



YOUR REPORT

FROM THE STATE MEDICAL BOARD OF OHIO

WINTER/SPRING 2004

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A WORD FROM THE PRESIDENT

... about office-based surgery

Substantial data have documented that a significant number of surgical procedures have moved from hospitals and ambulatory surgical facilities (ASFs) to physicians' offices. As that trend has accelerated, the surgeries being performed in offices have become more complex and the levels of sedation have become deeper. The fact that offices often lack the types of emergency and rescue capabilities, not to mention additional trained medical personnel, found in hospitals and ASFs, has raised concerns nationwide for patient safety.

The Medical Board had made one of its goals for 2003 the completion of an almost three year project to define standards for surgical and other special procedures performed in physicians' offices. On August 13, 2003, the Board achieved that goal with the adoption of rules governing the practice of office-based surgeries. Those rules become effective on January 1, 2004.

These rules are calibrated to the level of anesthesia used in an office, and they contain requirements for physician eligibility, the qualifications of anesthesia providers, and accreditation requirements, along with other regulations. You will find in this issue an extensive explanation of many of the new responsibilities for practitioners under these rules, along with contact information

See **PRESIDENT** on page 11

Inside YOUR REPORT

Sexual Boundary Issues: A Physician's Guide	2
Office-Based Surgery Rules	3
Gifts to Physicians	7
Use & Delegation of Lasers.....	8
Medical Board & KePRO Sponsor <i>Web M & M</i>	10
Call for Baseline Abbreviation Data	11
Disciplinary Actions	12

Sexual Boundary Issues: A Physician's Guide

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

Throughout time, "acceptable" human sexual behavior has been defined by religious doctrine and societal norms. Cultures worldwide vary greatly in their attitudes toward sexuality. In the United States, we have dramatically changed our own views over the last half century. Activities that were once seen as proper only for married couples, sealed behind closed doors, are now routinely explored on the evening news and depicted graphically on TV dramas and reality shows. Advertisements feature prominent politicians and sports figures touting a cure for sexual dysfunction. In short, much of our society has accepted that what goes on between two consenting adults is their own personal choice. One would think that these private moments are the last thing upon which the State Medical Board should intrude. But physicians and other health care providers should think again.

Ohio law casts Codes of Professional Ethics, such as those published by the AMA and AOA, as standards to which medical practitioners are expected to adhere in the course of practicing their professions. The American Psychiatric Association has long had an ethical principle prohibiting psychiatrists from having sexual involvement with their patients. More recently, the American Medical Association's Council on Ethical and Judicial Affairs has promulgated opinions proscribing sexual relationships between physicians and not only their patients, but also "key third parties" such as the patient's parent or caregiver. The premise of these opinions is that, by its very nature, the physician-patient relationship cannot be a relationship among equals. Thus,

there cannot be true consent in such a relationship.

A physician who takes on responsibility for a patient's care has unique access to details about the patient's private life that no one else is privileged to know, such as sexual and emotional history, contraceptive status, and physical concerns. A patient may feel comfortable discussing confidential matters with his or her doctor, such as marital discord or other family problems, knowing that the doctor is bound to protect those disclosures. To be sure, making an emotional connection with the patient can enhance the physician's ability to provide appropriate care—so long as the physician avoids crossing the boundary that separates the professional relationship from the personal.

A physician should do no harm in the doctor/patient relationship. That fundamental principle still prevails. The need to make rational, unbiased medical judgments for the benefit of the patient precludes the physician from being the provider of choice for his or her own family members—and that extends to anyone with whom a physician becomes emotionally and/or physically involved. Whenever there is any attraction between two individuals, it is appropriate to totally sever the physician/patient relationship before the personal relationship goes any further. That means that the physician should formally document termination of professional involvement via written notice to the patient, cease prescribing for the individual, stop seeing them in the office or in the hospital, and transfer their care to another physician who does not share call. Even then, a reasonable amount of time should elapse before a dating or sexual relationship is initiated, such that a clear-cut severing of the doctor/patient relationship is apparent.

It is important to note that some sexual or romantic relationships between a physician

See **BOUNDARIES** on page 5

Office-Based Surgery Rules

New Medical Board rules set standards for in-office surgical procedures based on the level of sedation used.

On August 13, 2003, the Board adopted a series of rules governing the practice of surgery in physicians' offices, capping a process that had taken nearly three years to complete. It was a process in which numerous hearings and meetings were held to bring together dozens of interested parties and to provide a forum for multiple points of view. The Board's office-based surgery rules, found in chapter 4731-25 of the Administrative Code, represent a distillation of those multiple, sometimes competing, points of view. This article is meant to help you understand these rules, but it is highly recommended that you read the rule language yourself to more fully understand your obligations under the new rules.

The rules were adopted with an effective date of January 1, 2004. The reason for the four-plus month extension of the effective date was to give parties affected by the rules additional time to prepare their practices for the new requirements. Some specific requirements in the rules have extended compliance dates because they relate to processes that may require additional time to complete. Those specific deadlines will be discussed below.

In general, the Board's office-based surgery rules are calibrated to the level of sedation used in the office. The deeper the sedation used, the greater the requirements. In an office that does procedures only under local anesthesia or minimal sedation/anxiolysis, the office-based surgery rules do not apply. Offices that use moderate sedation/analgesia or anesthesia services must meet certain standards.

4731-25-01 contains the definitions of terms used in the chapter. Of particular importance are the definitions of the various degrees of sedation, which are based on the American Society of Anesthesiologists' definitions. The definition of "tumescent local anesthesia" in paragraph (N) emerged from extended conversations between the Board and a number of physician groups and professional associations, including significant input from the American Academy of Dermatology. The inclusion of the definition represents the Board's recognition of the evidence pointing to different levels of risk from liposuction done under tumescent local anesthesia and liposuction procedures done under deeper levels of sedation. Paragraph (N) defines tumescent local anesthesia as a local anesthesia, exempting, in combination with other rules, offices using only that level of sedation from the accreditation requirements of 4731-25-07.

4731-25-02 contains certain general provisions that apply across the chapter. Paragraph (A) defines who is authorized to provide anesthesia in an office setting, limiting those persons to physicians or podiatric physicians licensed pursuant to chapter 4731. of the Revised Code, and certified registered nurse anesthetists (CRNAs) licensed pursuant to chapter 4723. of the Revised Code. Paragraph (F) further indicates that a registered nurse, licensed pursuant to chapter 4723. of the Revised Code, may practice within his or her scope, even if that includes some administration or monitoring of moderate sedation in an office setting.

In addition, paragraph (E) explains that if sedation or anesthesia is being administered by a CRNA, the supervising physician remains responsible for the actions of the CRNA. It also indicates that if a physician anes-

siologist is providing the sedation or anesthesia, the operating physician is not considered to have supervised the provision of anesthesia. Paragraph (H) uses the American Society of Anesthesiologists' physical status classification system to limit the types of patients on whom a physician may perform surgery in an office setting (they are limited to patients who have a P1 or P2 classification). Regarding the practice of podiatric physicians, the rule echoes the requirements of the Revised Code that prohibit a podiatric physician from performing surgery on a patient in an office setting using general anesthesia, regardless of who is administering the anesthesia. And finally, rule 4731-25-02, in paragraph (G), specifically exempts tumescent liposuction from the bulk of the chapter 25 rules, except that it makes clear that physicians performing only tumescent liposuction in their offices are still subject to the specific regulations on liposuction found in rule 4731-25-05.

Rules 4731-25-03 and 4731-25-04 set certain standards for surgery in the office setting with the difference between the two being that 25-03 is specific to offices in which the deepest level of sedation used is moderate sedation/analgesia, and 25-04 applies to offices using deep sedation and general anesthesia.

Paragraph (A) of both rules deals with the qualifications of the physician performing the surgery and requires that the physician demonstrate the ability to perform the procedures being done in the office in conformance with minimal standards of care of similar practitioners as required by statute. A physician may demonstrate such competence by being privileged by an accredited hospital or licensed ambulatory surgical facility (ASF), by being board-certified in a specialty in which the procedure being performed is within the usual course of practice or by having completed a residency in a specialty in which the procedure is considered to be within the usual course of practice. If the office falls under rule 25-03, meaning that it uses nothing deeper

than moderate sedation/analgesia, the physician may also demonstrate competence in the procedure by completion of didactic training in the procedure as outlined in the rule. In addition, the physician must have recent training in emergency rescue (ACLS/ATLS) and is responsible for ensuring that any assisting personnel are competent to administer the level of sedation used in the office and to manage emergency situations.

