



# YOUR REPORT

FROM THE STATE MEDICAL BOARD OF OHIO

SUMMER/FALL 2004

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## A WORD FROM THE PRESIDENT

*...about on-line license renewal*

Tired of paperwork? Then CAVU is for you! Beginning this fall, Medical Board licensees will have the option of renewing their credentials on-line, via the Board's new CAVU computer system. Medical boards who have test-driven CAVU's on-line renewal component have found that it speeds up the process significantly, permitting licensees to instantly submit required information and Board staff to process incoming materials promptly. Ohio licensees whose last names begin with "C" or "D" will inaugurate the program when they receive their renewal applications by mail in early-October.

Although renewing on-line will be optional initially, the Medical Board is hoping to all but eliminate the traditional paper renewal in the near future. Paper renewal is cumbersome, in part because applicants often forget to fully complete the application form. Currently, Board staff must review each renewal application submitted to ensure that it is properly completed, and then send "incomplete" letters to those licensees who did not fill out the form properly. The on-line system prevents this slow down by blocking the submission of an application until it has been fully filled out.

Fortunately, Ohio is not the first state to implement the CAVU on-line license renewal system, and can learn from the experience

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## Minding Our Manners

By Lance Talmage, MD  
Secretary, State Medical Board of Ohio

In the new millennium, “bedside manners” have come to be seen as a quaint accessory to the arsenal of technical skills novice practitioners bring to the medical profession. Yet, mastering the low-tech art of listening and communicating with patients can make all the difference between a good practitioner and a better one. This summer’s launch of the mandatory Clinical Skills Exam by the National Board of Medical Examiners speaks volumes about the vital role effective physician-patient communication can and must play in the years ahead in preventing medical errors, deterring mal-practice litigation, and averting complaints to regulatory boards.

As Secretary of the State Medical Board, I see a significant number of complaints that stem not from a deficiency in the quality of care, but from a lack of understanding and the concomitant frustration that could have been resolved or prevented altogether by communicating effectively with patients and their families. A number of recent complaints about the care of nursing home patients come to mind. In my own experience, practitioners generally do a good job with these patients, who may be chronically ill and struggling with multiple health problems. When issues do arise, however, they often stem from poor communication—or lack of communication—between the multitude of people who are, by necessity, involved in the patient’s care.

The decision to place a relative in a skilled nursing facility is fraught with emotion, even when the choice seems obvious. Nearby family members who serve as caregivers, as well as those who are distant geographically, are equally interested in the quality of care the patient is receiving and in changes in the patient’s status. With the added layer of skilled and administrative personnel in a nursing facility, the need to make accurate and timely medical information available is all the more critical to keeping the family engaged. To that end, I would offer the following suggestions to prevent poor bedside manners, rather than the care and comfort of the patient, from becoming the primary concern:

**Mastering the low-tech art of listening and communicating with patients can make all the difference between a good practitioner and a better one.**

- Keep in mind that nursing staff, rather than the physician, is most likely to communicate directly with the family, and document the care rendered to the patient accordingly. Include the

time of day that notes are recorded, along with sufficient information to adequately convey any changes in treatment or status. This is especially important in preterminal and terminal care.

- Communicate frequently with nursing staff—your eyes and ears—to make sure that the patient does not have emergent problems such as decubiti or other sources of discomfort. Verify that the patient is receiving the proper medication and that no administrations have been missed. Take an extra minute to be sure that your notes clearly convey your intentions about the care to be rendered to the patient.
- Make sure that there is clear, documented understanding on all sides about Do Not Resuscitate decisions and orders.
- After a serious event such as a stroke or an MI, thoroughly explain the probable cause,

result and prognosis to the family, in layman's terms. Explain the impact of delays in examination/treatment or any recognized oversights. Encourage conversation and questions rather than lecturing. Be alert to and clarify any misunderstandings the patient or his/her family members may have.

- Keep lines of communication open by designating a trusted staff person for family to contact in your absence. Expedite communication with family by providing an e-mail address and a fax number. A designated family member can convey information to other family members, making communication less time-consuming.
- Be aware of the requirements of the federal HIPAA regulations and be cognizant of any limitations they impose on your interactions with the patient's family. Ask the patient or his/her Power of Attorney with whom you should or should not be

communicating; avoid being put in the middle by encouraging the patient to inform family members of that decision.

- Use tact. A little can go a long way.

Certainly, it is unrealistic to expect that a practitioner can be responsive to patients and their families 24/7; yet there is nothing wrong with setting that as a goal. Time spent now to clarify concerns and correct misperceptions may well eliminate the need to spend even more time later, in a far less pleasant context, answering interrogatories or responding to questions from a Medical Board investigator. Even in specialty practice, it is our job—our calling—to see the patient as a whole being and to resist practicing in a vacuum. Minding our bedside manners is a first and critical step.



Lance A. Talmage, M.D.  
Secretary

#### PRESIDENT (cont.)

of others. Medical boards in other states have had varying levels of success in encouraging participation in their on-line programs. Boards that send out the usual paper renewal documents along with a statement that on-line renewal is available have seen a very low participation rate. Licensees, familiar paper in hand, opt to renew on paper.

North Carolina's medical board, on the other hand, achieved a 90% participation rate for its on-line program within two renewal periods. This was accomplished by sending each licensee instructions on how to renew on-line, rather than mailing out the traditional paper forms. Any licensee who does not wish to renew on-

line is asked to send in a request for the forms needed to submit a renewal through the mail. The licensee is informed that renewing by mail takes at least two weeks longer than renewing online. The vast majority of licensees has followed the path of least resistance and elected to renew on-line.

In the coming months, Ohio's medical board will be putting the finishing touches on its CAVU renewal system, with the goal of meeting the scheduled October 2004 launch target. The members of your Ohio Medical Board look forward to bringing you this convenient new service.



Anquetette P. Sloan, President

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## Garg & Albert Receive Leadership Award

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**Two Ohio Medical Board members have been recognized nationally for their unique, effective regulatory partnership.**

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Ohio Medical Board Members Raymond J. Albert and Anand G. Garg, M.D., were honored by the Federation of State Medical Boards of the United States at the organization's annual meeting in April 2004, when they were named as co-recipients of the John H. Clark, M.D. Leadership Award. The award recognizes outstanding leadership in the field of medical licensure and discipline, as well as commitment to advancing the public good.

Long-time members of the Ohio Medical Board, Dr. Garg and Mr. Albert were honored for their teamwork as the Ohio Medical Board's Secretary and Supervising Member from

December 1997 through June 2003. This partnership is unique among regulatory boards, as the individuals elected from among their peers on the Board to serve as Secretary and Supervising Member are charged with directing the agency's complaint and investigatory processes. The pairing of a physician and a consumer advocate brought a diverse, yet balanced, perspective to this challenging responsibility. Throughout their working relationship, Dr Garg and Mr. Albert fostered the input of staff to implement many changes in Ohio's investigative processes. The changes resulted in system improvements to significantly reduce backlogs and streamline processing.

Both Dr. Garg and Mr. Albert are past-Presidents of the Ohio Medical Board and have served the Board for many years in other leadership roles.♦

## Massage Therapy Advisory Committee Answers Challenge

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**Medical Board and massage therapy practitioners benefit from the dedicated efforts of the Board's Massage Therapy Advisory Committee.**

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The Medical Board's Massage Therapy Advisory Committee (MTAC) had been on a two year hiatus of sorts when the Board came calling. The emergence of a significant number of issues related to the state's massage therapy practitioners prompted Board Members Lance Talmage, M.D., and David Buchan, D.P.M., as successive Chairs of the Board's Limited Branch Committee, to issue a challenge to MTAC in early 2002, urging the group to reinvigorate itself, formalize its

procedures, and assist the Board in tackling the issues that had come to light.

Beginning in May of 2002, MTAC formally accepted the challenge of the Limited Branch Committee and began meeting on a nearly monthly basis, reporting periodically to the Limited Branch Committee. The full extent of MTAC members' efforts became apparent at the February 2004 Limited Branch Committee meeting, when members were presented with a summary of MTAC's work since May of 2002. The group had:

- Met 18 of the preceding 21 months, with an average meeting attendance of over 95%.

- Rewritten Ohio Administrative Code (OAC) rules governing examination of massage therapy applicants.
- Rewritten OAC rules concerning massage therapy scope of practice, examination failure, additional training, Preliminary Education certificates, curriculum, instructional staff, probationary status, home study schools and distance education.
- Advised the Board's enforcement staff on clinical and practice parameters of massage therapy.
- Advised the Board's licensure staff on school and student approval procedures and issues.
- Worked extensively with the Board's Examination Evaluation and Preparation Committee, advising on massage therapy exam issues.
- Served as liaison to Ohio Council of Massage Therapy Schools and other non-member schools.
- Served as liaison to the Ohio Chapter of the American Massage Therapy Association.
- Served as liaison to the massage therapy community at large, including listing personal email contact information on the Medical Board's Massage Therapy Subweb. Committee members fielded dozens of questions, providing answers and forwarding issues to Board staff as appropriate.
- Oversaw development and continuing evolution of the Board's Massage Therapy Subweb, which has become a key element in the vastly improving communications between the Board and the massage therapy community.
- Aided the Medical Board's Public Inquiries staff by providing opinions on various practice issues and preparing responses to frequently asked questions for publication on the Board's website and subweb.
- Advised the Ohio Department of Taxation on issues related to the expansion of the state sales tax to cover personal services, including massage.

