh moved to ratify the Proposed Step II Consent Agreement with Dr. Haas. Mr. Hairston seconded the motion.

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

Dr. Steinbergh commented that this consent agreement is very substantial and very well done.

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

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Mr. Albert	- abstain
	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Morris	- aye
	Dr. Ramprasad	- aye

The motion carried.

RICHARD W. HERTLE, M.D. – CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Proposed Consent Agreement with Dr. Hertle. Dr. Madia seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Mr. Albert	- abstain
	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Morris	- aye
	Dr. Ramprasad	- aye

The motion carried.

LAWRENCE G. RATCLIFF, M.D. – STEP II CONSENT AGREEMENT

Dr. Madia moved to ratify the Proposed Step II Consent Agreement with Dr. Ratcliff. Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye

Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Amato	- aye
Mr. Albert	- abstain
Dr. Madia	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Morris	- aye
Dr. Ramprasad	- aye

The motion carried.

PAUL SRESTHADATTA, D.O. – STEP I CONSENT AGREEMENT

Dr. Mahajan moved to ratify the Proposed Step I Consent Agreement with Dr. Sresthadatta. Dr. Steinbergh seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Mr. Albert	- abstain
	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Morris	- aye
	Dr. Ramprasad	- aye

The motion carried.

WAYNE MARSHALL WILLIAMS, M.D. – STEP II CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Proposed Step II Consent Agreement with Dr. Williams. Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- abstain
	Mr. Albert	- abstain
	Dr. Madia	- aye
	Dr. Talmage	- abstain

Dr. Suppan - aye
Mr. Morris - aye
Dr. Ramprasad - aye

The motion carried.

MARK COCKLEY, M.D. – CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Proposed Consent Agreement with Dr. Cockley. Dr. Strafford seconded the motion. A vote was taken:

ROLL CALL:

Dr. Strafford	- aye
Mr. Hairston	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Amato	- abstain
Mr. Albert	- abstain
Dr. Madia	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Morris	- aye
Dr. Ramprasad	- aye

The motion carried.

Dr. Steinbergh moved to table this topic until December 9, 2010, for possible additional settlement agreements. Mr. Hairston seconded the motion. All members voted aye. The motion carried.

PROBATIONARY APPEARANCES

CALVIN R. BROWN, M.D.

Dr. Brown was making his initial appearance before the Board pursuant to the terms of the Board's Order of July 14, 2010.

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

Dr. Steinbergh asked how Dr. Brown is doing. Dr. Brown replied that he is doing fine.

Dr. Steinbergh asked Dr. Brown to describe his current practice and what he has been doing since his license was reinstated. Dr. Brown answered that he is just seeing patients and it is nothing exciting.

Dr. Steinbergh asked if Dr. Brown understands his Board Order. Dr. Brown responded that he understands his Board Order and he has no questions.

Dr. Steinbergh moved to continue Dr. Brown under the terms of the Board's Order of July 14, 2010. Mr. Hairston seconded the motion. All members votes aye. The motion carried.

MATTHEW S. COHEN, D.O.

Dr. Cohen was making his initial appearance before the Board pursuant to the terms of the September 8, 2010 Consent Agreement.

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

Dr. Steinbergh stated that she is pleased that Dr. Cohen is successfully transitioning his career. Dr. Steinbergh asked how Dr. Cohen's career is going and if he understands his Consent Agreement. Dr. Cohen replied that he is enjoying his residency and he understands his Consent Agreement.

Dr. Mahajan asked if Dr. Cohen is current taking any medications. Dr. Cohen responded that he is has taken Strattera since he was diagnosed with Attention Hyperactivity Disorder. Dr. Mahajan asked if Dr. Cohen is doing well with Strattera. Dr. Cohen answered that he feels he is doing well.

Dr. Madia moved to continue Dr. Cohen under the terms of his September 8, 2010 Consent Agreement. Mr. Hairston seconded the motion. All members voted aye. The motion carried.

Mr. Morris exited the meeting at this time.

JOSEPH JAMES KOENIGSMARK, D.O.

Ms. Bickers stated that Dr. Koenigsmark is not appearing today.

KATHY LYNN KRUGER, D.O.

Ms. Bickers stated that Dr. Kruger is not appearing today.

STEVEN L. MALLORY, SR., M.T.

Mr. Mallory was making his initial appearance before the Board pursuant to the terms of his July 15, 2010 Consent Agreement.

Ms. Bickers reviewed Mr. Mallory's history with the Board.

Dr. Steinbergh asked if Mr. Mallory is practicing massage therapy in Dayton. Mr. Mallory replied that is correct. Dr. Steinbergh asked Mr. Mallory to describe his practice. Mr. Mallory answered that his practice is a little slow. Dr. Steinbergh asked if Mr. Mallory is enjoying his practice. Mr. Mallory responded that he is enjoying his practice.

Dr. Steinbergh asked if Mr. Mallory understands his Consent Agreement. Mr. Mallory stated that he understands his Consent Agreement and he has no questions.

Dr. Steinbergh moved to continue Mr. Mallory under the terms of his July 15, 2010 Consent Agreement. Mr. Hairston seconded the motion. All members voted aye. The motion carried.

CHAD W. ULMER, M.D.

Dr. Ulmer was making his initial appearance before the Board pursuant to the terms of his September 8, 2010 Consent Agreement.

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

Dr. Madia asked how Dr. Ulmer is doing. Dr. Ulmer replied that he is doing well.

Dr. Madia asked Dr. Ulmer to describe his daily routine. Dr. Ulmer responded that he gets up every morning and attends a 7:00 a.m. meeting. Afterwards, Dr. Ulmer usually exercises or reads. After attending a noon meeting, Dr. Ulmer reads, goes to a coffee shop, or goes to fellowship. Dr. Madia asked how Dr. Ulmer's family support is. Dr. Ulmer stated that his family support is excellent.

Dr. Madia asked why Dr. Ulmer is taking Ambien. Dr. Ulmer stated that he no longer takes Ambien, but he used to take it for sleep. Dr. Mahajan asked if Dr. Ulmer is still having sleep issues. Dr. Ulmer replied that he no longer has sleep issues and that he currently takes Valerian and some melatonin.

Steinbergh noted that Dr. Ulmer is currently suspended and asked if he has given thought to his future practice. Dr. Ulmer stated that he wants to return to emergency medicine. Dr. Ulmer stated that he realizes practicing emergency medicine is a privilege and he enjoyed it.

Dr. Steinbergh asked if any stressors in practicing emergency medicine may have triggered Dr. Ulmer's relapse. Dr. Ulmer stated that emergency medicine did not cause him to take alcohol. Dr. Ulmer stated that he is an alcoholic and he took alcohol to escape from day-to-day troubles. Dr. Ulmer stated that practicing emergency medicine was very enjoyable and he does not believe that stress from that caused his relapse.

Dr. Steinbergh moved to continue Dr. Ulmer under the terms of his September 8, 2010 Consent Agreement. Mr. Hairston seconded the motion. All members voted aye. The motion carried.