In addition, the operating physician, regardless of the title or qualifications of the person administering the anesthesia, must demonstrate competence in the level of sedation being used in the office, and may do so in one of a number of ways. For moderate sedation/analgesia, the physician must hold privileges to administer moderate sedation from an accredited hospital or a licensed ASF or the physician must have completed 5 hours of category 1 continuing medical education (CME) in the current biennial license registration period or the immediately preceding period. That language is intended to require the physician to continue to update the CME credits on a regular basis. For physicians using deep sedation or general anesthesia, the requirement is for 20 hours of category 1 CME related to provision of that level of sedation. The CME requirements are phased so that physicians have six months (180 days) from the effective date of the rules to earn the necessary CME credits. What that means is that physicians performing surgery in an office setting must have earned the appropriate CME credits by July 1, 2004.

Paragraph (B) of both rules outlines who is permitted to administer and monitor anesthesia in an office setting. Rule 25-03 indicates that for offices using only moderate sedation/analgesia, a physician with hospital privileges in moderate sedation, a CRNA or a registered nurse may administer and monitor anesthesia, with a limitation that an RN shall only administer specifically prescribed doses of drugs and that the operating physician must

remain continuously present. For offices using anesthesia services, rule 4731-25-04 indicates that only a physician who holds privileges in anesthesia services or who has completed a residency program and is practicing as an anesthesiologist or by a CRNA.

In addition, there are requirements that an operating physician not perform more than one operation at a time; that, for the provision of moderate sedation/analgesia, there may be a phased induction in which the operating physician first administers the sedation and then the RN may monitor the patient while

the operating physician performs the procedure; and that, for general anesthesia, the office must be equipped to manage malignant hyperthermia.

The liposuction rule is 4731-25-05. The Board believed that the increasing frequency of liposuction procedures, combined with the invasiveness of the procedure, warranted a rule specific to that practice. In addition to explicitly tying this rule to the requirements of 4731-25-03 and 4731-25-04, the rule also

See **SURGERY** on page 6

BOUNDARIES (cont.)

and former patient may forever be taboo due to the nature of the pre-existing professional involvement. The AMA's Ethical Opinion 8.14, Sexual Misconduct in the Practice of Medicine, declares sexual or romantic relationships with former patients to be "... unethical if the physician uses or exploits trust, knowledge, emotions, or influence derived from the previous professional relationship."

What about situations in which the patient seeks romantic and/or sexual involvement with a physician who doesn't feel a mutual attraction? Or what if a patient seeks to manipulate the physician through the intimacy of the physician-patient relationship, with the hope of receiving preferential treatment or gaining access to drugs? Again, the physician must be conscious of boundaries, communicate those boundaries clearly to the patient, and arrange for on-going, appropriate care by another physician if the patient's attachment interferes with the provision of proper care. It is incumbent upon the physician to avoid even the appearance of impropriety. As one who plays a powerful role in the patient's life, the physician must avoid behavior that can be misinterpreted,

and must explicitly communicate to the patient that the physician's function is exclusively to provide legitimate medical care.

Complaints against physicians and other health care providers for alleged sexual boundary violations make up about 1% to 2% of the 3000+ complaints filed with the Ohio Medical Board in an average year. Some complaints charge the practitioner with inappropriate touching during an examination or making suggestive remarks. Others reveal sexual activity after the personal relationship has been terminated, a spouse has discovered the liaison, or a colleague notes unusual, suggestive behavior between the physician and the patient. Sometimes sexual improprieties come to light when law enforcement agencies track prescriptions written for known "doctor shoppers" who are trading sex for drugs. Inevitably, verified boundary violations—even those borne out of simple human frailty and lapses in judgment—yield personal shame, family humiliation, and loss of professional standing, in addition to any sanction the Medical Board may deem it appropriate to impose.

Lance A. Talmage, M.D.

SURGERY (cont.)

limits the total aspirate in a single liposuction session to 4,500 milliliters, limits the cannula size to 4.5 milliliters, limits the concentrations of lidocaine (0.1 per cent, with the total dosage of lidocaine not to exceed 50 milligrams per kilogram of patient body weight) and epinephrine (1.5:1,000,000, with the total dosage not to exceed 50 micrograms per kilogram of patient body weight) in solution injected into the patient and requires additional personnel to monitor the patient if the liposuction is to exceed 100 milliliters. In addition, the rule prohibits performance of liposuction in conjunction with any other surgical procedures in the office, except that small, localized liposuction that is routinely part of the other procedure may still be performed.

Finally, 4731-25-07 requires accreditation of offices using moderate sedation/analgesia or anesthesia services (at this time, 4731-25-06,

the adverse events reporting rule, is tabled). 25-07 gives the office eighteen months from the effective date of the rule to apply for accreditation, and three years from the effective date to have received accreditation. That means that offices using moderate sedation/analgesia or anesthesia services must have applied for accreditation by July 1, 2005, and received accreditation by January 1, 2007. The rule lists a number of accrediting agencies that have been reviewed by the Board and pre-approved for their office accreditation programs.

There is still greater detail in the rules themselves. This is an attempt to explain many of the most pertinent provisions of the rules, but if you perform surgical procedures in your office, you should review the rule language carefully to ensure that you are aware of your obligations beginning January 1, 2004. ♦

The people listed below should be your points of contact for the various accrediting agencies identified in rule 4731-25-07. Each person has agreed to accept correspondence by any means listed with their names (mail, fax, phone, or e-mail). Each agency also has a great deal of information about their accreditation programs on their websites.

AAAHC

Adrian Hochstadt, Director of Public Affairs
Accreditation Association for Ambulatory Health Care
3201 Old Glenview Road
Wilmette, IL 60091
Phone: (847) 853-6072 Fax: (847) 853-9028
E-Mail: adrianh@aaahc.org <http://www.aaahc.org>

JCAHO

Mike Dye, Associate Director Business Development
Office Based Surgery Accreditation
Joint Commission for the Accreditation of Health Care
Organizations
One Renaissance Boulevard
Oakbrook Terrace, IL 60181
Phone: (630) 792-5259 Fax: (630) 792-4259
E-Mail: mdye@jcaho.org
<http://www.jcaho.org/accredited+organizations/office+based+surgery/index.htm>

AAAASF

Theresa Hummel-Griffin, Director of Accreditation
The American Association for Accreditation of
Ambulatory Surgery Facilities
5101 Washington Street, Suite 2F
Gurnee, IL 60031
Phone: 847-775-1970 Fax: 847-775-1985
E-mail: info@aaaasf.org
<http://www.aaaasf.org>

AOA/HFAP

Healthcare Facilities Accreditation Program
American Osteopathic Association
142 E. Ontario Street
Chicago, IL 60611

George A. Reuther
Director
Phone: (312) 202-8060

Anne Titzer
HFAP Manager
Phone: (312) 202-8062

Gifts to Physicians

Patients should be confident that they are receiving their physicians' best care, uninfluenced by the interest of third parties. Patients trust that personal or financial benefits will not influence medical decisions regarding the care they receive.