## What is MTAC?

The Massage Therapy Advisory Committee (MTAC) was established by the State Medical Board of Ohio on August 11, 1999 to assist the Board and its Limited Branch and Alternative Medicine Committee as it addresses issues regarding the regulation of the practice of massage therapy and the education, training and licensure of Licensed Massage Therapists in the State of Ohio. With nearly 8,000 licensed LMT's in the State of Ohio, and nearly 2,000 more sitting for the licensure examination each year, massage therapists represent the second largest licensure group under the auspices of the Medical Board, a fact that makes MTAC a critical component of the Board's regulatory scheme.

- Advised the Ohio Bureau of Workers Compensation on massage therapy practice and appropriate billing as part of BWC's effort to formalize reimbursement practices.

Having completed work on a significant number of issues, MTAC members voted in January 2004 to scale back its meeting schedule to quarterly, though committing to always be available as needed should additional issues arise. Board staff and MTAC members continue to correspond regularly; several times each month, Board staff has posed specific questions to MTAC seeking the clinical guidance of the members.

At the February 2004 meeting of the Medical Board, Board members applauded MTAC's accomplishments and commended the group's efforts and dedication. In a letter of appreciation to MTAC members, Board President Anquetette Sloan and Limited

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## MTAC (cont.)

Branch Committee Chair David Buchan, D.P.M., noted that, "The sheer number of issues addressed and resolved due to the focused efforts of the MTAC members is staggering. The Medical Board's mission is to protect the public through effective regulation of the practice of medicine and its limited branches. The Board's success in this mission, where the practice of massage therapy is concerned, is in large measure due to your commitment and efforts on the Board's behalf... You have helped forge a cordial working relationship between the massage therapy community and the Board; you have helped to set standards of education and practice that should serve as a model for regulation of massage therapy; and you have sacrificed your time and energy in service of the public."♦

### **The following current and past MTAC members were recognized by the Medical Board:**

**Mark Melecki, LMT, PT, CFT**

(appointed July, 2003)

**Dennis Gibbons, LMT**

(appointed 1999)

**Rick Phillips, LMT**

(appointed August, 2003)

**Deborah Thorp Jewett, LMT,  
NCBTMB** (appointed April, 2002)

**Rick Greely, BA, LMT**

(appointed April, 2002)

**Ed Denning, MEd, LMT**

(1999 through July, 2003)

**Diane Sater, LMT**

(1999 through June, 2003)

## Board Updates Massage Therapy Scope of Practice

After nearly six years of work, the Board has officially updated the massage therapy scope of practice, rule 4731-1-05 of the Administrative Code. It is important to note that the new rule is not meant in any way to expand the massage therapy scope of practice, but rather serves to clarify the long-standing components of the massage therapy scope of practice. Highlights of the changes include the following:

- Throughout the rule, references to "massage" have been updated to "massage therapy" to be consistent with previous changes in statute.
- In paragraph (A), addition of the phrase "manipulation of soft tissue" and removal of the term "passive" from "joint movements. Additional language has also been added to paragraphs (F)(3), (F)(4) and (F)(5) to clearly identify the parameters of the LMT practice, limiting joint manipulations to those consistent with LMT education and training. Paragraph (F)(3) specifically enacts a prohibition on LMTs performing chiropractic,

but the Board did not intend by only listing chiropractic to in any way suggest or authorize massage therapists to perform physical therapy or any other profession not specifically enumerated in the rule.

- In paragraph (B), inclusion of clarification that a massage therapist may educate patients consistent with their evaluation of the patient. MTAC indicated that such advice to patients, within the scope of practice, is clinically valuable but that practitioners had been deterred because of uncertainty regarding their authority.
- New paragraph (C) explicitly protects the title and designation "Massage Therapist" and "LMT," to assist in differentiating limited branch practitioners from other purveyors of massage.
- New paragraph (E) protects the public by requiring display of the certificate to practice.

The newly amended rule, which became effective on May 31, 2004, is reprinted on page 7.♦

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# Ohio Administrative Code 4731-1-05

## Scope of Practice: Massage Therapy

- (A) Massage therapy is the treatment of disorders of the human body by the manipulation of soft tissue through the systematic external application of massage techniques including touch, stroking, friction, vibration, percussion, kneading, stretching, compression, and joint movements within the normal physiologic range of motion; and adjunctive thereto, the external application of water, heat, cold, topical preparations and mechanical devices.
- (B) A massage therapist shall not diagnose a patient's condition. A massage therapist shall evaluate whether the application of massage therapy is advisable. A massage therapist may provide information or education consistent with that evaluation, including referral to an appropriate licensed health care professional, provided that any form of treatment advised by a massage therapist falls within the scope of practice of, and relates directly to a condition that is amenable to treatment by, a massage therapist. In determining whether the application of massage therapy is advisable, a massage therapist shall be limited to taking a written or verbal inquiry, visual inspection including observation of range of motion, touch, and the taking of a pulse, temperature and blood pressure.
- (C) No person shall use the words or letters "massage therapist," "licensed massage therapist," "L.M.T." or any other letters, words, abbreviations, or insignia, indicating or implying that the person is a licensed massage therapist without a valid license under Chapter 4731. of the Revised Code.
- (D) A massage therapist may treat temporomandibular joint dysfunction provided that the patient has been directly referred in writing for such treatment to the massage therapist by a physician currently licensed pursuant to Chapter 4731. of the Revised Code, by a chiropractor currently licensed pursuant to Chapter 4734. of the Revised Code or a dentist currently licensed pursuant to Chapter 4715. of the Revised Code.
- (E) All persons who hold a certificate to practice massage therapy issued pursuant to section 4731.17 of the Revised Code shall prominently display that certificate in the office or place where a major portion of the certificate holder's practice is conducted. If a certificate holder does not have a primary practice location, the certificate holder shall at all times when practicing keep the wallet certificate on the holder's person.
- (F) Massage therapy does not include:
- (1) The application of ultrasound, diathermy, and electrical neuromuscular stimulation or substantially similar modalities;
  - (2) Colonic irrigation;
  - (3) The practice of chiropractic, including the application of a high velocity-low amplitude thrusting force to any articulation of the human body;
  - (4) The use of graded force applied across specific joint surfaces for the purpose of breaking capsular adhesions;
  - (5) The prescription of therapeutic exercise for the purpose of rehabilitation or remediation of a disorder of the human body;
  - (6) The treatment of infectious, contagious or venereal diseases;
  - (7) The prescribing or administering of drugs; and
  - (8) The performing of surgery.
- (G) As used within this rule:
- (1) "External" does not prohibit a massage therapist from performing massage therapy inside the mouth or oral cavity; and
  - (2) "Mechanical devices" means any tool or device which mimics or enhances the actions possible by the hands that is within the scope of practice as defined in section 4731.17 of the Revised Code and this rule.◆

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# Compassionate Care Task Force Issues Report

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**Compassionate Care Task Force report addresses issues surrounding the care and treatment of patients suffering from terminal illness or severe chronic pain.**

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Recognizing the importance of addressing the profound physical, psychosocial, and economic impacts of terminal illness and severe chronic pain, the Ohio General Assembly enacted House Bill 474 in December 2002, creating the Compassionate Care Task Force. The Task Force met monthly from May 2003 through March 2004 for the purpose of studying and making recommendations concerning issues surrounding the treatment and care of persons with terminal illness or severe chronic pain. These recommendations are discussed in a new report from the Compassionate Care Task Force, which can be found currently on the Medical Board's website under "Medical Alerts" at [www.med.ohio.gov](http://www.med.ohio.gov). The Task Force will continue to meet through March 2005 to address its second responsibility of monitoring and reporting on the implementation of its recommendations.

H.B. 474 delineated a variety of participants for the Compassionate Care Task Force (including 18 physicians) and required the Director of Health or the Director's designee to be the group's chairperson. Task Force members include Medical Board Vice-President Patricia Davidson, M.D., Board Executive Director Tom Dilling, and Board Assistant Executive Director William Schmidt. Mr. Dilling and Mr. Schmidt have also served on the Ohio Pain Advisory Committee to the Director of Health since its inception.

The Task Force activities began with identification of the many barriers interfering with appropriate care of persons with chronic pain and persons with terminal illness.