The Board took a brief recess at 3:10 p.m. and returned at 3:20 p.m. Dr. Mahajan and Mr. Morris were not present when the meeting resumed.

STEPHEN A. STRAUBING, M.D.

Dr. Straubing was making his initial appearance before the Board pursuant to the terms of the Board's Order of July 14, 2010.

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

Dr. Steinbergh asked what Dr. Straubing has been doing and how things have been going since his license was suspended. Dr. Straubing replied that he has had a very introspective period of time since his suspension in July 2010. Dr. Straubing stated that he had previously been to the Cleveland Clinic for evaluation in January 2009. Following that evaluation, the Cleveland Clinic did not feel that Dr. Straubing was an impaired physician. However, the Board ordered Dr. Straubing to have another assessment. Dr. Straubing returned to the Cleveland Clinic and after staying for two days, it was recommended that he stay for a full 28 days.

Dr. Straubing continued that his 28-day stay at the Cleveland Clinic was life-changing. Dr. Straubing stated that he had been under a huge amount of stress and anxiety for about one-and-a-half years, and he came to realize that most or all of it was his own doing. Dr. Straubing stated that he experienced a huge change in himself, and other people who spoke to him on the telephone also noticed a change. Dr. Straubing stated that the program at the Cleveland Clinic was very valuable to him because it guided him into looking at himself and certain flaws in his character that led to poor judgment. Dr. Straubing stated that he had truly needed a "time out" in his life and he was grateful for his experience. Dr. Straubing stated that he learned a lot about himself and his interactions with other people. Dr. Straubing also learned a great deal about chemical dependency and chemical abuse. Dr. Straubing stated that he came out of the program a different person in the way he thinks and the way he reacts to things. Dr. Straubing stated that he is now a much calmer individual.

Dr. Straubing stated that since returning from the program, he has been very compliant with the Board's recommendations. Dr. Straubing stated that he has easily avoided any sort of substances and he enjoys attending AA meetings. Dr. Straubing stated that this is how he wants to live the rest of his life.

Dr. Steinbergh asked how often Dr. Straubing attends AA meetings. Dr. Straubing replied that last week he attended five AA meetings. Dr. Straubing stated that he also attends caduceus meetings and the after-treatment program for professionals at Bethesda Hospital. Dr. Straubing stated that his re-entry into the real world following his treatment took some adjustment and involved reintroduction to his family. Dr. Straubing felt that things are going well for him and he is making a lot of progress.

Dr. Madia asked if Dr. Straubing is currently on any medications. Dr. Straubing answered that he is taking Effexor, an anti-depressant/anti-anxiety medication. Dr. Straubing stated that at the Cleveland Clinic he was weaned off of Clonazepam. Dr. Straubing had previously been prescribed Neurontin and Topomax, which had some bad side-effects. Dr. Straubing stated that he takes some other medications for medical issues, but his only current psychoactive drug is Effexor.

Dr. Madia asked about Dr. Straubing's family support. Dr. Straubing stated that the support of his children and a core group of friends has been extremely good. Dr. Straubing stated that he went through a difficult divorce a few years ago, which Dr. Straubing believes had nothing to do with his substance abuse.

Dr. Steinbergh stated that the advice he received from his treatment program about "a little bit at a time" is

good advice. Dr. Steinbergh stated that it will take a long time for Dr. Straubing to survive this and be in control of himself. Dr. Steinbergh was pleased that Dr. Straubing is doing so well and is so introspective. Dr. Straubing stated that he is extremely optimistic that he will come through this experience successfully. Dr. Straubing stated that he has had absolutely no urges to abuse substances. Dr. Straubing stated that he has learned healthier coping mechanisms for dealing with stress and anxiety.

Dr. Steinbergh moved to continue Dr. Straubing under the terms of the Board's Order of July 14, 2010. Mr. Hairston seconded the motion. All members voted aye. The motion carried.

Thereupon, at 3:35 p.m., the December 8, 2010 session of the State Medical Board of Ohio was adjourned by Dr. Amato.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio, meeting on December 8, 2010, as approved on January 12, 2011.



Marchelle L. Suppan, D.P.M., President



Lance A. Talmage, M.D., Secretary

(SEAL)



MINUTES**THE STATE MEDICAL BOARD OF OHIO****December 9, 2010**

Jack C. Amato, 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: Marchelle L. Suppan, D.P.M., Vice-President; Lance A. Talmage, M.D., Secretary; Raymond Albert, Supervising Member; Anita M. Steinbergh, D.O.; Dalsukh Madia, M.D.; W. Frank Hairston; Darshan Mahajan, M.D.; J. Craig Strafford, M.D.; and Kris Ramprasad, M.D. The following members did not attend the meeting: Susan E. Stephens, M.D.; and Brian Morris.

Also present were: Richard Whitehouse, Executive Director; Sallie J. Debolt, General Counsel; Kimberly C. Anderson, Assistant Executive Director; Sara Vollmer, Assistant Executive Director; William J. Schmidt, Senior Counsel; Rebecca J. Marshall, Chief Enforcement Attorney; Joan K. Wehrle, Education and Outreach Program Manager; Danielle Bickers, Compliance Supervisor; Kay Rieve, Administrative Officer; Barbara Jacobs, Senior Executive Staff Attorney; and Benton Taylor, Executive Assistant to the Executive Director.

LICENSURE, PROBATION, AND REINSTATEMENT CONSENT AGENDA

Dr. Amato 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. Amato asked whether any Board member wished to consider either an application for licensure or a probationary report or request separately.

Dr. Steinbergh stated that she wished to discuss the probationary request of Douglas A. Bruns, D.O., separately.

Dr. Steinbergh moved to accept the Compliance staff's Reports of Conferences on November 8 and 9, 2010, with: Ashraf S. Badour, M.D.; Michael R. Baum, M.D.; Celeste D. Brewer-Edwards, P.A.; Lisa Ellen Burgan, M.T.; L. Jean Cooper, M.D.; Franklin D. DeMint, D.O.; Miles E. Drake, Jr., M.D.; David C. Ernst, M.D.; Mary Jo Foote, P.A.; Christine M. Graham, M.T.; Brian F. Griffin, M.D.; William Clark Harlan, D.O.; Mark O. Henson, M.D.; Matthew D. Kellems, M.D.; Brian E. Leve, M.D.; Zev R. Maycon, M.D.; Phillip Thiele North, M.D.; William J. Platt, D.O.; Dale Pratt-Harrington, D.O.; Jordon Scuralli, M.T.; Jody Lee Nelson Short, D.O.; Jon Berkley Silk, Jr., M.D.; Joseph P. Sitarik, D.O.; Rick D. St. Onge, M.D.; Rodney E. Stone, M.D.; Toby James Tippie, P.A.; and Craig Warren-Marzola, D.O.

