



YOUR REPORT

FROM THE STATE MEDICAL BOARD OF OHIO

SUMMER 1999

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A WORD FROM THE EDITORS

Recently, a number of people have called the Medical Board to inquire as to the whereabouts of the latest edition of *Your Report*. Some wonder whether they've been accidentally dropped from the mailing list; others speculate that their copy has been clandestinely lifted from the hospital mailroom. While those of us involved with the production of *Your Report* have no grand illusions about the popularity of our modest publication, we must admit that it's nice to be missed.

Since release of the last spring's issue of *Your Report* and this present offering, the Medical Board's communication efforts have focused on improving and expanding our Internet website services. Our redesigned homepage at www.state.oh.us/med/ makes it easier to find the information you're looking for. The well-received on-line Licensee Look-up system has been extended to include individualized information about Continuing Medical Education requirements and license renewal. This May, a companion system was added to allow users to search the Medical Board's licensee database by medical specialty and location. And, in order to assure you of the most current information possible, a listing of disciplinary actions taken by the Medical Board has been added, and will be updated each month. We hope that our website and the articles in this issue of *Your Report* will be useful resources in your practice.

Charles D. Stienecker, M.D.
& *Lauren Lubow, J.D., co-editors*

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Quality Intervention Program Revisited

The article entitled “Quest for Quality” published in the last issue of *Your Report* described the Medical Board’s Quality Intervention Program--QIP--a novel approach to correcting certain practice deficiencies via educational intervention. QIP targeted complaints falling below the level necessary to warrant formal disciplinary proceedings, on the theory that marginal practices can be improved through guided peer assistance. The goal: to correct poor practice habits before the need for formal disciplinary action arises.

In its first incarnation, QIP consisted of a Medical Board-appointed panel of physicians and a consumer member. The Medical Board charged the group with reviewing referred cases and related materials to assess the appropriateness of a licensee’s practice, and to determine if any identified substandard practice could be corrected through reeducation. A separate podiatric panel was created to review cases involving podiatric physicians. Additionally, the Board solicited the assistance of medical educators throughout the state to provide educational guidance for referred licensees as a part of the Quality Intervention Program package. Both panel members and educational providers proved to be an integral part of the Quality Intervention Program whose

participation is considered imperative to the program’s continued success.

Last year, the Medical Board made some significant changes to the panels, including deleting some positions, and revising the panel size and makeup. First, the podiatric panel was disbanded. Although this panel was very effective and efficient in its review of podiatric cases, the number of such cases referred to QIP were not sufficient to necessitate a dedicated review panel.

To compensate, a podiatric position was added to a newly created second review panel. This new panel, known as Panel II, is a counterpart to the already existing panel, which is now known as Panel I. Additionally, the size of the respective panels was increased from six to seven, allowing for more specialty and subspecialty representation. Currently, the practice areas of emergency medicine, family medicine, psychiatry, podiatry, infectious diseases, cardiothoracic surgery, general surgery, general internal medicine, cardiology, obstetrics/gynecology, and orthopaedic surgery are represented. Each panel also includes one consumer member. Both allopathic and osteopathic disciplines are represented on each panel. If a case is presented that requires a nonrepresented

specialist’s opinion, the panel may consult an expert in that specialty.

Each panel meets bi-monthly on an alternating basis at the Medical Board’s offices in Columbus. Since most of the panel members have busy practices of their own, decreasing individual members’ meeting obligations from twelve to six times a year helps to lighten the demands on their professional time. Panel members continue to be reimbursed for their travel expenses as allowed by the state travel rules, and are provided with a per diem for the day that they meet as a group. Additionally, panel members have been given term limits of service, although these have been staggered to ensure group continuity.

The Medical Board tips its hat to the individual panel members and educational providers for their commitment of time and expertise to Ohio’s Quality Intervention Program. Their efforts have made a success of this landmark method of ensuring safe and effective practice by Ohio Medical Board licensees. ♦

Interested in participating?

The Medical Board is accepting CVs from individuals who desire to serve as panel members or expert reviewers/witnesses. For more information, contact Ms. Lisa Emrich at 614/466-3934.

QUALITY INTERVENTION PROGRAM

Panel I

Carla O'Day, M.D., Chair, Emergency Medicine; Rocky River
Martin Macklin, M.D., Vice Chair, Psychiatry; Chardon
Joseph Segal, M.D., Infectious Diseases; Cincinnati
Christopher Simpson, D.O., Family Practice; Athens
Elvena "Tommie" Stranahan, Consumer Member; Delaware
Robert Stern, M.D., General Surgery; Lima
Ranjit Rath, M.D., Cardiothoracic Surgery, Cincinnati

Panel II

Timothy L. Stephens, Jr., M.D., Chair, Orthopaedic Surgery, Cleveland
Michael Amalfitano, D.O., Cardiology, Mansfield
Michael Baggish, M.D., Obstetrics/Gynecology, Cincinnati
Abdul Ghani, M.D., General Surgery, Youngstown
Elaine Lewis, M.D., Internal Medicine; Columbus
John Stephens, D.P.M., Podiatric Medicine & Surgery; Columbus
James Starkey, Consumer Member; Columbus

provides the Board with jurisdiction over physicians participating in internship, residency, or fellowship programs by requiring that they hold training certificates.

The need for a Medical Practices Act reform bill became evident after a thorough review of the agency's laws spearheaded by two Medical Board consumer representatives: former member Bradley K. Sinnott, an attorney with Vorys, Sater, Seymour and Pease in Columbus; and the Board's current Supervising Member, Raymond J. Albert. Input was obtained from professional associations, attorneys who practice frequently before the Board, other agencies, members of the public, and the physician community at large. The Ohio State Medical Association, Ohio Osteopathic Association, and the Ohio Podiatric Medical Association voiced their support of the proposals. During its journey through the legislative process, the bill met almost unanimous approval.

In remarks to her fellow senators urging their passage of H. B. 606, Senator Drake pointed out that the State Medical Board of Ohio is recognized as a leader nationally, not only by its own national Federation, but also by the consumer watchdog group Public Citizen. Statistics from both organizations have ranked the Board among the top ten states

See **H.B. 606** on page 9

Fine-Tuning

Legislature Refines Medical Practices Act

Sub. H.B. 606, a comprehensive package of changes affecting the Medical Board's licensing and enforcement duties, became law on March 8, 1999. Representative Kirk Schuring, Vice-Chair of the Ohio House Health and Retirement Committee, sponsored the bill, which was carried in the Senate by Grace Drake, Chair of the Senate Health, Human Services and Aging Committee.

Among the significant provisions of the new law are those clarifying the Board's jurisdiction over

certain disciplinary violations and its authority to revoke a physician's license permanently. The law also amends several grounds for physician discipline; requires the Board to investigate repeated malpractice; clarifies the duty of specified individuals and entities to report formal disciplinary actions; outlines the Board's ability to share confidential investigatory information with other state, federal and law enforcement agencies, while reiterating the patient confidentiality of such investigatory information; and

Standards to Practice By

Position Papers Offer Guidance

The practice of medicine and its branches in Ohio is guided by statutes crafted by the State General Assembly, as well as by rules adopted by the State Medical Board. The Medical Board also issues policy statements, called position papers, in order to address topical concerns of Ohio's medical practitioners. Unlike statutes and rules, position papers do not have the force and effect of law. Rather, they offer guidance and provide a forum for the Medical Board to voice its expectations about the standards to be maintained by the state's health care practitioners.

The Medical Board has issued a number of position papers since the last edition of *Your Report*. Those position papers are reprinted here in their entirety, and also appear on the Board's website at www.state.oh.us/med/.

STATE MEDICAL BOARD OF OHIO - POSITION PAPER

DELEGATION OF MEDICAL TASKS

Adopted May 13, 1998

Delegation is defined as the transfer of authority by one in whom such authority is vested to another person who does not have that authority.¹ Delegation by physicians is done on a daily basis. Although the practice of medicine, as defined in Chapter 4731., Ohio Revised Code, never can be delegated, there are many specific tasks within medicine that may be safely and appropriately delegated. This position paper is intended to give guidance to the medical practitioner in making decisions concerning delegation of medical tasks.

First, the task to be delegated must be within the authority of the delegator, here, the physician. If the task is not within the physician's authority, then no delegation can occur. Further, if the task is not within the physician's usual scope of practice, training or expertise, it is inappropriate to delegate that task to another. The physician retains responsibility at all times for the manner in which the delegated task is carried out; if the task is not within his or her area of expertise, then it could be a violation of minimal standards of care to attempt to supervise another performing the task.

Second, the physician must determine that the task is indicated for the patient; i.e., the physician has, after an appropriate assessment, determined that under the circumstances, the given task needs to be performed. This initial determination cannot be delegated.

Third, the level of supervision must be appropriate for the specific circumstances. For unlicensed personnel to whom a physician is delegating specific medical tasks, some will require direct, on-site supervision.

Fourth, the physician must be certain that no other law prohibits the delegation. Specifically, in the health care field there are many regulatory entities and regulated activities. If only a licensed or registered person can perform the function, then the physician cannot delegate that function to an unlicensed person; he must assign the function to an appropriately licensed or registered person. For example, Chapter 4773. of the revised code regulates

radiation technicians, including general x-ray machine operators. The statutes require that general x-ray machine operators be licensed and work under a specified level of supervision. Although the statutes allow a licensed physician to perform the functions of a general x-ray machine operator, delegation to an unlicensed person is not permitted. Further, if the physician assigns the function to a licensed general x-ray machine operator, the physician must also provide the level of supervision required by the statutes. There are many statutes that affect a physician's ability to delegate medical tasks; the physician is responsible for knowing what those statutes require.

Fifth, the physician must be assured that the person to whom the task will be delegated is competent to perform that task. Appropriate training (and documentation of that training) must be provided before any delegation is made.² It should also be noted that there is no authority to subdelegate, i.e., if the physician delegates a specific task to one person, that person cannot delegate it to someone else. This is clear from the nature of delegation, in that if the person does not have the authority to perform a certain task himself, he cannot delegate it. It also is practical; if the physician is responsible for ascertaining that the person to whom the task is delegated is properly trained, then the physician must be assured that no further delegation can take place.

Finally, if all the above requirements are met, then the physician must decide if the task itself is one that can be appropriately delegated. Considerations in deciding whether a given task, under the specific circumstances present, can be delegated include the following:

1. The task can be performed without requiring the exercise of judgment based on medical knowledge.
2. The results of the task are reasonably predictable.
3. The task can safely be performed according to exact, unchanging directions; this would preclude delegation of performance of such tasks as needle EMG tests.
4. The task can be performed without a need for complex observations or critical decisions; this would preclude delegating the administration of anesthesia. Only the assignment to persons authorized by law to perform the tasks would be acceptable.
5. The task can be performed without repeated medical assessments.
6. The task, if performed improperly, would not present life threatening consequences.

If all those conditions are met, then the task may be appropriate for delegation.

The physician always retains full responsibility for the actions of the personnel to whom the task has been delegated. **Inappropriate delegation, whether or not it results in actual harm to a patient, may subject the delegating physician to disciplinary action by the State Medical Board for violation of the minimal standards of care, for aiding and abetting the unlicensed practice of medicine, or for violating other applicable statutes.** Therefore, it is advised that decisions concerning delegation not be made lightly, but with serious consideration for the possible ramifications. ◆

¹ For purposes of this discussion, it is critical to distinguish delegation from assignment. Assignment occurs if the person by whom a task will be performed is a licensed or registered health care professional, and the task is within the scope of his or her license or registration; delegation occurs if the person by whom a task will be performed is not a licensed or registered health care professional, or if the person is a licensed or registered health care professional, but performance of the task requires a specific order by a physician.

² In an accredited hospital wherein the employees are credentialed to perform specific tasks, then the physician may rely on the hospital credentialing process to ensure that an appropriately trained and competent person will be carrying out the physician's orders, and that, if a license is required to perform the task in question, the hospital ensures that an appropriately licensed person will perform that task.

PERMISSIBLE ACTIVITIES DURING LICENSE SUSPENSION

Approved January 14, 1998

Section 4731.41 of the Revised Code provides that:

No person shall practice medicine or surgery, or any of its branches without a certificate from the state medical board; no person shall advertise or announce himself as a practitioner of medicine or surgery, or any of its branches, without a certificate from the board; no person not being a licensee shall open or conduct an office or other place for such practice without a certificate from the board; no person shall conduct an office in the name of some person who has a certificate to practice medicine or surgery, or any of its branches; and no person shall practice medicine or surgery, or any of its branches, after a certificate has been revoked, or, if suspended, during the time of such suspension.

Sections 4731.43 and 4731.60 of the Revised Code contain similar prohibitions against practicing osteopathic medicine or podiatry, respectively, without a certificate from the Board.

Section 4731.34 of the Revised Code states that a person shall be regarded as practicing medicine, surgery, or podiatry if they use words or letters such as "Dr.," "Doctor," "Professor," "M.D.," "D.S.C.," "Pod.D.," "M.B.," or any other title in connection with their name that in any way represents them as engaged in the practice of medicine, surgery, or podiatry, in any of its branches. The Section further defines the practitioner of medicine as one who "... examines or diagnoses for compensation of any kind, or prescribes, advised, recommends, administers, or dispenses for compensation of any kind, direct or indirect, a drug or medicine, appliance, mold or cast, application, operation, or treatment, of whatever nature, for cure or relief of a wound, fracture or bodily injury, infirmity, or disease. . . ."

Consequently, any practitioner whose license has been suspended, whether pursuant to Board disciplinary action or by operation of law, may not engage in the practice of medicine as defined by Section 4731.34 of the Revised Code.

A suspended practitioner may, however, engage in activities unrelated to medical practice during the period of suspension, provided that the practitioner does not represent him or herself in any way that would suggest that he or she is currently licensed.

Further, the practitioner may engage in an activity peripherally related to the medical field, provided that the activity does not involve any of the elements of the practice of medicine as defined by Section 4731.34 of the Revised Code. Permissible activities would include teaching, research, and administration, provided that such activities are entirely non-clinical in nature and do not otherwise require that the practitioner hold a current license issued by the State Medical Board. Permissibility of chart review activities would, once again, turn upon whether or not those activities are tantamount to the practice of medicine as defined by Section 4731.34 of the Revised Code. For example, if performed for research purposes only, chart review could be performed by a person whose license is suspended, but were that same review to be performed for purposes of rendering a clinical judgment or recommendation, it would be prohibited. In no event may the practitioner hold him or herself out or use designations that suggest that he or she holds a current license or in any way consult on or direct patient care. ♦

PHYSICIAN STATEMENTS ON REIMBURSEMENT OR BILLING DOCUMENTS

Approved September 10, 1997

The Board has received a number of recent complaints involving the allegation that physicians have falsely reported their activity for the purpose of securing payment from third-party payors. The allegations surrounding these complaints generally involve the physician affixing his signature, or allowing her signature to be affixed, to a pre-printed insurance form, in a situation where the physician did not personally provide the services for which payment is being sought. The insurance forms on their face describe what the physician is certifying through the application of his signature. The Board is concerned that some of its licensees are not approaching the signing of such forms with an appropriate measure of care and solemnity.

