



**State Medical Board of Ohio Meeting Minutes
December 11, 2019**

Michael Schottenstein, M.D., President, called the meeting to order at 10:13 am in the Administrative Hearing Room, 3rd floor of the Rhodes Office Tower, 30 East Broad Street, Columbus, Ohio 43215 with the following members present: Richard Edgin, M.D., Vice President; Kim G. Rothermel, M.D., Secretary; Bruce R. Saferin, D.P.M., Supervising Member; Michael Gonidakis, Esq.; Amol Soin, M.D.; Robert Giacalone, R.Ph., J.D.; Mark A. Bechtel, M.D.; Betty Montgomery; Sherry Johnson, D.O.; Harish Kakarala, M.D.; and Jonathan Feibel, M.D.

MINUTES REVIEW

Motion to approve the minutes of the November 13, 2019 Board meeting, as drafted:

Motion	Dr. Saferin
2 nd	Dr. Bechtel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

REPORTS AND RECOMMENDATIONS

Dr. Schottenstein asked the Board to consider the Reports and Recommendations appearing on the agenda. He asked if each member of the Board received, read and considered the Hearing Record; the Findings of Fact, Conclusions and Proposed Orders; and any objections filed in the matter of: Miguel Antonio Ordoñez, P.A. A roll call was taken:

Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y

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Dr. Feibel	Y
Dr. Bechtel	Y

Dr. Schottenstein further asked if each member of the Board understands that the Board’s disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from Dismissal to Permanent Revocation or Permanent Denial. A roll call was taken:

Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

Dr. Schottenstein further asked if each member of the Board understands that in each matter eligible for a fine, the Board’s fining guidelines allow for imposition of the range of civil penalties, from no fine to the statutory maximum amount of \$20,000. A roll call was taken:

Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

Dr. Schottenstein stated that in accordance with the provision in section 4731.22(F)(2), Ohio Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of any disciplinary matters. In the disciplinary matter before the Board today, Dr. Rothermel served as Secretary and Dr. Saferin served as Supervising Member. In addition, Dr. Bechtel served as Secretary and/or Supervising member.

Miguel Antonio Ordoñez, P.A.

Dr. Schottenstein directed the Board’s attention to the matter of Miguel Antonio Ordoñez, P.A. Objections have been filed and were previously distributed to Board members. Ms. Shamansky was the Hearing Examiner.

Dr. Schottenstein stated that a request to address the Board has been filed on behalf of Dr. Ordoñez. Five minutes will be allowed for that address.

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Mr. Ordoñez was represented by his attorney, Levi Tkach.

Mr. Tkach updated the Board that since the conclusion of the hearing, Mr. Ordoñez has paid the fine that was required by his Kentucky Agreed Order. Mr. Ordoñez also continues to study for the Physician Assistant National Recertifying Examination (PANRE).

Mr. Tkach brought up two points regarding the Hearing Examiner's Proposed Order. First, Mr. Tkach stated that probation is not appropriate in this case. Mr. Tkach noted that the Kentucky Board of Medical Licensure did not impose a probation and there have been no questions regarding Mr. Ordoñez's clinical competency or abilities. Mr. Tkach stated that a probation would only cause the Board to needlessly spend resources, especially since if Mr. Ordoñez returned to Ohio to practice as a physician assistant he would have to practice under a physician in any case. Mr. Tkach also noted that Mr. Ordoñez has not practiced in Ohio since 2014.

Mr. Tkach stated that the fine in this case is a due process issue. Mr. Tkach stated that the Board is limited to its Notice of Opportunity for Hearing, and due to issues in that Notice and the fact that Mr. Ordoñez is a physician assistant and not a physician, the Board does not have the statutory authority to impose a fine in this case.

Mr. Ordoñez stated that it is regrettable that he has to be here today. Mr. Ordoñez stated that he made a lapse in his professional responsibility while practicing in a clinic in Kentucky, and he has made amends by paying the fine in Kentucky and participating in an ethics course. Mr. Ordoñez stated that he currently provides care to his 84-year-old father who recently had a cardiac surgery. Mr. Ordoñez stated that caring for his father has become an ongoing day-to-day responsibility for him, as much of a duty as getting back to his profession.

Mr. Ordoñez continued that he would like to get back to practicing as a physician assistant as soon as possible. Mr. Ordoñez stated that his commitment and dedication has always been to each of his patients. Mr. Ordoñez understood that it is a profound privilege to work in that capacity with a patient and he wholeheartedly cherishes that duty. Mr. Ordoñez also understood that there are other important responsibilities that go along with his profession, including being fully aware of his continuing medical education (CME) credits and the maintenance of his license.

Dr. Schottenstein asked if the Assistant Attorney General wished to respond. Mr. Wilcox stated that he wished to respond.

Mr. Wilcox stated that he disagrees with the defense counsel's assertion that the Board cannot fine Mr. Ordoñez. Mr. Wilcox stated that the Board has the discretion to fine Mr. Ordoñez anything from \$0 to \$20,000. Mr. Wilcox also noted that although Mr. Ordoñez's Ohio physician assistant license is expired, the Board has the authority to suspend that license because it expired less than two years ago and Mr. Ordoñez could still apply to reinstate the license without filing a new application.

Mr. Wilcox stated that the Hearing Examiner's Report and Recommendation is appropriate. Mr. Wilcox observed that Mr. Ordoñez's Kentucky license was suspended in June 2018 and he still has not taken the necessary steps to reinstate that license. Mr. Wilcox stated that Mr. Ordoñez is not fulfilling his professional obligations and he questioned why the State Medical Board of Ohio would grant this individual any license to practice. Mr. Wilcox agreed with the Proposed Order, which would suspend Mr. Ordoñez's Ohio license until he regains full licensure in Kentucky.

Motion to approve and confirm the Proposed Findings of Fact, Conclusions, and Order in the matter of Mr. Ordoñez:

Motion	Mr. Giacalone
2 nd	Dr. Soin

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

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Ms. Montgomery noted that the Proposed Order includes a fine of \$4,500. Ms. Montgomery further noted that Mr. Ordoñez is not professionally employed at this time and appears to be acting as his father's caretaker. Ms. Montgomery questioned whether the fine should be that large given the circumstances of this case.

Dr. Schottenstein stated that Board members have debated whether a respondent's financial hardship should be a factor in determining fine amounts. However, Dr. Schottenstein opined that leaving the issue of potential hardship aside, one can still make a case for a lower fine in Mr. Ordoñez's case due to multiple mitigating circumstances. Dr. Schottenstein briefly reviewed the mitigating circumstances:

- The Hearing Examiner felt that Mr. Ordoñez's testimony that he had made a genuine mistake with regard to his CME was credible.
- Mr. Ordoñez stopped practicing immediately upon learning that his certification with the National Commission on the Certification of Physician Assistants (NCCPA) was expired.
- Mr. Ordoñez has no prior disciplinary record.
- Mr. Ordoñez did not have a dishonest or selfish motive.
- This is an isolated incident that is unlikely to recur.
- Mr. Ordoñez has made full and free disclosure to the Board.
- Mr. Ordoñez has taken remedial measures to address this issue.
- Mr. Ordoñez has expressed remorse.
- There was no adverse impact on others.
- Mr. Ordoñez has recognized the problem and corrected it.

Based on these mitigating circumstances, Dr. Schottenstein felt that a case can be made to lower or forego the fine.

Mr. Giacalone agreed with Dr. Schottenstein, stating that the acts that Mr. Ordoñez allegedly committed are not egregious and he had made a simple mistake. Mr. Giacalone opined that if the Board fines Mr. Ordoñez, it should match the \$1,000 that he was fined in Kentucky. Mr. Giacalone acknowledged that the \$4,500 fine resulted from the Board's fining guidelines based on Mr. Ordoñez's violation, but he felt that a \$1,000 fine is more appropriate under these circumstances.