With this premise in mind, under Ohio law, a licensee may be subject to investigation and possible disciplinary action for failure to abide by the ethical guidelines of any provision of a code of ethics of the American Medical Association (AMA), American Osteopathic Association (AOA), and American Podiatric Medical Association (APMA). The AMA adopted ethical guidelines of the Council on Ethical and Judicial Affairs (CEJA) to prevent inappropriate gift-giving practices. The *Guidelines on Gifts to Physicians from Industry* later appeared in its Code of Medical Ethics, CEJA Ethical Opinion 8.061, which follows, in pertinent part:

1. Any gifts accepted by physicians individually should primarily entail a benefit to patients and should not be of substantial value. Accordingly, textbooks, modest meals, and other gifts are appropriate if they serve a genuine educational function. Cash payments should not be accepted
2. Individual gifts of minimal value are permissible as long as the gifts are related to the physician's work (e.g., pens and notepads).
3. The Council on Ethical and Judicial Affairs defines a legitimate "conference" or "meeting" as any activity, held at an appropriate location, where (a) the gathering is primarily dedicated, in both time and effort, to promoting objective scientific and educational activities and discourse (one or more educational presentation(s) should be the highlight of the gathering), and (b) the main incentive for bringing attendees together is to further their knowledge on the topic(s) being presented. An appropriate disclosure of financial support or conflict of interest should be made.
4. Subsidies to underwrite the costs of continuing medical education conferences or professional meetings can contribute to the improvement of patient care and therefore are permissible. Since the giving of a subsidy directly to a physician by a company's representative may create a relationship that could influence the use of the company's products, any subsidy should be accepted by the conference's sponsor, who in turn can use the money to reduce the conference's registration fee. Payments to defray the costs of a conference should not be accepted directly from the company by the physicians attending the conference.
5. Subsidies from industry should not be accepted directly or indirectly to pay for the costs of travel, lodging, or other personal expenses of physicians attending conferences or meetings, nor should subsidies be accepted to compensate for physicians' time. Subsidies for hospitality should not be accepted outside of modest meals or social events held as a part of a conference or meeting. It is appropriate for faculty at

See **GIFTS** on page 8

GIFTS (cont.)

conferences or meetings to accept reasonable honoraria and to accept reimbursement for reasonable travel, lodging, and meal expenses. It is also appropriate for consultants who provide genuine services to receive reasonable compensation and to accept reimbursement for reasonable travel, lodging, and meal expenses. Token consulting or advisory arrangements cannot be used to justify the compensation of physicians for their time or their travel, lodging, and other out-of-pocket expenses.

6. Scholarships or other special funds to permit medical students, residents, and fellows to attend carefully selected educational conferences may be permissible as long as the selection of students, residents, or fellows who will receive the funds is made by the academic or training institution. Carefully selected educational conferences are generally defined as the major educational, scientific, or policy-making meetings of national, regional, or specialty medical associations.
7. No gifts should be accepted if there are strings attached. For example, physicians should not accept gifts if they are given in relation to the physician's prescribing practices. In addition, when companies underwrite medical conferences or lectures other than their own, responsibility for and control over the selection of content, faculty, educational methods, and materials should belong to the organizers of the conferences or lectures.

The AMA is further speaking to the issue via a series of one-hour educational modules covering the ethics of gifts to physicians. The modules may be found at www.ama-assn.org/go/ethicalgifts. The AOA has adopted a policy statement, *Guidelines on Gifts to Physicians*, which may be found at <http://www.aoa-net.org/AOAGeneral/position1001.pdf>. Also, the Medical Board has prescribing information in the Frequently Asked Questions section of its website: <http://www.med.ohio.gov>. ♦

Use and Delegation of Lasers

Procedures using lasers, cosmetic procedures in particular, are being performed with increasing frequency. Moreover, it has come to the attention of the Board that there may well be a great deal of misunderstanding and misinformation regarding the question of who may apply lasers to the human body in Ohio. Specifically, the Board has been receiving reports of non-licensed persons purchasing laser equipment with assurances from salespersons that Ohio law allows the cosmetic use of lasers without a license; or of physicians deciding to permit office staff and other persons without legal authority to use the lasers “under

the physician's license.” Both practices are violations of the Medical Practices Act.

The application of light based medical devices, including lasers, is clearly and explicitly regulated in the State of Ohio. Rule 4731-18-02 of the Administrative Code states in paragraph (B): “The application of light based medical devices to the human body is the practice of medicine and surgery, osteopathic medicine and surgery and podiatric medicine and surgery.” Section 4731.41 of the Ohio Revised Code says that it is illegal to practice medicine without a license. Therefore, it is

illegal to use a laser in Ohio without a license granting specific authority to do so.

There are provisions in Ohio law for non-physicians to use lasers, and those delegation provisions are also explicit and clear. Rule 4731-18-03 of the Administrative Code controls the delegation of the use of light-based medical devices. Physicians should not fall into the trap of thinking that the general delegation authority granted to them under 4731.053 of the Revised Code and Chapter 4731-23 of the Administrative Code in any way overrides the specific delegatory language of rule 4731-18-03. Paragraph (C) of rule 4731-18-02, in fact, states that a physician may not delegate the use of light based medical devices except as explicitly authorized in 4731-18-03 and 4731-18-04.

The specific language of 4731-18-03 controls, and indicates that there are only four classes of persons to whom a physician is permitted to delegate the application of light based medical devices, including lasers. All of them must hold a current license in Ohio, and all of them must be supervised by the delegating physician:

1. Cosmetic Therapist, licensed under Chapter 4731. of the Revised Code;
2. Physician Assistant, registered under Chapter 4730. of the Revised Code;
3. Licensed Practical Nurse, licensed under Chapter 4723. of the Revised Code;
4. Registered Nurse, licensed under Chapter 4723. of the Revised Code.

There is a general requirement that the physician ensure that the person to whom he or she is delegating has proper training to safely use the laser, and in the case of a Cosmetic Therapist (CT), the requirement is that the CT complete a 50-hour course in the use of lasers for hair removal. CT's are further limited to using the laser only for hair removal. The delegating physician must also provide supervision. If the delegation is to a CT, the

supervision may be off-site, but for the PA, LPN and RN, supervision must be on-site.

Paragraph (A) of 4731-18-03 makes additional demands of the physician seeking to delegate the use of a laser: specifically, there must be a physician/patient relationship. The physician must see and evaluate each patient and prescribe the application of the laser. The physician is further responsible for maintenance of patient records for the treatments.

There appears to be a tendency on the part of some physicians to see the application of a laser as a minor procedure with wide margins for patient safety, yet there have been numerous stories in the popular press—and some specific cases brought to the attention of this Board—about patients suffering burns and other serious injuries from lasers. Lasers are medical devices, which, if improperly applied, can cause serious and permanent injury. Ohio law has declared that their use is within the purview of the licensed physician or one of a small number of other licensed health care professionals, who have received proper training, acting under the supervision of a licensed physician. ♦

DO WE KNOW WHERE YOU ARE?

UPDATE YOUR ADDRESS ON-LINE:
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

State Medical Board of Ohio Joins Ohio KePRO in Sponsoring Nation's First Web-based Patient Safety Site

The State Medical Board of Ohio encourages you to join a special introduction of the Agency for Healthcare Research and Quality's (AHRQ) Web M&M, the nation's first patient safety and health care resource and journal designed for physicians. You'll find Web M&M on line at www.webmm.ahrq.gov.

The statewide introduction will be presented as a free Web-Ex Conference Call. Carolyn M. Clancy, M.D., Director of AHRQ, and Lucian Leape, M.D., Adjunct Professor of Health Policy, Harvard School of Public Health, will give opening remarks. Dr. Clancy is a practicing internist and a highly distinguished patient safety expert. Under Dr. Clancy, AHRQ is focusing its efforts on rebuilding the health care delivery system in order to close the gap between what physicians know is the best care for their patients and what our system routinely delivers.

Dr. Leape, an internationally renowned patient safety pioneer, has played a central role in raising the national consciousness regarding health care errors. Dr. Leape believes that health care errors harm 1 of 25 patients in the nation's hospitals and can be reduced by 90% over the next decade if the health care system shifts its focus from punishing individuals to redesigning its systems.

Robert Wachter, M.D., Professor and Associate Chairman, Department of Medicine, University of California at San Francisco (UCSF), and editor of Web M&M, will lead a tour of the site.

The Web M&M site seeks to better prepare physicians to take a proactive role in changing our health care system. Physicians, owing to their ability to think in terms of "systems," are

well-suited to help reshape our health care culture and infrastructure to significantly enhance patient safety and outcomes.

The first step in changing the health care system is to recognize that health care errors are systems issues. The morbidity and mortality cases highlighted on the Web M&M site each month will help physicians recognize that most errors are not the result of sloppy, poorly informed or malicious physicians, but rather functions of overly complicated processes of care with an inadequate focus on error proofing. The Web M&M site features a case-based approach that emphasizes changes such as teamwork training, checklists, and computerization of medical records and prescriptions, which can be made in health care systems.