Dr. Steinbergh further moved to accept the Compliance staff's Reports of Conferences and the Secretary and Supervising Member's recommendations as follows:

- **To grant Mark L. Allen, M.D.'s request for approval of the course *The PBI Professional***

Boundaries Course, offered by the University of Alabama School of Medicine;

- To grant Constance E. Ange, D.O.'s request for approval of Percy D. Mitchell, Jr., M.D., to serve as her monitoring physician, and determination of the frequency and number of charts to be reviewed at ten charts per month;
- To grant Andrew J. Beistel, D.O.'s request for approval of Charles L. DeMario, M.D., to serve as an additional monitoring physician;
- To grant Robert L. Brandt, Jr., M.D.'s request for reduction in psychiatric sessions to every six months;
- To grant William B. Cullen, M.D.'s request for reduction in psychiatric sessions to every three months;
- To grant Ericka L. Davis, P.A.'s request for reduction in urine screens to twice per month, reduction in drug and alcohol rehabilitation meetings to two per week with a minimum of ten per month, and elimination of the requirement for a contract with the Ohio Physicians Health Program;
- To grant Jerome D. Homish, D.O.'s request for approval of Wheaton B. Wood, M.D., to serve as his treating psychiatrist, approval of Stephen W. Clay, D.O., to serve as his monitoring physician, and determination of the frequency and number of charts to be reviewed at ten charts per month;
- To grant Timothy A. Scroggins, M.D.'s request for approval of Christopher M. Durner, D.O., to serve as his new psychiatrist; and
- To grant Richard Mark Weil, M.D.'s request for reduction in appearances to every six months, and reduction in alcohol and drug rehabilitation meetings to two per week with a minimum of ten per month.

Dr. Steinbergh further moved to approve for licensure, contingent upon all requested documents being received and approved in accordance with licensure protocols, the physician applicants listed in Exhibit "A," the physician assistant applicants listed in Exhibit "B," the anesthesiologist assistant applicants listed in Exhibit "C," the radiologist assistant applicants listed in Exhibit "D," and to grant Certificates of Good Standing to the limited branch schools listed in Exhibit "E." Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:

Dr. Strafford	- aye
Mr. Hairston	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Amato	- aye
Mr. Albert	- aye
Dr. Madia	- aye
Dr. Talmage	- aye

Dr. Suppan - aye
Dr. Ramprasad - aye

The motion carried.

DOUGLAS A. BRUNS, D.O.

Dr. Steinbergh stated that Dr. Bruns is a radiologist who injected the wrong contrast material into a patient and failed to recognize the adverse effects that resulted. The patient went on to suffer a painful death. Dr. Steinbergh stated that Dr. Bruns failed to communicate to the emergency physician that there may have been an error regarding the contrast material.

Dr. Steinbergh continued that one of the stipulations of the Board's Order is that Dr. Bruns complete a patient safety course. Dr. Bruns has submitted the course *Milestones in Patient Safety: Culture of Accountability*, offered by the Ohio Patient Safety Institute. Dr. Steinbergh expressed concern that this course may not be rigorous enough for this particular case.

Dr. Steinbergh acknowledged that the first two hours of this four-hour course covers patient safety, the importance of accountability, and serious preventable errors. Dr. Steinbergh stated that she would not necessarily disagree with this course, but had hoped that Dr. Bruns would take a more substantial course, like *Crew Resource Management*, to allow him to recognize red flags and be able to communicate them in an effective way. Dr. Steinbergh opined that if the Board feels that the course *Milestones in Patient Safety* is sufficient, then Dr. Bruns should be required to write a substantial report on the course for the Board's review which would encompass the recognition of red flags and the importance of effective communication amongst all members of a medical team.

Dr. Mahajan agreed that requiring a report from Dr. Bruns would be appropriate. Dr. Mahajan recalled that Dr. Bruns expressed his remorse for the incident when he appeared before the Board and felt that Dr. Bruns will not allow that particular mistake to occur again. Dr. Mahajan stated that writing a report will help him process the information from the course.

Dr. Talmage stated that as of a few years ago, at the request of the Board, all courses are accompanied by an evaluation of what the practitioner learned and how the practitioner will change his or her practice. Dr. Talmage stated that as Secretary, he takes these reports seriously and uses them to consider having the practitioner re-take the course or take a different course.

Dr. Ramprasad noted that Dr. Bruns has already completed the course in question. Dr. Steinbergh agreed, but wanted to have a discussion of the course in the minutes to indicate how serious the Board is about this subject. Although Dr. Bruns has already taken the course, it still needs to be approved by the Board.

Dr. Steinbergh moved to approve Douglas A. Bruns, D.O.'s request for approval of *Milestones in Patient Safety: Culture of Accountability*, offered by the Ohio Patient Safety Institute. Dr. Strafford seconded the motion.

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

Mr. Albert asked if Dr. Steinbergh felt that all courses should be approved by the full Board. Dr. Steinbergh replied that she does not disagree with the current process of course approval, noting that it facilitates getting physicians into courses. Dr. Steinbergh stated that she had a great deal of concern about this particular case.

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

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Mr. Albert	- aye
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Ramprasad	- aye

The motion carried.

LICENSURE (NON-CONSENT)

JUNE 18, 2010 COSMETIC THERAPY EXAMINATION RESULTS

Dr. Madia moved to approve the revised results of the June 18, 2010 Cosmetic Therapy Examination and to certify as passing and license the three applicants listed in the table file. Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Mr. Albert	- aye
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Ramprasad	- aye

The motion carried.

REINSTATEMENT REQUESTS

LARRY J. LITTLE, M.D.

Dr. Madia moved to approve Larry J. Little, M.D.'s request for reinstatement of his license to practice medicine and surgery in the State of Ohio, subject to the probationary terms and conditions as outlined in the Board Order of December 10, 2008, for a minimum of one year. Dr. Steinbergh seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Mr. Albert	- abstain
	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Ramprasad	- aye

The motion carried.

MOTION FOR RECONSIDERATION

Dr. Amato stated that in the November 10, 2010 Board meeting, the Board denied Donald D. Woodard, M.D.'s request for reinstatement. Dr. Woodard's attorney, Douglas Graff, has asked the Board to adopt a motion to reconsider that denial. Dr. Amato opined that the whole Board, not just himself as the President, should decide to accept or reject Mr. Graff's request. Dr. Amato stated that if the Board does not reconsider its denial of Dr. Woodard's request, the denial will result in a report to the National Practitioner Data Bank (NPDB). If the Board reconsiders and decides to reverse itself, the denial will be removed from Dr. Woodard's record. Dr. Amato stated that in November, Mr. Graff tried to draw the Board's attention to this in an out-of-order fashion. However, Dr. Amato opined that Mr. Graff's intentions for his client were good.

Dr. Steinbergh opined that Dr. Woodard's request for reconsideration should not be granted. Dr. Steinbergh noted that Dr. Woodard is scheduled to be reinstated later in this meeting, which Dr. Steinbergh found appropriate. Dr. Steinbergh felt that it was inappropriate for Dr. Woodard's request for reinstatement to come before the Board in November and stated it would be a bad precedent to approve a reinstatement pending receipt of some of the stipulations of the Board Order.

Dr. Steinbergh moved to deny Donald D. Woodard, M.D.'s request for reconsideration. Dr. Mahajan seconded the motion.