Regarding the Board's authority to fine Mr. Ordoñez, Dr. Schottenstein appreciated that the defense counsel made a good argument for his client, but he agrees with the Assistant Attorney General's comments. Dr. Schottenstein observed that the fining guidelines for Category V violations, having to do with actions by other state boards, indicate that a fine may be imposed for the underlying conduct of that out-of-state violation. In Mr. Ordoñez's case, the underlying conduct is found in Category VI(M) of the fining guidelines, practicing as a physician assistant without NCCPA certification. Dr. Schottenstein stated that there was no exception in the guidelines for respondents not practicing in Ohio.

Motion to amend the Proposed Order so that the fine is \$1,000, leaving all other provisions unchanged:

Motion	Mr. Giacalone
2 nd	Dr. Edgin

Dr. Schottenstein stated that he also appreciated defense counsel's argument about probation, though he felt it would have been a stronger case a year ago. Dr. Schottenstein found it curious that Mr. Ordoñez has still not taken the NCCPA recertifying examination, even though he had mentioned in his hearing that he thought he would take the examination in November. Dr. Schottenstein was puzzled that Mr. Ordoñez has not taken the

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examination that would allow him to practice, especially if he has a hardship issue. Dr. Schottenstein felt that the Board is correct to keep the Proposed Order's probationary terms, stating that he has questions and would feel better about having monitoring terms in place when Mr. Ordoñez begins practicing again.

Vote on Mr. Giacalone's motion to amend:

Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Abstain

The motion to amend carried.

Motion to approve and confirm the Proposed Findings of Fact, Conclusions, and Order, as amended, in the matter of Mr. Ordoñez:

Motion	Mr. Giacalone
2 nd	Dr. Johnson
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Abstain

The motion carried.

PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Schottenstein stated that in the following matters, the Board issued a Notice of Opportunity for Hearing. No timely requests for hearing were received. The matters were reviewed by a Hearing Examiner, who prepared Proposed Findings and Proposed Orders, and they are now before the Board for final disposition. In accordance with the provision in section 4731.22(F)(2), Ohio Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of any disciplinary matters. In these matters, Dr. Rothermel served as Secretary and Dr. Saferin served as Supervising Member.

Domenick Braccia, D.O.

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Motion to find that the allegations as set forth in the July 10, 2019 Notice of Opportunity for Hearing in the matter of Dr. Braccia have been proven to be true by a preponderance of the evidence and to adopt Ms. Lee's Proposed Findings and Proposed Order:

Motion	Mr. Giacalone
2 nd	Dr. Kakarala

Dr. Schottenstein stated that he will now entertain discussion in the matter of Dr. Braccia. No Board member offered discussion in this matter.

A vote was taken on Mr. Giacalone's motion:

Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Eric O. Hernandez, L.M.T.

Motion to find that the allegations as set forth in the July 10, 2019 Notice of Opportunity for Hearing in the matter of Mr. Hernandez have been proven to be true by a preponderance of the evidence and to adopt Ms. Lee's Proposed Findings and Proposed Order:

Motion	Mr. Giacalone
2 nd	Dr. Kakarala

Dr. Schottenstein stated that he will now entertain discussion in the matter of Mr. Hernandez. No Board member offered discussion in this matter.

A vote was taken on Mr. Giacalone's motion:

Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y

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Dr. Bechtel	Y
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The motion carried.

Van L. Malia, D.O.

Motion to find that the allegations as set forth in the July 10, 2019 Notice of Opportunity for Hearing in the matter of Dr. Malia have been proven to be true by a preponderance of the evidence and to adopt Ms. Lee's Proposed Findings and Proposed Order:

Motion	Dr. Kakarala
2 nd	Dr. Johnson

Dr. Schottenstein stated that he will now entertain discussion in the matter of Dr. Malia.

Mr. Giacalone found it curious, considering that this case involves fraud, that the Georgia Board of Medicine would simply reprimand Dr. Malia and fine him \$500. Mr. Giacalone supported the Hearing Examiner's Proposed Order.

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

Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Anthony Todde Securo, M.D.

Motion to find that the allegations as set forth in the July 10, 2019 Notice of Opportunity for Hearing in the matter of Dr. Securo have been proven to be true by a preponderance of the evidence and to adopt Ms. Lee's Proposed Findings and Proposed Order:

Motion	Dr. Johnson
2 nd	Dr. Kakarala

Dr. Schottenstein stated that he will now entertain discussion in the matter of Dr. Securo.

Mr. Giacalone commented that he did not understand why the Georgia Board of Medicine only fined and reprimanded Dr. Securo in this matter.

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

Dr. Rothermel	Abstain
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Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

FINDINGS, ORDERS, AND JOURNAL ENTRIES

Dr. Schottenstein stated that in the following matters, the Board issued a Notice of Opportunity for Hearing and documentation of service was received for each. There were no timely requests for hearing filed, and more than 30 days have elapsed since the mailing of the Notices. These matters are therefore before the Board for final disposition. These matters are non-disciplinary in nature, and therefore all Board members may vote.

David Anthony Barbour-White, M.T.

Dr. Schottenstein stated that Mr. Barbour-White has applied for restoration of his certificate to practice massage therapy. The Board has proposed to approve Mr. Barbour-White's application, provided he take and pass the Massage and Bodywork Licensing Examination (MBLEx) due to the fact that he has not engaged in the active practice of massage therapy for more than two years.

Motion to find that the allegations set forth in the September 11, 2019 Notice of Opportunity for Hearing have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective immediately upon mailing, approving Mr. Barbour-White's application, provided that he takes and passes the MBLEx within six months of the date of mailing of the Notice of Opportunity for a Hearing:

Motion	Dr. Saferin
2 nd	Dr. Edgin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Lisa Arlene Herman, R.C.P.

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Dr. Schottenstein stated that Ms. Herman has applied for restoration of her certificate to practice as a respiratory care professional. The Board has proposed to approve Ms. Herman's application, provided she take and pass the Therapist Multiple Choice (TMC) examination due to the fact that she has not engaged in the active practice of respiratory care for more than two years.

Motion to find that the allegations set forth in the September 11, 2019 Notice of Opportunity for Hearing have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective immediately upon mailing, approving Ms. Herman's application, provided that she takes and passes the TMC within six months of the date of mailing of the Notice of Opportunity for a Hearing:

Motion	Dr. Saferin
2 nd	Dr. Bechtel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Ankitaben Patel, R.C.P.

Dr. Schottenstein stated that Ms. Patel has applied for a certificate to practice as a respiratory care professional. The Board has proposed to deny Ms. Patel's application due to the fact that she has not passed an examination approved under the rules adopted by the Board.

Motion to find that the facts set forth in the September 17, 2019 Notice of Opportunity for Hearing have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective immediately upon mailing, denying Ms. Patel's application for licensure:

Motion	Dr. Bechtel
2 nd	Dr. Saferin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

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Michael Joseph Riley, M.T.

Dr. Schottenstein stated that Mr. Riley has applied for restoration of his certificate to practice massage therapy. The Board has proposed to approve Mr. Riley's application, provided he take and pass the Massage and Bodywork Licensing Examination (MBLEx) due to the fact that he has not engaged in the active practice of massage therapy for more than two years.

Motion to find that the allegations set forth in the September 11, 2019 Notice of Opportunity for Hearing have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective immediately upon mailing, approving Mr. Riley's application, provided that he takes and passes the MBLEx within six months of the date of mailing of the Notice of Opportunity for a Hearing:

Motion	Dr. Saferin
2 nd	Dr. Bechtel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

EXECUTIVE SESSION I

Motion to go into Executive Session to confer with the Medical Board's attorneys on matters of pending or imminent court action, and for the purpose of deliberating on proposed consent agreements in the exercise of the Medical Board's quasi-judicial capacity:

Motion	Dr. Saferin
2 nd	Dr. Bechtel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

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The Board went into Executive Session at 10:35 a.m. and returned to public session at 10:46 a.m.