The Board advises its licensees that it considers the certifications a physician makes on reimbursement or billing documents to be statements made in the course of practicing medicine. The scenario described above may implicate some or all of the following provisions of the Medical Practice Act:

Section 4731.22 (B) The board, pursuant to an adjudication under Chapter 119 of the Revised Code and by a vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend a certificate, refuse to register or refuse to reinstate an applicant, or reprimand or place on probation the holder of a certificate for one or more of the following reasons:

- (1) Permitting one's name or one's certificate of registration to be used by a person, group, or corporation when the individual concerned is not actually directing the treatment given;
- (5) Soliciting patients or publishing a false, fraudulent, deceptive, or misleading statement.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

- (6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;
- (8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;
- (17) Any division of fees or charges, or any agreement or arrangement to share fees or charges, made by any person licensed to practice medicine and surgery, osteopathic medicine and surgery, or podiatry with any other person so licensed, or with any other person;

See **Billing** on page 8

BILLING (cont.)

(18)(a) The violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American podiatric medical association, and any other national professional organizations as are determined, by rule, by the state medical board. The state medical board shall obtain and keep on file current copies of the codes of ethics of the various national professional organizations. The practitioner whose certificate is being suspended or revoked shall not be found to have violated any provision of the code of ethics of an organization not appropriate to the practitioner's profession.

(b) For purposes of this division, a "provision of a code of ethics of a national professional organization" does not include any provision of a code of ethics of a specified national professional organization that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code, and nothing in this division affects, or shall be construed as affecting, the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

When analyzing complaints of this type, the board will compare the actual activities of the physician to the certification made on the billing document. If the actual activities do not match the certification, there has been a Medical Practice Act violation. For example, if the certification made by the physician is that the physician has personally rendered the service or the service has been provided under the physician's direct supervision, when in fact the physician has had no or only slight patient contact, a Medical Practice Act violation has occurred. Similarly, if a physician certifies that the rendition of a service was a medical necessity but the physician had no personal knowledge which would allow for such a certification, a Medical Practice Act violation has occurred.

Where a physician is confronted with a pre-printed billing form which asks for a certification not in accord with the physician's actual activities, the physician should either refuse to sign the certification or change the certification such that it does convey the physician's actual activities. Billing convenience does not justify the making of false statements in the course of practice or other violations of the Medical Practice Act.

The Board advises licensees that activity tantamount to selling one's signature is also a violation of the Medical Practice Act. For example, if a physician enters into a fee splitting arrangement with a non-physician whereby the physician agrees to sign billing documents for some portion of the reimbursement or fee collected and the physician has not had meaningful patient contact, a violation of the Medical Practice Act has occurred. Physicians must refrain from entering into arrangements whereby they secure a fee for services without having provided in some substantial sense the services to the patient.

In this statement, the Board does not announce a new policy but instead gives licensees specific instruction regarding their obligations under existing law. ♦

STATE MEDICAL BOARD OF OHIO - POSITION PAPER

RELEASE OF SPECTACLE PRESCRIPTIONS

Approved August 14, 1997

The State Medical Board of Ohio is charged with the enforcement of Section 4731.44(A) of the Ohio Revised Code, which requires:

A physician or surgeon licensed to practice medicine or surgery in this state, on completion of a vision examination and diagnosis, shall give each patient for whom he prescribes any vision correcting item, device, or procedure, one copy of the prescription, without additional charge to the patient.

This section of law is in addition to the requirements as set forth under the Federal Trade Commission Eyeglasses I rule. This action has been mandated for some period of time and there are penalties provided under both the state and federal systems for those professionals who do not comply with this requirement.

A prescription for spectacles shall be written at the completion of the examination and given to the patient. This prescription will contain sufficient information so that the patient may take it to a supplier of their choice in order to have the spectacles fabricated. A spectacle prescription may include a reasonable expiration date, normally not less than two years from the date of the examination unless the patient records indicate a specific need for a shorter time period.

The Ohio Revised Code does not currently address an expiration date for any vision correcting item, device or procedure. In the interest of protecting the vision and health of Ohio citizens, the State Medical Board will **NOT** require a physician to author a spectacle prescription if the examination and diagnosis was completed more than three years ago. ♦

H.B. 606 (cont. from page 3)

nationally in terms of physician discipline for the past four years. In each of those years, the Ohio Board has ranked number one for serious disciplinary actions taken by medical boards of comparable size.

The total number of physicians subjected to disciplinary action represents only a small number of licensees. However, the Board's consistent ranking can be viewed as a positive reflection of the willingness of the Ohio General Assembly and the state's physician community to support and fund the Board's efforts to ensure competent medical practice. ♦

Using Controlled Substances for Weight Reduction

Rule 4731-11-04, Ohio Administrative Code, effective October 31, 1998, governs the use of controlled substances listed in Schedules III and IV to assist in weight loss. The rule does not apply to Schedule II controlled substances, such as amphetamine sulfate and phenmetrazine HCl, which were outlawed as weight loss agents in Ohio in 1986 and remain so. Neither does the rule apply to over-the-counter drugs, such as phenylpropanolamine HCl, or to prescription drugs which are not listed as controlled substances, including the newly approved drug Xenical. Under Rule 4731-11-04, Ohio Administrative Code, any use of a controlled substance for weight loss must meet **ALL** of the following requirements:

GENERAL REQUIREMENTS

Prior Treatment Without Controlled Substances

- Controlled substances may be used for weight loss only after the patient has made a **substantial good-faith effort** to lose weight in a program utilizing:
 - ◆ caloric restriction; and
 - ◆ nutritional counseling; and
 - ◆ behavior modification; and
 - ◆ exercise
- The prior treatment must have proven ineffective.
- If the physician personally provided the prior treatment, his or her records must thoroughly document the treatment.
- If another physician or facility provided the prior treatment, the physician must obtain the treatment records from the prior treatment provider to confirm prior treatment.

Patient History and Examination

- The physician must:
 - ◆ obtain a thorough history; and
 - ◆ perform a thorough physical exam; and
 - ◆ rule out the existence of any recognized contraindications.

-
- The patient must have a body mass index (BMI) of at least thirty at the start of treatment utilizing controlled substances, or a BMI of at least twenty-seven in the presence of one or more comorbid factors.

FDA Approval and Labeling

- The controlled substance to be used must be FDA approved for weight loss.
- The use of the controlled substance must accord with the FDA approved labeling for the product. For example, a product approved for “a few weeks” use cannot be used long-term.

Face-to-Face Meetings and Patient Records

- The physician must meet face-to-face with the patient each time he or she provides a controlled substance for weight loss, and must **enter in the patient record** information demonstrating:
 - ◆ the patient’s continuing efforts to lose weight; and
 - ◆ the presence or absence of contraindications, adverse effects, and indicators of possible substance abuse that would require cessation of treatment.

Patient Weigh-ins

- The physician must weigh the patient at least every thirty days, and, unless the maintenance provision described below applies, must cease treatment using controlled substances if the patient has failed to lose weight. A patient who has never before received controlled substances for weight loss may be given an additional thirty days to begin losing weight.

RESTRICTIONS

Use Contraindicated

- The physician may not treat with a controlled substance if there is reason to believe its use would be contraindicated.
- The physician may not treat with controlled substances if he or she knows or should know that the patient is pregnant.
- The physician must never use controlled substances for weight loss in the treatment of a patient who the physician has **reason to believe:**

See **WEIGHT REDUCTION** on page 12

WEIGHT REDUCTION (cont.)

- ◆ has a history of or shows a propensity for substance abuse; or
- ◆ has made any false or misleading statement to the physician relating to the patient's use of drugs or alcohol

Failure to Comply

The physician must cease treatment utilizing controlled substances if the patient has repeatedly failed to comply with treatment recommendations, but may initiate treatment after six months off of controlled substance weight loss drugs.

SHORT TERM TREATMENT

Twelve Week Limit

Even if the patient continues to lose weight, treatment can not extend beyond twelve weeks if the controlled substance being used is FDA approved for "a few weeks." The only controlled substance currently on the market approved for use beyond a few weeks is sibutramine, marketed under the brand name "Meridia."

Interruption of Treatment

When using a controlled substance approved for "a few weeks" use only, the physician may not resume treatment following an interruption of treatment of more than seven days, unless the interruption resulted from:

- illness or injury to the patient justifying a temporary cessation of treatment; or
- unavailability of the physician; or
- unavailability of the patient, if the patient has notified the physician of the cause of the patient's unavailability.

Switching Controlled Substances

The physician may switch the patient from one controlled substance weight loss drug to another based on sound medical judgment. However, the total course of treatment using drugs that are FDA approved for "a few weeks" use may not exceed twelve weeks.

MAINTENANCE TREATMENT

When using a controlled substance the labeling of which permits maintenance use, the physician may provide maintenance treatment only so long as **ALL** of the following conditions are satisfied:

- The patient had a BMI of thirty-five or higher at the start of treatment; and
- The patient exhibited one or more comorbid factors that did not respond to standard treatment measures but improved, or are reasonably expected to improve, while under treatment with controlled substances to an extent that significantly reduces risk of mortality; and
- The patient lost at least five percent of initial body weight before weight loss stopped; and
- The patient maintains weight at or below ninety-five percent of initial body weight.

RESTARTING TREATMENT

Prohibition

A patient whose treatment for weight loss using controlled substances was ceased based on a history of or a propensity for substance abuse may not be restarted on controlled substances for weight loss.

Six Month Waiting Period

A patient who previously received controlled substances for weight loss may start a new course of treatment using controlled substances after **six months drug free** if the prior course of treatment was terminated for any of the following reasons:

- The patient ceased losing weight while under treatment with a controlled substance labeled for “a few weeks” of treatment; or
- The patient completed twelve weeks of treatment using a controlled substance labeled for “a few weeks” of treatment; or
- The prior course of treatment using a controlled substance labeled for “a few weeks” of treatment was terminated based on the patient’s repeated failures to comply with treatment directions; or
- The patient ceased losing weight before losing at least five percent of initial body weight while under treatment with a drug approved for maintenance use; or
- The patient was under maintenance treatment and failed to maintain weight loss of at least five percent of initial body weight.

A physician who terminates treatment using a controlled substance approved for weight loss maintenance may reinstitute treatment at any time so long as the termination of the prior course of treatment was not mandated by the rule. ♦

MULTI-LEVEL MARKETING: A GREAT OPPORTUNITY?

Information recently received by the Medical Board reveals that companies are recruiting Ohio physicians as distributors of vitamins, nutritional supplements and the like, through participation in multi-level marketing plans. The Board wants to caution all of its licensees to exercise care not to place their licenses in jeopardy participating in one of these “great opportunities.”

Multi-level marketing plans, sometimes called “network marketing plans,” use independent distributors to sell goods or services. Distributors receive commissions not only on their own sales of the plan’s goods or services, but also on sales made by distributors in their “downline”—i.e., distributors they personally recruit and the expected chain of distributors developed through the recruiting activity of each subsequently recruited distributor. The plans often make claims of great profit potential based on assumed geometric growth of each distributor’s downline.

Although participation in a multi-level marketing plan may look like an easy way to supplement one’s income, that

participation could violate several statutory provisions enforced by the State Medical Board. First, the Board’s disciplinary statute authorizes the Board to revoke or suspend a license if the physician engages in fee splitting for referrals of patients. A physician who recommends or sells a company’s products to patients, and subsequently receives a commission on those sales, would be in violation of this prohibition. Second, the practice might violate the physician’s applicable national Code of Ethics, thereby supporting discipline. See, for example Ethical Opinions 2.19, 6.02 and 6.04, Current Opinions of the Council on Ethical and Judicial Affairs of the American Medical Association. Third, the use of a product to treat a disease or condition that is not supported by acceptable scientific evidence could violate “minimal standards of care of similar practitioners under the same or similar circumstances,” furnishing additional grounds for discipline.

In addition to the administrative penalties a physician might incur by participating in a multi-level marketing plan, the physician could face criminal prosecution

if the plan is determined to be a pyramid scheme. The Ohio Revised Code prohibits such schemes, which are defined as schemes “whether or not for the disposal or distribution of property, whereby a person pays a consideration for the chance or opportunity to receive compensation, regardless of whether he also receives other rights or property,” for introducing others into participation in the scheme, or when other participants introduce people into participation. If the plan requires the distributor to pay money in order to be eligible to receive commissions—even if the physician also receives goods or services for that payment—then the plan may be an illegal pyramid scheme.

While participation in a multi-level marketing plan might be legal and ethical **if** it is not a pyramid scheme and **if** sales efforts are not directed at patients, the State Medical Board encourages physicians to proceed with caution when presented with one of these “great opportunities.” The old maxim rings true: if it sounds too good to be true, it probably is. ♦

Know your ABCs:

A Quick Guide to Reportable Infectious Diseases

A recent study by the Ohio Department of Health and Ohio University's College of Osteopathic Medicine has identified several barriers to complete and timely reporting of infectious diseases by physicians. The study, "Surveillance of Vaccine Preventable Diseases in Ohio", found lack of knowledge by physicians about what and how to report to be a significant impediment to compliance with the State's notification rules. The following guide to reportable infectious diseases in Ohio has been provided by ODH to remind physicians of their reporting "ABCs." This Guide is based on the 1998 revised Ohio Administrative Code Rules 3701-3-02, 3701-3-05, & 3701-3-12. Diseases are listed alphabetically, with class designation noted.