Following identification of barriers, three subcommittees worked to (1) identify current needs and resources for pain management and palliative care in Ohio, (2) identify best practices for the care of persons with chronic pain, persons with terminal illnesses, and the family members of these two groups of patients, and (3) develop strategies to improve the pain management and palliative care practices in Ohio.

Some of the barriers to quality of care of persons with chronic pain and persons with terminal illness that served as the framework and rationale for the Task Force recommendations included:

- Healthcare professionals receive insufficient education on the care of persons with pain and persons with terminal illnesses in their basic education programs; many practicing healthcare providers have not updated their knowledge and skills in these areas; and, there is a lack of pain and palliative care specialists throughout the state, but especially in rural areas;
- Fear and misunderstanding of the existing statutes and rules regarding prescribing of opioid medications interfere with appropriate pain and symptom management; and
- Fear of regulatory scrutiny and litigation interfere with providing appropriate care.

Education and understanding are two significant ways to conquer fear. The Medical Board encourages licensees to visit its website and read the report of the Ohio Compassionate Care Task Force, as well as the Medical Board's rules in Chapter 4731-21 of the Ohio Administrative Code (OAC) on prescribing for intractable pain. The hallmarks of the Board's

rules are that physicians who prescribe to a patient with a terminal condition are not subject to disciplinary action by the Board if the treatment is provided pursuant to the requirements of Ohio Revised Code (ORC) Section 2133.11; physicians who treat intractable pain by utilizing prescription drugs, including opiates and other controlled substances, are not subject to disciplinary action by the Board if the treatment is provided in accordance with ORC Section 4731.052 and the rules found in OAC Chapter 4731-21; and there is a recognition that physical dependence and tolerance are normal physiological consequences of extended opioid therapy, and do not, in the absence of other indicators of drug abuse or addiction, require reduction or cessation of opioid therapy. If you read these statutes and rules, you should understand that they are based on sound principles and standards of medical practice that are essential for the safe and competent treatment of pain.

In addition, the Board encourages those physicians who encounter patients with intractable pain in the usual course of their practices to complete continuing medical education related to the treatment of intractable pain, including coursework related to pharmacology, alternative methods of pain management and treatment, and addiction medicine. Accepted standards of care in medical practice require the adequate treatment of pain. The Medical Board urges you to consider assessing pain as the fifth vital sign in your own practice. ♦

### **Correction/Clarification**

## **Light-based Medical Devices**

The Medical Board received a number of inquiries following its publication of an article on the proper delegation of the application of light-based medical devices (“Use and Delegation of Lasers,” *Your Report*, Winter/Spring 2004, pp. 8-9). The article stated that cosmetic therapists are limited in their use of

light-based medical devices to hair removal, but it created the impression that registered nurses, licensed practical nurses and physician assistants could perform other services under physician delegation. That impression is incorrect.

OAC Rule 4731-18-03 clearly states that a physician may delegate the use of a light-based medical device only to cosmetic therapists, registered nurses, licensed practical nurses and physician assistants, and that these non-physicians may not use the light-based medical devices for any purpose other than hair removal. The difference in delegated scope between the cosmetic therapists and the other delegates is that with the proper training, a cosmetic therapist may use a light-based medical device under off-site supervision, but the other delegates require on-site physician supervision at all times when using a light-based medical device.

The Board apologizes for any confusion the previous article may have caused. ♦

## **DO WE KNOW WHERE YOU ARE?**

### **UPDATE YOUR ADDRESS**

**\*\* NEW FEATURE \*\***

### **CHOOSE YOUR MAILING ADDRESS**

at [www.med.ohio.gov](http://www.med.ohio.gov)

### **State law requires you to . . .**

- notify the Medical Board of a change of address within 30 days
- provide both residence & principle practice addresses when you renew your license

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# STATE MEDICAL BOARD OF OHIO

## DISCIPLINARY ACTIONS

*December 2003 - May 2004*

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**AHMED**, Azzam Nimer (MD #35-040283) - Moreland Hills  
**Pre-hearing Suspension** - Pursuant to §4731.22(I), O.R.C., medical license automatically suspended effective 2/11/04 based on doctor having been found guilty of two counts of Rape and seven counts of Sexual Battery. **Board Order** - Medical license permanently revoked based on doctor having been found guilty of two counts of Rape, seven counts of Sexual Battery, and eleven counts of Sexual Imposition. (Journal Entry - hearing not timely requested) Effective 4/27/04.

**ALLEN, Mark L.** (MD #35-063078) - Warrensville Hts.  
**Board Order** - Medical license indefinitely suspended; interim monitoring conditions, conditions for reinstatement, and subsequent probationary terms, conditions, and limitations for at least five years established. Based on impairment of ability to practice according to acceptable and prevailing standards of care due to alcohol dependence. Order effective 1/16/04.  
**Court Action** - Notice of appeal of Board's suspension Order filed by doctor with Franklin County Court of Common Pleas on 1/29/04. Doctor's appeal of Board's 11/12/03 summary suspension Order dismissed with prejudice pursuant to Agreed Entry of Dismissal filed on 2/13/04. By Order and Entry filed 3/19/04, Common Pleas Court granted doctor's motion for a stay of 1/14/04 indefinite suspension Order, subject to interim monitoring conditions.

**AUGSPURGER**, Richard Roy (MD #35-036028)  
- Wheat Ridge, CO  
**Consent Agreement** - Following findings that prior action against doctor's license by Colorado's medical board constituted a violation of Ohio law, Ohio Board found that letter of admonition from Colorado Board adequately addressed doctor's conduct (failure to notify his partner about a patient's hospital admission) and that no further sanction was required. Doctor required to affirmatively notify specified entities of consent agreement for one year. Agreement effective 12/11/03.

**BAUTISTA**, Marciano David (DO #34-006986)  
- La Junta, CO  
**Consent Agreement** - Doctor reprimanded based on prior action against his license by Alaska's medical board, the conduct underlying which involved his having written prescriptions for controlled substances in Alaska after he inadvertently allowed his U.S. DEA Controlled Substance Registration Certificate to expire. Eff. 2/11/04.

**BIERER**, Craig Lindsay (DO training certificate #58-000448) - Cuyahoga Falls  
**Consent Agreement** - Medical training certificate suspended for at least 90 days; interim monitoring conditions and conditions for reinstatement, renewal or issuance of any other certificate established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on doctor's admitted history of alcohol dependence and relapse. Agreement effective 1/14/03.

**BISHOP**, Marcia K. (MT #33-008999) - Bucyrus  
**Pre-hearing Suspension** - Pursuant to Section 3719.121(C), O.R.C., massage therapy license immediately suspended based on massage therapist's pleas of guilty to one felony count of Theft of Drugs, and one felony count of Attempted Tampering with Drugs. Notice mailed 12/11/03. **Voluntary Surrender** - Permanent voluntary surrender of certificate authorized by massage therapist in lieu of formal disciplinary proceedings pursuant to Sections 4731.22(B)(9) and (B)(26), O.R.C. Effective 4/1/04.

**BRIGHTWELL**, Robert Russell (DO #34-003008)  
- Hilliard  
**Pre-hearing Suspension** - Pursuant to Section 4731.22(G), O.R.C., medical license summarily suspended based on Board's determination that there is clear and convincing evidence that doctor's ability to practice according to acceptable and prevailing standards of care is impaired due to habitual or excessive use or abuse of alcohol; and that doctor's continued practice presents a danger of immediate and serious harm to the public. Notice mailed 3/11/04; suspension effective upon service of notice on doctor on 3/19/04. **Court Action** - Notice of appeal of Board's summary suspension Order filed by doctor in Franklin County Court of Common Pleas on or about 3/15/04. **Consent Agreement** - Summary suspension Order terminated; medical license indefinitely suspended; interim monitoring conditions and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on impairment of ability to practice according to acceptable and prevailing standards of care due to alcohol dependence. Agreement effective 4/15/04. **Court Action** - By Entry filed on 4/26/04, Franklin County Court of Common Pleas dismissed doctor's appeal of Board's summary

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suspension Order with prejudice based on Board's ratification of 4/15/04 consent agreement that terminated summary suspension and made appeal moot.

**BRUMFIELD**, Daniel H. (MD #35-065317) - Springfield  
**Consent Agreement** - Medical license reinstated subject to probationary terms, conditions and limitations based on doctor having been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring conditions are in place. Agreement effective 1/16/04; agreement to remain in effect for at least five years prior to any request for termination.

**CHECK**, Lynne Ellen Zeglob (MD #35-033827) - Richfield  
**Consent Agreement** - Doctor reprimanded for failing to cooperate in a Medical Board investigation; probationary terms, conditions and limitations established based on doctor's admissions that her diagnoses include major depression and adjustment disorder, and that an evaluating psychiatrist has opined that she is able to practice medicine according to acceptable and prevailing standards of care based upon the fact that her major depressive disorder is reasonably controlled with treatment. Agreement effective 3/10/04; agreement to remain in effect for a minimum of two years prior to any request for termination.