SETTLEMENT AGREEMENTS

Gina M. Curry, M.D.

Motion to ratify the proposed Permanent Surrender with Gina M. Curry, M.D.:

Motion	Dr. Kakarala
2 nd	Dr. Johnson
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Michael Herbert, R.C.P.

Motion to ratify the proposed Consent Agreement with Michael Herbert, R.C.P.:

Motion	Dr. Johnson
2 nd	Dr. Soin
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Abstain

The motion carried.

Albert Schockry Aiad-Toss, M.D.

Motion to ratify the proposed Consent Agreement with Albert Schockry Aiad-Toss, M.D.:

Motion	Dr. Johnson
2 nd	Dr. Kakarala
Dr. Rothermel	Abstain

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Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Jennifer Lynn Cova, D.O.

Motion to ratify the proposed Consent Agreement with Jennifer Lynn Cova, D.O.:

Motion	Dr. Johnson
2 nd	Mr. Giacalone
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Abstain

The motion carried.

Michael Douglas Miller, M.D.

Motion to ratify the proposed Permanent Withdrawal with Michael Douglas Miller, M.D.:

Motion	Mr. Giacalone
2 nd	Dr. Edgin
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y

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Dr. Bechtel	Y
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The motion carried.

Julie Mae Alderson, D.O.

Motion to ratify the proposed Step I Consent Agreement with Julie Mae Alderson, D.O.:

Motion	Dr. Johnson
2 nd	Dr. Kakarala
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

NOTICES OF OPPORTUNITY FOR HEARING, ORDERS OF SUMMARY SUSPENSION, ORDERS OF IMMEDIATE SUSPENSION, AND ORDERS OF AUTOMATIC SUSPENSION

Ms. Marshall presented the following Citations to the Board for consideration:

1. Caroline Bialke: A respiratory care professional applicant, based on failure to attend a 72-hour evaluation.
2. Enrico L. Danzer, M.D.: A physician applicant, based on action by the Medical Board of California related to cheating on a medical test during his training.
3. David Blaine Harding, M.D.: A Summary Suspension, based on recent action by the Maryland State Board of Physicians with detailed prescribing violations, including prescribing doses that totaled more than 1,600 MED, as well as failure to address obvious red flags for drug abuse and diversion.
4. Michael D. Harrington, M.D.: Based on allegations of violation of the minimal standards of care related to the Board's prescribing rules.
5. Stephen Craig Shy, Sr., D.O.: Based on being excluded from participating in Medicare, Medicaid, and all Federal health programs.
6. Stephen T. House, M.D.: Based on allegations of violation of the minimal standards of care related to the Board's prescribing rules.

Motion to approve and issue proposed Citation #3, a Summary Suspension:

Motion	Dr. Johnson
2 nd	Dr. Edgin
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y

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Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Abstain

The motion carried.

Motion to approve and issue proposed Citations #1 and #2

Motion	Dr. Johnson
2 nd	Dr. Kakarala
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Motion to approve and issue proposed Citations #4, #5, and #6:

Motion	Dr. Kakarala
2 nd	Dr. Johnson
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Abstain

The motion carried.

EXECUTIVE SESSION II

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Motion to go into Executive Session for the purpose of preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment; and to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official:

Motion	Dr. Saferin
2 nd	Dr. Bechtel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

The Board went into Executive Session at 10:51 a.m. and returned to public session at 10:54 a.m.

OPERATIONS REPORT

Ms. Loucka thanked all the staff members who have on-boarded her into her new role as Executive Director over the last three weeks.

Jill Reardon: Ms. Loucka introduced Jill Reardon, who is joining the staff as Deputy Director of Strategic Services. Ms. Reardon comes to the Board from the Attorney General's office after having also served on Governor Voinovich's staff. Ms. Reardon also worked at the Department of Jobs and Family Services for ten years as legislative director. Ms. Reardon will work on the Board's engagement opportunities with associations and stakeholders, as well as legislative concerns and special projects.

Human Resources: Ms. Loucka stated that the Board is in the process of filling a few enforcement attorney positions, as well as vacancies in Licensure. Ms. Loucka noted that some positions in Licensure are being covered by temporary workers, but the goal is to fill those positions with permanent staff.

Communications: Ms. Loucka stated that there continues to be ongoing engagement with outside entities. The Winter issue of the Board's publication is in process. In accordance with the recommendation of the Strauss Working Group, the Board now has an anonymous hotline through which individuals can leave anonymous complaints. The number for the hotline is posted on the Board's website. Ms. Loucka noted that the Board has already begun receiving complaints through the hotline.

Licensure: Ms. Loucka stated that licensure statistics remain generally steady and the number of licenses issued is up slightly over last year. Ms. Loucka noted that some of the triage licensure reviews have taken somewhat longer recently.

Federation of State Medical Boards: Ms. Loucka stated that the Board has received a call for nominations for positions and committee appointments from the Federation of State Medical Boards (FSMB). Ms. Loucka stated that she would be happy to discuss such a position or appointment with any Board members who is interested.

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Election of Officers, 2020

Motion to elect Dr. Schottenstein as President, Dr. Edgin as Vice President, Dr. Rothermel as secretary, and Dr. Saferin as Supervising Member for terms beginning on January 1, 2020, and ending December 31, 2020.

Motion	Mr. Gonidakis
2 nd	Dr. Kakarala

Dr. Soin commented that he is very pleased to see this slate of leaders for reelection. Dr. Soin stated that Dr. Schottenstein has been excellent as President. Dr. Soin also looked forward to Dr. Edgin's leadership. Ms. Montgomery stated that she has watched Dr. Schottenstein in difficult circumstances and she has been very impressed with the wonderful job he has done.

Vote on Mr. Gonidakis' motion:

Dr. Rothermel	Y (Abstain on the vote for Secretary)
Dr. Saferin	Y (Abstain on the vote for Supervising Member)
Mr. Giacalone	Y
Dr. Edgin	Y (Abstain on the vote for Vice President)
Dr. Soin	Y
Dr. Schottenstein	Y (Abstain on the vote for President)
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Dr. Schottenstein stated that this is roughly the time of year when Board committee assignments are contemplated. Dr. Schottenstein asked Board members to let him know if they have a preference or request regarding committee assignments and he would accommodate them.

Retirement of Joan Wehrle

Dr. Schottenstein wished to take a few moments to acknowledge the upcoming retirement of a very special Board staff member. No current Board member has ever known the Medical Board without Joan Wehrle, who will retire at the end of December. Ms. Wehrle has been a critical part of the Medical Board since 1989. Since that time, Ms. Wehrle has accomplished the following:

- Served with nine Executive Directors and Interim Directors.
- Worked with 61 different Board members
- Attended 354 Board meetings, having only missed four meetings in 30 years.
- Personally delivered 467 presentations to state and national audiences, not including the hundreds of additional presentations she created for colleagues and Board members.
- Until Tessie Pollock, Julie Williams, and Jerica Stewart joined the Communications teams, Ms. Wehrle was the Board's only point of contact for communications, education, and outreach.

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Over the years, Ms. Wehrle has shared her knowledge and passion with thousands of individuals and, perhaps most importantly, thousands of medical school students, encouraging them to be the best health care providers possible.

Dr. Schottenstein expressed gratitude for Ms. Wehrle's time and talents and stated that she will be missed beyond words. Ms. Wehrle was presented with a 30-year service pin and a retirement gift from the Board members. The Board members and staff applauded Ms. Wehrle for her service.

Ms. Wehrle stated that she is honored to have served the Medical Board for 30 years and she was grateful for the trust and support of the Board members and staff. Ms. Wehrle was very grateful for the Communications team ("Team Awesome") and all her other co-workers throughout the years. Ms. Wehrle gave special thanks to the Board members for their commitment and dedication to the Board's mission. Ms. Wehrle stated that every licensing, disciplinary, and policy decision the Board makes impacts healthcare in Ohio, and she has been privileged to have been a part of that.