Amebiasis	A(3)	Hantavirus	A(2)	Psittacosis	A(2)
Anthrax	A(1)	Hemolytic uremic syndrome	A(2)	Rabies, human	A(1)
Blastomycosis	C	Hepatitis A	A(2)	Reye syndrome	A(3)
Botulism, foodborne	A(1)	Hepatitis B, C, and non-A, non-B	A(3)	Rheumatic fever	A(3)
Botulism, infant	A(3)	Herpes (congenital only)	A(3)	Rocky Mountain spotted fever	A(3)
Botulism, wound	A(3)	Herpes-genital	B	Rubella, congenital	A(2)
Brucellosis	A(3)	Histoplasmosis	C	Rubella (not congenital)	A(1)
Campylobacteriosis	A(3)	Influenza	B	Salmonellosis	A(2)
Chancroid	A(2)	Legionnaires' disease	A(2)	Scabies	C
Chickenpox	C	Leprosy	A(3)	Shigellosis	A(2)
Chlamydia infections (nonspecific urethritis, cervicitis, salpingitis, neonatal conjunctivitis, pneumonia, and lymphogranuloma venereum)	A(3)	Leptospirosis	A(3)	Sporotrichosis	C
Cholera	A(1)	Listeriosis	A(2)	Staphylococcal skin infections	C
Conjunctivitis, acute	C	Lyme disease	A(3)	Streptococcal disease, group A, invasive	A(3)
Creutzfeldt-Jakob disease	A(3)	Malaria	A(2)	Streptococcal B in newborn	A(3)
Cryptosporidiosis	A(3)	Measles	A(1)	Streptococcus pneumoniae, invasive disease	A(3)
Cyclosporiasis	A(2)	Meningitis, aseptic, including lymphocytic choriomeningitis and viral meningoencephalitis	A(2)	Streptococcal toxic shock syndrome (STSS)	A(3)
Cytomegalovirus (congenital only)	A(3)	Meningitis, including other bacterial	A(3)	Syphilis	A(2)
Dengue	A(2)	Meningococcal disease	A(1)	Tetanus	A(2)
Diphtheria	A(1)	Mucocutaneous lymph node syndrome (Kawasaki disease)	A(3)	Toxic shock syndrome	A(3)
E. coli O157:H7	A(2)	Mumps	A(2)	Toxoplasmosis (congenital)	A(3)
Encephalitis, including arthropod-borne	A(2)	Mycobacterial disease, including tuberculosis	A(2)	Toxoplasmosis	C
Encephalitis, other viral	A(3)	Nosocomial infections of any type	C	Trichinosis	A(3)
Encephalitis, post-infection	A(3)	Pediculosis	C	Tularemia	A(3)
Foodborne disease outbreaks	A(2)	Pelvic inflammatory disease, gonococcal	A(3)	Typhoid fever	A(2)
Giardiasis	A(3)	Pertussis	A(2)	Typhus fever	A(3)
Gonococcal infections	A(3)	Plague	A(1)	Vancomycin resistant enterococcus (VRE)	A(3)
Granuloma inguinale	A(2)	Poliomyelitis (including vaccine-associated cases)	A(2)	Vibriosis	A(3)
Haemophilus influenzae (invasive disease)	A(2)			Waterborne disease outbreaks	A(2)
				Yellow fever	A(2)
				Yersiniosis	A(3)

Class A.

(1) Diseases of major public health concern because of the severity of disease or potential for epidemic spread. Report by telephone immediately upon recognition that the case, suspected case, or positive laboratory result exists.

(2) Diseases of public health concern needing timely response because of potential for epidemic spread. Report by the end of the next business day after the existence of a case, suspected case, or positive laboratory result is known.

(3) Diseases of significant public health concern. Report by the close of each working week after the existence of a case, suspected case, or positive laboratory result is known.

Class B. The number of cases is to be reported by the close of each working week.

Class C. Report an outbreak, unusual incidence, or epidemic of these diseases by the end of the next working day.

Cases of AIDS (acquired immune deficiency syndrome), AIDS-related conditions, and confirmed positive tests for HIV (human immunodeficiency virus) must be reported on forms and in a manner prescribed by the director.

STATE MEDICAL BOARD OF OHIO

DISCIPLINARY ACTIONS

October 1997 - October 1998

AFROOZ, Nader (MD #34319) - Youngstown

Board Order - Medical license permanently revoked based on doctor's failure to conform to minimal standards of care in the routine course of his practice as a neurologist with respect to care rendered to 40 specified patients. Order effective 3/13/98. **Court Action** - Notice of appeal of Board's 3/11/98 permanent revocation Order filed by doctor with Franklin County Court of Common Pleas on or about 3/24/98. **Court Action** - Notice of voluntary dismissal of appeal filed with Franklin County Court of Common Pleas on behalf of doctor on 4/27/98.

ALLISON, Russell Bryan (MD #67545) - Valencia, PA

Board Order - One year suspension stayed subject to probationary terms, conditions and limitations for five years based on doctor having been found guilty of Attempted Drug Abuse Involving a Schedule II Controlled Substance, a first degree misdemeanor, and Drug Abuse Involving a Schedule IV Controlled Substance, a third degree misdemeanor; and on underlying acts. Order effective 12/23/97.

AMRO, Rafic A. (MD #36794) - Bethlehem, PA

Board Order - Medical license suspended for a definite term of six months based on prior action against doctor's Pennsylvania medical license by that state's medical board due to the doctor having plead no contest to and having been sentenced on one felony count of Medicaid Fraud. Order effective 9/1/98.

ANDERSON, Wilfred Louis (MD #38294) - Cleveland

Board Order - Medical license permanently revoked based on doctor having been found guilty of one misdemeanor count of Attempted Gross Sexual Imposition, the acts underlying which involved his sexual contact with a specified patient; and doctor's improper touching of and inappropriate statements to a second specified patient. Order effective 7/16/98. **Court Action** - Notice of appeal to Franklin County Court of Common Pleas filed on behalf of doctor on or about 7/28/98. Doctor's stay request denied.

BARKAL, Paul Kevin (MD #55009) - San Diego, CA

Board Order - Medical license permanently revoked based on doctor's failure to advise Ohio Medical Board on license renewal application that he had been the subject of an Accusation and Order issued by California's medical board due to his admitted negligence in the treatment of three patients; and prior action by Illinois' medical board due to California action. (Journal Entry - no hearing requested) Order effective 7/8/98. **Court Action** - Notice of appeal to Franklin County Court of Common Pleas filed on behalf of doctor on or about 7/24/98.

BEUCHAT, William Bernard (DO #4888) - Toledo

Board Order - One year suspension stayed subject to probationary terms, conditions and limitations for at least two years based on

improper prescribing of controlled substances and dangerous drugs to one specified patient; and failure to maintain patient records of that prescribing in violation of Medical Board rules. Order effective 11/20/97.

BISKIND, John Israel (MD #19703) - Cleveland

Voluntary Surrender - Permanent revocation of medical license authorized by doctor in lieu of formal disciplinary proceedings based on the revocation of doctor's license by Arizona's medical board following its stipulated conclusion that doctor engaged in unprofessional conduct. Effective 9/8/98.

BLECHER, Saul Israel (MD #63813) - Cincinnati

Board Order - Doctor reprimanded based on prior action by New York's medical board in resolution of that board's charges that doctor had practiced medicine fraudulently and exhibited conduct evidencing moral unfitness to practice medicine. Testimony at Ohio Board hearing indicated that most of the infractions with which doctor had been charged were not caused by his own actions. Order effective 5/19/98.

BONGIORNO, Frank Paul (MD #53146) Ann Arbor, MI

Board Order - Sixty day suspension of medical license stayed subject to probationary terms, conditions and limitations for at least five years. Based on prior action by Georgia's medical board following that board's findings that doctor dispensed steroids outside the usual course of his medical practice and with no legitimate medical purpose. Order effective 8/5/98.

BONITATIBUS, Patricia Joan (MD #64470) - Wheeling, WV

Board Order - Medical license permanently revoked based on doctor's violation of conditions of limitation imposed on license by 9/6/95 consent agreement and impairment of ability to practice due to chemical dependency relapse. Order effective 10/15/97.

BOOTH, William J. (PA #525) - Miamisburg

Board Order - Physician assistant's registration suspended for at least six months; conditions for reinstatement and subsequent probationary terms, conditions and limitations for at least five years established. Based on physician assistant's failure to practice in accordance with terms of approved utilization plan. Order effective 10/15/98. **Reinstatement** - P.A.'s request for reinstatement granted by vote of the Board on 4/14/99.

BOSACK, Douglas Paul (MD #48959) - Toledo

Consent Agreement - Medical license indefinitely suspended for a minimum of three months; 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 suffers from alcohol dependency and atypical depression and a history of bipolar disorder; and

consent agreement and impairment of ability to practice due to chemical dependency relapse. Order effective 4/13/98.

CASTANEDA, Manuel F. (MD #31594) - Houston, TX
Board Order - Medical license revoked based on prior action against doctor's Texas medical license by that state's medical board following its findings that doctor had been arrested and charged with four counts of indecency with a child and one count of assault with intent to cause bodily harm; that doctor had inappropriately self-prescribed controlled substances and dangerous drugs; and that he had inappropriately prescribed a controlled substance to a patient without adequate medical indication. Texas Board later modified its Order to reflect that doctor had been found not guilty of aforementioned criminal charges and deleted requirement that doctor have a third party present when examining female and minor patients, but left remainder of its Order intact. (Journal Entry - no hearing requested) Order effective 3/11/98.

CHAIFFETZ, Ira Nathan (MD #59325) - Columbus
Board Order - Medical license permanently revoked based on doctor having been found guilty of Conspiracy to Commit Murder, a felony. Order effective 9/11/98.

CHAVES, Fernando G. (MD #53557) - Warren
Board Order - Doctor reprimanded based on his failure to conform to minimal standards of care with respect to treatment of one specified patient. Doctor performed a fiberoptic bronchoscopy when such procedure was not indicated, and failed to recognize that a distal portion of a Swan-Ganz catheter had not been removed. Order effective 9/11/98. **Court Action** - Notice of appeal of Board's 9/9/98 reprimand Order filed on behalf of doctor with Franklin County Court of Common Pleas on or about 9/25/98. By Decision filed 5/5/99 and documented by Entry filed 5/13/99, Court of Common Pleas affirmed Board's reprimand Order.

CHEEK, John Christopher (MD #63948) - Shaker Heights/Raleigh, NC
Board Order - Medical license permanently revoked based on doctor having been found guilty of one felony count of Possession of Drugs, the acts underlying which involved the purchase of crack cocaine; and doctor's failure to advise medical board on license renewal application that he had been found guilty of one misdemeanor count of Soliciting. Order effective 12/5/97.

CHU, Paul P. (MD #53485) - Dayton
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 relapsed on cocaine and has entered treatment at a Medical Board-approved facility. Agreement effective 2/11/98. **Consent Agreement** - Medical license reinstated subject to probationary terms, conditions and limitations based on doctor's admission that he relapsed on cocaine, that he has received treatment through a board-approved provider, and that he has maintained aftercare through that provider. Agreement effective 4/9/98; agreement to remain in effect for a minimum of five years prior to any request for termination.

CLAYMAN, Wayne Richard (DPM #1807) - Gahanna
Board Order - Podiatry license permanently revoked based on

doctor's plea of guilty to one felony count of Money Laundering in an Amount Over \$10,000. Order effective 11/20/97. **Court Action** - Notice of appeal of Board's 10/8/97 permanent revocation Order filed with Franklin County Court of Common Pleas on 12/2/97. **Court Action** - By Decision filed 7/1/98 and documented by Entry filed 7/31/98, Franklin County Court of Common Pleas affirmed Board's 10/8/97 permanent revocation Order. **Court Action** - Notice of appeal to Tenth District Court of Appeals filed on behalf of doctor on 8/29/98.

COSTA, Felix Augusto (MD #31389) - Houston, TX
Board Order - Medical license revoked based on prior action by Texas' medical board following that board's finding that, while employed as a crisis psychiatrist, doctor had been placed on probation by city mental health/mental retardation authority following allegations of improper referrals, improper diagnoses of patients and improper prescribing and/or administration of medications. (Journal Entry - no hearing requested) Order effective 9/9/98.

CRUZ, Juan J. (MD #28815) - Wapakoneta
Voluntary Surrender - Permanent revocation of medical license authorized by doctor in lieu of formal disciplinary proceedings pursuant to Sections 4731.22(B)(2), (3), (6) and (14), O.R.C. Effective 11/4/97.

DAY, Richard Graham (MD #61831) - Cambridge
Consent Agreement - Medical license suspended for at least three months; 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 suffers from poly-substance dependence, including alcohol, benzodiazepine and opioid dependence; and that he failed to advise the Board on license renewal applications that he had been addicted to or dependent upon alcohol and had been treated for, or diagnosed as suffering from, alcohol dependency or abuse. Agreement effective 11/12/97. **Consent Agreement** - Medical license reinstated subject to probationary terms, conditions and limitations based on doctor's admission that he received treatment and aftercare through a board-approved provider for poly-substance dependence and that he has complied with all reinstatement terms established by his 11/12/97 consent agreement. Agreement effective 4/9/98; agreement to remain in effect for a minimum of five years prior to any request for termination.

DICKENS, James C. (P.A. #256) - Lakewood
Board Order - Physician assistant registration permanently revoked based on physician assistant having been found guilty of Attempted Drug Abuse; and his having obtained a patient's Tylenol with codeine No. 3 by deception and refilling the prescription for that medication by signing the patient's name on a receipt. Order effective 4/13/98.

DINTIMAN, Peter Evans (MD #48364) - Damascus
Consent Agreement - Probationary terms, conditions and limitations imposed based on doctor's history of drug addiction and relapse due to alcohol use; and on recommendation following Board-ordered evaluation that doctor participate in individual counseling in order to deal with character traits that have lead to instances of inappropriate behavior with co-workers. Agreement effective

11/12/97; agreement to remain in effect for at least five years prior to any request for termination.

DONNINI, Richard Martin (DO #3971) - Centerville

Board Order - Indefinite suspension, minimum one year; conditions for reinstatement and subsequent probation for at least five years established. Based on doctor having failed to maintain supervision of a physician assistant and permitting an individual to practice as a physician assistant when she was not registered as such; and on doctor having provided a post-dated prescription for a Schedule II controlled substance to his office staff. Order effective 10/12/98. **Court Action** - Notice of appeal of Board's 9/9/98 suspension Order filed by doctor with Franklin County Court of Common Pleas on 9/21/98. By Decision and Entry filed 10/14/98, Franklin County Court of Common Pleas denied doctor's motion for a stay of Board's 9/9/98 suspension Order.

ENRIGHT, Dennis W. (MD #30972) - Louisville, KY

Board Order - Medical license permanently revoked based on prior action by Kentucky's medical board following that board's conclusion that doctor had engaged in sexual conduct with a hospitalized patient and had engaged in improper professional conduct toward a second patient. (Journal Entry - no hearing requested) Order effective 9/9/98.