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

Dr. Suppan asked Dr. Amato to expound on why he feels there is merit to Mr. Graff's argument. Dr. Amato stated that he felt somewhat guilty that the Board had put a reinstatement denial on a practitioner's record in November when the license will be reinstated in December. Dr. Amato stated that the unintended consequences of the denial can be serious. For instance, reporting the reinstatement denial can result in Dr. Woodard being removed from insurance panels. Dr. Amato felt that a motion to table the matter in November may have been a better choice than a denial. Dr. Amato stated that the State Medical Board of Ohio exists to protect the citizens of Ohio, and part of that protection can be making sure patients have a physician to go to. Dr. Amato stated that if a physician is removed from insurance panels, then the Board is not protecting that physician's patients.

Dr. Steinbergh stated that Dr. Woodard's request for reinstatement came too soon and was appropriately denied. Dr. Steinbergh stated that Dr. Woodard should be reinstated later in the current meeting and she feels this is an appropriate flow of things. Dr. Steinbergh stated that the situation is unfortunate, but reconsidering the denial would set a dangerous precedent.

Dr. Madia asked for Mr. Whitehouse's opinion. Mr. Whitehouse stated that the Board did not create this situation, but the Board can rectify it. Mr. Whitehouse agreed with Dr. Amato regarding unintended consequences on the workforce. Conversely, Mr. Whitehouse stated that a precedent would invite a certain amount of out-of-order behavior if the Board is constantly rectifying awkward situations caused by other individuals.

Mr. Whitehouse continued that the question of reinstating Dr. Woodard's license was brought before the Board prematurely and this has resulted in unintended and natural consequences. One of the natural consequences of bringing this matter to the Board in such a manner is this unfortunate situation. Mr. Whitehouse stated that a possible consequence of reconsidering the denial is to encourage future opportunities to go outside the Board's established processes.

Dr. Talmage stated that he and Mr. Albert, as Secretary and Supervising Member of the Board, do what they feel is appropriate, just as other Board members do with regard with the items that come before the Board. Dr. Talmage stated that, while the Board may have sympathy, it has no responsibility for the unintended consequences of the actions of others.

Dr. Suppan stated that when a person comes before the Board, the Board should look at the person and not the process. Dr. Suppan stated that if a simple action such as tabling a topic can have a significant difference, then that option should be considered. Dr. Suppan stated that the Board should put the precedent second to the person.

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

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- nay

Mr. Albert	- abstain
Dr. Madia	- aye
Dr. Talmage	- abstain
Dr. Suppan	- nay
Dr. Ramprasad	- nay

The motion carried.

DONALD D. WOODARD, M.D.

Dr. Steinbergh moved to approve Donald D. Woodard, M.D.'s application for reinstatement of his license to practice medicine and surgery in the State of Ohio, subject to the probationary terms and conditions as outlined in the October 13, 2010 Board Order, for a minimum of one year. Dr. Madia seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Mr. Albert	- abstain
	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Ramprasad	- aye

The motion carried.

ELECTION OF OFFICERS

Dr. Madia moved to nominate Dr. Suppan to serve as President, Dr. Mahajan to serve as Vice-President, Dr. Talmage to serve as Secretary, and Mr. Albert to serve as Supervising Member. Mr. Hairston seconded the nominations.

Dr. Steinbergh moved to close the floor to further nominations. Dr. Madia seconded the motion. All members voted aye. The motion carried.

By acclamation, the officers of the State Medical Board of Ohio for 2011 are:

Dr. Suppan, President
Dr. Mahajan, Vice-President
Dr. Talmage, Secretary
Mr. Albert, Supervising Member

Dr. Suppan thanked Dr. Amato for the excellent leadership and out-of-the-box thinking he as displayed during his tenure as president.

Dr. Madia moved to offically recognize Dr. Amato's service as president for 2010 and to express the Board's appreciation of the work he has done on behalf of the Board and for the people of Ohio. Mr. Hairston seconded the motion. All members voted aye. The motion carried.

ADMINISTRATIVE REPORT

Dr. Amato noted that the Board needs to approve Dr. Steinbergh's attendance at the 2011 meeting of the American Association of Orthopaedic Examiners (AAOE), which will be held January 15-16, 2011.

Dr. Suppan moved to approve Dr. Steinbergh's attendance at the 2011 Annual Conference of the American Association of Orthopaedic Executives. Mr. Hairston seconded the motion. All members voted aye. The motion carried.

Mr. Whitehouse stated that his report has been distributed to Board Members and he is happy to answer any questions the members may have.

Mr. Whitehouse noted that the incoming administration is taking shape and preparing to assume the governorship in January 2011. Mr. Whitehouse stated that the Board has begun to reach out to the new administration and is trying to establish a dialogue. Mr. Whitehouse stated that change is coming and that the board will be different by the end of 2011, but how different remains to be seen.

Mr. Whitehouse stated that there is an opportunity for the Board to define what some of the coming changes might be. Mr. Whitehouse stated that the Executive Committee had a good discussion about how the Board can try to lead or drive that change. Mr. Whitehouse stated that the Board may be able to propose a version of some of the plans that are thought to exist for boards and commissions, and therefore might be able to lead the change rather than just be drawn into it.

Mr. Whitehouse stated that there is an opportunity for the Medical Board to potentially work with other boards and commissions and offer them a service with regard to hearing functions and possibly even investigative functions. These are things the Board can do which would suggest that there is something unique about medical regulation and that perhaps the Board can oversee or have influence on the work of other boards that are involved in healthcare.

Mr. Whitehouse stated that the Executive Committee also discussed the fact that the e-licensing system is unstable and is not doing what is required of it. Mr. Whitehouse advised the Executive Committee that the Board is pursuing two paths simultaneously on this matter. One path is working through the Department of Administrative Services (DAS) with other boards and commissions in order to move into a new system. Another path would have the Medical Board partner with some of the larger boards and developing its own system. Mr. Whitehouse stated that there is potential for the Medical Board to move rather quickly in the latter direction. Mr. Whitehouse stated that in the future, he may suggest that the Board go to the Controlling Board regarding this matter. Mr. Whitehouse continued that there is a potential that if the

Medical Board becomes part of the larger plan, there will be a drawdown on the Board's 5C6 fund and the Board will be part of funding the larger system for all boards and commissions.

Mr. Whitehouse noted that in November 2010, Humayan Chaudhry, D.O., President and C.E.O. of the Federation of State Medical Boards (FSMB), met with the Board and gave a presentation about Maintenance of Licensure (MOL). Mr. Whitehouse stated that the concept of MOL is important to the Board in terms of being a leader in this area. Mr. Whitehouse stated that MOL is the biggest change in medical regulation in this country in the last 100 years. Mr. Whitehouse stated that the Board can wait and be swept up in whatever everyone else decides to do regarding MOL, or it can be out in front. Mr. Whitehouse preferred the latter option.

Mr. Whitehouse invited further discussion on this topic from Board members who were not in the Executive Committee meeting. Mr. Whitehouse also asked the Board to consider passing a resolution which endorses the concept of MOL, directs and authorizes Mr. Whitehouse to continue working with the Federation of State Medical Boards' MOL Implementation Group, and further authorizes Mr. Whitehouse to proceed evaluating the potential for Ohio to become one of the pilot states, which could occur as early as Spring or Summer of 2011.