REPORTS BY ASSIGNED COMMITTEES

Strauss Committee Report

Dr. Schottenstein stated that the Board's *ad hoc* committee to review the Governor's working group recommendations met this morning at 7:30 a.m. Executive Director Loucka reviewed the action items and information from the working group's November 18 public meeting. The Committee also presented the December 4 letter that was sent to Director Stickrath outlining the review of historical sexual misconduct cases that will begin this month with the goal of review completion in June 2020.

The Committee also discussed modifying its name. While the Richard Strauss case was the catalyst to begin the review, the recommendations and process improvements apply to all cases of this nature. Therefore, the name of the Committee going forward will be the Sexual Misconduct Committee.

Mr. Nealis provided the Committee with a demonstration of the software, called the Asana program, that Board staff is utilizing to manage the hundreds of tasks that are part of this project. The Asana program is a way of viewing all the aspects of a task in such a way to improve expectations and accountability. Dr. Schottenstein appreciated all that Mr. Nealis is doing on the Committee's behalf.

In accordance with a recommendation of the working group, the Committee reviewed North Carolina's duty to report statute. Dr. Schottenstein stated that in a way, the statute is redundant with the obligations that licensees already have in terms of reporting. However, Dr. Schottenstein felt that the increased specificity of the statute's language is productive and helpful.

The Committee also approved a revision to the duty-to-report acknowledgement that was recently implemented on all license applications. If also approved by the Board, the language will read as follows:

Do you acknowledge your personal duty to report to the State Medical Board of Ohio when you believe that any individual licensed by the Board has violated the Board's laws or rules? Violations include, but are not limited to, sexual misconduct, impairment, practice below the minimal standards of care, and improper prescribing of controlled substances. Reports of misconduct to supervisors, law enforcement, or health care system management do not fulfill your duty to report to the State Medical Board of Ohio. Failure to report could result in formal disciplinary action.

Mr. Giacalone suggested that in the phrase "... do not fulfill ...", that word "not" should be in all capital letters or otherwise highlighted. Ms. Montgomery suggested that the items following the question mark be arranged in indented bullet-points and double-spaced so that each item is separately highlighted. Dr. Schottenstein agreed with these suggestions.

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Motion to approve the revised language, including the suggestions made by Mr. Giacalone and Ms. Montgomery:

Motion	Dr. Feibel
2 nd	Dr. Bechtel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Licensure Committee Report

CME Rules

Dr. Saferin stated the topic of continuing medical education (CME) rules was pulled from today's agenda because information on that topic is still being received and reviewed by the staff. The topic will be reviewed at the Committee's January 2020 meeting.

Licensure Application Reviews

Elizabeth Wagler

Dr. Saferin stated that Ms. Wagler has applied to restore her Ohio massage therapy license. Ms. Wagler has not practiced massage therapy within the last two years. The Committee has recommended approval of Ms. Wagler's application.

Motion to approve Ms. Wagler's application for restoration of her Ohio license, contingent on her passing of the Massage and Bodywork Licensing Examination (MBLEx) within six months from the date of mailing of the Notice of Opportunity for a Hearing:

Motion	Dr. Soin
2 nd	Dr. Edgin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y

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Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Syed Amir Shah, M.D.

Dr. Saferin stated that Dr. Shah has applied for a medical license in Ohio. Dr. Shah's completion of his United States Medical Licensing Examination (USMLE) sequence placed him five months and one week outside the 10-year rule. The Committee has recommended approving Dr. Shah's application.

Motion to approve the good cause exception to the 10-year rule as outlined in OAC 4731-6-05 (C)(2) and accept the examination sequence so that Dr. Shah can be granted a license:

Motion	Dr. Edgin
2 nd	Dr. Johnson
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Policy Committee Report

Dr. Soin stated that the Policy Committee approved the draft minutes from its November 2019 meeting. Ms. Anderson provided the Committee with a rule review update; no action is needed at this time. Mr. LaCross provided an update on all pending legislation, particularly Senate Bill 7 and House Bills 263, 224, and 388, with further follow-up next month.

The Committee also discussed a statement regarding prescribing to patients following a sudden office closure. The Committee will discuss the statement further in the next month or two, perhaps amending the language to make it more clear.

Finance Committee Report

Fiscal Report

Dr. Schottenstein stated that the Board's revenue for October 2019 was \$795,031. Net fiscal revenue was \$105,893 and the Board's cash balance was \$5,073,542. Dr. Schottenstein commented that these are good numbers, especially considering that there was no license renewal deadline in November.

Dr. Schottenstein continued that expenditures for October 2019 are down 6.9% compared to one year ago. Dr. Schottenstein noted that, although it is not reflected in these number, the Board's spending is beginning to approach the level that it should be. In addition, the Board recently paid some large bills, including rent. Dr.

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Schottenstein stated that along with new hires, spending will increase going forward. Dr. Schottenstein commented that the Board is one-third of the way through the fiscal year and it has 69% of its budget allotment left.

In the past month, the Board has received \$57 in collections, \$7,500 in continuing medical education (CME) fines, and \$5,000 in a consent agreement.

Communications

Dr. Schottenstein stated that the Board's Fall magazine has been published. Articles for the Winter edition are being reviewed.

The Board's anonymous reporting hotline has been launched and notifications have already been received from it.

Dr. Schottenstein stated that going forward, Jerica Stewart will be making presentations on the Board's behalf.

Dr. Schottenstein continued that as the board implements the recommendations from the Governor's Strauss Working Group, the Board may encounter additional expenditures for expert reviewers for the historical case review, as well as for the assistance of outside counsel. Board staff believes that the historical case review may use more reviewers than initially estimated. Board staff also believes that the Board could benefit from using outside counsel to assist in some of the working group recommendations. Staff will continue to monitor encumbrances for both the expert reviewers and outside counsel and keep the Board informed accordingly.

Board staff has been informed by the Attorney General's office that outside counsel for the opioid litigation may be necessary. Staff will keep the board informed of this potential need. The Finance Committee voted to recommend approval of up to \$12,000 to contract with an attorney reviewer for the opioid litigation subpoena. Dan Malkoff is an outside attorney who has been agreeable to doing this review for the Board for a good rate.

Motion to approve up to \$12,000 to contract with Mr. Malkoff as special counsel expert reviewer for the opioid litigation subpoena:

Motion	Dr. Saferin
2 nd	Dr. Bechtel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Compliance Committee Report

Dr. Schottenstein stated that the last Compliance Committee meeting was held on November 13, 2019. There were no initial appearances. Compliance Committee approved the Compliance Staff's Reports of conferences

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held October 15 and 17, 2019, followed by the approval of the draft minutes from the October Compliance Committee.

PROBATIONARY REQUESTS

Motion to approve the Secretary and Supervising Member’s recommendations for the following probationary requests:

- a) Bryan D. Borland, D.O.: Request for approval of Larry I. Cowan, D.O. to serve as the monitoring physician; and determination of the frequency and number of charts to be reviewed at ten charts per month.
- b) Larry L. Doss, M.D.: Request for approval of the previously completed course *Intensive Course in Medical Ethics, Boundaries and Professionalism*, offered by Case Western Reserve University, to fulfill the personal/professional ethics course and physician/patient boundary course requirements.
- c) Philicia S. Duncan, M.D.: Request for discontinuance of the chart review requirement.
- d) Kenneth Hanover, M.D.: Request for approval of Kamel S. Abraham, M.D. to serve as the monitoring physician.
- e) Michael J. Howkins, D.O.: Request for reduction in appearances to every six months.
- f) James C. Johnson, D.O.: Request for approval of Carlos K. Menendez, M.D. to serve as a monitoring physician.
- g) Randy M. Smith, D.O.: Request for approval of Molly J. Hall, M.D. to conduct a return to work assessment for reinstatement.
- h) James I. Tak, M.D.: Request for reduction in psychiatric sessions to once every three months; reduction in monthly drug screens to a minimum of twice per month; and reduction in weekly recovery meeting attendance to two per week with a minimum of ten per month.
- i) Robert L. Thomas, III, M.D.: Request for release from the terms of the December 13, 2017 Consent Agreement.
- j) Mark Aaron Weiner, D.O.: Request for approval of William H. Kose, M.D. to serve as the monitoring physician; and approval of the practice plan modification.
- k) Ifeoma N. Kamalu, M.D.: Request for approval of the course *PBI Medical Ethics and Professionalism: An Ethics Protection, Violation Prevention Course*, offered by Professional Boundaries, Inc. (PBI) and the University of California, Irvine School of Medicine, to complete the personal/professional ethics course requirement; and approval of the course *PBI Prescribing Course: Opioids, Pain Management and Addiction*, offered by PBI and the University of California, Irvine School of Medicine, to complete the controlled substance prescribing course requirement.