FAGAN, Howard E. (MD #21404) - Cleveland

Voluntary Surrender - Permanent revocation of medical license authorized by doctor in lieu of formal disciplinary proceedings based on alleged unprofessional conduct. Effective 12/17/97.

FELDMAN, Richard Warren (MD #39076) - Nashville, TN

Board Order - Medical license permanently revoked based on prior action against doctor's Tennessee medical license by that state's medical board, which action was based on that board's determination that doctor engaged in "unprofessional, dishonorable, or unethical conduct." Order effective 2/9/98. **Court Action** - Notice of appeal of Board's 1/14/98 permanent revocation Order filed by doctor with Franklin County Court of Common Pleas on or about 2/14/98. By Decision filed 11/2/98 and documented by Entry filed 11/27/98, Franklin County Court of Common Pleas affirmed Board's 1/14/98 permanent revocation Order. Notice of appeal to Tenth District Court of Appeals filed on behalf of doctor on 12/23/98.

FOOTE, Mary Jo (PA #864) - Belmont

Pre-hearing Suspension - Pursuant to Section 3719.121(C), O.R.C., physician assistant's registration immediately suspended based on her having been found eligible for treatment in lieu of conviction of Illegal Processing of Drug Documents and Deception to Obtain a Dangerous Drug. Notice mailed 6/11/98. **Consent Agreement** - Physician assistant registration suspended for at least one year; interim monitoring conditions, conditions for reinstatement, and probationary terms, conditions and limitations for three years established. Based on physician assistant's admission that she plead guilty to one felony count of Illegal Processing of Drug Documents and one felony count of Deception to Obtain a Dangerous Drug, for which she was found eligible for treatment in lieu of conviction. Agreement effective 10/15/98.

FORTELL, Lennart T. (DM #2192) - Chillicothe

Voluntary Surrender - Permanent revocation of certificate authorized by mechanotherapist in lieu of formal disciplinary

proceedings based on a plea of guilty to, or a judicial finding of guilt of, a felony and/or a misdemeanor involving moral turpitude. Effective 12/8/97.

FRIDAY, Steve M. (DPM #2451) - Bellbrook

Consent Agreement - Podiatry license reinstated subject to probationary terms, conditions and limitations based on doctor's admission that he successfully completed treatment for chemical dependency; has remained abstinent from drugs and alcohol since 1/95; and has been deemed capable of practicing according to acceptable and prevailing standards of care with appropriate treatment and monitoring. Agreement effective 4/9/98; agreement to remain in effect for a minimum of five years prior to any request for termination.

GADEK, James Edward (MD #48075) - Columbus

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 because of habitual or excessive use or abuse of alcohol. Order effective 7/16/98.

GAGLIANO, Angelo Vincent (MD #53569) - San Antonio, TX

Consent Agreement - Doctor reprimanded based on his admissions that he administered anesthesia on a non-emergent critically ill surgical patient without first establishing appropriate monitoring and that he has been reprimanded by Illinois, Massachusetts and South Carolina on the basis of that conduct. Agreement effective 3/11/98.

GARADA, Hazem S. (MD #70905) - Richmond, VA

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 five years established. Based on doctor's failure to provide complete and accurate information on Ohio licensure application about investigations and/or actions initiated by other state licensing boards; prior action by West Virginia's medical board following that board's findings that doctor had engaged in unprofessional, unethical and dishonorable conduct. Order effective 7/10/98. **Court Action** - Notice of appeal to Franklin County Court of Common Pleas of Board's 5/13/98 suspension Order filed by doctor 6/23/98. By Decision and Entry filed 7/10/98, Franklin County Court of Common Pleas overruled doctor's motion for stay of Board's 5/13/98 suspension Order. Appeal voluntarily dismissed by doctor on 1/12/99. **Reinstatement** - Doctor's request for reinstatement granted by Board on 1/13/99.

GERACI, Thomas L. (DPM #2265) - Hilliard

Consent Agreement - Summary suspension of 7/30/97 terminated; podiatry license suspended for at least ninety 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 admission that his ability to practice podiatry according to acceptable and prevailing standards of care is impaired because of habitual or excessive use or abuse of drugs or alcohol, and that he has successfully completed inpatient and outpatient treatment through a Board-approved provider. Agreement effective 10/9/97. **Consent Agreement** - Podiatry license reinstated subject to probationary terms, conditions

and limitations based on doctor's admission that he successfully completed inpatient and outpatient treatment through a Board-approved provider and that he has been deemed capable of practicing according to acceptable and prevailing standards of care with appropriate treatment, monitoring and supervision. Agreement effective 3/11/98; agreement to remain in effect for a minimum of five years prior to any request for termination.

GILLIS, David H. (MD #35427) - Cincinnati
Child Support Default Suspension - Pursuant to determination by Hamilton 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 Hamilton County Child Support Enforcement Agency that doctor is no longer determined to be in default. Notice mailed 10/8/97; suspension effective upon doctor's receipt of notice on 10/15/97. **Reinstatement** - License reinstated effective 12/5/97 pursuant to Notice to Reinstatement/Reissue Professional License from Hamilton County Child Support Enforcement Agency.

GLADIEUX, Gary Francis (MD #56893) - Toledo
Board Order - Medical license suspended for at least two years; conditions for reinstatement and subsequent probationary terms, conditions and limitations for at least three years established. Based on doctor having engaged in sexual relationships with at least six women who were the mothers of his pediatric patients. Order effective 12/21/97. **Court Action** - Notice of appeal of Board's 10/8/97 suspension Order filed with Franklin County Court of Common Pleas on 11/21/97. Doctor's motion to stay Medical Board's 10/8/97 suspension Order granted by Franklin County Court of Common Pleas on 12/18/97, subject to conditions that doctor have no romantic/sexual contact with any family member of any of his pediatric patients, that he have no unescorted contact with any female relatives of any of his patients, and that he notify in writing every family of his current pediatric patients of the suspension of his medical license, the grounds therefor, and of the Court's stay of the suspension Order pending this appeal. **Court Action** - By Decision filed 10/7/98 and documented by Entry filed on 10/23/98, Franklin County Court of Common Pleas affirmed Board's 10/8/97 suspension Order. Notice of appeal to Tenth District Court of Appeals deemed filed as of 10/23/98. Conditional stay granted by Appeals Court on 10/29/98.

GOSWAMI, Anilkumar P. (MD #37170) - Odessa, TX
Board Order - Medical license permanently revoked based on prior action by Texas medical board following that board's finding that doctor failed to adequately evaluate and diagnose a patient and that he had inappropriate physical contact with three adult females; and prior action by Michigan's medical board based on doctor's failure to notify Michigan Board of Texas action within 30 days as required by law. (Journal Entry - no hearing requested) Order effective 3/11/98.

GRABLE, Edward E. (MD #17028) - Canton
Board Order - Medical license suspended for a minimum of thirty days; conditions for reinstatement established; subsequent to reinstatement, doctor required to document compliance with Continuing Medical Education requirements for three additional license registration periods. Based on doctor's failure to comply with Continuing Medical Education requirements. (Journal Entry - no hearing requested) Order effective 10/15/98.

GRINSTEAD, Carl Elgin II (MD #28362) - Santa Maria, CA
Board Order - Medical license indefinitely suspended for a minimum of sixty days, such suspension to become effective immediately upon reinstatement of doctor's license, which lapsed 10/1/96 due to non-renewal; conditions for reinstatement and for subsequent documentation of Continuing Medical Education for three biennial registration periods established. Based on doctor's failure to submit documentation of satisfactory completion of Continuing Medical Education hours as required by 12/94 Board Order. Order effective 5/14/98.

GROSS, Marie M. (MD #46735) - Sunrise, FL
Board Order - Medical license permanently revoked based on prior action by New York's medical board following that state's issuance of allegations, which were uncontested by doctor, that doctor's conduct constituted gross negligence, gross incompetence, negligence on more than one occasion, incompetence on more than one occasion, failure to maintain records, willfully making and filing a false report, fraud, and moral unfitness. (Journal Entry - hearing not requested timely) Order effective 4/8/98.

HAMADEH, Mazen B. (MD #73816) - Orlando, FL
Board Order - Application for medical licensure granted subject to reprimand based on doctor having performed histories and physical examinations for compensation and held himself out as a physician in Ohio. Order effective 10/15/97.

HARRISON, Mark L. (MD #47889) - Key Biscayne
Board Order - Medical license revoked based on prior action by Texas' medical board following that board's finding that doctor had failed to examine any patient or review patient charts, and had allowed unlicensed office staff to see patients and make treatment decisions. (Journal Entry - no hearing requested) Order effective 10/14/98.

HARRISON, Wayne L. (MD #56362) - Cincinnati
Pre-Hearing Suspension - Pursuant to Section 3719.121(C), O.R.C., medical license immediately suspended based on doctor having been found eligible for treatment in lieu of conviction of one felony count of Deception to Obtain a Dangerous Drug. Notice mailed 3/12/98. **Consent Agreement** - Medical license suspended for at least three months; interim monitoring conditions, conditions for reinstatement, and probationary terms, conditions and limitations for at least five years established. Based on doctor's plea of guilty to one felony count of Deception to Obtain a Dangerous Drug, for which he was found eligible for treatment in lieu of conviction. Agreement effective 10/2/98.

HERMAN, Michael Lee (MD #54884) - Youngstown
Board Order - Medical license permanently revoked based on doctor's plea of guilty to two misdemeanor counts of knowingly refusing and failing to make, keep and furnish records in connection with the dispensation of Sufenta, a Schedule II controlled substance, on two occasions, the acts underlying which occurred in the course of practice. Order effective 10/16/98. **Court Action** - Notice of appeal of Board's 10/14/98 permanent revocation Order filed by doctor in Franklin County Court of Common Pleas on 10/28/98.

HEIM, Brian David (MD #71122) - Akron
Pre-hearing Suspension - Pursuant to Section 3719.121(C), O.R.C., doctor's medical license immediately suspended based on

his plea of guilty to 24 felony counts of Theft of Drugs and 21 felony counts of Illegal Processing of Drug Documents, for which he was found eligible for treatment in lieu of conviction. Notice mailed 7/9/98. **Consent Agreement** - Permanent revocation of medical license stayed subject to suspension for at least one year; interim monitoring conditions, conditions for reinstatement, and subsequent probationary terms, conditions and limitations for at least five years established. Based on doctor's admission that he plead guilty to 24 felony counts of Theft of Drugs and 21 felony counts of Illegal Processing of Drug Documents, for which he was found eligible for treatment in lieu of conviction; and his admission that his ability to practice is impaired by excessive or habitual use of drugs or alcohol. Agreement effective 9/9/98.

HILL, Sam (DO #3607) - Lynchburg

Board Order - Doctor reprimanded for continuing to practice osteopathic medicine while his license was suspended pursuant to a Medical Board Order. Order effective 4/13/98.

HOLLERAN, Neal Evan (MD #43325) - Avon Lake

Board Order - Doctor reprimanded based on violation of conditions of limitation imposed on medical license by 2/14/96 Board Order due to his resumption of practice in Ohio without prior Board approval. Conditions of 2/14/96 Order remain in effect. Order to become effective 7/7/98.

HOMISH, Jerome David (DO #5148) - The Plains/Toledo

Consent Agreement - Medical license suspended for at least three months; 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 wrote prescriptions in the names of others in order to obtain controlled substances for his own use and that an evaluation by a Medical Board approved provider included a diagnosis of medication misuse. Agreement effective 8/12/98.

HOSSEINIPOUR, Ahmad (MD #66878) - Youngstown

Board Order - Medical license permanently revoked based on doctor's inability to practice according to acceptable and prevailing standards of care by reason of mental or physical illness; violation of code of professional ethics due to failure to respect the law and the rights of patients, colleagues and other health care professionals. Order effective 2/24/98.

HUMES, Katherine Alicia (MD #68502) - Pickerington

Board Order - Medical license indefinitely suspended; conditions for reinstatement and subsequent probationary terms, conditions and limitations for at least five years established. Based on violation of conditions of limitation imposed on license by 5/11/95 consent agreement; inability to practice according to acceptable and prevailing standards of care by reason of mental or physical illness. Order effective 1/5/98. **Reinstatement** - Doctor's request for reinstatement granted by vote of the Board on 1/14/98, subject to probationary terms, conditions and limitations established by 12/3/97 Board Order.

HUSSAIN, Altaf (MD #33800) - Youngstown

Board Order - Application for restoration of revoked medical license denied based on doctor's commission of an act constituting a

felony (as referenced in the Board's 7/11/90 revocation Order); and doctor's subsequent guilty pleas to felony counts of Theft, Filing False Insurance Claims, Forgery and Uttering. Order effective 9/11/98.

HUTCHINSON, Archibald Walter (MD #62347) - Chicago, IL

Board Order - Medical license permanently revoked based on prior action against doctor's Illinois medical license by that state's medical board due to the doctor's admission that he, a psychiatrist, had engaged in a sexual relationship with a patient. Order effective 7/16/98.

JAMES, Paul M., Jr. (MD #47169) - Coffeyville, KS

Board Order - Medical license permanently revoked based on prior action against doctor's Kansas medical license following an allegation by that state's medical board that doctor had committed acts in violation of the state's professional competency statute and doctor's agreement that, in lieu of formal proceedings, he would not practice surgery in Kansas. (Journal Entry - no hearing requested) Order effective 7/8/98.

JERKINS, Waymon David (DPM #1844) - Detroit, MI

Board Order - Podiatry license permanently revoked based on doctor having been found guilty of 34 felony counts of False Claims for Benefits, the acts underlying which involved his knowing submission of false claims to Michigan Department of Social Services, and one felony count of Conspiracy to Launder Monetary Instruments due to his participation in laundering money through foreign accounts; and prior action by Michigan's podiatric medical board. Order effective 10/16/98.

KAMERER, Robert Bruce (MT #8245) - Vandalia

Consent Agreement - Certificate to practice massage therapy granted subject to probationary terms, conditions and limitations to monitor practice. Based on massage therapist's history of bipolar disorder. Agreement effective 10/14/98; agreement to remain in effect for a minimum of five years prior to any request for termination.