**COBB**, Marcus Lillard (MD #35-060320) - Fairfield  
**Consent Agreement** - Doctor reprimanded based on his continued employment and supervision of a physician assistant after the P.A.'s certificate of registration had expired and after doctor's Board-approved Physician Assistant Supervision Agreement with the P.A. had expired. Agreement effective 4/15/04.

**DAHLQUIST**, Glenda Mae (MD #35-061900) - Dayton  
**Board Order** - Medical license permanently revoked based on inappropriate prescribing and failure to conform to minimal standards of care in the course of treatment of sixteen specified patients. Order effective 3/5/04. **Court Action** - Notice of appeal of Board's permanent revocation Order filed by doctor with Franklin County Court of Common Pleas on 2/13/04. By Order filed 3/3/04, Franklin County Court of Common Pleas stayed Board's permanent revocation Order, subject to requirements that doctor (1) notify all patients of the Board's permanent revocation order, the basis therefor, and the issuance of the court's stay order; and (2) obtain a signed waiver from each patient verifying that they have been so advised and consent to treatment by doctor.

**DANIACHEW**, Anthony Emmanuel (MD training certificate #57-002448/MD #35-083935) - Bedford Hts.  
**Consent Agreement** - Application for medical license granted, subject to probationary terms, conditions and limitations based on doctor's admission that he has been diagnosed with Generalized Anxiety Disorder that is amenable to treatment. Agreement effective 2/11/04;

agreement to remain in effect for a minimum of five years prior to any request for termination.

**DESHMUKH**, Minakshi B. (MD #35-070751) - Midland, MI/Indor, INDIA  
**Board Order** - Medical license suspended for at least 180 days; conditions for reinstatement and subsequent probationary terms, conditions and limitations for at least ten years established. Based on action against doctor's license by Michigan's medical board in resolution of previously issued allegations and an order of summary suspension by that state; and on doctor's violation of conditions of limitation imposed on her Ohio medical license by an 8/8/01 consent agreement. Order effective 4/15/04.

**DICKSON**, Stephen Lynn, Jr. (MD #35-074569) - Newburgh, IN  
**Consent Agreement** - Doctor reprimanded based on prior action against his resident physician registration by Florida's medical board for inappropriately inserting a chest tube into the wrong lung of a specified patient. Effective 3/10/04.

**DINTIMAN**, Peter Evans (MD #35-048364) - Alliance  
**Voluntary Surrender** - Doctor's voluntary surrender of medical license accepted by Board in lieu of further formal proceedings, based on doctor's admissions to factual allegations set forth in 2/11/04 notice of opportunity for hearing. Doctor ineligible for licensure in the future. Effective 5/11/04.

**DIPIETRO**, John Joseph (MT #33-006449) - East Canton  
**Voluntary Surrender** - Permanent revocation of certificate to practice massage therapy authorized by massage therapist in lieu of further formal investigation and/or formal disciplinary proceedings based upon his inability to practice due to various medical conditions, including chronic pain. Effective 5/11/04.

**ESSA**, Yazeed Mansi (MD #35-072322) - Akron  
**Consent Agreement** - Medical license indefinitely suspended; interim monitoring conditions and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on doctor's admission that, following a Board-ordered evaluation, he was determined to be alcohol dependent and impaired in his ability practice according to acceptable and prevailing standards of care due to the habitual or excessive use or abuse of alcohol. Agreement effective 4/15/04. **Consent Agreement** - Medical license reinstated subject to probationary terms, conditions and limitations based on doctor having been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring conditions are in place. Agreement effective 5/12/04; agreement to remain in effect for at least five years prior to any request for termination.

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**FISCHKELTA**, Joseph William (PA #50-001459)  
- Springfield  
**Board Order** - Physician assistant's certificate of registration suspended for at least ninety days; interim monitoring conditions, conditions for reinstatement, and subsequent probationary terms, conditions, and limitations for at least three years established. Based on physician assistant having been found guilty in North Carolina of seven misdemeanor counts of Common Law Forgery for forging a physician's signature to prescriptions issued to a false name; and his failure to advise Ohio Medical Board of same on his application for renewal of physician assistant registration. Order effective 2/12/04.

**FITZ**, Charles Raymond (MD #35-074542)  
- Pittsburgh, PA  
**Board Order** - Medical license revoked based on doctor's failure to cooperate with a Medical Board investigation about malpractice awards that were made on his behalf. (Review and Journal Entry - no hearing requested) Order effective 4/15/04.

**GAINEY**, Michael Shane (MD #35-048972)  
- Loveland/Park Hills, KY  
**Board Order** - Medical license suspended for ninety days; subsequent probationary terms, conditions and limitations for at least two years established. Based on doctor's failure to conform to minimal standards of care and violation of Code of Professional Ethics due to his having engaged in oral sex with a patient he had treated in the hospital emergency department. Order eff. 6/5/04.

**GELBARD**, Steven David (MD #35-052771)  
- Coral Springs, FL  
**Voluntary Surrender** - Doctor's permanent voluntary surrender of medical license accepted by Board effective 12/19/03 in lieu of formal disciplinary action based on doctor's violations of 5/12/00 Board Order and on prior action against doctor's license by Florida's medical board. Doctor ineligible for reinstatement in the future.

**GERACI**, Thomas L. (DPM #36-002265) - Columbus  
**Pre-hearing Suspension** - Pursuant to §3719.121(C), O.R.C., podiatry license immediately suspended based on doctor having been found eligible for intervention in lieu of conviction of seven felony counts of Illegal Processing of Drug Documents and three felony counts of Deception to Obtain Dangerous Drugs. Notice mailed 1/15/04; suspension effective 2/17/04 (notice by publication). **Board Order** - Podiatry license permanently revoked based on doctor's pleas of guilty to ten felony counts, including seven felony counts of Illegal Processing of Drug Documents and three felony counts of Deception to Obtain Dangerous Drugs, for which he was found eligible for intervention in lieu of conviction. (Review and Journal Entry - no hearing requested) Order effective 5/13/04.

**GOODEN**, Timothy Alwyn (MD #35-048868) - Mentor  
**Board Order** - Medical license suspended for one year; all probationary terms imposed by 2/02 consent agreement shall continue. Based on doctor having engaged in sexual activity with the mother of two of his pediatric patients, in violation of a provision of a code of professional ethics and minimal standards of care. Order effective 3/5/04.

**GREER**, Steven Franklin (MD training certificate #57-007242) - Cleveland  
**Consent Agreement** - Medical training certificate indefinitely suspended; interim monitoring conditions and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on doctor's admission that, following a Board-ordered evaluation, he was determined to be chemically dependent and impaired in his ability practice according to acceptable and prevailing standards of care due to the habitual or excessive use of alcohol. Agreement effective 4/15/04.

**HAJ-HAMED**, Ghassan (MD #069745) - Cincinnati  
**Pre-hearing Suspension** - Pursuant to §4731.22(G), O.R.C., medical license summarily suspended based on Board's determination that there is clear and convincing evidence that doctor violated conditions of limitation imposed on his license by 11/14/03 consent agreement; and that doctor's continued practice presents a danger of immediate and serious harm to the public. Notice mailed 4/30/04; suspension effective upon personal service of notice on doctor on 4/30/04.

**HELPHENSTINE**, James Charles (DO #34-004200) - Miamisburg  
**Board Order** - Permanent revocation of medical license stayed, subject to indefinite suspension for at least twenty-four months; interim monitoring conditions, conditions for restoration, and subsequent probationary terms, conditions, and limitations for at least five years established. Based on impairment of ability to practice according to acceptable and prevailing standards of care, as evidenced by urine screen reflecting the presence of benzodiazepines. Order effective 12/12/03.

**HIGHBERGER**, W. Andrew (MD #35-056976)  
- Marysville  
**Consent Agreement** - 7/02 consent agreement amended to permit doctor to perform operative anesthesia and to add required screenings for Fentanyl. Based on doctor having been deemed capable of practicing operative anesthesia according to acceptable and prevailing standards of care, so long as certain treatment and monitoring requirements are in place. Effective 12/11/03.

**HILLMAN**, Rodney (PA #50-001265) - Cincinnati  
**Consent Agreement** - Physician assistant certificate restored; P.A. reprimanded and required to affirmatively

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notify specified entities of consent agreement for five years. Based on P.A.'s admission that he worked as a P.A. without a current certificate of registration and without a current Board-approved physician assistant supervision agreement from 2/01 through 4/02. Agreement effective 12/11/03.