Dr. Madia stated that he would like to see something on what it means to be in an MOL pilot program, including the cost, if funding from the FSMB will be available, and how much staff time will be involved. Dr. Madia stated that the State Medical Board of Ohio would not have to accept whatever detailed plan the FSMB provides.

Mr. Whitehouse agreed and stated that MOL has the potential to be somewhat different in every state in which it is implemented. The FSMB will only provide a broad template regarding the concept of MOL and it will be left to individual states to decide exactly how it will work. Mr. Whitehouse stated that, by necessity, it is critical that the states move forward together, in terms of both time and somewhat by method. Mr. Whitehouse stated that Ohio can implement MOL differently from other states if the Board so chooses, but it is important that Ohio has something that somewhat fits with other states.

Dr. Suppan moved that the State Medical Board of Ohio, as a leading state medical board in this country, express support for the concept of Maintenance of Licensure and, to that end, direct Mr. Whitehouse to continue to investigate the Board's participation in both Maintenance of Licensure and investigation of participation as one of the pilot programs for Maintenance of Licensure. Dr. Suppan further moved to direct Mr. Whitehouse to provide the Board with monthly reports on progress in this area. Dr. Madia seconded the motion.

Dr. Amato stated that he will now entertain discussion in the above matter.

Dr. Talmage agreed that the State Medical Board of Ohio is one of the leading state medical boards and opined that what this Board does will have a great influence on what other states do.

Dr. Mahajan expressed concern that some primary care physicians or physicians who are thinking about retiring or slowing down their practice may be induced to retire or leave the state in order to avoid the

perceived daunting administrative aspects of MOL. Dr. Mahajan also worried that some physicians may move into non-patient care positions as a result of MOL. Dr. Amato echoed Dr. Mahajan's concerns regarding the possible impact of MOL on the physician workforce. Dr. Amato stated that this is a reason that the State Medical Board of Ohio should take the lead in examining these possible impacts. Dr. Suppan suggested that a tiered system with grandfathering may address this issue.

Mr. Whitehouse stated that the MOL implementation group at the FSMB is very mindful of these workforce issues and are aware that physician flight could be created if some states adopt MOL and others do not. Mr. Whitehouse stated that he does not want Ohio to lose physicians or do anything that adversely affects the workforce or healthcare. Mr. Whitehouse stated that the intent of MOL is not to create an onerous system.

Dr. Strafford suggested that Mr. Whitehouse and the staff compile background information about physicians licensed in Ohio and how many identify themselves as being certified by a specialty board. Dr. Strafford stated that physicians with board certification will already have been introduced to the concept of maintenance of certification. Mr. Whitehouse stated that the Board has recently implemented a system of gathering such information as practitioners renew their licenses, but there will not be a clear picture of this demographic until a full two-year cycle has occurred.

Dr. Strafford stated that another key component is the question of the fundamental ingredients of MOL. Dr. Strafford opined that MOL should include some measure of professional competence, a continuation of education, and demonstrated proficiency in terms of clinical competence and personality.

A vote was taken on Dr. Suppan's motion. All members voted aye. The motion carried.

Mr. Albert exited the meeting at this time.

Dr. Strafford stated that he wished to introduce a topic of discussion. Dr. Strafford related an incident in which a patient presented to him. This new patient had been seeing another physician, but that physician had an action from the Medical Board and their office was closed. Dr. Strafford stated that, although the records of the patient's previous biopies were essential to her treatment, her records from the previous practice were unobtainable. As a result, the patient was faced with having to undergo a repeat surgical procedure to obtain new biopies. Dr. Strafford suggested that among the requirements listed in Board Orders and Consent Agreements that result in suspension or revocation of a physician's license, a requirement that the physician's practice make patient records available to subsequent providers should be included. Dr. Steinbergh agreed.

Dr. Strafford moved to direct the staff to explore including a stipulation in Board Orders and Consent Agreements to require that patient records be made available to the physician's patients and the patients' subsequent treating physicians. Dr. Steinbergh seconded the motion.

Dr. Amato stated that he will now entertain discussion in the above matter.

Dr. Steinbergh stated that patients are affected severely by an inability to obtain their prior medical records.

Dr. Steinbergh agreed that Board Orders and Consent Agreements should include this stipulation in clear terms.

Ms. Anderson stated that this was certainly possible, but cautioned that the Board has no jurisdiction over physicians whose license has been revoked or permanently revoked. In those cases, the Board would have no jurisdiction to enforce such a stipulation because the practitioner is no longer licensed by the Board. Ms. Anderson stated that there is a statute allowing patients in such a situation to bring a civil suit against the physician in question.

Dr. Steinbergh asked if physicians who appeal their revocation to the courts continue to be under the jurisdiction of the Board. Ms. Anderson replied that when a physician appeals a Board Order, the court has jurisdiction. Dr. Steinbergh suggested that when a case is appealed to the courts, the Board can argue on behalf of the physician's patients and request that the court impose such a requirement. Mr. Wilcox replied that that is something the Board can suggest to the court. Dr. Mahajan stated that giving patients notice of the availability of medical records should be considered a continuation of patient care.

A vote was taken on Dr. Strafford's motion. All members voted aye. The motion carried.

REPORTS BY ASSIGNED COMMITTEE

GROUP 1 COMMITTEE

LICENSURE

MARCO AURELIO DE ALVIN COSTA, M.D.

Dr. Madia stated that this applicant's case was tabled at the November 2010 meeting pending further information about his background.

Ms. Rieve stated that the Board has received recommendations from two individuals at University Hospitals who have worked with Dr. Costa in the interventional cardiology lab, and also from Dr. Costa's former colleague at the University of Florida. Ms. Rieve stated that the committee was impressed with these documents and recommended approving Dr. Costa's application for licensure.

Dr. Steinbergh moved to approve Dr. Costa's application for a license to practice medicine and surgery in the state of Ohio. Dr. Amato seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Dr. Madia	- aye
	Dr. Talmage	- aye

Dr. Suppan - aye
Dr. Ramprasad - aye

The motion carried.

TRACY HIXON, L.M.T.

Ms. Rieve stated that Ms. Hixon has not practiced massage therapy since 2001. Ms. Rieve stated that the Group 1 Committee recommended approving Ms. Hixon's application for restoration of her massage therapy license, provided she pass the limited branch portion of the Massage Therapy Examination.

Dr. Steinbergh moved to approve Ms. Hixon's application for restoration of her license to practice massage therapy in the state of Ohio, provided she pass the Limited Branch portion of the Massage Therapy Examination. Dr. Madia seconded the motion. A vote was taken:

ROLL CALL:

Dr. Strafford	- aye
Mr. Hairston	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Amato	- aye
Dr. Madia	- aye
Dr. Talmage	- aye
Dr. Suppan	- aye
Dr. Ramprasad	- aye

The motion carried.

Mr. Albert returned to the meeting at this time.