KELCH, Benjamin Paul (DO #3749) - Columbus

Pre-hearing Suspension - Medical license summarily suspended based on Board's determination that there is clear and convincing evidence that doctor is unable to practice according to acceptable and prevailing standards of care due to chemical dependency relapse, and that his continued practice presents a danger of immediate and serious harm to the public. Suspension effective upon doctor's receipt of notice on 2/14/98. **Court Action** - Notice of appeal of Board's 2/11/98 Order of summary suspension filed with Franklin County Court of Common Pleas by doctor on or about 2/17/98 and with Board on 2/19/98. By Entry filed 3/4/98, Franklin County Court of Common Pleas dismissed doctor's appeal of Board's 2/11/98 summary suspension Order based on settlement among the parties. **Consent Agreement** - Permanent revocation of medical license stayed subject to indefinite suspension for a minimum of three years; interim monitoring conditions, conditions for reinstatement and subsequent probationary terms, conditions and limitations for at least seven years established. Based on doctor's violation of conditions of limitation imposed on license by 10/12/94 consent agreement due to chemical dependency relapse; impairment of ability to practice. Agreement effective 5/13/98. **Voluntary Surrender** - Permanent

revocation of medical license authorized by doctor in lieu of further formal proceedings based on and doctor's admission to allegations set forth in Board's 8/12/98 notice of opportunity for hearing. Effective 10/26/98.

KITCHEN, Alfred George Ernest (MD #41199) - Vermillion
Voluntary Surrender - Permanent revocation of medical license authorized by doctor in lieu of further formal disciplinary proceedings based on doctor's admission that he violated conditions of limitation imposed on his license by 7/10/96 consent agreement and that his ability to practice is impaired due to habitual or excessive use or abuse of drugs or alcohol. Effective 11/20/97.

KLEFFNER, Paul Edward (DO #1052) - Columbus
Consent Agreement - License to practice osteopathic medicine suspended for 22 months, such time to be calculated from 7/1/96, since which time doctor has voluntarily refrained from practice; upon reinstatement, license permanently limited to restrict doctor's practice to chart review and rendering opinions as to disability or impairment, and to impose controlled substance restrictions and monitoring conditions. Based on doctor's admission that a review of 28 patient records subpoenaed by the Medical Board revealed that his prescribing of controlled substances and other abusable drugs was generally not supported by diagnostic testing and/or documentation of patient evaluation and continued need for medications. Agreement effective 4/9/98.

KLINE, Kenneth Kerwood (MD #51512) - Lancaster
Consent Agreement - Probationary terms, conditions and limitations imposed following Board-ordered psychiatric evaluation that concluded that doctor must maintain recovery from drug addiction in order to successfully practice medicine. Doctor previously completed treatment and aftercare through a Board-approved provider, maintained continued compliance with a monitoring contract, and entered into a three-year agreement in June 1996 with West Virginia's medical board after admitting on a license renewal application to history of drug addiction. Agreement effective 4/9/98; agreement to remain in effect for a minimum of five years prior to any request for termination.

KOEHLER, Donald A., II (P.A. #99185 & 658) - Alexandria, KY
Final Order Vacated - 9/10/97 Board Order vacated following determination that physician assistant had, in fact, timely requested a hearing. **Board Order** - Permanent revocation of certificate to practice as a physician assistant stayed, subject to suspension for at least one year, such time to be calculated from 7/9/97, the date of the Board's pre-hearing immediate suspension; conditions for reinstatement and subsequent probationary terms, conditions and limitations for five years established. Based on physician assistant's plea of guilty to two felony counts of Theft of Drugs for which he was granted treatment in lieu of conviction, the acts underlying which included the theft of multiple quantities of controlled substances from his employer. Order effective 2/20/98.

KOUSSANDIANOS, Paul George (MD #20956) - Lakewood
Voluntary Surrender - Permanent revocation of medical license authorized by doctor in lieu of formal disciplinary proceedings based on his having been found guilty of three misdemeanor counts of Sexual Imposition involving one patient and two employees of his medical practice. Effective 9/10/98.

KRAIN, Lawrence Stirling (MD #30640) - Chicago
Court Action - By Entry filed 10/7/97, Franklin County Court of Common Pleas granted doctor's request for stay of Board's 12/6/95 indefinite suspension Order, pending determination of appeal, with the condition that doctor will not practice in the state of Ohio pending final adjudication. By Entry filed 12/9/97, Franklin County Court of Common Pleas dismissed doctor's appeal due to his failure to file a brief. By Entry filed 1/6/98, Franklin County Court of Common Pleas granted doctor's motion to reinstate his appeal. By Decision filed 10/29/98, Tenth District Court of Appeals affirmed Franklin County Court of Common Pleas' 7/2/97 judgment affirming Board's 12/6/95 indefinite suspension Order, with the exception of Board's imposition of psychiatric treatment as a condition of probation.

LANDEFELD, Ronald Alfred (MD #37811) - Marion
Board Order - Medical license permanently revoked based on improper prescribing and/or failure to conform to minimal standards of care with respect to specified patients; improper billing; and division of fees. Doctor ineligible to prescribe controlled substances effective 12/5/97. Order effective 1/5/98. **Court Action** - Notice of appeal of Board's 11/12/97 permanent revocation order filed with Franklin County Court of Common Pleas on 12/19/97. By Entry 1/5/98, Franklin County Court of Common Pleas temporarily stayed Board's 11/12/97 permanent revocation Order until Court renders a decision on doctor's stay request, but no later than midnight on 1/12/98 unless further ordered by the Court. Interim stay subject to doctor (1) continuing to receive psychiatric treatment, (2) complying with terms of his 11/5/97 contract with the Ohio Physician's Effectiveness Program, (3) not accepting any new patients (4) not performing any physically intrusive procedure upon any patient, including endoscopic exams, (5) not dispensing or prescribing any medication for which he would require D.E.A. registration and maintaining a log of any medication he does dispense or prescribe. Doctor also required to authorize release to the Court of information from his psychiatrist and to attend all scheduled psychiatric appointments. On 1/12/98, Franklin County Court of Common Pleas extended previously granted interim stay until 1/21/98, unless Court rules on doctor's stay request prior to that date. **Court Action** - By Decision filed 1/21/98, Franklin County Court of Common Pleas granted a conditional stay of Board's 11/12/97 permanent revocation Order, subject to the conditions previously set out in the court's interim stay order, and with the additional requirement that Dr. Harding provide the court with a monthly report detailing doctor's treatment status.

LEONARDSON, Peter Yule (MD #50081) - Defiance
Voluntary Retirement - Voluntary retirement of medical license accepted; doctor ineligible for reinstatement in the future. Based on doctor's admission that he retired from practice in 1996 for medical reasons; and that he successfully completed treatment through a Board-approved provider, but failed to complete two years of aftercare as required by Board rule due to a medical condition that prohibited him from attending meetings. Effective 2/11/98.

LINGAM, Panduranga Rao (MD #43664) - Columbus
Consent Agreement - Doctor reprimanded and probationary terms, conditions and limitations imposed for a minimum of two years based on doctor's admission that he failed to maintain records and document required assessments prior to issuance of controlled

substance prescriptions to a physician colleague and the colleague's wife, in violation of Medical Board rule. Agreement effective 4/9/98.

LOGAN, Joseph Leroy (MD #17985) - Warren

Pre-hearing Suspension - Pursuant to Section 3719.121(C), O.R.C., medical license immediately suspended based on doctor's pleas of guilty to four felony counts of Trafficking in Drugs. Notice mailed 9/10/98.

LUTZ, Gary Ray (DO #3249) - West Milton

Board Order - Permanent revocation of medical license stayed, subject to indefinite suspension of at least six months; conditions for reinstatement and subsequent probation for at least five years established. Based on doctor having been found guilty of Disorderly Conduct, a fourth degree misdemeanor, the acts underlying which involved doctor giving a 13 year old patient a copy of a sexually explicit magazine at a football game at which doctor was the team physician; and doctor having been found guilty on a separate occasion of Contributing to the Unruliness of a Child, a first degree misdemeanor, the acts underlying which involved doctor giving a 13 year old patient a copy of a sexually explicit magazine at doctor's office. Order effective 11/16/98.

LYONS, John Randall (DO #1469) - Norwood

Pre-hearing Suspension - Pursuant to Section 3719.121(C), O.R.C., doctor's medical license immediately suspended based on his plea of guilty to one felony count of Deception to Obtain Dangerous Drugs. Notice mailed 7/9/98. (**NOTE:** By Order and Entry on behalf of Medical Board on 11/19/98, 7/8/98 citation dismissed as moot due to doctor's demise.)

MARTELL, Catherine Lynn (MD #53556) - Sharon, PA

Consent Agreement - Probationary terms, conditions and limitations imposed; doctor required to pass clinical competency exam before resuming medical practice, which she ceased in 11/95; prior Board approval required for any employment related to the health care field. Based on doctor's admission that a Board-ordered evaluation indicated that she suffers from bipolar affective disorder, anxiety disorder, attention deficit disorder, and panic attacks, and that these psychiatric difficulties have seriously affected her ability to practice to the point that she cannot engage in the longitudinal care of patients. Agreement effective 3/11/98; agreement to remain in effect for a minimum of 10 years prior to request for termination.

MARTIN, Anthony D. (MD #61371) - Westerville

Board Order - Probationary terms, conditions and limitations established for a minimum of one year based on prior action against doctor's Arizona medical license by that state's medical board requiring doctor to obtain a second opinion prior to treating any patient 13 years or older for attention deficit disorder. Order effective 10/15/98.

MARTIN, Frederick Thomas (MD #18893) - Cincinnati

Consent Agreement - Medical license permanently limited and restricted to performance of insurance physicals only; doctor ineligible to practice medicine in any other form or manner. Based on doctor's admission that he had been the subject of two malpractice actions in which it was alleged that he had failed to make timely diagnoses, leading to the patients' deaths. Agreement effective 8/12/98.

MASSER, Roger J. (DPM #1864) - Columbus

Consent Agreement - Probationary terms, conditions and limitations imposed based on doctor's admission that he violated conditions of limitation imposed on his license by a 4/14/93 Board Order by ordering and ingesting samples of Ambien, a Schedule IV controlled substance, and failing to keep records of any kind regarding those samples. Agreement effective 7/8/98; agreement to remain in effect for at least three years prior to any request for termination.

MCDONALD, John Samuel (MD #42657) - Columbus

Consent Agreement - Doctor reprimanded and probationary terms, conditions and limitations imposed for a minimum of two years based on doctor's admission that he failed to maintain records and document required assessments and/or failed to maintain contemporaneous records prior to issuance of controlled substance prescriptions to himself and to family members, in violation of Medical Board rule. Agreement effective 4/9/98.

MCGRIFF, James Brickley (DO #1570) - Degraff

Consent Agreement - Permanent revocation of medical license stayed subject to indefinite suspension for a minimum of six months; conditions for reinstatement and subsequent probationary terms, conditions and limitations for at least three years. Based on doctor having been found guilty of three first degree misdemeanor counts of Attempted Trafficking in Drugs, the acts underlying which involved doctor's attempt to sell specified controlled substances in amounts less than the minimum bulk amount. Agreement effective 5/13/98. **Reinstatement** - Doctor's request for reinstatement effective 11/13/98 granted by vote of the Board on 10/14/98, subject to probationary terms, conditions and limitations established by 5/13/98 consent agreement.

MCLAUGHLIN, Gerald P. (MD #41910) - East Liverpool

Pre-hearing Suspension - Pursuant to Section 3719.121(C), O.R.C., medical license immediately suspended based on doctor's plea of guilty to one felony count of Knowingly Distributing a Controlled Substance. Notice mailed 6/11/98. **Board Order** - Medical license permanently revoked based on doctor's plea of guilty to one felony count of Knowingly Distributing a Controlled Substance, to wit: Fastin. (Journal Entry - no hearing requested) Order effective 8/12/98.

METZLER, Linda D. (PA #869) - Dayton

Board Order - Physician assistant reprimanded for having practiced as a P.A. prior to being registered as such and without having entered into a medical board-approved supervision agreement; and for having failed to practice in accordance with terms of utilization plan after supervision agreement was approved. Order effective 9/1/98.

MIRZA, Muneer Mohammad (DPM #2178) - Akron

Board Order - Podiatry license permanently revoked based on doctor having been found guilty of one misdemeanor count of Sexual Imposition and one felony count of Tampering With Evidence; filing of a false police report and misrepresentation of events in a letter to the medical board. Order effective 12/5/97. **Court Action** - Notice of appeal of Board's 12/3/97 permanent revocation Order filed with Franklin County Court of Common Pleas on 12/12/97. By Entry

filed 1/14/98, Franklin County Court of Common Pleas denied doctor's request for a stay of Board's 12/3/97 permanent revocation Order. By Decision filed on 3/5/99 and documented by Entry filed on 3/29/99, Court of Common Pleas affirmed Board's revocation Order. Notice of appeal to Tenth District Court of Appeals filed by doctor on or about 5/3/99.

MORGAN, Joe Wesley (DO #2141) - Memphis, TN
Board Order - Osteopathic medical license suspended for a minimum of two years; conditions for reinstatement and probationary terms, conditions and limitations for at least one year established. Based on prior action by Missouri's medical board following that board's finding that doctor altered and submitted a false continuing medical education report for the purpose of renewing his Missouri license; failure to advise Ohio Medical Board on license renewal application of Missouri action; prior action by Michigan and Kentucky medical boards due to Missouri action. Order effective 6/9/98. **Court Action** - Notice of appeal to Franklin County Court of Common Pleas filed by doctor on or about 6/22/98. By Decision filed 11/3/98, Franklin County Court of Common Pleas affirmed Board's 5/13/98 suspension Order. Notice of appeal to Tenth District Court of Appeals filed by doctor on 12/23/98.

MORGAN, Pamela Kathleen (MT #4908) - Columbus
Board Order - Certificate to practice massage therapy permanently revoked based on massage therapist's identification of herself as a doctor, when she was not, in fact, licensed as such. (Journal Entry - no hearing requested) Order effective 1/14/98.

MURPHY, Bradford James (DO #3015) - Kettering
Consent Agreement - Medical license indefinitely suspended for a minimum of ninety days; 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 due to chemical dependency; failure to record prescriptions issued by doctor for his own use. Agreement effective 5/13/98.

NADLER, Sigmond Harold (MD #69700) - Ponte Vedra Beach, FL
Board Order - Medical license permanently revoked based on prior action by New York's medical board following that board's issuance of allegations that doctor's conduct in administering improper chemotherapy regimens to six patients constituted gross negligence and gross incompetence. (Journal Entry - no hearing requested) Order effective 3/11/98.

NAMEY, John Thomas, Jr. (DO #3406) - Ashtabula
Board Order - Medical license permanently revoked based on doctor's issuance of prescriptions to 76 specified patients, and issuance of a work excuse to a patient based on minor in-office surgery, despite the suspension of doctor's medical license. Effective 8/18/98. **Court Action** - Notice of appeal to Franklin County Court of Common Pleas filed by doctor on 9/2/98. Appeal dismissed by Court on 2/8/99 for lack of prosecution.