**HOLLADAY**, Jeffrey Scott (MT #33-011044) - Napoleon  
**Consent Agreement** - Massage therapist reprimanded for failing to advise Board on certificate renewal application that he had been treated for and diagnosed as suffering from drug and alcohol dependency and abuse. Certificate to practice massage therapy indefinitely suspended; interim monitoring conditions and conditions for reinstatement established, including requirement that massage therapist enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice, based on his admitted history of alcohol dependence and marijuana abuse, treatment and relapse. Agreement effective 4/15/04.

**HOPKINS**, Jordan Eric (MD training certificate #57-005132) - Columbus  
**Consent Agreement** - Medical training certificate indefinitely suspended; interim monitoring conditions and conditions for reinstatement, renewal or issuance of any other certificate established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on doctor's admission that he has been diagnosed as alcohol dependent and has sought treatment through a Board-approved provider. Agreement effective 5/12/04.

**JIRKA**, Gerard M. (PA applicant) - Avon Lake  
**Application Withdrawn** - Applicant's request to permanently withdraw application for certificate of registration as a physician assistant accepted by the Board in lieu of formal disciplinary proceedings based upon 12/10/03 notice of opportunity for hearing. Effective 2/25/04.

**JONES**, Jeffrey Thomas (PA #50-001782) - Canton  
**Pre-hearing Suspension** - Pursuant to §3719.121(C), O.R.C., physician assistant's certificate of registration immediately suspended based on his having been found eligible for intervention in lieu of conviction of one felony count of Possession of Drugs (Anabolic Steroids). Notice mailed 2/12/04; suspension effective upon service of notice on physician assistant on 2/17/04.

**JONES**, Miles James (MD #35-079363)  
- Lee's Summit, MO  
**Board Order** - Medical license permanently revoked based on prior actions against doctor's medical licenses in North Dakota, Wisconsin, Missouri, New York, Alabama and Oklahoma, following conclusions by one or more of the medical boards in those states that doctor had prescribed over the Internet without prior patient

examination or establishment of a legitimate physician-patient relationship; and that he had been subject to discipline in other states based on those acts. Order effective 2/12/04. **Court Action** - Notice of appeal of Board's permanent revocation Order filed by doctor with Franklin County Court of Common Pleas on 2/27/04. **Court Action** - Voluntary dismissal of notice of appeal filed on behalf of doctor on 3/24/04 to permit Board to obtain service of notice of permanent revocation Order on doctor.

**JOSEY**, Willie Leroy (MD #35-055467) - Portsmouth  
**Board Order** - Permanent revocation of medical license stayed, subject to indefinite suspension for at least two years, such suspension to be retroactive to 3/15/02, the date of the previous Board Order that suspended doctor's certificate; interim monitoring conditions, conditions for reinstatement, and subsequent probationary terms, conditions, and limitations for at least ten years established. Based on doctor's plea of guilty to thirteen felony counts of Deception to Obtain a Dangerous Drug, for which he was granted intervention in lieu of conviction. Order effective 2/12/04.

**JUNGBLUT**, Melanie E. (MD #35-062650) - Norwalk  
**Consent Agreement** - Probationary terms, conditions and limitations imposed to monitor practice based on doctor's admission that she has been diagnosed with and is being treated for mental illness, including intermittent major depression, attention deficit hyperactivity disorder, and bipolar disorder; and on doctor having been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring conditions are in place. Agreement effective 4/15/04; agreement to remain in effect for at least five years prior to any request for termination.

**KANNAPIRAN**, Kandhasamy (MD #35-048702) Mansfield  
**Pre-hearing Suspension** - Pursuant to Section 4731.22(G), O.R.C., medical license summarily suspended based on Board's determination that there is clear and convincing evidence that doctor's ability to practice according to acceptable and prevailing standards of care is impaired due to habitual or excessive use or abuse of drugs/alcohol; and that doctor's continued practice presents a danger of immediate and serious harm to the public. Notice mailed 2/12/04; suspension effective upon service of notice on doctor on 2/12/04. **Consent Agreement** - Summary suspension Order terminated; medical license suspended for at least ninety days; interim monitoring and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on impairment of ability to practice according to acceptable and prevailing standards of care due to alcohol dependence and possible benzodiazepine abuse/dependence. Agreement effective 5/12/04.

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**KAREL**, Douglas B. (MD #35-071689) - Lima  
**Consent Agreement** - Doctor reprimanded and probationary terms, conditions and limitations established based on doctor's admission that he engaged in behaviors involving several hospital coworkers that constituted inappropriate boundary crossings or otherwise unethical conduct in violation of the AMA's Principles of Medical Ethics, including making inappropriate social comments and offensive humorous remarks. Effective 2/11/04; probation to remain in effect for a minimum of one year prior to any request for modification/termination.

**KRALIK**, Rita Marie (MD #35-050161) - Gates Mills  
**Board Order** - Application for reinstatement of medical license denied; 4/17/96 indefinite suspension Order terminated and superceded by this Order of indefinite suspension; conditions for reinstatement established. Order entered due to doctor's failure to comply with Board-ordered examination, resulting in Board's finding, pursuant to Section 4731.22(B)(19), O.R.C., that doctor is unable to practice according to acceptable and prevailing standards of care by reason of mental or physical illness. (Journal Entry) Order effective upon successful service of notice on 12/31/03.

**KUNKEL**, John Fitzgerald (MD #35-076546)  
- Santa Rosa, CA  
**Consent Agreement** - Probationary terms, conditions and limitations established based on California Medical Board's issuance of a probationary medical license to doctor in view of doctor's history of treatment for major depressive disorder and bipolar disorder, and recommendation by psychiatrist who evaluated doctor on behalf of Ohio medical board that doctor undergo a period of probation with required treatment and monitoring. Agreement effective 5/12/04; agreement to remain in effect for at least five years prior to any request for termination.

**LEON**, Alberto A. (MD #35-046211) - Xenia  
**Pre-hearing Suspension** - Pursuant to §3719.121(C), medical license immediately suspended based on doctor's pleas of guilty to four felony counts of Deception to Obtain a Dangerous Drug. Suspension effective upon service of notice on doctor on 4/17/04.

**LING**, Louis August (MD #35-068329) - Porterville, CA  
**Board Order** - Doctor reprimanded based on prior action against his Alaska medical license following his admission that he had failed to notify the board in a timely manner of a malpractice claim in the amount of \$24,000 that had been paid on his behalf; and on prior action against doctor's California medical license based on the Alaska Board's action. Order effective 4/15/04.

**LISS**, Richard W. (MD #35-047064) - Columbus  
**Board Order** - Medical license permanently revoked based on doctor's failure to conform to minimal

standards of care and violation of the American Medical Association's Principles of Medical Ethics by engaging in sexual conduct with a patient, failing to maintain complete records of that patient's care, and failing to document specified controlled substance prescriptions he wrote for that patient. Order effective 1/16/04.

**LITTLE**, Larry John (MD #35-047090) - Columbus  
**Board Order** - Medical license suspended for at least 180 days; conditions for reinstatement and subsequent probationary terms, conditions, and limitations for at least three years established. Based on doctor's improper provision of controlled substances to a family member and to five other specified patients without maintaining adequate medical records to justify such provision, as required by Board rule. Effective 1/16/04.

**LUTZ**, Gary Ray (DO #34-003249) - Las Vegas, NV  
**Interim Agreement** - Probationary terms that were established by 11/16/98 Board Order to remain in effect; doctor's practice limited such that he will not practice osteopathic medicine and surgery in any form in Ohio. Based on Emergency Order of Summary Suspension of doctor's Nevada license issued by that state's medical board in 2/04. Agreement effective 4/15/04.

**MASLYK**, Benton Matthew (MT applicant) - Columbus  
**Board Order** - Application for massage therapist licensure granted provided that applicant successfully completes the massage therapy licensing examination, and subject to probationary terms, conditions, and limitations for at least three years. Based upon applicant having been found guilty in 1999 of one misdemeanor count of Corrupting Another with Drugs; and his having been found guilty in 2000 of one felony count of Robbery. Order effective 2/12/04.

**MASON**, Ulysses G. III (MD #35-036253) - Denver, CO  
**Voluntary Surrender** - Doctor's permanent voluntary surrender of medical license accepted by Board in lieu of formal proceedings based on prior action against doctor's license by Colorado's medical board. Doctor ineligible for licensure in the future. Effective 1/12/04.

**MCALLISTER**, Mark Stephen (MD #35-072741)  
- North Olmsted  
**Consent Agreement** - Medical license suspended for at least one year; interim monitoring conditions and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on impairment of ability to practice according to acceptable and prevailing standards of care due to relapse, violation of conditions of limitation imposed on license by May 2001 consent agreement, and commission of an act that constitutes a felony in this state, to wit: Theft of Drugs. Agreement effective 5/12/03.

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**MCGINNIS**, James Martin (DO #34-005660)  
- Wheelersburg

**Consent Agreement** - Medical license suspended for at least 90 days; interim monitoring conditions and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on doctor's admitted history of alcohol dependence, for which he has sought treatment through a Board-approved provider. Agreement effective 4/15/04.