Motion	Dr. Johnson
2 nd	Dr. Kakarala
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y

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Dr. Feibel	Y
Dr. Bechtel	Abstain

The motion carried.

TREATMENT PROVIDER APPLICATIONS

Motion to approve the Application for Certificate of Good Standing as a One-Bite treatment provider for impaired practitioners and a Continuing Care provider for impaired practitioners for Advanced Recovery Systems:

Motion	Dr. Saferin
2 nd	Dr. Johnson

In response to a question from Dr. Rothermel, Ms. Murray stated that while the Board has always had informal communication with outside associations regarding treatment providers, staff members will meet next week to possibly develop a more formal structure for the associations to provide input. Dr. Rothermel stated that outside associations such as the Ohio Physicians Health Program (OPHP) have been very helpful in the treatment provider approval process. Dr. Schottenstein agreed, noting that the ultimate responsibility for approval of providers lies with the Board. Ms. Montgomery was supportive of the effort to have outside associations more involved in the process.

Vote on Dr. Saferin's motion:

Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

The Board meeting recessed at 11:28 am. The meeting resumed at 1:08 pm in Room #336.

TRAUMA-INFORMED CARE TRAINING

Dr. Schottenstein welcomed Nancy Oglesby and Michael Milnor, co-founders of Justice3D, to the meeting. Ms. Oglesby has been a career prosecutor in Virginia for over 20 years and is currently Virginia's Domestic and Sexual Violence Resource Prosecutor. Mr. Milnor has been involved in law enforcement for over 36 years and recently retired as Chief of Police for Alta Vista, Virginia. Ms. Oglesby and Mr. Milnor formed Justice3D to provide consulting and training to law enforcement, prosecutors, and allied professionals in trauma-informed care.

Ms. Oglesby and Mr. Milnor provided the Board members with training regarding appropriate interactions with victims of sexual assault and the effects on memory and perception that result from trauma.

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Dr. Schottenstein and the other Board members thanked Ms. Oglesby and Mr. Milnor for their informative training.

ADJOURN

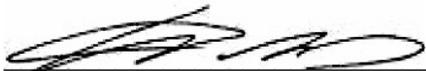
Motion to adjourn:

Motion	Mr. Gonidakis
2 nd	Dr. Kakarala
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Sojn	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Kakarala	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

The meeting adjourned at 2:52 pm.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio meeting on December 11, 2019, as approved on January 8, 2020.



Michael Schottenstein, M.D., President



Kim G. Rothermel, M.D., Secretary

(SEAL)





**SEXUAL MISCONDUCT COMMITTEE MEETING
December 11, 2019 - Room 336**

Committee Members Present: Michael Schottenstein, MD, Chair Mark Bechtel, MD Robert P. Giacalone, JD Jonathan Feibel, MD (temporary appointment) Michael Gonidakis, JD Betty Montgomery, JD	Staff Present: Kimberly Anderson, Interim Director Stuart Nealis, Project Manager Tessie Pollock, Chief Communications Officer Alexandra Murray, Standards Review
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Dr. Schottenstein called the meeting to order at 7:33 a.m.

MINUTES REVIEW

Dr. Bechtel moved to approve the draft minutes of November 13, 2019. Mr. Giacalone seconded the motion. All members voted aye. The motion carried.

WORKING GROUP RECOMMENDATIONS PROGRESS REPORT

Ms. Loucka provided an update to the committee. Ms. Loucka, Dr. Schottenstein, Ms. Anderson, Mr. Gonidakis and Ms. Pollock presented a status update to the governor's working group on November 18. They provided accomplishments from the working group recommendations including the transparency website, the plan for the lookback through previous sexual misconduct cases that had been closed and other items in the project plan. The Medical Board received favorable feedback and heard from various members of the working group. The working group is made up of state agencies, local officials and the governor's legal counsel. The victim advocate from the Attorney General's office provided a lot of constructive feedback regarding the plan to structure the victim advocate work. Since the presentation, the Medical Board has met with the Attorney General's victim advocate to further discuss the integration of victim advocates in the board's processes. During the meeting, the board was encouraged to develop local law enforcement contacts and received tips from the University of Toledo Chief of Police, Delaware county sheriff, and Franklin County prosecutor.

Mr. Nealis shared that he took the information from the working group's recommendation spreadsheet and incorporated it into a more interactive tool named, Asana. It gives the ability to track progress in a more meaningful and coherent way including tasks, who they are assigned to, due dates and status. He imported the spreadsheet into Asana so that all of the sections and working group structures were preserved.

The task list displays the progress, due dates, assignment and section of the working group recommendations. It has the ability to create sub-tasks. The tool also allows users to have conversations within the platform. It uses a timeline view to see the status of tasks, risks of delay and the number of completed tasks.

Dr. Feibel asked how the due dates are being determined.

Mr. Nealis replied it is a mixture. Some dates were previously set from before Asana. They will appear as past due. Mr. Nealis and Ms. Loucka reviewed each task and determined an appropriate due date.

Dr. Schottenstein stated in the action plan, the items shaded in light blue indicated completed tasks. Roughly 25 tasks have been completed.

Dr. Schottenstein asked if board members will have access to the software.

Mr. Nealis confirmed board members will have limited access without the ability to edit. Only Medical Board staff will be able to make changes.

Ms. Loucka stated the Medical Board tried to make adjustments around board meeting dates.

Dr. Schottenstein stated the completed historical case review deadline has been pushed back to June 2020. The digitizing process is on track for February 20.

Ms. Loucka stated the board has begun sending a monthly letter to the working group to keep them updated on the status. In the last letter, the board informed the working group the historical review is underway; the first reviewers are under contract and the cases have gone out.

The board continues to integrate the role of victim advocate in the day to day work. The board will have to make a decision in the future about if it would like to hire victim advocate staff or continue to contract. Two investigators have been identified with victim advocacy backgrounds. There may be a way to modify their workflow and integrate those skillsets. The enforcement attorneys and investigators have collaborated to identify how the victim advocates will be working in the future.

The board has been in contact with FSMB to discuss an audit where they will review the board's processes, policies and procedures to compare it to how other boards operate and identify best practices. FSMB shared reports from two other states. They think they can complete the work within a couple of days. At that point, the board will engage with the Office of Budget and Management, a meeting is set for January. The board does not know if a representative from North Carolina will be on the team at this time but FSMB does know the board's interest.

The investigators and enforcement attorneys have completed the 5-day FETI training recommended by the working group.

The board has been modifying the investigator manual to reflect recommendations from the working group. The Chief of Investigations, James Roach, has been working with investigator supervisors to solicit feedback. It is being reviewed by Ms. Loucka before it goes to staff for input then to the board for approval. The document will address general investigator protocol, not just sexual misconduct cases. Ms. Loucka shared she thinks the investigators will be pleased with the draft. The collaborative effort of including their voice has been beneficial.

Mr. Gonidakis asked if the board has added 1099 contractors since the previous meeting.