Each month, five cases are published in various specialties including internal medicine, surgery/anesthesia, obstetrics/gynecology, pediatrics, psychiatry, radiology, and emergency medicine. Physicians submit cases to the Web M&M site anonymously. The most interesting cases are posted on the site, accompanied by short, evidence-based commentaries by the nation's top experts in patient safety. One case each month is expanded into an interactive learning module—the "Spotlight Case."

Physicians can earn free Category I Continuing Medical Education (CME) credits by successfully completing questions related to the Spotlight Case.

The Web M&M site launch is being co-sponsored by Ohio KePRO, the Medicare Quality Improvement Organization for Ohio, the Ohio Hospital Association, State of Ohio

Medical Board, the Ohio Department of Health, the Ohio Patient Safety Discussion Forum, the Ohio Patient Safety Institute, the Ohio Osteopathic Association, the Academy of Medicine of Cleveland/Northern Ohio Medical Association, and the Cincinnati Medical Association.

See the box below for information on how to register for the free statewide introduction. ♦

Free Statewide Introduction to AHRQ Web M&M

Register Now:

"The first Web-Ex Conference Call is on
January 7, 2004, at 12:00 PM EST.

Special Introduction by:

Lucian Leape, MD

Adjunct Professor, Harvard School of
Public Health
Institute of Medicine Quality of Health
Care in American Committee

OR

"The second Web-Ex Conference Call is
on January 8, 2004, at 1:00 PM EST.

Special Introduction by:

Carolyn Clancy, MD

Director, Agency for Healthcare and
Quality (AHRQ)

"To register for either call, please visit:
<https://ifmcevents.webex.com>

If you are unable to participate in the
Web-Ex Conference Call, the
presentation will be available on Ohio
KePRO's Web site: www.ohiokepro.com
after January 19, 2004

Call for Baseline Abbreviation Data

The Patient Safety Discussion Forum (PSDF) is collecting baseline data from Ohio physicians about medication orders as part of its *Ohioans First* initiative to eliminate five dangerous medical abbreviations. PSDF is a collaboration of Ohio health care leaders committed to identifying and promoting safeguards within health care systems.

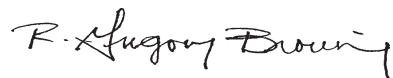
The first goal of the PSDF, the elimination by 2005 of five frequently misread abbreviations, rolled out in March 2003 with the launch of the *Ohioans First* website and distribution of a "toolkit" to promote use of alternative abbreviations and to educate staff.

Collection of baseline data began in August 2003. A baseline survey, located at www.ohioansfirst.org/survey/, allows for the anonymous submission of data about medication orders. Please take a few moments to complete the survey and share your expertise. ♦

PRESIDENT (cont.)

for four of the major accrediting agencies with office surgery accreditation programs, and information on how to find the full text of the rules on the Board's website.

During the process of adopting these rules, the Board heard testimony from dozens of physicians, associations and members of the public, and not everyone agreed with all of the requirements. But the Board is confident that all of the medical professionals impacted by the rules join in the spirit in which the rules were promulgated: a spirit of commitment to providing patient care in the safest manner possible.



R. Gregory Browning, President

STATE MEDICAL BOARD OF OHIO

DISCIPLINARY ACTIONS

June 2003 - November 2003

NOTE: Licensure status updates, including any court appeal actions related to Medical Board Orders, are available by clicking on the *LICENSEE PROFILE AND STATUS* link on the Board's website: www.med.ohio.gov

AHMED, Ashfaq Taj (MD #35-073182) - Springfield
Board Order - Permanent revocation of medical license stayed subject to indefinite suspension for at least 90 days; conditions for reinstatement, and subsequent probationary terms, conditions, and limitations for at least five years established. Based on doctor having made false, fraudulent, deceptive or misleading statements to his residency program director, the American Board of Internal Medicine, and the Board pertaining to his completion of residency training, rescission of his certificate of completion of residency, and subsequent termination from residency. Order effective 7/1/03.

ALLEN, Mark L. (MD #35-063078) - Chagrin Falls
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's ability to practice according to acceptable and prevailing standards of care is impaired because of 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 11/13/03; suspension effective upon service of notice on 11/17/03. **Court Action** - Notice of appeal of Board's 11/12/03 Order of summary suspension filed by doctor with Franklin County Court of Common Pleas on 11/21/03.

BAJAJ, Anil K. (MD #35-071601) - Parsippany, NJ
Board Order - Medical license permanently revoked based on doctor having been found guilty of one felony count of Gross Sexual Imposition and one felony count of Sexual Battery. Order effective 6/12/03.

BAROFF, David Miles (MD #35-052149) - Girard
Board Order - Medical license permanently revoked based on doctor having engaged in sexual conduct with four specified patients. (Journal Entry - no hearing requested) Order effective 8/14/03.

BENSON, Robert Malcolm (MD #35-037331) - Canton
Consent Agreement - Medical license permanently limited and restricted to require doctor to be accompanied by a chaperone at all times when interacting with a patient and/or a patient's family members, except in cases of life

threatening emergency; probationary terms, conditions and limitations imposed, including requirement that doctor maintain ongoing psychiatric therapy and medication management. Based on doctor's admissions that he has received psychiatric care for diagnoses including bipolar disorder and bipolar depression, and that a board-ordered evaluation opined that he had engaged in frequent boundary crossings and infrequent but recurrent boundary violations. Agreement effective 8/13/03; probation to remain in effect for at least five years before any request for termination.

BERNSTEIN, Marc Jeffrey (MD #35-071867) - Beachwood
Board Order - Medical license permanently revoked based on doctor's conviction of one misdemeanor count of Sexual Abuse; and prior action against doctor's license by New York's medical board based upon that conviction and doctor's admission to the underlying facts, which included the issuance of protective orders by the court covering two female patients. Order effective 9/11/03.

BERTANI, Charles (DO #34-002096) - Columbus
Consent Agreement - Doctor reprimanded and permanently prohibited from prescribing, administering or personally furnishing controlled substance anorectic medications or diuretics for weight loss, based on doctor's admission that he violated Board rules pertaining to the utilization of those medications for weight loss purposes. Based on doctor's admission that he engaged in sexual conduct with two patients while they were under his care, medical license suspended for at least 18 months, conditions for reinstatement and subsequent probationary terms, conditions and limitations for at least three years established. Agreement effective 11/12/03.

BIBB, Richard Edward (MD #35-026338) - Cincinnati
Voluntary Surrender - Permanent revocation of medical license authorized by doctor in lieu of formal proceedings pursuant to §4731.22(B)(18), O.R.C., which authorizes the Board to take action based on violation of a Code of Professional Ethics. Effective 7/9/03.

BOLTON, Brett (DO #34-007377) - Ft. Lauderdale, FL/
Columbus
Board Order - Medical license permanently revoked based

on doctor having been convicted in U.S. District Court, Southern District of Florida, of 19 felony counts of misapplying money and funds – each of a value in excess of \$1000 - belonging to a gaming establishment operated by an Indian tribe. Order effective 7/15/03. **Court Action** - Notice of appeal of Board's 7/9/03 permanent revocation Order filed by doctor with Franklin County Court of Common Pleas on or about 7/18/03. By Entry filed 7/18/03, Common Pleas Court temporarily granted doctor's motion for a stay of Board's 7/9/03 permanent revocation Order.

BRADY, Brian T. (MT applicant) - Mentor
Board Order - Application for massage therapy certificate denied based on finding by Board, following applicant's failure to comply with Board-ordered examination, that applicant is unable to practice according to acceptable and prevailing standards of care due to habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice. (Journal Entry). Eff. 7/11/03.

BRIDGES, Michael Howard (MD #35-068312)
- High Point, NC
Board Order - Noting that doctor's Ohio license had been in a lapsed status due to non-payment of fees for more than two years, Board dismissed matter following its determination that doctor had fully cooperated and complied with prior actions against his North Carolina medical license relating to his having been diagnosed with and treated for Bipolar I Disorder. Order effective 9/2/03.

BRIGGS, Jeffrey Allen (MD #35-044176) - Powell
Consent Agreement - Doctor's 5/03 consent agreement modified by addendum to replace required blood alcohol screenings with random weekly saliva screenings, with a blood alcohol screening to be immediately conducted should any saliva screening yield a positive result. Effective 6/11/03.