**MCLAUGHLIN**, Rosemary W. (MD #35-025953)  
- Columbus

**Voluntary Surrender** - Permanent revocation of medical license authorized by doctor in lieu of formal disciplinary proceedings based on her non-compliance with terms of 10/10/01 Board Order. Effective 2/10/04.

**MCLEAN**, Conway Thoreau (DPM applicant)  
- Brookfield, IL

**Board Order** - Application for podiatric medical licensure permanently denied based on action against applicant's Iowa license in 1999 following his admission to allegations that he had committed professional incompetence and negligence in performing unindicated and/or negligent and/or excessive and/or premature surgeries on four patients; action against his Illinois license in 2000 based on a finding that his educational loan was in default; action against his Wisconsin license in 2001 based on Iowa's 1999 action; and on applicant's failure to advise the Ohio Medical Board on his 2003 application for licensure that his hospital privileges at Burlington Medical Center (Iowa) had been restricted. (Review and Journal Entry - no hearing requested) Order effective 3/11/04.

**MCNAMEE**, Brian F. (MD #35-035216) - Cleveland

**Board Order** - Medical license permanently revoked based on impairment of ability to practice and violation of conditions of limitation imposed on license by 11/02 consent agreement due to relapse on alcohol. Order effective 5/4/04.

**MCSURDY**, Bruce J. (MD #35-065913)  
- North Platte, NE

**Board Order** - Medical license revoked based on prior action against doctor's license by North Dakota's medical board following conclusions of law that doctor had failed to furnish information requested about his compliance with continuing medical education requirements. (Journal Entry - no hearing requested) Order effective 5/13/04.

**MILLER**, Lynn Ye (MD #57-006043) - Boardman

**Board Order** - Medical training certificate permanently revoked based on doctor's provision of false information on her Ohio training certificate application and a St. Elizabeth Health Center (Youngstown, OH) training program application; her admission to officials at St.

Elizabeth that she altered two letters of recommendation in connection with the latter application; and her failure to advise the Medical Board on her training certificate application that she had been placed on probation and had been counseled on several occasions during an undisclosed residency at Wright State University (Dayton, OH). (Review and Journal Entry - no hearing requested) Order effective 4/15/04.

**MUNOZ**, Cayetano Sanchez (MD #35-033007)  
- Lake Havasu, AZ

**Voluntary Surrender** - Doctor's permanent voluntary surrender of medical license accepted by Board effective 11/27/03 in resolution of requirements of 10/13/00 Board Order, and in lieu of formal disciplinary action based on doctor's violation of that Order and on 8/14/03 disciplinary action by Arizona's medical board. Doctor ineligible for reinstatement in the future.

**NICHOLS**, Billy Michael (MD #35-057408) - Cincinnati/  
Grovetown, GA

**Consent Agreement** - Doctor reprimanded based on his continued employment and supervision of a physician assistant after the P.A.'s certificate of registration had expired and after doctor's Board-approved Physician Assistant Supervision Agreement with the P.A. had expired. Agreement effective 4/15/04.

**NOOR**, Sidi Yousseff (MD applicant) - Morristown, PA

**Application Withdrawn** - Applicant's request to permanently withdraw application for medical license accepted by the Board in lieu of formal disciplinary proceedings based upon applicant's failure to disclose on his Ohio application that he had been the subject of a licensure action in Illinois, as well as of licensure investigations in Massachusetts and South Carolina. Applicant ineligible for licensure in the future. Effective 11/24/03.

**PAAT**, Erdulfo Paz (MD #35-034225) - North Olmsted

**Board Order** - Medical license suspended for ninety days; subsequent probationary terms, conditions, and limitations for at least three years established. Based on doctor having been found guilty of one misdemeanor count of Attempted Sexual Imposition, the acts underlying which involved his conduct toward a female patient. Order mailed 3/31/04; Order effective 3/31/04.  
**Court Action** - Notice of appeal of Board's suspension Order filed by doctor on or about 3/16/04 with Franklin County Court of Common Pleas. By Decision and Entry filed on 3/26/04, the Court dismissed doctor's appeal as being premature. Notice of appeal of Board's suspension Order refiled by doctor on or about 4/1/04 with Franklin County Court of Common Pleas. By Order filed 4/1/04, the Court granted doctor's motion for a stay of Board's suspension Order until filing of a final decision or order by Common Pleas Court in the appeal, conditioned upon doctor having a chaperone present in the room with him during all of his examinations of female patients.

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**PRADA**, German Virgilio (MD #35-039814) - Kettering  
**Board Order** - Medical license suspended for at least 180 days; subsequent probationary terms, conditions, and limitations for at least three years established. Based on doctor having been found guilty of one misdemeanor count of Sexual Imposition, the acts underlying which involved his conduct toward a female psychiatric patient. Order effective 3/31/04. **Court Action** - Notice of appeal of Board's indefinite suspension Order filed by doctor with Franklin County Court of Common Pleas on 4/2/04.

**PRATT-HARRINGTON**, Dale (DO #34-006970) - Athens  
**Pre-hearing Suspension** - Pursuant to Section 4731.22(G), O.R.C., medical license summarily suspended based on Board's determination that there is clear and convincing evidence that doctor's ability to practice according to acceptable and prevailing standards of care is impaired due to habitual or excessive use or abuse of drugs/alcohol; and that doctor's continued practice presents a danger of immediate and serious harm to the public. Suspension effective upon service of notice on doctor on or about 2/17/04.

**RAMIREZ**, Roque Joel (MD #35-068714) - Mexia, TX  
**Voluntary Surrender** - Doctor's permanent voluntary surrender of medical license accepted by Board in lieu of further formal proceedings based on doctor's admission to prior action against his Texas medical license following conclusions by that state's medical board that he had failed to practice medicine in an acceptable professional manner. Doctor ineligible for licensure in the future. Effective 1/13/04.

**REEVES**, Robert S., Jr. (MD #35-050586) - Norwalk  
**Board Order** - Permanent revocation of medical license stayed, subject to indefinite suspension for at least 180 days, such suspension to be retroactive to 9/5/03, the date the doctor terminated his employment based on concerns expressed by the Supervising Member of the Board and Board staff; interim monitoring conditions, conditions for reinstatement, and subsequent probationary terms, conditions, and limitations for at least seven years established; license permanently limited in that doctor shall refrain from self-treating and from treating family members except in the event of a life-threatening emergency. Based on doctor's violation of conditions of limitation imposed on license by 5/14/03 consent agreement due to his failure to comply with practice monitoring and psychiatric treatment requirements. Order effective 2/12/04. Doctor's request for reinstatement granted by vote of the Board on 3/10/04, subject to probationary terms, conditions and limitations established by 2/11/04 Board Order.

**RICH**, Craig Louis (MD #35-064127) - Canton  
**Pre-hearing Suspension** - Pursuant to Section 4731.22(G), O.R.C., medical license summarily suspended based on Board's determination that there is

clear and convincing evidence that doctor's ability to practice according to acceptable and prevailing standards of care is impaired due to habitual or excessive use or abuse of drugs/alcohol; and that doctor's continued practice presents a danger of immediate and serious harm to the public. Suspension effective upon service of notice on doctor on 2/14/04.

**ROSSLIT**, James M., Jr. (DO #34-005558) - Dayton  
**Consent Agreement** - Medical license reinstated subject to probationary terms, conditions and limitations based on doctor having been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring conditions are in place. Agreement effective 3/10/04; agreement to remain in effect for at least five years prior to any request for termination.

**RUBIN**, Joel H. (DO #34-002084) - Flower Mound, TX  
**Board Order** - Probationary terms, conditions and limitations imposed until doctor submits acceptable documentation that he has completed all requirements imposed by the Texas State Board of Medical Examiners' Medicated Agreed Order, and that doctor holds a full and unrestricted license to practice medicine and surgery in the State of Texas. Based on prior action against doctor's license by Texas' medical board following findings that doctor's emergency room treatment of two specified patients constituted a failure to practice medicine in a professional manner consistent with public health and welfare. Order effective 2/12/04.

**SALWITZ**, Michael Theodore (MD #35-041110)  
- Payson, AZ  
**Board Order** - Medical license limited and restricted to require doctor to refrain from practice in Ohio until specified conditions are satisfied; subsequent probationary terms, conditions and limitations for at least three years established. Based on prior action against doctor's Arizona medical license for his failure to evaluate, diagnose and treat a patient's gastric ulcer, and improperly discharging the patient from the emergency room with deteriorating vital signs. Order effective 5/6/04.

**SCHECHTER**, John Michael (MD #35-061517) - Solon  
**Board Order** - Medical license permanently revoked based on doctor's treatment of a psychiatric patient; his having engaged in sexual relations with said patient fell below minimal standards of care and violated the AMA Code of Professional Ethics. Order effective 3/12/04.  
**Court Action** - Notice of appeal of Board's 3/10/04 permanent revocation Order filed by doctor in Franklin County Court of Common Pleas on or about 3/15/04.