Ms. Loucka replied that since the meeting OPAA sent out a letter on the board's behalf to local prosecutors. Now the board has received 12 resumes. There are currently 3 reviewers fully under contract.

Mr. Gonidakis asked if the names from the Board of Pharmacy had been contacted. Ms. Murray replied that all contacts were sent emails. Some had questions, some declined, and some are in the process of providing additional information.

Mr. Gonidakis asked how long the onboarding will take and if there was a way to expedite the process.

Ms. Loucka replied now the board has begun, she expects to avoid delays due to bureaucratic processes.

Ms. Loucka confirmed with Dr. Schottenstein that 20 reviewers would be ideal.

Dr. Schottenstein shared the board currently has contracted with 3 victim advocates in Cleveland and 2 in Columbus. It is also looking for a couple in Cincinnati and in Toledo. He asked if there has been progress in that area.

Ms. Murray stated after the meeting with the victim advocate from the AG's office reached out to contacts resulting in the board receiving additional resumes.

Mr. Gonidakis asked what steps the board has taken to follow the county prosecutor and OPAA's recommendation to speak with regional enforcement groups.

Ms. Loucka replied Jonathan has made contact with groups to schedule meetings when the board is ready. Ms. Loucka has requested delaying contact with law enforcement agencies until the investigator manual has been developed. The board will need to develop unified messaging in the next few weeks, likely the first week of January. The approach will entail meeting with individual groups first then if necessary, a more collective group meeting.

Ms. Montgomery shared there are two trainings in May, one for law enforcement officers and one for social workers that will be good opportunities to connect with individuals.

Dr. Schottenstein stated the board wants to work out with law enforcement the threshold for reporting sexual misconduct. He asked how the board is moving forward in that area.

Ms. Loucka stated the newly created internal sexual misconduct close case review meeting has encountered that question for internal processes, as well. It needs to be discussed and decisions reached.

Dr. Feibel stated the board should err on the side of over-reporting.

Ms. Loucka agreed and shared the board has discovered reporting to law enforcement often depends on the locality.

Mr. Gonidakis asked Ms. Loucka if she sees any roadblocks in her time as Executive Director and offered the assistance of board members to overcome.

Dr. Schottenstein stated FSMB sent 2 documented audits (2003- Nevada and 2017 - Mississippi). The Mississippi audit was more thorough and more closely resembled the Medical Board's review needs but will include a special emphasis on the board's approach to sexual misconduct and the Secretary and Supervisor Member. Dr. Schottenstein, Ms. Montgomery, and Ms. Loucka will meet with Director Murnieks from OBM on Jan. 16. Director Murnieks

anticipates getting started roughly in summer 2020. The board is also looking at categories for closed cases that includes rationale for why these cases are closed.

Ms. Anderson shared there are other action items for possible legislative changes through policy committee. There is a 30-day requirement for licensees in North Carolina to report instances of sexual misconduct that state things that are patient-initiated or patient-consented do not act as an affirmative defense. There are no action items currently but looking for feedback.

Ms. Montgomery asked if the duty to report includes all licensees.

Ms. Anderson confirmed.

Dr. Feibel asked if Ohio statute has immunity for those reporting in good faith.

Ms. Anderson confirmed.

Dr. Schottenstein stated there is a lot of redundancy in North Carolina's statute in comparison to Ohio's current law. He also pointed out the specificity in North Carolina's statute.

Ms. Anderson introduced the possible outcomes memo for the lookback project. The memo divides it into three categories.

Case Review:

1) There was a public formal action taken; there is probably not much more for the board to do. Review if there was failure to report or if law enforcement should be involved.

2) The case review was thorough, but the allegation was not substantiated. The board defined it as doing all of the necessary work such as talking to victim, licensee, witnesses, moving it along in a timely manner.

3) The case is missing some elements; missing pieces of the investigation but the evidence is too stale to be viable.

4) The case is missing elements and follow-up is needed; more timely - the licensee is still practicing, and the missing elements need to be identified as part of the report.

Ms. Montgomery advised to define the word *elements*.

Failure to report:

1) Open a failure to report; Those individuals need to be identified for either a current licensee or former licensee

2) Possible failure to report but the evidence is too stale to report; old cases

3) No failure to report found

Ms. Montgomery asked if the Medical Board has consulted with OSMA.

Dr. Bechtel added that the board needs buy-in from health care systems and hospitals.

Mr. Gonidakis stated the board has precedent for this type of situation. Approximately four years ago the board met with the entire board of Ohio Health to discuss One-bite and hear their feedback.

Mr. Giacalone expressed his concern that seeking additional feedback could slow the progress of the governor's working group recommendations. He suggested providing an update letter to the association and welcoming comments.

Dr. Schottenstein stated, the board is asking the committee to consider and approve revised language for the duty to report attestation on the licensure application. Last month the committee approved language that included the individual code references. Feedback from licensees indicates that including a description of what was contained in those code sections would be more beneficial. The new language would read as follows: Do you acknowledge your duty to report to the State Medical Board of Ohio when you believe that any individual licensed by the board has violated the board's laws or rules? Violations include, but are not limited to, sexual misconduct, practice below the minimal standards of care, and improper prescribing of controlled substances.

Ms. Montgomery asked to insert the word "individual" or "personal" before "duty to report...".

Dr. Feibel recommended making the obligation to report to the Medical Board and not another entity explicitly clear and to also focus on educating licensees.

Dr. Schottenstein asked the committee to make the modifications and then present them to the board in the afternoon meeting.

Dr. Bechtel moved to approve the attestation with the requested revisions. Mr. Giacalone seconded the motion. All in favor. The motion carried.

Dr. Feibel expressed concern in labeling a case "stale" because it could lead the board to close cases that should not be closed. He suggested making a fifth case review category of stale case because the licensee is deceased. Another case review category could be that the statute of limitations has run out or that the victim is deceased.

Mr. Giacalone asked if a third-party, retired law enforcement officer could review difficult cases.

Ms. Anderson replied the case reviewers are primarily active or retired prosecutors or investigators. If there is a reviewer with the law enforcement background, the board could add the additional reviewer.

Ms. Anderson shared as part of the review of old cases the board has identified a need for additional legal help. She has reached out to the AG's office to assist with upcoming depositions and received approval.

Dr. Schottenstein asked the committee for support in renaming the committee to the Sexual Misconduct Committee.

ADJOURN

Dr. Bechtel moved to adjourn meeting. Mr. Giacalone seconded the motion. All members in favor. The motion carried.

The meeting adjourned at 8:22 a.m.

Michael Schottenstein, MD
Chair



**LICENSURE COMMITTEE MEETING
December 11, 2019 - Room 345**

Committee Members Present: Bruce R. Saferin, D.P.M, Chair Kim G. Rothermel, M.D. Richard Edgin, M.D.	Staff Present: Joseph Turek, Director of Licensure & Licensee Services Mitchell Alderson, Chief of Licensure Colin Depew, Assistant Attorney
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Dr. Saferin called the meeting to order at 8:03 a.m.

MINUTES REVIEW

Dr. Edgin moved to approve the draft minutes of November 13. Dr. Rothermel seconded the motion. All members voted aye. The motion carried.

The discussion about the CME rules was removed from the agenda. It will instead be reviewed in January.

LICENSURE APPLICATION REVIEWS

Elizabeth Wagler

Elizabeth Wagler has applied to restore her Ohio massage therapy license. She has not practiced within the last two years.

Dr. Rothermel stated that Ms. Wagler has not practiced for 12 years but will then pass the MBLEx and return to the field. If the applicant had been a physician, the board would have required additional hands-on training. Dr. Rothermel recommended contacting someone in massage therapy leadership to ask about their comfort level of a massage therapist being out of practice for an extended time and then returning to the field after passing the MBLEx.

Mr. Turek confirmed he could identify a contact.

Dr. Edgin moved to approve Ms. Wagler's application for restoration of her Ohio license contingent on her passing of the MBLEx within six months from the date of mailing of the Notice of Opportunity for a Hearing. Dr. Rothermel seconded the motion.