SARAH EVANS NORRIS, M.D.

Dr. Madia stated that the Group 1 Committee had a long discussion regarding Dr. Norris. Dr. Norris failed Step 1 of the United States Medical Licensing Examination (USMLE) seven times and passed on her eighth attempt. Dr. Norris passed Step 2 and Step 3 on her first attempts. Because Dr. Norris failed Step 1 seven times, the committee recommends that her application for licensure be denied.

Dr. Amato moved to deny the licensure application of Sarah Evans Norris, M.D. Dr. Steinbergh seconded the motion.

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

Ms. Vollmer noted that Dr. Norris' application review was tabled last month because another applicant in similar circumstances, Dr. Woodroffe, had been addressed previously. At that time, Ms. Vollmer was asked to determine the differences between these two applicants. Ms. Vollmer stated that both Dr. Norris

and Dr. Woodroffe are graduates of foreign medical schools, both had a one-year internship and two years of residency, and both exceeded the attempt limit of three attempts on Step 1 of the USMLE.

Ms. Vollmer continued that Dr. Norris and Dr. Woodroffe differ in their additional education and training. Ms. Vollmer stated that Dr. Norris has completed a Fifth Pathway program and has also completed a three-year fellowship, which Dr. Woodroffe lacked. Also, Dr. Woodroffe had some difficulty with Step 2 of the USMLE, passing on the third attempt, whereas Dr. Norris passed Step 2 on the first attempt. Unlike Dr. Woodroffe, Dr. Norris is currently licensed in two other states and holds an Ohio training certificate. In addition, Dr. Norris holds a master's degree in medical education and also practiced as a nurse for a period of time. Ms. Vollmer stated that these are the main differences between the applicants.

Dr. Steinbergh stated that when she reviewed the materials, she felt the Dr. Norris does meet the Board's requirements for licensure. Dr. Steinbergh asked what discussion took place in the committee. Dr. Madia replied that the committee questioned if, when a person fails Step 1 seven times, they pass on their eighth attempt simply because they have learned how to take the examination. Dr. Madia stated that Step 1 of the USMLE is a test of basic science, and if someone has not mastered or understood the basic science then it is questionable what kind of background or knowledge they have to apply to the practice of clinical medicine. Dr. Madia stated that it is very difficult to judge if someone who failed Step 1 seven times can be a good physician, but the standard must be set somewhere.

Dr. Amato stated that he was persuaded by data provided by the staff which suggests that the number of failures of a step of the USMLE is a key issue in determining the quality of a physician. This is why the Board adopted the rule limiting the number of failures of any step to three. Dr. Amato also noted that when Dr. Norris passed Step 1 on her eighth attempt, she only passed marginally with a score of 75. Dr. Amato expressed particular concern that Dr. Norris had such trouble with the area of basic science, which is used by physicians everyday in evaluating patients and reviewing new medications. Dr. Amato acknowledged that Dr. Norris did complete the USMLE sequence and has done exceptionally well in residency. However, Dr. Amato reiterated that Dr. Norris failed Step 1 of the USMLE more than twice the number of times that the data indicates makes for a good physician.

Dr. Steinbergh noted that the Ohio Revised Code does provide that an applicant who fails a step of the USMLE more than three times can make up for that by successfully completing an additional year of graduate medical education, to be completed after the third failure of a step, and retaking the USMLE sequence. Dr. Steinbergh stated that Dr. Norris has fulfilled both of these requirements. Dr. Amato noted that Dr. Norris' post-graduate education occurred after she had passed Step 1. Ms. Vollmer stated that the rule requires that the post-graduate education take place after the third failure of a step, but does not specify that it must commence immediately after the third failure. Therefore, Dr. Norris meets that requirement.

Ms. Vollmer stated that Dr. Norris has noted that a problem with retaking the USMLE sequence is that the USMLE will not allow retaking the sequence after all three steps have been passed, unless the person is in a state with a ten-year limit and has passed that limit. Dr. Norris has also argued that she cannot retake something that she has not first passed. Therefore, Dr. Norris maintains that her retaking of the sequence began the first time she passed Step 1. Ms. Vollmer stated that it is ambiguous when the break occurs

when one is considered to be retaking the sequence; otherwise, Dr. Norris would have finally passed Step 1 and then immediately do so again before taking Step 2 and Step 3.

Dr. Ramprasad stated that he advocated for Dr. Norris in committee because of several things. Dr. Ramprasad noted that Dr. Norris was very persistent in her efforts to pass Step 1 of the USMLE, showing that when she decides to do something, she does it well. Dr. Norris went on to graduate from internship to residency to fellowship, and ultimately joined what has been ranked as the #1 pediatrics practice in the country. Dr. Ramprasad opined that Dr. Norris has shown that she is qualified and has gumption.

Dr. Ramprasad stated that once Dr. Norris passed Step 1 of the USMLE, the Board should consider that her basic science knowledge is acceptable. Dr. Ramprasad stated that not all basic knowledge is useful to a physician's daily practice and related instances in which he did not know the answer to basic science questions because they were not relevant to his daily practice. Dr. Ramprasad stated that having irrelevant basic knowledge does not make one a better physician.

Dr. Ramprasad stated that Dr. Norris has gone into critical care medicine and has done exceptionally well. Dr. Ramprasad also noted that Dr. Norris passed Steps 2 and 3 of the USMLE without any difficulty. Dr. Ramprasad questioned if the Board should now deny Dr. Norris' license because she did not do well on Step 1 of the USMLE eight years ago.

Dr. Mahajan asked if there have been any adverse issues with Dr. Norris in the states in which she is licensed. Ms. Vollmer replied that Dr. Norris has not had any problems in those states. Dr. Mahajan stated that he knows some physicians who have a very hard time passing the boards, but they are physicians Dr. Mahajan would trust with his life. Dr. Mahajan stated that some people have difficulty with certain subjects, but they compensate. Dr. Mahajan stated that if Dr. Norris has completed the additional education, then he is in favor of granting her license.

Dr. Amato stated that Dr. Ramprasad's argument was very convincing and stated that he would like to withdraw his motion.

Dr. Amato withdrew his motion to deny Dr. Norris' application for licensure. Dr. Steinbergh agreed.

Dr. Talmage stated that the Board is obligated to follow its rules; however, the Board is allowed to make exceptions. Dr. Talmage stated that in this case, he is more favorably disposed to grant licensure because Dr. Norris did very well in Step 2, which tests the ability to correlate the basic sciences with clinical science and be able to practice in a supervised manner, and Step 3, which tests the ability to practice independently. Dr. Talmage stated that by passing Step 2 and Step 3, Dr. Norris proved that she has mastered the material of Step 1. Dr. Talmage noted that in most medical schools today, a person is required to pass Step 1 before moving on to their junior year, and therefore this circumstance is unlikely to present itself again in the future.

Dr. Steinbergh reiterated that Dr. Norris has fulfilled the additional education requirements to make up for failing a step more than three times. Therefore, granting Dr. Norris' license would not constitute making

an exception. Dr. Amato agreed.