**SEILER**, Patricia Anne (MD #35-050364)  
- Grand Rapids, MI  
**Consent Agreement** - Doctor reprimanded based on prior action against doctor's license by Michigan's medical board following findings by that board that

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doctor's conduct in the treatment of a specified patient constituted negligence. Effective 3/11/04.

**SHAHAMAT**, Ahmad (MD #35-039134) - Westlake  
**Board Order** - Medical license suspended for at least 90 days; conditions for reinstatement and subsequent probationary terms, conditions and limitations for at least three years established. Based on doctor having been found guilty of one felony count of Worker's Compensation Fraud. Order effective 6/5/04.

**SHEDLOCK**, Marie Therese (PA #50-000789)  
- Middleburg Heights

**Consent Agreement** - Certificate to practice as a physician assistant reinstated subject to probationary terms, conditions and limitations based on P.A. having been deemed capable of practicing according to acceptable and prevailing standards of care. Agreement effective 1/14/04; agreement to remain in effect for at least five years prior to any request for termination.

**SHERMAN**, Christopher John (MD #35-054258) - Warren  
**Pre-hearing Suspension** - Pursuant to Section 4731.22(G), O.R.C., medical license summarily suspended based on Board's determination that there is clear and convincing evidence that doctor's ability to practice according to acceptable and prevailing standards of care is impaired due to habitual or excessive use or abuse of drugs/alcohol; and that doctor's continued practice presents a danger of immediate and serious harm to the public. Suspension effective upon service of notice on doctor on 2/14/04.

**SHETH**, Neel Narendra (MD applicant) - Saline, MI  
**Application Withdrawn** - Applicant's request to permanently withdraw application for medical license accepted by Board in lieu of further formal disciplinary proceedings based on allegations issued by the Board on 12/10/03.

**SHIN**, Cheung Soo (MD #35-033143) - Middlesboro, KY  
**Board Order** - Medical license revoked based on prior action against doctor's license by Kentucky's medical board following Agreed Findings relative to doctor's inadequate supervision of a physician assistant. (Journal Entry - no hearing requested) Effective 5/13/04.

**SIEGEL-SCHAEFER**, Luke A. (MT applicant) - Columbus  
**Board Order** - Application for certificate to practice massage therapy granted, provided that applicant successful completes massage therapy licensing examination and subject to probationary terms, conditions and limitations for at least three years. Based on applicant having been found guilty in 1999 of one felony count of Trafficking in Drugs, the acts underlying which involved his having knowingly sold or offered to sell a controlled substance, to wit: mescaline mushrooms. Order effective 4/15/04.

**SINGH**, Paramjit (MD #35-066022) - East Liverpool  
**Voluntary Surrender** - Permanent revocation of medical license authorized by doctor in lieu of formal disciplinary proceedings based on his plea of guilty to felony drug counts. Effective 1/13/04.

**SNYDER**, Geoffrey D. (MD #35-068971) - Lewisville  
**Board Order** - Medical license permanently revoked based on doctor having been convicted of one felony count of Importuning, the conduct underlying which involved his soliciting, via the internet, a law enforcement officer posing as a minor to engage in sexual activity; and based upon doctor's failure to advise Board, during processing of his initial application for licensure, that he had been requested to appear at a General Court-Martial to answer charges that ultimately resulted in his dismissal from the United States Army. Order effective 1/16/04. **Court Action** - Notice of appeal of Board's permanent revocation Order filed by doctor with Franklin County Common Pleas Court on 1/16/04. By Order filed on 1/16/04, Court of Common Pleas stayed Board's permanent revocation Order pending the final disposition of doctor's appeal. Upon State's motion for reconsideration, Court of Common Pleas modified its stay of Board's permanent revocation Order on 2/5/04 to require that doctor comply with certain conditions, including that he accept no new patients, continue with psychological counseling, complete sex offender evaluation, not see female patients and patients under the age of eighteen (male or female) except in the presence of another medical professional, maintain a log of third party attendance at any medical visits with female patients and all patients under the age of eighteen, have no access to the internet, and not possess, in any manner, any pornographic materials.

**SOUTHERN**, Brian Derris (MD training certificate #57-008187) - Cleveland

**Pre-hearing Suspension** - Pursuant to Section 4731.22(G), O.R.C., medical training certificate summarily suspended based on Board's determination that there is clear and convincing evidence that doctor's ability to practice according to acceptable and prevailing standards of care is impaired due to habitual or excessive use or abuse of drugs/alcohol; and that doctor's continued practice presents a danger of immediate and serious harm to the public. Suspension effective upon service of notice on 2/14/04.

**SOUTHIERE**, George Armand, Jr. (MD #35-070885)  
- Andover, KS

**Consent Agreement** - Medical license restored, subject to probationary terms, conditions and limitations to monitor practice. Based on prior actions against doctor's licenses in Kansas and New York; history of chemical dependency, treatment and relapse; and doctor having been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring conditions are in place. Agreement effective 5/12/04; agreement to remain in

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effect for at least three years prior to any request for termination.

**SPEARS**, David Paul (DO training certificate #58-001123) - Marietta

**Consent Agreement** - Medical training certificate suspended for at least 90 days; interim monitoring conditions and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on doctor's admitted history of opiate dependence, treatment and relapse. Agreement effective 4/15/04.

**SPRICH**, William W. (MD #35-044332) - Belleville, IL  
**Voluntary Surrender** - Doctor's permanent voluntary surrender of medical license accepted by Board in lieu of further formal proceedings and in resolution of doctor's pending appeal before Franklin County Court of Common Pleas of 10/8/03 Board Order. Based on doctor's admission to prior action against his license by Illinois Medical Board following his stipulation that he had failed to notice a mechanical malfunction in a piece of equipment during surgery, and that the patient had suffered non-fatal injuries as a result. Effective 1/28/04.

**STEPHENSON**, Jeffrey Scott (DO #34-005693)  
- South Point

**Voluntary Surrender** - Permanent revocation of medical license authorized by doctor in lieu of formal disciplinary proceedings based on doctor having been found guilty of multiple felony drug counts and violation of 3/14/02 consent agreement. Effective 2/9/04.

**STORROW**, Alan B. (MD #35-060445)  
- Cincinnati/Villa Hills, KY

**Consent Agreement** - Medical license reinstated subject to probationary terms, conditions and limitations based on doctor having been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring conditions are in place. Agreement effective 12/11/03; agreement to remain in effect for at least five years prior to any request for termination.

**SUBLER**, David Edward (MD #35-065191) - Columbus  
**Consent Agreement** - Medical license reinstated subject to probationary terms, conditions and limitations based on doctor having been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring conditions are in place. Agreement effective 12/11/03; agreement to remain in effect for at least five years prior to any request for termination.

**TIPPIE**, Toby James (PA #50-001990) - Lima  
**Pre-hearing Suspension** - Pursuant to Section 3719.121(C), O.R.C., certificate to practice as a physician assistant immediately suspended based on P.A.'s pleas of guilty to two felony counts of Forgery.

Notice mailed 12/11/03; suspension effective upon service of notice on 12/13/03. **Consent Agreement** - Certificate of registration to practice as a physician assistant suspended for at least 180 days; interim monitoring and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on physician assistant having pled guilty to two felony counts of Forgery, for which he was found eligible for intervention in lieu of conviction; and impairment of ability to practice according to acceptable and prevailing standards of care due to chemical dependency. Agreement effective 5/12/04.

**VASIC**, Vladimir (MD #35-078402) - Niagra Falls, Ontario, CANADA

**Board Order** - Medical license permanently revoked based on doctor's failure to provide complete and accurate information on hospital privilege applications pertaining to a prior hospital privileges action; prior action against his medical license in Ontario, Canada; and his having made a false statement regarding the latter to the Ohio Medical Board. Effective 2/25/04.

**WALKER**, Richard Winston (MD #35-019772)  
- Rock Springs, WY

**Voluntary Surrender** - Doctor's permanent voluntary surrender of medical license accepted by Board, in lieu of formal disciplinary action based on prior action against doctor's license by Wyoming's medical board following that board's receipt of information that doctor was arrested for driving under the influence of alcohol. Doctor ineligible for reinstatement in the future. Effective 12/9/03.

**WARREN**, Michael Craig (DO #34-008173) - Toledo  
**Consent Agreement** - Medical license suspended for at least 270 days; interim monitoring conditions and conditions for reinstatement established, including requirement that doctor enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on doctor's admissions that his ability to practice according to acceptable and prevailing standards of care is impaired due to chemical dependency, for which he has sought treatment through a Board approved provider; that he committed acts that constitute felonies in this state, to wit: Deception to Obtain a Dangerous Drug, and/or Illegal Processing of Drug Documents; and that he failed to advise the Board on his licensure application that he was engaged in the illegal use of controlled substances. Agreement effective 5/12/04.