Syed Amir Shah, M.D.

Dr. Syed Amir Shah has applied for a medical license in Ohio. Completion of his USMLE exam sequence placed him five months and one week outside the ten-year rule.

Dr. Edgin moved to approve the good cause exception to the 10-year rule as outlined in OAC 4731-6-05 (C)(2) and accept the examination sequence to be granted a license. Dr. Rothermel seconded the motion. All in favor. The motion carried.

OTHER ITEMS

Staff requests that the committee consider a revision to the duty to report acknowledgment that was recently implemented on all license applications.

Dr. Saferin stated that he would like impairment listed as one of the examples of items for which licensees would have a duty to report. Brief discussion ensued regarding whether that is one of the items that is required to be reported pursuant to law. The committee agreed that impairment should be included and that the proposed acknowledgement language be amended accordingly.

Dr. Rothermel moved to approve the proposed change to the duty to report acknowledgement on all licensure applications. Dr. Edgin seconded the motion. All in favor. The motion carried.

ADJOURN

Dr. Rothermel moved to adjourn. Dr. Edgin seconded the motion. All members in favor. The motion carried.

The meeting adjourned at 8:11 a.m.

Bruce R. Saferin, D.P.M.
Chair

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**FINANCE COMMITTEE MEETING MINUTES
December 11, 2019 - Room 335**

Members in attendance:

Michael Schottenstein, MD, Chair
Bruce R. Saferin, DPM
Richard A. Edgin, MD
Michael Gonidakis, Esq.

Staff in attendance:

Stephanie Loucka, Executive Director
Susan Loe, Director of Fiscal & Human Resources
Tessie Pollock, Director of Communications
Jerica Stewart, Communication & Outreach Administrator

Dr. Schottenstein called the meeting to order at 8:38 a.m.

MINUTES REVIEW

Dr. Edgin moved to approve the draft minutes of November 13, 2019. Dr. Saferin seconded the motion. All members voted aye. The motion carried.

FISCAL UPDATE

Dr. Schottenstein provided the following update: For October 2019, revenue was \$795,031. There was a 67 percent increase YTD when compared to October 2017. That was due to the implementation of the eLicense system and licensees were encouraged to renew early in the months of May and June of 2017. The October 2017 numbers were artificially low which will likely continue through the end of 2019. In 2020, these comparisons will start to become more accurate again.

There was a net fiscal revenue for October 2019 of positive \$105,893, a cash balance of \$5,073,542. Those are good numbers for October which does not have a renewal deadline. Expenditures are down 6.9 percent for October 2019 as compared to one year ago. Spending is starting to catch up to where it should be although it's not reflected in the numbers. Payroll is down and there are vacancies. There was a freeze, but now the Medical Board has permission to fill vacancies and is actively hiring. Along with new hires, the board will continue to increase spending and is one-third of the way through the fiscal year with 69 percent of the budget allotment remaining. In the past month, the board received \$57 in collections, \$7,500 in CME fines and \$5,000 in a consent agreement. Dr. Schottenstein pointed out the question marks in the due date column for Steven P. Meese and Robert Brauer indicate their fines are due at the time of reinstatement and that time is indeterminate.

Mr. Gonidakis asked if the funds used to pay out retiring staff comes from the board's general fund.

Ms. Loe replied some of it comes from an accrual fund managed by DAS and some does come out of the board's operating fund.

Ms. Loucka stated most of the money comes out of the accrual fund. DAS takes a percentage every time payroll is processed.

COMMUNICATIONS UPDATE

Ms. Pollock informed the committee the magazine is in process. The winter edition articles will be sent to the board members once Ms. Pollock completes her review. Board members are always welcome to review articles or recommend an article topic.

The complaint hotline was launched the same day as the Governor's working group meeting, November 18 which provided a good opportunity to promote the number. The board has received ample licensee feedback not supporting the hotline with concerns of anonymous complaints that could negatively impact their careers. The public has always been able to make anonymous complaints, the hotline is just a designated phone number.

Many of the upcoming presentations will be shifting from Joan to Jerica.

The most popular tweet was about the drug take-back day.

NEW BUSINESS

Dr. Schottenstein read from the agenda:

As the board implements the recommendations from the Governor's Strauss Working Group, the board may encounter additional expenditures for expert reviewers for the historical case review, as well as for the assistance of outside counsel. Board staff believes that the historical case review may use more reviewers than initially estimated. Board staff also believes that the Board could benefit from using outside counsel to assist in some of the working group recommendations. Staff will continue to monitor encumbrances for both the expert reviewers and outside counsel and keep the board informed, accordingly.

Board staff has been informed by the Attorney General's office that outside counsel for the opioid litigation may be necessary. Staff will keep the board informed of this potential need.

Dr. Saferin asked if the committee needed to allocate additional funds for the review.

Dr. Schottenstein replied that he didn't think it was necessary at this point. The board encumbered up to \$50,000 for the hiring of prosecutor review, up to \$50,000 for victim advocate review and up to \$50,000 for the digitizing of the cases. He stated if the Medical Board approaches the high end of the encumbrance, the committee will have another discussion.

As to the opioid litigation, Ms. Anderson stated there are three separate groups of cases: The multi-district litigation in federal court which the board has already responded to and is possibly settling. There were also two state cases brought by the attorney general in 2018. One is in Madison County and one is in Ross County (one for distributors the other for manufacturers). The distributor case still has open discovery and the legal staff have been providing a rolling discovery. There are two depositions scheduled, one involves Ms. Anderson for a short period of time in 2012-2013 and the other involves Mr. Groeber, covering his tenure at the board. The depositions are scheduled in January. There are tens of thousands of emails to review that need to be completed by that time. The AG's office has identified private counsel, Dan Malkoff, to assist and believes it will cost approximately \$12,000 maximum. He is available to start next week.

Dr. Schottenstein informed Ms. Anderson that \$12,000 would require a motion.

Ms. Anderson stated legal staff cannot get the review done by themselves, and is hoping to contract with Mr. Malkoff. Mr. Malkoff has quoted a competitive rate, and he did this same review work for the Pharmacy Board.

Dr. Saferin asked if \$12,000 is a final number and if it should be increased to \$15,000.

Ms. Anderson assured him the expected cost is a maximum of \$12,000.

Dr. Edgin moved to approve up to \$12,000 to encumber Mr. Malkoff as special counsel expert reviewer in preparation of the upcoming depositions. Dr. Saferin seconded the motion. All in favor. The motion carried.

ADJOURN

Dr. Saferin moved to adjourn the meeting. Dr. Edgin seconded the motion. Voice vote- all aye. The motion carried.

The meeting adjourned at 8:49 a.m.

Michael Schottenstein, M.D.
Chair

js/tp



POLICY COMMITTEE MEETING
December 11, 2019
30 East Broad Street, Columbus, OH 43215, Room 336

<p>Members: Amol Soin, MD Mark Bechtel, MD Betty Montgomery Sherry Johnson, DO Robert Giacalone</p> <p>Other Board Members present: Bruce Saferin, DPM Kim Rothermel, MD Richard Edgin, MD Michael Schottenstein, MD Jonathon Feibel, MD Harish Kakarala, MD</p>	<p>Staff: Stephanie Loucka, Executive Director Jill Reardon, Deputy Director Strategic Services Kim Anderson, Chief Legal Counsel Joan Wehrle, Education & Outreach Program Manager Rebecca Marshall, Chief Enforcement Attorney Jonithon LaCross, Director of Public Policy and Government Affairs</p>
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Dr. Soin called the meeting to order at 9:03 a.m.

Meeting Minutes Review

Dr. Soin reported that the draft minutes of the November 13, 2019 meeting had been distributed to the committee and were included in the agenda materials.

Dr. Bechtel moved to approve the draft minutes of the November 13, 2019 Policy Committee meeting. Ms. Montgomery seconded the motion. Motion carried.