Mr. Albert stated that the rules regarding licensure and the USMLE have been altered many times. Mr. Albert stated that, with so many changes to the rule, the Board might as well do away with the rule and grant licensure to anyone who passes the test, regardless of how many attempts they make.

Dr. Madia asked Ms. Debolt for clarification of what the rule says. Ms. Debolt opined that in the current discussion, the Board is not bending the rule, but rather is interpreting the rule and setting a precedent for future applicants and the licensure staff to follow. Ms. Debolt stated that the rule does not clearly say the additional education to make up for failing a USMLE step more than three times must be completed before the person retakes the step they failed. Ms. Debolt opined that the Board's current discussion indicates that the Board feels the education can occur even after a person has passed the step they had trouble with. Ms. Debolt agreed with Dr. Steinbergh that Dr. Norris clearly meets the requirements of one year of education following a third failure of a step. Ms. Debolt stated that if the Board grants Ms. Norris a license, then they are indicating that a person can begin the education after they pass the step in question.

Dr. Madia stated that in the past, the Board has denied applicants based on their failure of a USMLE step more than three times. Dr. Madia asked if those applicants would now have the right to challenge their denial. Ms. Debolt responded that a denial cannot be challenged if the timeframe for a challenge has passed. However, they can reapply for a license. Ms. Debolt stated that such applicants could also sue the Board claiming that the Board has made decisions on a discriminatory basis, but Ms. Debolt was very doubtful that any such lawsuit would be successful.

Dr. Mahajan opined that the rule should remain unchanged, noting that a person cannot successfully apply for a residency until they pass Steps 2 and 3. Dr. Mahajan also opined that the ability to take one year of additional graduate medical education should continue to have no time limit, because the applicant may not get into a residency program within a certain time.

Dr. Strafford moved to grant Dr. Norris' application for licensure. Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Mr. Albert	- nay
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Ramprasad	- aye

The motion carried.

REVIEW OF RULE 4731-6-14

Ms. Vollmer stated that the staff is in the process of drafting a letter to the USMLE's Composite Committee asking them to allow Ohio applicants who have more than three failures on any step to retake the sequence in its entirety. Currently, a person cannot retake a step they have passed unless they are at their state's ten-year limit.

In response to requests, Ms. Vollmer has researched options for the Board to consider if it wishes to change the rule. These options have been provided to the Board members in their agenda materials.

Option #1: Amend the current wording to add that if an applicant becomes certified by a specialty board, then retaking the USMLE sequence due to failing a step too many times is not required.

Option #2: Amend the current wording to remove any remedy, thus leaving no recourse to failing a step more than three times.

Option #3: Remove the limit on number of attempts so that an applicant can take any step as many times as it takes to pass.

Option #4: Remove the limit on the number of attempts on Step 1 only. Ms. Vollmer noted that most of the issues in this regard come as a result of attempts to pass Step 1. Also, only require the retaking of Steps 2 and 3 to make up for exceeding the attempt limits on those steps.

Option #5: Leave the rule unchanged.

Dr. Madia stated that the Group 1 Committee discussed this issue and recommended that the rule be unchanged.

Dr. Mahajan moved to make no changes to Rule 4731-6-14 at this time. Dr. Steinbergh seconded the motion.

Dr. Amato stated that he will now entertain discussion in the above matter.

Dr. Steinbergh stated that if the rule is continuously in flux, then applicants and attorneys will not know what the rule is at a given time. Dr. Steinbergh stated that the rule gives the Board some discretion, but there is no perfect rule. Dr. Steinbergh argued that the rule should be kept in place.

Dr. Ramprasad expressed support for Option #1, in which specialty board certification can take the place of retaking the USMLE sequence. Dr. Amato stated that he would not support Option #1 because it should be up to the State Medical Board of Ohio to establish licensure requirements in Ohio, not the specialty boards. Dr. Mahajan agreed with Dr. Amato.

A vote was taken on Dr. Mahajan's motion. All members voted aye. The motion carried.

TREATMENT PROVIDER APPLICATIONS FOR CERTIFICATES OF GOOD STANDING

Dr. Madia moved to approved the applications for Certificates of Good Standing for the following treatment providers: Bethesda Oak Alcohol and Drug Treatment Program; Cleveland Clinic Foundations; and Lake-Geauga Recovery Centers, Inc. Dr. Mahajan seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Mr. Albert	- aye
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Ramprasad	- aye

The motion carried.

GROUP 2 COMMITTEE

PHYSICIAN ASSISTANT MATTERS

FORMULARY RULE REVIEW DISCUSSION 2010

Dr. Talmage stated that the Physician Assistant Policy Committee did not discuss the formulary because the committee's pharmacy representatives were not in attendance.

MT. CARMEL HEARTLAND CARDIOLOGY

Dr. Talmage stated that the special services application of Mt. Carmel Heartland Cardiology was modified as requested. Therefore, the committee recommended approval of the application.

Dr. Talmage moved to approve the special services application of Mt. Carmel Heartland Cardiology. Dr. Madia seconded the motion. All members voted aye. The motion carried

DERMATOLOGY ASSOCIATES

Dr. Talmage stated that, as requested, Dermatology Associates has modified their special services application so that a physician is required to see the patient before the cryotherapy is carried out. Therefore, the committee recommended approval of the application.

Dr. Talmage moved to approve the special services application of Dermatology Associates. Dr. Madia seconded the motion. All members voted aye. The motion carried.

DR. BLANCHARD'S PLASTIC SURGERY CENTER

Dr. Talmage stated that Dr. Blanchard's Plastic Surgery Center has submitted a special services application for dermal filler injections. Dr. Talmage stated that in the past, applications for this procedure have not been approved because of the danger of asymmetrical injection, cosmetic damage to the patient, and risk to the patient. Therefore, the committee recommended denial of this application.

Dr. Talmage moved to deny the special services application of Dr. Blanchard's Plastic Surgery Center. Dr. Madia seconded the motion. All members voted aye. The motion carried.

GEORGE DREW, M.D.

Dr. Talmage stated that Dr. Drew modified his special services application as requested to meet the criteria set by the committee. Therefore, the committee recommended approval of this application.

Dr. Talmage moved to approve the special services application of George Drew, M.D. Dr. Madia seconded the motion. All members voted aye. The motion carried.

JULIAN TREVINO, M.D.

Dr. Talmage stated that Dr. Trevino did not modify his initial special services application as requested. Dr. Trevino maintained a non-on-site component in his application. The committee felt that this put patients at risk of misdiagnosis before the destruction of the lesion, which can be dangerous. The committee recommended denial of Dr. Trevino's special services application.

Dr. Talmage moved to deny the special services application of Julian Trevino, M.D. Dr. Madia seconded the motion. All members voted aye. The motion carried.

SITE OF PRACTICE

Dr. Talmage stated that physician assistant site of practice continues to be a topic of discussion in the Group 2 Committee. The committee has made suggestions regarding a definition of "Practice Setting" and these will be fleshed out by Ms. Debolt. Dr. Talmage stated that the committee will make suggestions to the Ohio Association of Physician Assistants to define "Practice Setting" as a similar practice. Dr. Talmage stated that if remote clinics are within the rule that requires a physician to be within electronic communication and 60-minute travel time, the committee may suggest certain quality standards. One such quality standard may require an experience level with a physician actually in attendance so that ease of consultation is maintained and a certain number of years be accomplished before a physician assistant can go to a remote clinic without a physician.