**WILLINGHAM**, Tamara Deanne (MT #33-011291)  
- Perrysburg

**Interim Agreement** - Pursuant to interim agreement effective 2/26/04, massage therapist agreed not to practice massage therapy in Ohio in any form until allegations contained in 2/11/04 notice of opportunity for

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hearing have been fully resolved. **Consent Agreement** - Permanent revocation of certificate to practice massage therapy stayed, subject to suspension for ninety days, such period to be calculated from 2/26/04, the effective date of massage therapist's interim agreement not to practice; probationary terms, conditions and limitation for at least five years established. Based on massage therapist's admission that she was found guilty of one felony count of Aggravated Vehicular Assault. Agreement eff. 5/12/04; agreement to remain in effect for a minimum of five years prior to any request for termination.

**WRIGHT**, Lance Paul (MD #35-053065) - Lebanon  
**Voluntary Surrender** - Permanent revocation of medical license authorized by doctor in lieu of formal disciplinary proceedings based upon doctor's admission that he engaged in a sexual relationship with a patient. Effective 3/31/04.

**YUN**, Mary Mei-Ling (MD #35-072128) - Loveland  
**Pre-hearing Suspension** - Pursuant to Section 4731.22(G), O.R.C., medical license summarily suspended based on Board's determination that there is clear and convincing evidence that doctor violated conditions of limitation imposed by 7/03 consent agreement and that her ability to practice according to acceptable and prevailing standards of care is impaired due to mental illness; and that doctor's continued practice presents a danger of immediate and serious harm to the public. Notice Suspension effective upon service of notice on doctor on 12/15/03.

## Continuing Medical Education

**DOAK**, Scott A. (MD #35-063604) - Xenia  
**Consent Agreement** - Doctor reprimanded; subject to mandatory CME audits for three biennial registration periods. Based on doctor's admission that, although he certified on his application for renewal that he had completed the requisite hours of Continuing Medical Education, he had failed to maintain documentation of such completion as required by Board rule. Documentation of completion of additional hours has since been provided. Agreement effective 5/12/04.

**ESPINOSA**, Emilio Aldo (MD #35-033789)  
- Temperance, MI  
**Board Order** - Doctor reprimanded; \$5000 fine imposed; medical license suspended for an indefinite term and conditions for reinstatement established; thereafter, doctor required to document compliance with CME requirements for two additional license registration periods. Based on doctor's failure to comply with Continuing Medical Education requirements. (Review and Journal Entry - no hearing requested) Order effective 4/11/04.

**HENDRIXSON**, Michael L. (DO #34-006425) - Cincinnati  
**Consent Agreement** - Doctor reprimanded; subject to mandatory CME audits for three biennial registration periods; \$1000 fine imposed. Based on doctor's admission that he certified on license renewal application that he had completed required CME hours when, in fact, those hours had not been timely completed. (Remaining hours have since been completed.) Agreement effective 4/15/04.

## Court Action Update

**BOLTON**, Brett (DO #34-007377) - Ft. Lauderdale, FL  
**Court Action** - By Decision filed on 1/9/04, Franklin County Court of Common Pleas affirmed Board's 7/9/03 permanent revocation Order. Entry filed 2/5/04. Notice of appeal to Tenth District Court of Appeals filed by doctor on 3/5/04. By Journal Entry filed on 4/27/04, Tenth District Court of Appeals dismissed doctor's appeal due to his failure to timely file a brief.

**GRAOR**, Robert Alan (MD #35-044093) - Beavercreek  
**Court Action** - By Decision filed 1/7/04, Franklin County Court of Common Pleas affirmed Board's 2/12/03 permanent revocation Order. Entry documenting decision and lifting Court's 4/10/03 stay order filed on 1/22/04. By Decision and Entry filed on 1/20/04, Franklin County Court of Common Pleas overruled doctor's motion to continue stay. By Journal Entry filed on 1/21/04, Tenth District Court of Appeals granted doctor's motion for a stay of Board's permanent revocation Order pending appeal.

**GUIDI**, Claude Bernard (MD #35-064995) - Tampa, FL  
**Court Action** - By Decision and Order filed on 1/27/04, Franklin County Court of Common Pleas affirmed Board's 5/14/03 Order in part, reversed it in part, and remanded matter to Medical Board for further proceedings in accordance with decision. Notice of appeal to Tenth District Court of Appeals filed by doctor on 2/5/04.

**HOSSEINIPOUR**, Ahmad (MD #35-066878)  
- Youngstown  
**Court Action** - Notice of appeal of Board's 2/11/98 permanent revocation Order filed by doctor with Franklin County Court of Common Pleas on 11/28/03. By Decision filed on 2/17/04 and documented by Entry filed on 2/27/04, Franklin County Court of Common Pleas granted Board's motion to dismiss doctor's appeal due to doctor's failure to file it in a timely manner.

**ISTANBOOLY**, Faye Fatina (MD #35-060216)  
- Chicago, IL  
**Court Action** - By Decision filed 12/5/03, Franklin County Court of Common Pleas affirmed Board's findings, reversed Board's imposition of suspension based on doctor's violation of R.C. 4731.22(A), and

affirmed Board's suspension Order on the basis of doctor's violation of 4731.22(B)(5). Entry filed on 12/22/03 affirming in part, reversing in part, and lifting previously imposed stay order. By Entry filed 1/28/04, Franklin County Court of Common Pleas ordered that its 3/11/03 stay Order shall remain in effect for the duration of any further appeal, provided that such appeal is perfected no later than 1/21/04.

**POLITI**, Barry J. (MD applicant) - Pittsburgh, PA  
**Court Action** - By Decision and Entry filed on 4/14/04, Franklin County Court of Common Pleas affirmed Board's 4/2/03 Order denying medical licensure.

**ROSS**, Michael Reiff (MD #35-064760) - Towson, MD  
**Court Action** - By Opinion and Judgment Entry filed on 4/27/04, Tenth District Court of Appeals reversed decision of Franklin County Court of Common Pleas that had overturned Medical Board's revocation Order, and remanded matter to Common Pleas Court for further proceedings consistent with the appellate court's ruling.

**ROSSITER**, Lawrence J. (DO #34-001933) - Alliance  
**Court Action** - By Decision and Entry filed 1/15/04, Tenth District Court of Appeals affirmed decision of Franklin County Court of Common Pleas, which had upheld Medical Board's 7/10/02 suspension Order.

**URBAN**, Edward John (DO #34-003523) - Chagrin Falls  
**Court Action** - By Opinion and Entry filed on 1/13/04, Tenth District Court of Appeals affirmed decision of Common Pleas Court, which had upheld Board's 12/12/01 permanent revocation Order. By Journal Entry filed on 1/22/04, Tenth District Court of Appeals denied doctor's motion to continue the stay of Board's permanent revocation Order. By Journal Entry filed 1/28/04, Tenth District Court of Appeals denied doctor's motion for reconsideration of Court's 1/22/04 Journal Entry. Notice of appeal to Ohio Supreme Court filed by doctor on 2/27/04. By Entry filed on 4/14/04, Ohio Supreme Court denied doctor's motion for a stay of Board's permanent revocation Order pending appeal.

## Changes to Medical Board Rules

The Medical Board held a public rules hearing on December 22, 2003 to consider rescissions, amendments and new rules in chapters 4731-1 (Limited Branches), 4731-9 (Record of Board Meetings), 4731-12 (Podiatric Licensure), 4731-13 (Hearings), 4731-14 (Pronouncement of Death); 4731-15 (Mandatory Reporting), 4731-17 (HIV and Hepatitis B Virus Exposure Precautions), 4731-19 (Licensees Infected with HIV or HVB: Reporting Requirements and Duty of Care) and 4731-20 (Podiatric Medicine).

Many of the changes to these rules can be considered technical or procedural in nature. However, the Chapter 1 (Limited Branch) rules contain significant substantive changes, and attorneys may also find the changes to the Chapter 13 (Hearing) rules of interest, as they

result in an alteration and streamlining of processes in the disciplinary hearing setting. Two of the podiatric licensure rules (4731-12-03 and 4731-12-04) were changed after public hearing to reflect changes in the examination sequence offered by the National Board of Podiatric Medical Examiners.

These changes, whether considered substantive or procedural/technical, are significant, and the Medical Board encourages its licensees to read carefully each of these new rules to understand his or her continuing legal obligations. The rules can be found on the Board's website on the "Current Rules" page, where they are organized by chapter ([www.med.ohio.gov/rules/indexrul.htm](http://www.med.ohio.gov/rules/indexrul.htm)), or by calling the Board's Public Inquiries Department. ♦

**STATE OF OHIO**  
**THE STATE MEDICAL BOARD**

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