O'BELL, John C. (MD #32353) - Okemos, MI
Board Order - Medical license revoked based on doctor's failure to provide complete and accurate information on license renewal application in response to questions about history of criminal action and alcohol dependence; prior action by Michigan's medical board based upon doctor having been diagnosed as alcohol dependent and

his subsequent refusal to comply with treatment recommendations. (Journal Entry - no hearing requested) Order mailed 5/14/98; Order effective 5/13/98.

OBERHEU, Kenneth Harry (MD #26096) - Dayton
Consent Agreement - Doctor reprimanded; medical license permanently limited to restrict doctor from treating or providing controlled substances to himself or any family member; probationary terms, conditions and limitations imposed for at least two years. Based on doctor's admission that he wrote or authorized specified prescriptions for Schedule III, IV and V controlled substances for three patients related to him, without maintaining patient records reflecting his examination, evaluation, diagnosis and treatment, as required by Medical Board rule. Effective 9/9/98.

OLIVERIO, Salvatore Lee (DPM #2484) - Doylestown
Board Order - Podiatry license permanently revoked based on doctor's plea of guilty to 77 felony counts of Deception to Obtain a Dangerous Drug, for which he was granted treatment in lieu of conviction; doctor's writing of prescriptions for Stadol NS, a dangerous drug, subsequent to the immediate suspension of his podiatry license by the Medical Board; and doctor's relapse following a diagnosis of Stadol dependence. Order eff. 10/15/97.

ONI, Ayokunle Adebukola (MD #64307) - Clinton, MD
Board Order - Medical license permanently revoked based on prior action against doctor's Maryland medical license by that state's board, which action was based on that board's findings that doctor altered his pocket certification of licensure and controlled substances registration certification in order to obtain hospital privileges. (Journal Entry - no hearing requested) Order effective 11/12/97.

OSOVA, Susan Lillian (MD #69417) - Boardman, OH/Arden Hills, Minnesota
Automatic Suspension - Pursuant to Section 4731.221 O.R.C., doctor's license automatically suspended on or about 2/27/97 upon her having been adjudged by a probate court to be mentally ill or mentally incompetent. Suspension to remain in effect until determination of doctor's restoration to competency.

OTT, John David (DO applicant) - Forest Grove, OR
Board Order - Application for osteopathic medical license denied based on prior action by Iowa's medical board in resolution of allegations that doctor had improper sexual contact with two patients; prior action by Oregon and Wisconsin medical boards; prior action by Montana's medical board in resolution of allegations that doctor had a psychological disorder that precluded his being mentally and physically able to engage safely in the practice of medicine, that he had engaged in unprofessional conduct in other states, and that he had been the subject of disciplinary action by the Iowa board; and prior action by Pennsylvania's medical board based upon the prior actions by Iowa, Oregon and Montana. Order effective 5/19/98.

PACKER, Allan Dean (MD #41233) - Middletown
Board Order - Permanent revocation of medical license stayed subject to minimum one year suspension; 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 failure to keep records of controlled substances, a misdemeanor; impairment of

ability to practice due to opiate and amphetamine dependence; and failure to keep record of specified controlled substances ordered by doctor for delivery to his home. Order effective 7/16/98.

PANCOAST, Paul (MD #48028) - Toledo

Pre-hearing Suspension - Pursuant to Section 3719.121(C), O.R.C., doctor's license immediately suspended based on his having been found eligible for treatment in lieu of conviction of Drug Abuse. Notice mailed 10/9/97. **Board Order** - Permanent revocation of medical license stayed subject to indefinite suspension for at least two years, such suspension to be retroactive to 10/8/97, the date of the Board's immediate suspension notice; interim monitoring conditions, conditions for reinstatement, and subsequent probationary terms, conditions and limitations for eight years established. Based on doctor's plea of no contest to three felony counts of Drug Abuse, for which he was granted treatment in lieu of conviction; and impairment of ability to practice due to chemical dependency relapse. Order effective 4/13/98.

PASSIAS, James Nicholas (DO #4232) - Columbus

Pre-hearing Suspension - License to practice osteopathic medicine and surgery summarily suspended based on Board's determination that there is clear and convincing evidence that doctor violated conditions of limitation imposed on license by 1/9/97 consent agreement and that his ability to practice is impaired due to chemical dependency relapse, and that doctor committed an act that would constitute illegal processing of drug documents; and that doctor's continued practice presents a danger of immediate and serious harm to the public. Suspension effective upon doctor's receipt of notice on 12/8/97. **Voluntary Surrender** - Doctor's permanent surrender of medical license accepted by Board based on doctor's admission that he violated conditions of limitation imposed on his license by 1/9/97 consent agreement, that his ability to practice is impaired due to chemical dependency relapse, and that he committed an act that would constitute Illegal Processing of Drug Documents by having written a prescription for a Schedule II controlled substance in the name of another with the intent of obtaining it for his own use. Effective 2/12/98.

PASTOR, Joseph Martin (MD #61864) - Newbury

Consent Agreement - Medical license indefinitely suspended and 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 been treated for alcoholism through a Board-approved treatment provider. Agreement effective 12/3/97. **Consent Agreement** - Medical license reinstated subject to probationary terms, conditions and limitations based on doctor's admissions that he has been diagnosed with alcohol dependence and dysthymic disorder, that he has received treatment and aftercare through a Board-approved provider, and that he has complied with all reinstatement terms established by his 12/97 consent agreement. Agreement effective 1/14/98; agreement to remain in effect for a minimum of five years prior to any request for termination.

PELLICER, Douglas A. (CT #6025) - Dayton

Board Order - Cosmetic therapy license suspended for at least thirty days; conditions for reinstatement and subsequent probation for three biennial registration periods established. Based on cosmetic therapist's failure to comply with Continuing Cosmetic

Therapy Education (CCTE) requirements. (Journal Entry - no hearing requested) Order effective 10/9/97.

PHALSAPHIE, Mansour (MD #48391) - Henderson, KY

Board Order - Medical license permanently revoked based on prior action by Kentucky's medical board, which was itself based upon stipulations that doctor had entered into a relationship with a patient; that he was found to have committed misconduct toward an employee; and that he was diagnosed with alcohol dependency, major depression, single episode versus substance induced mood disorder, and sexual compulsivity. (Journal Entry - no hearing requested) Order effective 2/11/98.

PHILLIPS, Reginald C. (MD #60356) - Ft. Lauderdale, FL

Pre-hearing Suspension - Medical license automatically suspended based on doctor having been found guilty in the circuit court of Broward County, Florida, of one felony count of Sexual Battery with Slight Force. Notice mailed 11/13/97. **Pre-hearing Suspension** - Medical license automatically suspended based on doctor having been found guilty in the Circuit Court of Broward County, Florida, of one felony count of Sexual Battery. Notice mailed 1/16/98. **Board Order** - Medical license permanently revoked based on doctor having been found guilty of one felony count of Sexual Battery with Slight Force; one felony count of Sexual Battery; and two misdemeanor counts of Battery, all of which were based on doctor's conduct with two specified patients. Order effective 5/19/98.

PONCE, Francisco Deleon (MD #37638) - Parkersburg, WV

Board Order - Allegations set forth in Board's 3/11/98 notice of opportunity for hearing dismissed following Board's determinations that consent agreement entered into between doctor and West Virginia Board of Medicine did not constitute grounds for action under Ohio law and that evidence presented at hearing was insufficient to show that doctor had intended to deceive Ohio Board when he failed to advise of West Virginia action. Order effective 7/16/98.

PRASAD, Kolli Mohan (MD #41939) - Boardman

Board Order - Permanent revocation of medical license stayed subject to indefinite suspension for at least three years; interim monitoring conditions, conditions for reinstatement and probationary terms, conditions and limitations for eight years established. Based on doctor's violation of conditions of limitation imposed on license by 2/12/97 consent agreement and impairment of ability to practice due to relapse. Order effective 3/12/98.

RAJAN, Semur P. G. (MD #33496) - Mansfield

Order on Remand - Doctor's license suspended for 90 days and probationary terms, conditions and limitations established for at least two years, or until doctor's next 50 laparoscopic surgical cases have been monitored, whichever period is longer. Based on Board's reconsideration of disciplinary sanction in accordance with the decisions and instructions of the Tenth District Court of Appeals and the Franklin County Court of Common Pleas, which had affirmed Board's 9/6/95 Order insofar as it was based on the conclusion that doctor had failed to conform to minimal standards of care, but reversed the Board's conclusion that doctor had published a "false, fraudulent, deceptive or misleading statement" in his post-operative note. Order effective 1/12/98. (**NOTE:** Doctor voluntarily began serving suspension period on 1/1/98.)

REYES, Samson D., Jr. (MD #37648) - St. Clairsville
Board Order - Medical license permanently revoked based on doctor's pleas of guilty to felony counts of trafficking in drugs, illegal processing of drug documents, and attempted bribery. Order effective 11/20/97. **Court Action** - Notice of appeal of Board's 11/12/97 permanent revocation Order filed with Franklin County Court of Common Pleas on 12/1/97.

RISSEVER, Howard E. (MD #18217) - Cincinnati
Board Order - Medical license permanently revoked based on improper prescribing of controlled substances and other dangerous drugs in the routine course of treatment of six specified patients; failure to comply with Board's controlled substances rules. Order effective 11/20/97.

RIVERA, Apollo Sabile (MD #45041) - Ashland
Reinstatement - Doctor's request for reinstatement effective 10/15/97 granted by vote of the Board on 10/8/97, subject to probationary terms, conditions and limitations established by 9/15/97 Board Order.

RIZVI, Hil (MD applicant) - Fairmont, WV
Board Order - Application for medical licensure denied based on applicant's failure to provide complete and accurate information on licensure applications pertaining to termination of residency training and licensure examinations taken; and applicant having represented himself as a resident physician when he was no longer participating in a training program. Order mailed 9/11/98; Order effective 9/11/98.
Court Action - Notice of appeal of Board's 9/9/98 Order denying licensure filed on behalf of doctor with Franklin County Court of Common Pleas on 9/25/98.

RODERS, Mark Kevin (MD #49848) - Hudson
Board Order - Medical license indefinitely suspended; conditions for reinstatement established, including requirement that doctor enter into consent agreement incorporating probationary terms, conditions and limitations to monitor practice. Based on doctor having been found guilty of one misdemeanor count of driving with a blood alcohol content in excess of .10 in 4/92 and failure to advise Medical Board of same on license renewal application; doctor having been found guilty of one misdemeanor count of driving under the influence in 4/95 while he was on call; suspension of clinical privileges for medical reasons due to 4/95 conviction; and doctor's affirmative response to question of license renewal application about drug or alcohol use. (Journal Entry - no hearing requested) Order effective 10/9/97.

ROMER, William Anthony (MD #49062) - Centerville
Consent Agreement - Medical license suspended for at least six months; 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 suffers from opioid dependence, that he wrote prescriptions in the names of others in order to obtain controlled substances for his own use, and that he has obtained detoxification and initial treatment through a Medical Board approved provider. Agreement effective 8/12/98.

ROSENBAUM-BLOOM, Laura (MD #49951) - Cincinnati
Board Order - Medical license suspended for at least thirty days; conditions for reinstatement established; doctor required to submit acceptable Continuing Medical Education documentation for next three biennial registration periods. Based on doctor's failure to timely complete required Continuing Medical Education hours, despite having certified on her license renewal application that she had done so. Order effective 1/14/98. (**NOTE:** Doctor voluntarily began serving suspension period on 12/20/97, following issuance of an Order on 12/4/97 that had included probationary term following suspension. That Order was reconsidered by Board at doctor's request in 1/98, and probationary term was deleted.) **Reinstatement** - Doctor's request for reinstatement effective 1/19/98 granted by vote of the Board on 1/14/98.

SHEAR, Morris (MD #54983) - Woodland, NC
Board Order - Medical license permanently revoked based on suspension and subsequent revocation of doctor's clinical privileges at Ireland Army Community Hospital in Ft. Knox, KY, due to conduct that resulted in death of two patients; failure by doctor to advise Ohio Medical Board on license renewal application of actions against clinical privileges. (Journal Entry - hearing not timely requested) Order effective 8/12/98.

SHEIN, Alan Howard (MD #61631) - Pepper Pike
Consent Agreement - Probationary terms, conditions and limitations imposed based on doctor's admission that he suffers from chemical dependency and has a history of poly-drug abuse and relapse, for which he has received treatment through a Board-approved provider Agreement effective 10/8/97; agreement to remain in effect for at least three years prior to any request for termination.

SIVAK, Gary Evan (MD #57662) - Elyria
Consent Agreement - Medical license indefinitely suspended for a minimum of ninety 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. Doctor required to immediately surrender D.E.A. certificate. Based on doctor's admission that he suffered a chemical dependency relapse for which he received inpatient treatment at the Betty Ford Center; that he has been in psychiatric treatment since 11/96, and that he has not been engaged in the practice of medicine since 11/96. Agreement effective 4/9/98. **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 with appropriate treatment and monitoring. Agreement effective 8/12/98; agreement to remain in effect for a minimum of five years prior to any request for termination.

SLOAN, Clinton W. (DO #3369) - Hurricane, WV
Voluntary Surrender - Doctor's permanent voluntary surrender of medical license accepted in lieu of further formal proceedings based on prior action against doctor's West Virginia license by that state's medical board, following its finding that the board had received an allegation that doctor had engaged in unprofessional conduct. Doctor denied allegation. Effective 8/18/98.

SMITH, Terrance E. (MD #66631) - Westerville

Board Order - Medical license suspended for at least thirty days; conditions for reinstatement and subsequent probationary terms, conditions and limitations for three biennial registrations periods established. Based on doctor's failure to timely complete required Continuing Medical Education hours, despite having certified on his license renewal application that he had done so. Order effective 1/5/98. **Reinstatement** - Doctor's request for reinstatement effective 2/4/98 granted by vote of the Board on 1/14/98, subject to probationary terms, conditions and limitations established by 12/4/97 Board Order.

SONNIE, Clifford Michael (MD #49066) - Medina

Pre-hearing Suspension - Pursuant to Section 3719.121(C), license to practice medicine and surgery immediately suspended based on doctor having been found guilty of three felony counts of Trafficking in Drugs. Notice mailed 12/4/97. **Board Order** - Permanent revocation of medical license stayed subject to indefinite suspension for at least two years, such suspension to be retroactive to 12/3/97, the date of the Board's immediate suspension Order; conditions for reinstatement and subsequent probationary terms, conditions and limitations for at least five years established. Based on doctor having been found guilty of three felony counts of Trafficking in Drugs, the acts underlying which involved his prescribing Percocet, a Schedule II narcotic, to his wife; doctor obtaining controlled substance prescriptions for his wife using the name of another physician as the prescribing physician, without that physician's authorization; and prescribing controlled substances to his wife without maintaining any patient records. Order effective 6/9/98.