BRUENING, Frank Raymond (MD #35-032119) - Toledo
Consent Agreement - Medical license indefinitely suspended; interim monitoring conditions and conditions for consideration 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 he has been diagnosed with major depressive disorder, single episode, in partial remission, and generalized anxiety disorder; and that an evaluating psychiatrist has opined that he is currently unable to practice according to acceptable and prevailing standards of care. Effective 6/11/03.

CALLION, Raleigh Shipp (MD #35-049458) - Gahanna
Board Order - Medical license revoked based on impairment of ability to practice according to acceptable and prevailing standards of care due to habitual or excessive use or abuse of drugs, as evidenced by positive drug screen. (Journal Entry - no hearing requested) Order effective 10/9/03.

CAMPBELL, Scott Michael (MD #35-060794) - Sandusky
Consent Agreement - Probationary terms, conditions and limitations established to monitor practice based on doctor's admission that he was diagnosed and treated for chemical dependency, and that he has been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring requirements are in place. Agreement effective 8/13/03; agreement to remain in effect for at least five years prior to any request for termination.

CHANDRASEKHAR, Subramaniyam (MD #35-079201)
- Parkersburg, WV
Board Order - Permanent revocation of medical license stayed, subject to indefinite suspension for at least twelve months; 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, and violation of conditions of limitation imposed on medical license by 8/02 consent agreement due to alcohol relapse. Order effective 8/25/03.

COHN, Frederick (MD #35-065955) - Albuquerque, NM
Board Order - Medical license permanently revoked based on doctor's plea of guilty in U.S. District court of the Eastern District of Kentucky to felony counts of Attempt and Conspiracy, Laundering of Monetary Instruments, Health Care Fraud, and Criminal Forfeitures. (Journal Entry - no hearing requested) Order mailed 6/12/03; Order effective 6/12/03. **Dismissal** - 9/12/01 citation dismissed as moot following entry on 6/11/03 of permanent revocation Order based on separate (3/12/03) allegations, which doctor did not appeal. Effective 7/10/03.

COLTON, Danny Maurice (MD applicant) – Newtown, OH/
Detroit, MI
Board Order - Application for medical licensure permanently denied based on applicant's failure to furnish satisfactory proof of good moral character, as evidenced by applicant's provision of false and misrepresentative information on insurance benefits forms. (Review and Journal Entry - no hearing requested) Effective 9/11/03.

COVERDALE, David Bradley (MD training certificate #57-005824) - Parma Heights
Board Order - Board shall not consider renewing or reinstating training certificate and shall not consider an application for a new training certificate or for full licensure to practice medicine for at least three years; conditions established for granting such renewal, reinstatement, or application, including a requirement that doctor enter into a written consent agreement with the Board incorporating probationary terms, conditions, and limitations to monitor practice. Based on impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice. (Journal Entry – no hearing requested) Effective 8/14/03.

CRAWFORD, Steven Warren (MD #35-067148)
- Portsmouth

Board Order - Permanent revocation of medical license stayed subject to indefinite suspension for at least 18 months, such suspension to be retroactive to 8/14/02, the effective date of doctor's Step I consent agreement with the Board; interim monitoring conditions, conditions for reinstatement, and subsequent probationary terms, conditions, and limitations for at least five years established. Based on doctor having been found eligible for treatment in lieu of conviction for felony counts of Possession of Drugs, Deception to Obtain a Dangerous Drug, and Illegal Processing of Drug Documents; and his provision of false, fraudulent, deceptive or misleading statements in response to interrogatories from the Board. Order effective 6/12/03.

FELTER, Christian Tilen (MD training certificate #57-003026) - Lake Milton

Board Order - Medical license revoked based on violation of conditions of limitation imposed on training certificate due to failure to comply with monitoring conditions; and failure to cooperate with a Medical Board investigation. (Journal Entry – no hearing requested) Effective 8/14/03.

FINLEY, John McLaughlin Jr. (PA #50-000349) - Columbus
Application Withdrawn - Physician assistant's request to withdraw application for restoration of P.A. registration accepted by Board in lieu of further formal investigation related to possible violations of §4730.25(B)(4). O.R.C., based upon P.A.'s admission that his medical records reflect diagnoses of and a history of treatment for a number of psychiatric conditions. Effective 6/12/03.

FLOWERS, Vickie Mae (MT #33-012736) - Cuyahoga Falls
Consent Agreement - Massage therapy certificate granted, subject to probationary terms, conditions and limitations based on massage therapist's admission to past convictions involving dishonesty and Driving While Intoxicated and her admission that, with the exception of a 1993 conviction for violating a curfew ordinance, she has been the subject of no criminal charges since 1987. Agreement effective 11/12/03; agreement to remain in effect for at least two years prior to any request for termination.

FRAGATOS, Peter (MD #35-083165) - Broadview Heights
Consent Agreement - Medical license granted subject to reprimand and probationary terms, conditions and limitations, based on doctor's failure to provide complete and accurate information on his application for Ohio licensure, and on his admissions that he has been diagnosed with and receives treatment for alcohol dependence and bipolar disorder, and that he has been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring requirements are in place. Agreement effective 8/13/03; agreement to remain in effect for at least five years prior to any request for termination.

GLEICH, Lyon Lance (MD #35-066287) - Cincinnati
Medical license suspended for ninety days; subsequent probationary terms, conditions and limitations imposed for at least five years. Based on doctor having pled guilty in 1999 to a misdemeanor count of Disorderly Conduct; his having been found guilty in 10/02 of a misdemeanor count of Public Indecency; and his failure to advise the Board on his license renewal application of his 1999 guilty plea. Order effective 12/1/03.

GOLDSMITH, Mark Edward (MD #35-038474) - Westerville
Consent Agreement - Probationary terms, conditions and limitations stemming from 4/99 consent agreement terminated; doctor reprimanded based upon admitted ethical violations; probationary terms, conditions and limitations imposed based on (1) doctor's admissions that served as the basis for 12/98 consent agreement; (2) subsequent determination that doctor was capable of practicing according to acceptable and prevailing standards of care with appropriate treatment and monitoring; and (3) doctor's admission that he engaged in behavior involving patients under his psychiatric care that constituted inappropriate boundary crossings, created ethical conflicts of interest, and may have compromised quality of care. Agreement effective 9/10/03; agreement to remain in effect for at least ten years prior to any request for termination.

GOSS, Samuel Roger (DPM #36-002048) - Shaker Heights
Board Order - Permanent revocation of medical license stayed, subject to indefinite suspension for at least eighteen months; conditions for reinstatement, and subsequent probationary terms, conditions, and limitations for at least three years established. Based on doctor having been convicted in U.S. District Court, Northern District of Ohio, of felony counts of Soliciting and Receiving Medicare and Medicaid Kickbacks. Order effective 8/25/03.

GRAY, John H. (DO #34-003191) - Lorain
Consent Agreement - Probationary terms, conditions and limitations imposed based on doctor's admissions that he failed to (1) adequately document justification for prescribing Stadol for two patients, (2) comply with requirements for authorizing and completing prescriptions, and (3) fully comply with Board rules related to prescribing controlled substance anorectic drugs. Agreement effective 8/13/03; agreement to remain in effect for at least two years prior to any request for termination.

HAJ-HAMED, Ghassan (MD #35-069745) - Cincinnati
Board Order - Medical license indefinitely suspended based on prior actions against doctor's license by Kentucky's medical board, including an Amended Emergency Order of Suspension and a Final Order upholding that emergency suspension, which actions were based on allegations of improper prescribing of controlled substances, including Vicodin and Oxycontin. (Journal Entry - hearing not timely requested) Order eff. 7/11/03. Order to remain in effect until either (1) issuance of a final action by Ohio Board based on a final resolution of the

pending Kentucky action; or (2) a determination by Ohio Board, following final resolution of the pending Kentucky action, that no further action by Ohio Board is warranted.

Court Action - Notice of appeal of Board's 7/9/03 indefinite suspension Order filed by doctor with Franklin County Court of Common Pleas on or about 7/22/03. Separate notice of appeal of 5/14/03 Order and Entry dismissing 3/12/03 citation filed by doctor with Franklin County Court of Common Pleas on or about 7/22/03.