Dr. Talmage stated that regarding prescribing medications in the Veteran's Administration (VA) system, there is no issue with which the Board needs to be concerned. Dr. Talmage stated that a physician assistant licensed in Ohio with prescribing authority can write prescriptions which can be filled in any pharmacy in Ohio. However, a physician assistant working in the VA system who is not licensed in Ohio can only prescribe in VA hospitals or clinics. No pharmacy outside the VA is allowed to fill a prescription written by a physician assistant who is not licensed in Ohio.

DISCIPLINARY GUIDELINES

Dr. Suppan stated that the updating of the disciplinary guidelines continues and that proposed changes to the second half of Category I have been endorsed by the Group 2 Committee and are ready for Board approval. The second half of Category I includes Guidelines M, O, and P.

Dr. Suppan continued that the current Guideline M states as follows:

Plea of guilty to judicial finding of guilt of or judicial finding of eligibility
for intervention in lieu of a conviction for a drug-related misdemeanor.

Dr. Suppan stated that the proposed revision would differentiate between drug-related convictions and non-drug-related convictions. Specifically, the proposed revision adds the phrase, "...except where the underlying criminal conduct was directly related to a substance related impairment of the respondent and was committed to obtain substances solely for self use." The proposed change for the minimum penalty for Guideline M is changed from stayed revocation to indefinite suspension for a minimum of 180 days. Dr. Suppan stated that this change reflects the Board's most common practices over the previous few years.

Dr. Suppan stated that the proposed new Guideline O would read as follows:

Plea of guilty judicial findings of guilt of or judicial eligibility of
intervention in lieu of conviction for a drug-related misdemeanor.

This new guideline will have a different set of disciplinary guidelines, with a maximum penalty of permanent revocation or permanent denial and a minimum penalty of a 30-day suspension.

Dr. Suppan stated that the proposed revisions also include changing the existing Guideline O to Guideline P in order to keep the guidelines in consecutive order.

Dr. Suppan stated that the committee reviewed these proposed changes and recommends approval.

Dr. Madia moved to approve the proposed revisions to the Disciplinary Guidelines as presented in the Agenda Materials and recommended by the Group 2 Committee. Dr. Mahajan seconded the motion. All members voted aye. The motion carried.

RATIFICATION OF SETTLEMENT AGREEMENTS

Dr. Steinbergh moved to remove the subject of Ratification of Settlement Agreements from the table for further discussion. Dr. Suppan seconded the motion. All members voted aye. The motion carried.

RICHARD W. HERTLE, M.D. – CONSENT AGREEMENT

Ms. Marshall explained that this is a correction to a Consent Agreement which was ratified the previous day, on December 8, 2010. The Consent Agreement grants the physician's application for restoration of his medical license and places him on probation. Following the Consent Agreement's adoption, Ms. Jacobs discovered that the clause authorizing the restoration was missing from the agreement. Ms. Marshall stated that she discussed this with the physician's attorney, Eric Plinke, and Mr. Plinke has provided the physician's written authorization for this page substitution. The page substitution will allow the Board to restore the physician's license.

Dr. Steinbergh moved to ratify the Proposed Consent Agreement, as amended, with Dr. Hertle. Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Mr. Albert	- abstain
	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Ramprasad	- aye

The motion carried.

HENRY WILLIAM ALBERS, M.D. – CONSENT AGREEMENT

Dr. Madia moved to ratify the Proposed Consent Agreement with Dr. Albers. Dr. Steinbergh seconded the motion.

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

Dr. Steinbergh inquired about the difference between this Consent Agreement and a Summary Suspension. Ms. Marshall answered that with a Summary Suspension, the Secretary and Supervising Member have to have clear and convincing evidence of a violation that constitutes a risk of immediate and serious harm to the public. In this case, the physician has been indicted but has not yet had a trial, so the charges are only allegations at this point. Therefore, there is no mechanism for a Summary Suspension.

Dr. Steinbergh asked if this Consent Agreement, if adopted, will suspend the physician's medical license.

Ms. Marshall replied that the Consent Agreement will suspend the physician's license indefinitely, thus accomplishing the goal of removing him from practice in case there is risk.

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

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Mr. Albert	- abstain
	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Ramprasad	- aye

The motion carried.

EXECUTIVE SESSION

Dr. Steinbergh moved that the Board declare Executive Session to discuss evaluation of an employee. Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Mr. Albert	- aye
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Ramprasad	- aye

The motion carried.

Pursuant to Section 121.22(G)(3), Revised Code, the Board went into executive session, with Mr. Whitehouse in attendance.

During Executive Session, the Board briefly adjourned at 9:40 a.m. and reconvened at 9:45 a.m. in Room #336 of the Rhodes State Office Tower.

The Board returned to public session at 10:10 a.m.

MEETING WITH REPRESENTATIVES OF THE OHIO PHYSICIANS HEALTH PROGRAM

Representatives from the Ohio Physicians Health Program (OPHP) met with the Board to discuss treatment programs for impaired physicians. Dr. Whitney from OPHP expressed a need for a more clinically-driven flexible model to determine length of treatment and type of treatment. Dr. Whitney stated that physicians often gravitate to treatment programs which guarantee release after 28 days. Ms. Anderson stated that the Board's rule in such situations specifies treatment for a minimum of 28 days, not a maximum.

Dr. Whitney stated that 75% to 80% of impaired physicians are determined to need more than 28 days of treatment. Dr. Whitney stated that at its next meeting with the Board, OPHP can provide information of what the additional care beyond 28 days entails.

The representatives opined that treatment centers should have medical directors who are physicians and are board certified in addictionology. The Board agreed.

OPHP provided information from 140 active cases that show that the treatment program at Shepherd Hill has the lowest relapse rate among the 34 Board approved treatment centers. However, this study did not differentiate between mild, moderate, and severe chemical dependency. Shepherd Hill often treats impaired patients for longer than 28 days. Also, about one-third of impaired physicians are in need of psychiatric care as well. The representatives felt that the criteria for approved treatment programs should include instant access to a psychiatrist, and not just a consultation.

Mr. Whitehouse thanked the representatives for the valuable information they provided and stated that meetings between the Board and OPHP can be very productive. However, Mr. Whitehouse stated that it would be inappropriate for organizations outside the Board to determine what the Board will do by way of a formal committee. Dr. Steinbergh agreed and stated that there cannot be collusion between the Board and OPHP and that the Board must make its own decisions. Dr. Steinbergh thanked the representatives for educating the Board and expanding its knowledge.

Thereupon at 11:05 a.m., the December 9, 2010, 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 December 8-9, 2010, as approved on January 12, 2011.



Marchelle L. Suppan, D.P.M., President



Lance A. Talmage, M.D., Secretary

(SEAL)