SOUTHALL, Lenzy Gerard (MD #50146) - Cincinnati

Child Support Default Suspension - Pursuant to determination by Hamilton 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 Hamilton County Child Support Enforcement Agency that doctor is no longer determined to be in default. Notice mailed 12/31/97; suspension effective upon doctor's receipt of notice on 1/2/98. **Reinstatement** - Medical license reinstated effective 1/5/98 pursuant to Notice to Reinstate/Reissue Professional License from Hamilton County Child Support Enforcement Agency.

SPENCER, Jeffrey Clark (MD #40551) - Seven Hills

Consent Agreement - Medical license indefinitely suspended; conditions for reinstatement and subsequent probationary terms, conditions and limitations for at least two years established. Based on doctor's admission that he had failed to advise Medical Board on license renewal application that he had been found guilty of one misdemeanor count of Domestic Violence. Agreement effective 3/11/98; agreement incorporates terms of and supercedes 12/4/96 Board Order. **Reinstatement** - Doctor's request for reinstatement granted by vote of the Board on 4/8/98, subject to probationary terms, conditions and limitations established by 3/11/98 consent agreement.

STARR, Robert (MD applicant) - New Castle, PA

Board Order - Application for medical license denied based on prior action against applicant's Pennsylvania medical license by that state's medical board following a hearing examiner's conclusion that applicant was guilty of unprofessional and immoral conduct relating

to improper sexual contact with patients or former patients; and applicant's failure to advise Ohio Medical Board on licensure application that his Pennsylvania medical license had been suspended and subsequently revoked and that his admitting and staff privileges at Saint Francis Medical Center in Pittsburgh. Order effective 10/16/98.

STEVENSON, William Cage (MD #46537) - Earlysville, VA

Consent Agreement - Ninety day suspension of medical license stayed subject to probationary terms, conditions and limitations for three years; license permanently subject to condition that doctor assure that all required presurgical testing, workups and paperwork are done prior to any transplant procedure that he supervises or performs. Based on doctor's admissions that he was convicted of feloniously forging a cardiac stress test writing, which conviction resulted in disciplinary action against doctor's Virginia medical license by that state's medical board. Agreement effective 7/8/98; with exception of permanent condition, agreement to remain in effect for at least one year prior to any request for termination.

STOCKTON, Michael Alan (DO #5358) - Newark

Consent Agreement - Probationary terms, conditions and limitations imposed based on doctor's history of self-prescribing of controlled substances and dangerous drugs, which a Medical Board evaluator characterized as "character-driven drug misuse, not chemical dependency per se." Agreement effective 11/12/97; agreement to remain in effect for at least five years prior to any request for termination.

SUDINDRANATH, Usha (MD #49916) - Livonia, MI

Board Order - Doctor reprimanded based on prior action against doctor's Michigan medical license following findings by that state's medical board that doctor had admitted a patient for psychiatric and medical problems, forgotten the admission, and had subsequently created and backdated an admission note and daily progress entries in the patient's medical record. Order effective 11/19/98.

TALBOT, Kathleen Ellen (MD #53141) - Amherst

Consent Agreement - Medical license indefinitely suspended; immediate surrender of D.E.A. certificate required; 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 she has suffered from narcotic dependence, for which she has received both inpatient and outpatient treatment, and that she has a criminal matter pending in the Lorain County Court of Common Pleas, which will be addressed by the Board when finalized. Agreement effective 9/9/98.

TARASZKA, Steven Robert (MD #69933) - Atlanta, GA

Voluntary Surrender - Permanent revocation authorized by doctor in lieu of formal disciplinary proceedings pursuant to Section 4731.22(B)(26), which authorizes Board to take action based on inability to practice according to acceptable and prevailing standards of care due to habitual or excessive use of drugs, alcohol, or other substances that impair ability to practice. Effective 12/4/97.

THOMAS-MCCAULEY, Tina Marie (MD #63897) - Oklahoma City, OK

Board Order - Medical license permanently revoked based on

doctor's violation of conditions of limitation imposed on license by 12/5/96 consent agreement due to chemical dependency relapse. Order effective 3/13/98. **Court Action** - Notice of appeal of Board's 3/11/98 permanent revocation Order filed by doctor with Franklin County Court of Common Pleas on 3/17/98. **Court Action** - By Decision filed on 9/2/98 and documented by Entry filed on 11/10/98, Franklin County Court of Common Pleas affirmed Board's 3/11/98 permanent revocation Order.

TODD, William E. (MD #18434) - Worthington

Voluntary Retirement - Permanent voluntary retirement of medical license accepted on behalf of medical board in lieu of formal disciplinary proceedings based on allegations that doctor prescribed controlled substances for one person not in the usual course of practice, without keeping patient records and following the expiration of his D.E.A. registration. Doctor contends that the above occurred during a time when he was medically compromised and he neither admits nor denies the above allegations. Effective 7/8/98.

TURNER, Mark Edward (DO #6671) - South Euclid

Consent Agreement - Doctor reprimanded; probationary terms, conditions and limitations imposed to monitor practice based on doctor's admission to allegations set forth in 4/8/98 citation letter and his admission that he has been diagnosed as suffering from polysubstance dependence, in remission. Agreement eff. 8/12/98; Agreement to remain in effect for at least five years prior to any request for termination.

VAN NESS, Michael M. (MD #56937) - Canton

Consent Agreement - Probationary terms, conditions and limitations imposed for three biennial registration periods based on doctor having certified on license renewal application that he had completed required continuing medical education hours when, in fact, he had not completed those hours at the time of certification. Required hours were completed subsequently. Agreement effective 12/4/97.

VARGHESE, Samuel (MD #50232) - Cincinnati

Voluntary Retirement - Permanent voluntary retirement of medical license accepted in lieu of formal disciplinary proceedings pursuant to Section 4731.22(B)(19), O.R.C., due to doctor's inability to practice according to acceptable and prevailing standards of care by reason of physical illness including physical deterioration that adversely affects cognitive, motor or perceptive skills. Effective 9/24/97.

VIDU, Dorian Marcel (MD #54059) - Cleveland

Board Order - Medical license permanently revoked based on doctor having been found guilty of seven felony counts of Insurance Fraud and eight felony counts of Theft due to his having performed and billed for unnecessary procedures, falsifying diagnoses in order to support those procedures, and billing for procedures that were not performed. Order effective 4/13/98. **Court Action** - Notice of appeal to Franklin County Court of Common Pleas filed by doctor on 3/25/98. Series of interim stays granted. By Decision filed on 9/14/98 and documented by Entry filed on 10/20/98, Franklin County Court of Common Pleas affirmed Board's 3/12/98 permanent revocation Order and terminated court's previously granted stay Order. Allowing for thirty day period to close practice provided by Board's 3/12/98 Order, permanent revocation Order eff. 11/20/98. Notice of appeal to Tenth District Court of Appeals filed by doctor on 11/18/98.

WAKEFIELD, Peter Brock (MD #30347) - Cincinnati

Consent Agreement - One year suspension of medical license stayed subject to permanent limitation on license restricting doctor from performing or assisting in any surgical procedure; probationary terms, conditions and limitations for three years established. Based on doctor's admission that his clinical privileges at three hospitals were reduced or terminated following reviews of his clinical competence. Agreement effective 9/9/98; agreement to remain in effect for at least three years prior to any request for termination.

WEST, Paul Richard (DO #4007) - Marietta

Consent Agreement - Probationary terms, conditions and limitations established based on doctor's history of chemical dependency and treatment; prior action against doctor's medical licenses in Mississippi and West Virginia. Agreement effective 11/12/97; agreement to remain in effect for at least five years prior to any request for termination.

WICKREMASINGHE, Felix Anoman (MD #67870) - Peebles

Board Order - Medical license permanently revoked based on doctor's violation of conditions of limitation imposed on license by 6/11/97 consent agreement due to failure to comply with urine screening requirement and failure to maintain a supervising physician. Order effective 10/16/98.

WILLIAMS, Robert Arthur (MD #22129) - Jackson

Board Order - Medical license permanently revoked based on violation of conditions of limitation imposed on license by 12/8/93 Board Order and of Medical Board rules due to doctor's failure to maintain adequate patient records; and his failure to comply with Medical Board rules governing the use of controlled substances for weight loss. Order effective 11/16/98. **Court Action** - Notice of appeal of 10/14/98 permanent revocation Order filed by doctor in Franklin County Court of Common Pleas on 10/27/98. By Decision and Entry filed 11/18/98, Franklin County Court of Common Pleas overruled doctor's motion for a stay of Board's 10/14/98 permanent revocation Order.

WILLIAMSON, Victoria Ann (MD #49905) - Toledo

Consent Agreement - Probationary terms, conditions and limitations established based on doctor's history of alcohol dependence and relapse, for which she has obtained treatment through a Board-approved provider; and doctor's erroneous answer to a question on her license renewal application regarding impairment. Agreement effective 12/3/97; agreement to remain in effect for at least five years prior to any request for termination.

WILSON, Paul Wesley (DO #2939) - Belpre

Board Order - License to practice osteopathic medicine and surgery indefinitely suspended; conditions for reinstatement and subsequent probationary terms, conditions and limitations for at least five years established. Based on inability to practice according to acceptable and prevailing standards of care by reason of mental illness. Order mailed 12/23/97; Order effective 12/23/97. **Court Action** - Notice of appeal of Board's 12/3/97 indefinite suspension Order filed by doctor with Franklin County Court of Common Pleas on 12/19/97. Amended notice of appeal filed with court on 1/6/98. **Consent Agreement** - Medical license reinstated subject to probationary terms, conditions and limitations. Based on doctor's admissions that he had conducted an Internet medical service from 10/1/97 to 12/1/97, but ceased his Internet practice upon being advised that it

was in violation of law; that he has complied with the reinstatement conditions established by the Board's 12/3/97 Order; and that his treating psychiatrist has documented that doctor's bipolar disorder appears to be in good control at this time. Agreement effective 6/10/98; agreement to remain in effect for a minimum of seven years prior to any request for termination.

WOODFIELD, Brent Elman (MD #49679) - Chatham, MA
Board Order - Medical license suspended for at least two years, such suspension to become effective immediately if Board grants restoration of doctor's Ohio license; conditions for reinstatement and subsequent probationary terms, conditions and limitations for at least five years established. Based on revocation of Idaho license by that state's medical board based on its finding that doctor had failed to meet the minimum standard of care in specified cases and that he had engaged in sexual improprieties with one patient. Order effective 11/20/97. (**NOTE:** doctor's license was suspended by operation of law on 9/30/94 due to non-renewal.)

WOODS, Edward Louis (MD #47949) - Durham, NC
Board Order - Permanent revocation of medical license stayed subject to indefinite suspension for at least one year; conditions for reinstatement and subsequent probationary terms, conditions and limitations for at least three years established. Based on prior action by New York's medical board due to professional misconduct; failure to advise Ohio Medical Board on license renewal application of New York action; prior action by Pennsylvania's medical board based on New York board's action. Order effective 7/10/98.

WRIGHT, Deborah Kay (MT applicant) - Jackson
Board Order - Application for reexamination to practice massage therapy in Ohio denied; applicant ineligible to apply to sit for an examination prior to 12/98 exam. Based on applicant having altered an original examination answer sheet during a post-examination review session. Order effective 2/10/98.

YASSALL, Herman Samuel (DO #1471) - Brookfield
Consent Agreement - Medical license suspended for at least one year; interim monitoring conditions, conditions for reinstatement and subsequent probationary terms, conditions and limitations for five years established. Based on doctor's admission that he failed to comply with Medical Board rules governing use of controlled substance anorectics for weight loss in the course of his treatment of 33 specified patients. Agreement effective 4/9/98. **Voluntary Surrender** - Doctor's voluntary surrender accepted by Board on 8/12/98, in resolution of requirements of 4/9/98 consent agreement. Doctor ineligible for reinstatement in the future.

YUN, Mary Mei-Ling (MD #72128) - Loveland
Automatic Suspension - Pursuant to Section 4731.221, O.R.C., medical license automatically suspended effective on or about 7/1/97, upon doctor being adjudged by Hamilton County Probate Court to be mentally ill. **Reinstatement** - Pursuant to Section 4731.221, O.R.C., 7/1/97 automatic suspension of medical license terminated effective 3/10/98 upon dismissal of probate action by Probate Court of Hamilton County. **Consent Agreement** - Probationary terms, conditions and limitations established to monitor practice based on history of mental illness, currently in remission. Agreement effective 10/14/98; agreement to remain in effect for a minimum of ten years prior to any request for termination.

ZAMA, Nche (MD #54284) - Williamsport, PA
Reinstatement - License reinstated effective 10/21/97 pursuant to Notice to Reinstate/Reissue Professional license from Hamilton County Child Support Enforcement Agency.

ZOLDOWSKI, Thomas Anthony (DPM #1473) - Toledo
Board Order - Two year suspension of podiatry license stayed subject to probationary terms, conditions and limitations for five years. Based on podiatrist having ordered and dispensed phendimetrazine, a Schedule III controlled substance anorectic, to himself and a specified patient from 9/92 through 5/97 without documenting any physical examinations and without maintaining patient records. Order effective 5/19/98.

Continuing Medical Education Actions

ANDORFER, Paul Edward (MD #35824) - Springfield
Consent Agreement - Medical license suspended for thirty days; upon reinstatement, doctor required to submit acceptable Continuing Medical Education documentation for next three biennial registration periods. Based on doctor having certified on license renewal application that he had completed required Continuing Medical Education hours when, in fact, he had not completed those hours at the time of certification. Required hours were completed subsequently. Agreement effective 5/13/98.

BAIN, Michael Andrew (MD #55516) - Mason
Consent Agreement - Probationary terms, conditions and limitations established for three biennial registration periods based on doctor having certified on license renewal application that he had completed required continuing medical education hours when, in fact, he had not completed those hours at the time of certification. Required hours were completed subsequently. Agreement effective 12/4/97.

BLUMBERG, Harold (MD #21299) - Poughkeepsie, NY
Board Order - Medical license suspended for a minimum of thirty days; conditions for reinstatement established; subsequent to reinstatement, doctor required to document compliance with Continuing Medical Education requirements for two additional license registration periods. Based on doctor having certified on license renewal application that he had completed required Continuing Medical Education hours when, in fact, he had not completed those hours at the time of certification. Order effective 10/16/98.