Consent Agreement - In resolution of pending appeals, medical license reinstated subject to probationary terms, conditions and limitations based on Kentucky medical board's 4/22/03 Amended Emergency Order of Suspension and 5/9/03 Final Order affirming that Amended Emergency Order. Agreement effective 11/14/03; agreement to remain in effect until either (1) issuance of a final action by Ohio Board based on a final resolution of the pending Kentucky action; or (2) a determination by Ohio Board, following final resolution of the pending Kentucky action, that no further action by Ohio Board is warranted.

HANSON, Ryan Paul (MD #35-071364) - Columbus

Board Order - Medical license suspended for thirty days; subsequent probationary terms conditions, and limitations established for at least five years. Based on doctor having been found guilty of one count of Public Indecency, a fourth degree misdemeanor. Order effective 7/13/03.

HAREWOOD, Sandra Kay (MD #35-045538) - Kettering

Consent Agreement - Medical license suspended for at least one year; interim monitoring conditions and conditions for consideration 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 her ability to practice according to acceptable and prevailing standards of care is impaired and that she violated conditions of limitation imposed on her license by a 8/14/02 consent agreement due to a relapse on alcohol. Effective 6/11/03.

HASSINK, George V. (MD #35-045682) - Findlay

Consent Agreement - Suspension imposed by 2/03 consent agreement terminated; medical license suspended for at least one year from date doctor enters residential treatment which concludes in his successful completion of that treatment; interim monitoring conditions and conditions for consideration 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 doctor's ability to practice and his violation of conditions of limitation imposed on his license by 2/03 consent agreement due to chemical dependency relapse. Effective 7/9/03.

HERBST, Robert Jamey (DPM #36-002935) - Cincinnati

Voluntary Surrender - Permanent revocation of podiatric medical license authorized by doctor in lieu of formal

disciplinary proceedings based on his plea of guilty in federal court to two felony counts of making false, fictitious, or fraudulent statements or representations in connection with the delivery of or payment for health care services. Effective 8/13/03.

HOPKIN, Mark Stuart (MD #35-081640) - Columbus

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 he has a history of intermittent depression and that, due to that disorder, he is unable to practice according to acceptable and prevailing standards of care at this time. Effective 8/13/03.

HUNTER, Brian John (DO #34-004610) - Poland, OH

Board Order - Permanent revocation of medical license stayed, subject to indefinite suspension for at least eighteen months, such suspension to be retroactive to 2/27/03, the effective date of doctor's interim agreement with the Board; interim monitoring conditions, conditions for reinstatement, and subsequent probationary terms, conditions, and limitations for at least five years established. Based on doctor having been found guilty of one felony count of Medicaid Fraud, the acts underlying which involved doctor's submission of invoices for reimbursement for services which were not, in fact, provided; termination of Medicaid provider agreement by the Ohio Department of Job & Family Services based upon that guilty finding; and on impairment of ability to practice according to acceptable and prevailing standards of care due to alcohol and cocaine dependence, for which doctor sought treatment through a Board-approved provider. Order effective 9/2/03.

ILODI, George H. U. (DPM #36-02268) - Solon

Podiatry license permanently revoked based on doctor having been found guilty in federal court of 3 counts of Conspiracy to Solicit and Receive Medicare and Medicaid Kickbacks, 6 counts of Soliciting and Receiving Medicare and Medicaid Kickbacks, and 21 counts of Health Care Fraud, all felonies. Effective 11/14/03.

JAIN, Vikas Kumar (MD #35-076297) - Newark

Consent Agreement - Suspension of medical license continued for at least 150 days based on doctor having been found guilty of one misdemeanor count of Assault; interim monitoring conditions, conditions for reinstatement, and subsequent probationary terms, conditions and limitations for at least five years established to monitor practice. Determination to reinstate following suspension 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 11/12/03; agreement to remain in effect for at least five years following reinstatement prior to any request for termination.

KADER, Ayman M. (MD #35-073825) - Berwick, PA
Board Order - Medical license permanently revoked based on doctor having been found guilty of felony counts of Trafficking in Drugs and Illegal Processing of Drug Documents and, on a separate occasion, of misdemeanor Medicaid Fraud; doctor's failure to provide complete and accurate information on his license renewal application in response to questions about criminal actions and charges; and his failure to advise the Board on his renewal application that his clinical privileges at Twin City Hospital in Dennison, Ohio, had been permanently revoked. Order effective 7/15/03.

KELNER, Paul Evan (MD #35-061460) - Marion
Board Order - Permanent revocation of medical license stayed, subject to suspension for at least five years; interim monitoring conditions, conditions for reinstatement, and subsequent probationary terms, conditions and limitations for at least ten years established. Based on impairment of ability to practice according to acceptable and prevailing standards of care due to habitual or excessive use or abuse of drugs, and violation of conditions of limitation imposed on license by 3/03 consent agreement, as evidenced by positive drug screens. Order effective 10/28/03.

KISER, Donald R. (DO #34-006053) - Parkersburg, WV
Board Order - Medical license suspended for thirty days based on doctor's admission in a West Virginia Board of Osteopathy consent decree that he had documented his completion of specified educational refresher courses on his West Virginia license renewal application when, in fact, he had not attended those courses. Eff. 8/25/03. **Court Action** - Notice of appeal of Board's suspension Order filed by doctor with Franklin County Court of Common Pleas on or about 9/5/03.

LAZARO, Benigno Palafox, Jr. (MD #35-069280) - Warren
Voluntary Surrender - Permanent revocation of medical license authorized by doctor in lieu of formal disciplinary proceedings based upon his having engaged in sexual misconduct with two patients. Effective 7/6/03.

LEVY, David Joseph (MD #35-052773) - Erie, PA
Consent Agreement - Medical license suspended for at least 180 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 is impaired due to opioid dependence, for which he sought treatment and entered into a monitoring contract through Pennsylvania's medical society; that he committed acts that would constitute felonies in Ohio, to wit: Deception to Obtain a Dangerous Drug and Illegal Processing of Drug Documents; and that he entered into a consent agreement and Order with Pennsylvania's medical board based on the above conduct. Effective 11/12/03.

LEWIS, Carol Elaine (MD #35-061461) - Cleveland
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 requirements are in place. Agreement effective 7/9/03; agreement to remain in effect for at least five years prior to any request for termination.

LINN, Robert Francis (DO #34-006798) - Tipp City
Consent Agreement - Probationary terms, conditions and limitations imposed based on doctor's admission that he has been diagnosed with and is receiving treatment for major depression, recurrent, and that his current mental health treatment providers have deemed him capable of practicing according to acceptable and prevailing standards of care, so long as certain treatment and monitoring requirements are in place. Agreement effective 6/11/03; agreement to remain in effect for at least two years prior to any request for termination.

MARTIN, Adam Samuel (MD training certificate #57-06661) - Cleveland Heights
Consent Agreement - Medical training certificate 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 requirements are in place. Agreement effective 8/13/03; agreement to remain in effect until doctor has completed at least a five year probationary period.

MCCOY, Terrence Francis (MD #35-058974) - Cincinnati
Board Order - Permanent revocation of medical license stayed subject to indefinite suspension for at least six months; conditions for reinstatement and subsequent probationary terms, conditions, and limitations for at least three years established. Based on doctor's failure to conform to the minimal standard of care and violation of a Code of Professional Ethics by having engaged in sexual contact with a specified patient despite their on-going physician-patient relationship. Order effective 7/30/03.

MCERLEAN, Jeffrey A. (MD #35-070398) - Farmington Hills, MI
Voluntary Surrender - Doctor's permanent voluntary surrender of medical license accepted by Board in resolution of requirements of 12/23/99 Board Order. Doctor ineligible for reinstatement in the future. Eff. 8/27/03.

MEJIA, Juan Carlos (MD #35-077484) - Cincinnati
Consent Agreement - Probationary terms, conditions and limitations imposed based on the emergency suspension and subsequent restoration by Interim Order of doctor's Kentucky medical license; and the suspension of doctor's Indiana license due to Kentucky's emergency suspension order. Agreement effective 6/11/03; agreement to remain in effect until either (1) issuance of a final action by Ohio Board based on a final resolution of the pending Kentucky action; or (2) a determination by Ohio Board, following final

resolution of the pending Kentucky action, that no further action by Ohio Board is warranted.