BUDAY, Stephen Joseph (MD #31737) - Columbus
Board Order - Doctor reprimanded based on failure to timely complete required Continuing Medical Education hours, despite having certified on license renewal application that he had done so. Order effective 12/5/97.

CANNAVO, Dominick (MD #66338) - Irvington, NY
Board Order - Medical license indefinitely suspended for at least thirty days; conditions for reinstatement established; doctor subsequently required to submit acceptable Continuing Medical Education documentation for next three license registration periods. Based on doctor's failure to provide acceptable documentation of

satisfactory completion of C.M.E., Despite his having certified on his license renewal application that the requisite hours had been completed. (Journal Entry - hearing request not filed timely) Order effective 7/9/98. **Reinstatement** - Upon acceptance by Board of documentation verifying his timely completion of CME, doctor's request for reinstatement granted by vote of the Board on 4/14/99.

CULVER, Oneill (MD #45910) - Eufaula, AL

Board Order - Permanent revocation of medical license stayed, subject to sixty day suspension and subsequent probationary terms, conditions and limitations for three biennial registration periods. Based on doctor's failure to provide acceptable documentation of satisfactory completion of Continuing Medical Education hours as required by 3/16/92 Board Order. Order mailed 1/28/98; Suspension effective 1/28/98 through 3/28/98.

ELKHAMMAS, Elmahdi A. (MD #51792) - Columbus

Consent Agreement - Probationary terms, conditions and limitations imposed for three biennial registration periods based on doctor having certified on license renewal application that he had completed required Continuing Medical Education hours when, in fact, he had not completed those hours at the time of certification. Required hours were completed subsequently. Agreement effective 3/17/98.

GELB, Ira Dean (MD #69542) - Englewood, NJ

Board Order - Medical license indefinitely suspended for at least thirty days; subsequent to reinstatement, doctor required to document compliance with Continuing Medical Education requirements for three license registration periods. Based on doctor's failure to submit documentation of satisfactory completion of required Continuing Medical Education hours in response to Medical Board audit. (Journal Entry - no hearing requested) Order effective 8/13/98. **Reinstatement** - Doctor's request for reinstatement granted by vote of the Board on 10/14/98, subject to terms of 9/12/98 Board Order.

GILLIAM, David Thomas (MD #38060) - Paducah, KY

Board Order - Medical license suspended for thirty days; subsequent to reinstatement, doctor required to document compliance with Continuing Medical Education requirements for three license registration periods. Based on doctor having certified on license renewal application that he had completed required Continuing Medical Education hours when, in fact, he had not completed those hours at the time of certification. Required hours were subsequently completed. Order effective 9/18/98. Suspension effective from 8/18/98 through 9/18/98.

GREATHOUSE, Mark K. (MD #65623) - Pittsburgh, PA

Board Order - Doctor reprimanded; doctor to submit acceptable Continuing Medical Education documentation for next three license registration periods. Based on doctor's failure to complete requisite hours of Continuing Medical Education during Ohio's stated acquisition period. Order effective 8/5/98.

HUGGINS, Clarence L. (MD #24109) - Port Charlotte, FL

Board Order - Medical license suspended for at least thirty days; conditions for reinstatement and subsequent probation for three biennial registration periods established. Based on doctor's failure to provide acceptable documentation of satisfactory completion of Continuing Medical Education hours, despite his having certified on his license renewal application that requisite hours had been

completed. Required hours were completed subsequently. Order effective 7/17/98. **Reinstatement** - Doctor's request for reinstatement granted by vote of the Board on 4/14/99.

LAPEYROLERIE, Jeffrey Charles (MD #63397) - Cleveland Hts.

Board Order - Doctor reprimanded; subject to mandatory audits of compliance with Continuing Medical Education requirements for the 1996-1998 CME acquisition period, and for two CME acquisition periods thereafter. Based on doctor's failure to timely submit documentation of Continuing Medical Education hours in response to Board audit, although required hours had been timely completed. Order effective 9/11/98.

LEFKOVITZ, Norman Wayne (MD #49231) - Fairlawn

Consent Agreement - Doctor reprimanded; subject to audits of compliance with Continuing Medical Education requirements for next two CME acquisition periods. Based on doctor's failure to timely submit documentation of Continuing Medical Education hours in response to Board audit, although required hours had been timely completed. Agreement effective 8/12/98. **NOTE:** This agreement supersedes and substitutes for 7/9/97 consent agreement, which is based on the same underlying acts.

LUNDERMAN, Jack Catlett, Jr. (MD #52430) - Dayton

Consent Agreement - Doctor reprimanded; probationary terms, conditions and limitations imposed for next three license registration periods. Based on doctor's failure to timely submit documentation of compliance with Continuing Medical Education requirements in response to Medical Board audit, although required hours had been timely completed. Agreement effective 7/14/98.

MARINONI, Virginia Marie (CT #4008) - Richmond Heights

Board Order - Cosmetic therapy certificate suspended for at least thirty days; conditions for reinstatement established, followed by requirement that cosmetic therapist submit acceptable documentation of satisfactory completion of continuing education for three additional biennial registration periods. (Journal Entry - no hearing requested) Order effective 9/19/98.

MEDINA, Frederico Santos, Jr. (MD #32262) - Pepper Pike

Voluntary Retirement - Permanent voluntary retirement of medical license accepted in lieu of formal disciplinary proceedings based on failure to comply with Continuing Medical Education requirements. Effective 12/3/97.

SALUKE, Julia Kathryn (MD #69357) - Cary, NC

Board Order - Doctor reprimanded; subject to mandatory audits of compliance with Continuing Medical Education requirements for the 1996-1998 CME acquisition period, and for two CME acquisition periods thereafter. Based on doctor's failure to timely submit documentation of Continuing Medical Education hours in response to Board audit, although required hours had been timely completed. Order effective 9/11/98.

SWAY, Daniel Henry (MD #31149) - Cincinnati

Consent Agreement - Probationary terms, conditions and limitations imposed for three biennial registration periods based on doctor having certified on license renewal application that he had completed required Continuing Medical Education hours when, in fact, he had not completed those hours at the time of certification. Required hours were completed subsequently. Agreement effective 1/14/98.

WESTPHAL, Reinhard A. W. (MD #25455) - Marco Island, FL
Board Order - Medical license indefinitely suspended for at least thirty days; subject to mandatory audits of Continuing Medical Education documentation for next three biennial registration periods. Based on doctor's failure to submit documentation of satisfactory completion of required Continuing Medical Education hours in response to Medical Board audit. Order effective 8/18/98. **Reinstatement** - Doctor's request for reinstatement effective 9/18/98 granted by vote of the Board on 9/9/98.

ZELCH, Margaret G. (MD #31383) - Cleveland
Consent Agreement - Probationary terms, conditions and limitations imposed for three biennial registration periods based on doctor having certified on license renewal application that she had completed required Continuing Medical Education hours when, in fact, she had not completed those hours at the time of certification. Required hours were completed subsequently. Agreement effective 12/4/97.

COURT APPEAL UPDATE

AUGE, Wayne Kenneth II (MD #64142) - Santa Fe, NM
Court Action - By Decision filed on 1/6/98 and documented by Entry filed 1/13/98, Franklin County Court of Common Pleas affirmed Board's 6/11/97 indefinite suspension Order. Notice of appeal to Tenth District Court of Appeals filed by doctor on 2/11/98. Appeals Court affirmed Board's action on 11/18/98.

BREWER, Eugene Allan (MD #45064) - Sayre, PA
Court Action - By Decision filed 10/30/97, Franklin County Court of Common Pleas affirmed Board's 7/10/96 indefinite suspension Order. Entry filed 11/19/97.

BOUQUETT, Gaston (MD #28634) - Dayton
Court Action - By Entry filed 1/21/98, Ohio Supreme Court dismissed doctor's appeal as not involving any substantial constitutional question.

CASTRO, Orlando Roa (MD #39236) - East Liverpool
Court Action - By Decision filed on 10/31/97 and documented by Entry filed on 12/19/97, Franklin County Court of Common Pleas affirmed Board's 9/11/96 indefinite suspension Order. Entry filed 12/19/97. Motion to set aside court's 12/19/97 Entry filed on behalf of doctor on 10/7/98.

DAVIDSON, Jerome Philip (DPM #1210) - Youngstown
Court Action - By Opinion and Entry filed 5/7/98, Tenth District

Court of Appeals affirmed the decision of the Franklin County Court of Common Pleas, which had upheld Medical Board's 11/13/96 indefinite suspension Order.

DRESKIN, O. Herman (MD #16197) - Cincinnati
Court Action - Notice of appeal of Board's 9/10/97 permanent revocation Order filed with Franklin County Court of Common Pleas on 9/24/97. By Entry and Order filed 10/27/97, Franklin County Court of Common Pleas denied doctor's motion for a stay of Board's 9/10/97 permanent revocation Order. **Court Action** - By Decision filed 9/23/98, Franklin County Court of Common Pleas affirmed Board's 9/10/97 permanent revocation Order. Notice of appeal to Tenth District Court of Appeals filed by doctor on 11/9/98.

GARDINER, John Brenneman (DO #775) - Columbus
Court Action - By Entry filed 4/21/98, Franklin County Court of Common Pleas dismissed doctor's appeal of Board's 2/14/96 permanent revocation Order for want of prosecution.

GARWOOD, Richard M. (DO #2655) - Twinsburg
Court Action - By Decision and Entry filed 5/5/98, Tenth District Court of Appeals reversed Franklin County Court of Common Pleas' 7/24/97 decision, and remanded case to Common Pleas Court with instructions to reinstate Medical Board's 3/14/96 suspension Order. **Court Action** - Notice of appeal to Ohio Supreme Court filed on behalf of doctor on 6/8/98. By Entry filed 6/24/98, Franklin County Court of Common Pleas reinstated Board's 3/14/96 suspension Order in accordance with instructions of Tenth District Court of Appeals. Allowing for a 30 day wind down period, suspension effective 7/25/98. By Entry filed 6/25/98, Ohio Supreme Court denied doctor's motion for stay. **Court Action** - By Entry filed 9/23/98, Ohio Supreme Court declined to accept jurisdiction of doctor's appeal.

GOLDMAN, Douglas S. (CT #3754) - Springfield
Court Action - By Decision filed 1/16/98 and documented by Entry filed on 1/29/98, Franklin County Court of Common Pleas affirmed Board's 5/14/97 indefinite suspension Order. **Court Action** - Notice of appeal to Tenth District Court of Appeals filed on behalf of cosmetic therapist on or about 3/2/98. By Entry filed 3/27/98, Tenth District Court of Appeals denied cosmetic therapist's motion for a stay of Board's 5/14/97 indefinite suspension Order pending appeal. By Decision and Entry filed 10/20/98, Tenth District Court of Appeals affirmed Franklin County Court of Common Pleas' 1/29/98 judgment, which had affirmed Board's 5/14/97 indefinite suspension Order.

GUANZON, Noel Araneta (MD #67652) - Belpre
Court Action - By Opinion and Entry filed on 9/30/97, Tenth

DO WE KNOW WHERE YOU ARE?

STATE LAW REQUIRES THAT YOU NOTIFY THE MEDICAL BOARD IN WRITING OF YOUR NEW ADDRESS WITHIN 30 DAYS.

District Court of Appeals affirmed Court of Common Pleas decision, which had upheld Board's 6/12/96 permanent revocation Order.

JOHNSON, Roy Joseph, Jr. (MD #25065) - Shelby
Court Action - By Decision filed 8/14/98, Franklin County Court of Common Pleas affirmed Board's 7/9/97 permanent revocation Order. Entry filed 9/16/98. Notice of appeal to Tenth District Court of Appeals filed by doctor on 10/16/98.

KAYE, Larry Carl (DPM #2678) - Cleveland
Court Action - By Decision filed 1/8/98 and documented by Entry filed on 1/28/98, Franklin County Court of Common Pleas affirmed Board's 3/12/97 permanent revocation Order. By Entry filed 4/27/98, Tenth District Court of Appeals dismissed doctor's appeal of Board's 3/12/97 permanent revocation Order due to doctor's failure to file a brief.

KING, John Paul (MD #23069) - Reynoldsburg
Court Action - By Decision filed 3/23/98 and documented by Entry filed 4/28/98, Franklin County Court of Common Pleas affirmed Board's 6/11/97 findings of fact and conclusions of law, but modified Board's permanent revocation Order to allow doctor to perform F.A.A. flight physicals. Matter remanded to Board for entry of a new Order in accordance with Court's decision. **Court Action** - Notice of appeal to Tenth District Court of Appeals filed on behalf of Medical Board on 5/12/98. By Decision and Entry filed 1/28/99, Tenth District Court of Appeals reversed Common Pleas Court's decision and directed that Board's action be reinstated in its entirety.

ORR, Dennis Paul (DO #2473) - Canfield
Court Action - By Opinion filed 3/31/98, Tenth District Court of

Appeals affirmed the decision of the Franklin County Court of Common Pleas, which had upheld Board's 1/8/97 permanent revocation Order.

SINGH, Rajinder (MD #46289) - East Liverpool
Court Action - By Opinion and Entry filed 5/14/98, Tenth District Court of Appeals affirmed Franklin County Court of Common Pleas' decision, which had upheld Medical Board's 1/8/97 permanent revocation Order.

WARD, David Carl (DO #4483) - Willoughby
Court Action - By Decision and Entry filed 10/7/97, Franklin County Court of Common Pleas denied doctor's motion for a stay of Board's 5/14/97 permanent revocation Order. **Court Action** - By Decision filed 5/27/98, and documented by Entry filed 6/19/98, Franklin County Court of Common Pleas affirmed Board's 5/14/97 permanent revocation Order.

WEINER, Alan (DPM #1360) - Akron
Court Action - By Decision filed on 3/20/98 and documented by Entry filed on 4/20/98, Franklin County Court of Common Pleas affirmed Board's 12/4/96 permanent revocation Order. **Court Action** - Notice of appeal to Tenth District Court of Appeals filed on behalf of doctor on 5/19/98. By Opinion filed on 11/24/98, Court of Appeals upheld Board's permanent revocation Order.

WU, Haw-Chyr (MD #33550) - Warren
Court Action - By Decision filed on 2/26/98, Franklin County Court of Common Pleas affirmed Board's 9/12/96 permanent revocation Order. Entry filed 4/16/98.

STATE OF OHIO
THE STATE MEDICAL BOARD
77 South High Street, 17th Floor
Columbus, Ohio 43266-0315