MIKHAIL, Michael Soliman (MD #35-043221) - Elyria
Medical license suspended for thirty days; subsequent probationary terms, conditions and limitations imposed for at least three years. Based on doctor's improper prescribing controlled substances to a family member over an extended period of time without maintaining medical records to support such prescribing. Effective 12/1/03.

MORRELL, Roger M. (MD applicant) - Lathrup Village, MI
Application Withdrawn - Applicant's request to permanently withdraw application for Ohio medical licensure in lieu of further formal proceedings accepted on behalf of Board, based on applicant's admission to allegations that (1) he was found guilty of 33 felony counts, to wit: Racketeering, Conspiracy to Unlawfully Distribute Schedule III and Schedule IV Controlled Substances, Aiding and Abetting Distribution of Schedule III and IV Controlled Substances, Conspiracy to Commit Mail Fraud, Aiding and Abetting Mail Fraud, and Medicaid Fraud; and (2) there had been prior action taken against his license by Michigan's medical board due to the above criminal convictions. Eff. 11/12/03.

NGUYEN, Thomas Anh (MD #35-077860)
- New Cumberland, PA

Board Order - Permanent revocation of medical license stayed, subject to indefinite suspension for at least eighteen months, such suspension to be retroactive to 12/16/02, the effective date of doctor's affidavit certifying that he would refrain from practicing medicine in Ohio during the pendency of the Board's action; 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 treatment for diagnoses including benzodiazepine dependency; doctor's plea of guilty to nine counts of Deception to Obtain a Dangerous Drug and five counts of Illegal Processing of Drug Documents, for which he was granted intervention in lieu of conviction; and the denial of doctor's application for medical licensure by Iowa's medical board due to his provision of misleading or untrue information in that application. Order effective 9/11/03.

OTTO, David Robert (MD #35-069223) - Wadsworth
Application Withdrawn - Doctor's request to withdraw pending application for restoration of medical license accepted on behalf of Board in lieu of formal disciplinary proceedings based on doctor's admissions that he has received treatment for diagnoses that include alcohol and opioid dependence, major depression, panic disorder and anxiety; that he received treatment after relapsing by self-administering Fentanyl and Sufentanil that he obtained from a hospital by theft; and that he plead guilty to misdemeanor criminal charges relative to that theft in Kansas in 9/02. Effective 7/9/03.

PADHIAR, Ashok Vishram (MD #35-052511) - Circleville
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 requirements are in place. Agreement effective 6/11/03; agreement to remain in effect for at least five years prior to any request for termination.

PEREZ, Ernesto L. (MD #35-027916) - Columbus
Voluntary Retirement - Doctor's voluntary retirement of medical license accepted in lieu of further evaluation pursuant to §4731.22(B)(19), O.R.C. Doctor ineligible for licensure or reinstatement in the future. Effective 6/26/03.

PIEROTTI, Aldino Louis III (MD applicant)
- Beaver Falls, PA
Application Withdrawn - Applicant's request to permanently withdraw application for Ohio medical licensure in lieu of further formal proceedings accepted on behalf of Board, based on applicant's admission to allegations that he failed to provide complete and accurate information pertaining to actions taken against him relative to and/or his participation in residency programs. Effective 10/22/03.

PORTER, Stephen Randall (MD #35-069802)
- Metamora, IN
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; doctor reprimanded based upon his admitted false statement to the Board pertaining to past alcohol-related convictions. Agreement effective 9/10/03; agreement to remain in effect for at least six years prior to any request for termination.

RASLAN, Abdulhassib (MD #35-066098) - Broadview Hts
Permanent revocation of medical license stayed, subject to suspension for at least twelve months; conditions for reinstatement and subsequent probationary terms, conditions and limitations for at least five years established. Based on Board's findings that aspects of the doctor's treatment of specified patients failed to conform to minimal standards of care. (Journal Entry - hearing not timely requested) Order effective 11/13/03.

RICE, Janet Lynn (MD applicant) - Akron
Board Order - Application for medical license denied based on findings by Board, following applicant's failure to comply with Board-ordered examinations, that applicant is unable to practice according to acceptable and prevailing standards of care by reason of mental illness, and that her ability to practice is impaired due to habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice. (Journal Entry). Eff. 8/14/03.

SALVAT, Oscar H. (MD #35-074417) - San Diego, CA
Board Order - Medical license permanently revoked based on prior action against doctor's license by Georgia's medical board following findings that doctor's clinical privileges at Moody Air Force Base in Valdosta, Georgia, had been revoked for medical impairment, and that he had a clinical condition resulting from a closed head injury received in a motor vehicle accident; and that he was convicted by general court-martial of criminal conduct consisting of sexual intercourse with a patient on two occasions and soliciting another person to make false statements on his behalf. Order effective 9/11/03.

SCHWACHTER, Marc H. (MD #35-080114) - Chicago, IL
Consent Agreement - Medical license suspended for at least 270 days or until all pending criminal charges in Montgomery County, Ohio, have been resolved, whichever is later; 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 he has undertaken treatment through a Board approved provider for chemical dependence, that he has abused alcohol and Adderall, that he prescribed controlled substances to a friend and to a family member on specified occasions without prior examination/evaluation and without maintaining medical records; and that he has been criminally charged in Montgomery County, Ohio, with Illegal Processing of Drug Documents based on alleged acts related to his drug-seeking behavior. Agreement effective 11/12/03.

SHEDLOCK, Marie Therese (PA #50-000789) - Strongsville
Consent Agreement - Certificate to practice as a physician assistant suspended for at least 90 days; interim monitoring conditions and conditions for reinstatement established, including requirement that P.A. enter into subsequent consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on P.A.'s history of alcohol dependence and relapse, for which she has sought treatment through a board-approved provider; and on her failure to provide complete and accurate information on certificate renewal application about having been found guilty of driving under the influence of alcohol and/or drugs. Effective 9/10/03.

SHIPPEL, Allan Hendley (MD #35-042499) - Canton, GA
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 requirements are in place. Agreement effective 7/9/03; agreement to remain in effect for at least five years prior to any request for termination.

SINGH, Paramjit (MD #35-066022) - East Liverpool
Board Order - Permanent revocation of medical license

stayed subject to indefinite suspension for at least one year; conditions for reinstatement established. Based on doctor having been found guilty of one felony count of Aggravated Possession of Drugs. Order effective 7/30/03.

SMITH, Suzanne Marie (MT #33-012727) - Columbus
Consent Agreement - Massage therapy certificate granted subject to probationary terms, conditions and limitations based on massage therapist's history of bipolar disorder, psychosis and anxiety disorder; and her having been deemed capable of practicing according to acceptable and prevailing standards of care. Agreement effective 8/13/03; agreement to remain effect for at least two years prior to any request for termination.

SPRICH, William W. (MD #35-044332)
- Belleville, IL/St. Louis, MO
Board Order - Medical license revoked based on prior action against doctor's license by Illinois' medical board following doctor's 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. (Journal Entry - no hearing requested) Order effective 10/9/03.

SPRUCH, Rezso (MD #35-044530) - Danville, IL/Morelia, MEXICO
Board Order - Medical license permanently revoked based on doctor having pled guilty to and been found guilty in Illinois of two misdemeanor counts of (Attempt) Criminal Sexual Abuse; and prior action against doctor's New York medical license based upon that guilty plea. Order effective 6/12/03.

STANOS, Peter Steven (DO #34-006030) - Dublin
Child Support Default Suspension - Pursuant to determination by Franklin County Child Support Enforcement Agency that doctor is in default under a child support order, medical license immediately suspended until such time as Board receives notice from Franklin County Child Support Enforcement Agency that doctor is no longer determined to be in default. Notice mailed 11/4/03.

STEELE, Jack E. (MD #35-021894) - Dayton, OH/
Summerland Key, FL
Board Order - Medical license permanently revoked based on improper prescribing and failure to conform to minimal standards of care with respect to psychiatric care rendered to two specified patients. Order effective 9/11/03.

TOBIAS, Jonathan (MD #35-078310) - Cincinnati
Board Order - Pursuant to Section 4731.22(H), O.R.C., Board's 3/12/03 suspension Order vacated by Order and Entry of the Board on 5/22/03, following court reversal of the conviction upon which that Order had been based. Doctor's certificate reinstated effective 5/22/03.

TRUSNOVIC, William Daniel (MD #35-066000)-Steubenville
Pre-hearing Suspension - Pursuant to §3719.121(C),

O.R.C, medical license immediately suspended based on doctor's plea of guilty to 16 felony counts each of Illegal Processing of Drug Documents, Possession of Drugs, and Permitting Drug Abuse, for which he was found eligible for intervention in lieu of conviction. Notice mailed 8/14/03. **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 allegations set forth in Board's 8/13/03 notice of opportunity for hearing, including that he plead guilty to 16 felony counts each of Illegal Processing of Drug Documents, Possession of Drugs, and Permitting Drug Abuse, for which he was found eligible for intervention in lieu of conviction. Effective 11/12/03.

VIDYASAGAR, Maiyorr Sitaram (MD #35-059957)
- Port Clinton

Consent Agreement - Doctor reprimanded based on prior action against his license by Nevada's medical board due to doctor's falsification of his renewal application in that state; and prior action by Michigan's medical board based on Nevada's action and on doctor's failure to timely inform the Michigan board of same. Effective 10/8/03.

VINSON, David Jr. (MD #35-058761) - Chicago, IL

Board Order - Medical license permanently revoked based on failure to conform to minimal standards of care with respect to surgical procedures performed on ten specified patients. Order mailed 6/12/03; Order effective 6/12/03. **Court Action** - Notice of appeal of Board's 6/11/03 permanent revocation Order filed by doctor with Franklin County Court of Common Pleas on or about 6/27/03.

WINTER, Virginia Kathleen (MD #35-050157)
- Scappoose, OR

Board Order - Permanent revocation of medical license stayed, subject to suspension for at least 180 days, such time to be calculated from 5/14/03, the date of Board's notice of immediate suspension and opportunity for hearing; interim monitoring conditions, conditions for reinstatement and subsequent probationary terms, conditions and limitations for at least five years established. Based on doctor's plea of guilty to one felony count of Theft, for which she was found eligible for treatment in lieu of conviction. The acts underlying doctor's guilty plea involved her ordering of 5200 dosage units of alprazolam in 2002 for her own use. Order effective 10/10/03.

WORRELL, Bruce S. (DO #34-002776) - Cincinnati

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 9/10/03; agreement to remain in effect for at least five years prior to any request for termination.

YUN, Mary Mei-Ling (MD #35-072128) - Cincinnati

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 requirements are in place. Agreement effective 7/9/03; agreement to remain in effect for at least ten years prior to any request for termination.

ZERVOS, Skevos Michael (MD #35-025315) - Youngstown
Voluntary Surrender - Permanent revocation of medical license authorized by doctor in lieu of formal disciplinary proceedings based on his plea of guilty to 30 counts of Attempted Trafficking in Drugs, all first degree misdemeanors. Effective 9/1/03.

Continuing Medical Education

SNYDER, Charles William (MD #35-071606) - Granville
Consent Agreement - Doctor reprimanded; subject to mandatory CME audits for three biennial registration periods; \$5000 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.) Effective 6/11/03.

Court Action Update

ADAMSON, Wallace Cobner (MD #35-049575) - Delaware
Court Action - By Decision filed on 8/11/03 and documented by Entry filed on 8/26/03, Franklin County Court of Common Pleas affirmed Board's 12/11/02 permanent revocation Order in part, reversed it in part, and ordered that the partial reversal did not support remanding appeal back to Board for further consideration of any modification of penalty. **Court Action** - Notice of appeal to Tenth District Court of Appeals filed by doctor 9/19/03.

AUBRECHT, John R. (MT #33-005350) - Newburgh Hts.
Court Action - By Decision filed 11/6/03, Franklin County Court of Common Pleas granted Board's motion to dismiss massage therapist's appeal based on his failure to exhaust administrative remedies. Entry to be filed.

EL-MAHDY, Amir Hamid (MD #35-051158) - Warren
Court Action - By Decision and Entry filed 6/23/03, Franklin County Court of Common Pleas affirmed Board's 12/11/02 indefinite suspension Order.

FRENZ, John Allen (MD #35-030978) - Brandon, MS
Court Action - By Decision filed 8/5/03, Franklin County Court of Common Pleas affirmed Board's 12/11/02 revocation Order. Entry filed 8/18/03.

GIPE, Dannie K., Jr. (MD applicant) - Lakewood
Court Action - By Opinion and Judgment Entry filed on 7/31/03, Tenth District Court of Appeals affirmed Court of

Common Pleas decision upholding Board's 2/13/02 Order permanently denying medical licensure.

GUIDI, Claude Bernard (MD #35-064995) - Tampa, FL
Court Action - Notice of appeal of Board's 5/14/03 permanent revocation Order filed by doctor with Franklin County Court of Common Pleas on or about 6/20/03. **Court Action** - By Decision and Entry filed 9/17/03, Franklin County Court of Common Pleas granted doctor's motion for a stay of Board's 5/14/03 permanent revocation Order.

HILL, Sam (DO #34-003607) - Hillsboro
Court Action - Notice of appeal of Board's 5/14/03 suspension Order filed by doctor with Franklin County Court of Common Pleas on or about 6/19/03.

MOORE, John Pease III (MD #35-069259) - Bellbrook
Court Action - Notice of appeal of Board's 5/14/03 suspension Order filed by doctor with Franklin County Court of Common Pleas on or about 6/19/03. By Order and Entry filed 6/24/03, Franklin County Court of Common Pleas granted doctor's motion for a stay of Board's suspension Order during the pendency of this appeal.

PACHUDA, Nicholas Michael (DPM #36-002865) - Sandusky
Court Action - By Decision filed on 7/1/03, Franklin County Court of Common Pleas affirmed Board's 11/13/02 indefinite suspension Order. Entry filed 9/16/03.

ROSS, Michael Reiff (MD #35-064760) - Towson, MD
Court Action - By Decision filed 9/2/03 and documented by Entry filed 9/17/03, Franklin County Court of Common Pleas reversed Medical Board's 8/14/02 revocation Order and remanded case to Board to reconsider its sanction in a manner consistent with Court's decision. **Court Action** - Notice of appeal to Tenth District Court of Appeals filed

on behalf of Medical Board on 9/29/03. On 10/7/03, Common Pleas Court filed an Order granting Board's motion for a stay of Court's 9/17/03 Judgment Entry that had reversed and remanded this matter to the Board.

ROSSITER, Lawrence J. (DO #34-001933) - Alliance
Court Action - By Decision filed 5/20/03, Franklin County Court of Common Pleas affirmed Board's 8/14/02 suspension Order. Entry filed 6/3/03. **Court Action** - Notice of appeal to Tenth District Court of Appeals filed by doctor on 6/27/03.

ROYDER, Clayton H. (DO #34-004352) - Columbus
Court Action - By Decision filed 7/15/03 and documented by Entry filed 7/24/02, Franklin County Court of Common Pleas granted Medical Board's motion to vacate 5/23/03 stay order and denied doctor's motion for clarification of that stay order. Allowing 30 days for doctor to close practice, as provided in original Board Order, permanent revocation Order effective 8/24/03.

STASCHAK, Michael Carmen (MD applicant) - Pittsburgh, PA
Court Action - By Decision filed 7/9/03 and documented by Judgment Entry filed on 7/16/03, Franklin County Court of Common Pleas affirmed Board's 12/11/02 Order permanently denying medical licensure. **Court Action** - Notice of appeal to Tenth District Court of Appeals filed by doctor on or about 8/8/03.

WEINER, Ned Elton (MD #35-077474) - University Heights
Court Action - Notice of appeal of Board's 5/14/03 permanent revocation Order filed by doctor with Franklin County Court of Common Pleas on or about 5/29/03. By Decision filed on 11/12/03, Franklin County Court of Common Pleas affirmed Board's 5/14/03 permanent revocation Order. Entry to be filed.

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THE STATE MEDICAL BOARD
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