Rules Review Update

Ms. Anderson referred to the report included in the agenda materials. She reported that several rule packages are under review at CSI. We received comments back from CSI regarding the PA rules and the consult rules. Ms. Anderson reported that those rules will be filed with JCARR in January.

Ms. Montgomery asked if the board is timely with the rules. Ms. Anderson reported that we are close. There are a few Respiratory Care rules beyond the five year timeline, but those have been filed with CSI. The light based medical device rules are our oldest pending rules and they remain at CSI because of antitrust review. Ms. Anderson reported that she gets periodic updates from the director of CSI about the status of those rules. Ms. Anderson said it is a difficult project and CSI knows that these rules are out of the five year review schedule.

Legislative Update

SB7 Temp State Occupational Licenses-Military

Regarding temporary state occupational licenses for members of the military and their spouses.

Mr. LaCross reported that conference committee met yesterday regarding this bill which addresses temporary state occupational licenses for members of the military and their spouses.

He reported that the bill had initially been almost a full license reciprocity bill. He worked with legislators to get compromise language that would require applicants to have to meet our licensure standards, however that was not successful.

Mr. LaCross said he reviewed the Arizona bill which was the basis for SB7. The Arizona bill had much stricter standards in it than what was contained in the Ohio bill. In Arizona, any applicant found to have unprofessional conduct or any actions, the regulatory board had the right to hold the application over. Mr. LaCross said he was able to get some of that language included in SB7. He does not have a hard copy of the bill language yet. Essentially, if the board finds any adverse information about the applicant through the licensure process, the board can delay the review of the application. Mr. LaCross said that the amendments to the bill would impact all regulatory agencies in the state.

Mr. LaCross said that he will share the bill as amended when it is available. The Senate bill went out of conference committee with amendments. HB133 is a companion version of the bill.

Dr. Schottenstein said that full reciprocity of a license held in another state had been our primary concern with the legislation. Mr. LaCross commented that the amendments include background checks and compliance with Ohio scope of practice.

Ms. Loucka stated that we will review the amended version of the bill, and if any language causes patient safety concerns, we can pursue amendments through other legislation if needed.

HB224 Nurse Anesthetists (CRNA bill)

Mr. LaCross reported that a substitute bill was introduced yesterday. The substitute bill contains amendments offered by professional associations. He'll send the updated bill to board members and agency leadership. He said the amendments state that the CRNA can only prescribe patient specific medication as indicated by the supervising physician.

Dr. Schottenstein asked about CRNAs using the term nurse anesthesiologist. Mr. LaCross said that issue was not addressed. He said this is an issue that may be discussed further by the board through policy committee.

Ms. Anderson said that we need to see and review the language of the substitute bill to see if it authorizes this title change in the bill. Mr. LaCross said the substitute bill does not include that authorization.

Mr. LaCross reported that other states have adopted position papers about CRNA use of the term anesthesiologist. Some CRNA professional associations have started using that term.

Ms. Montgomery asked if the board has authority to make statement that term anesthesiologist should only be for physicians. Dr. Soin commented that the board may have the ability to make the statement as long as it did not conflict with any laws/rules, however it may not be able to be enforced.

Ms. Anderson reported that the board has adopted position statements in the past. She also said that we should review the language of the substitute bill as well as what other states have done to address use of the term nurse anesthesiologist. Ohio law has a statute that defines the term physician, but it is not specialty specific.

Ms. Montgomery commented that using the term nurse anesthesiologist is really a misrepresentation, as the nurses are not doctors.

Mr. LaCross said that he has begun compiling information about how other states address this issue and he will report that information to the policy committee in January.

Dr. Schottenstein asked for a copy of the LSC analysis of the substitute bill as well.

House State and Local Government Committee Recommendations

Mr. LaCross reported that the House State and Local Government Committee put together a recommendation list addressing state licensure and state operations.

He said the recommendations want to change the CME volunteer hour issued discussed by the board in November. Another recommendation would move specific licensees from state licensure to national certification in order to practice. Specifically, cosmetic therapists, genetic counselors, acupuncturists and oriental medicine practitioners and radiologist assistants. He will provide information to the board about the recommendations for discussion in January. He asked for feedback from the board.

Dr. Saferin asked how any discipline could be imposed if a practitioner does not have a license. How does a national certification list protect the public? It was noted that the current legislative trend is for less licensure.

Ms. Loucka noted that we will keep reviewing licensure as a jobs related issue. She will be asking Mr. LaCross to get more information about licensure of allied practitioners throughout the country.

Dr. Schottenstein commented that the PA model of requiring national certification to be eligible for licensure could be a model for other professions.

Non-disciplinary Approach for Medical Illness

Dr. Feibel encouraged the board to consider a non-disciplinary approach for licensees with a medical illness that impacts their ability to practice.

Dr. Saferin said that the board's confidential monitoring program created last year was designed to address those concerns. Ms. Marshall provided information regarding the board's confidential monitoring program and the criteria used to determine if a licensee is eligible for the program.

Staff works closely with the Secretary and Supervising Member and she assured the committee that we've put all who meet the criteria into the program.

Through discussion, Ms. Marshall clarified that the laws in effect at time the licensee's conduct occurred are what are used in each case.

HB388 Out-Of-Network Healthcare

Dr. Soin asked if this bill was being tracked. Mr. LaCross said that it is being tracked and that the professional associations are currently discussing this bill.

HB 263 Revise Occupational License Restrictions for Former Criminals “The Fresh Start Act”

Dr. Soin asked if this bill has any impact on the board. Mr. LaCross said that the legislature reviewed regulatory boards who denied licensure to a candidate because the applicant had a criminal record. He said that the example often cited is that a person with a criminal record is not eligible to obtain a license to spread pesticides.

Mr. LaCross said the pharmacy board, nursing board, and medical board are working on potential amendments to the bill. He will share the proposed amendments with the board when the draft is finalized.

Currently, the bill requires a list of federal and state criminal violations that would disqualify someone from obtaining a licensure. It includes a few automatic disqualifiers such as a conviction for rape or murder. He said if the person has had a felony conviction more than five years ago, they may qualify for a license. Ms. Montgomery said the time clock starts at the time of the felony conviction not when the person completes probation or community control. She asked that the timing issue be reviewed.

Dr. Rothmel expressed concern about moral turpitude references not being included in the bill. She asked if the Medical Board could develop a strong statement that voices significant concerns about that omission, especially for physician licensees caring for patients.

Dr. Soin expressed appreciation for the robust discussion held this morning and the efforts of the board members to review and comment on pending legislation.

Dr. Soin summarized that follow-up reports regarding SB7, HB263, HB224 CRNA bill, and HB388 will be provided to the committee.

Statement Regarding Practice Closures

Ms. Anderson reported that the board has been approached by our partners at the Department of Health and the Department of Mental Health and Addiction Services about concerns with sudden closure of physician offices due to criminal charges or other sudden, unanticipated events. These closures leave large numbers of patients who are being prescribed controlled substances or medication assisted treatment without physicians to oversee their care. Physicians have concerns in taking over the prescribing for patients in these situations due to the prior prescriptions and the possible need to wean the patients from high doses.

She said that the Medical Board has developed detailed rules regarding prescribing of controlled substances and medication assisted treatment with a focus on patient safety. The board is aware of the challenges facing prescribers who are undertaking care of patients in the sudden office closure situations. In those situations, the board understands that the physician may have some patients for which the prescribing is not typical of their regular practice. The board expects the physician to appropriately document the rationale for medication choice and dosage and to make reasonable attempts to comply with all applicable laws and to adjust medications once the patient is stabilized.

She said the statement included in the agenda materials is an attempt to address these concerns. Ms. Anderson said the statement would be included in the prescriber resources on the board's website.

Dr. Bechtel said that doctors are afraid to prescribe pain medications to their own patients. He said it is very challenging for doctors when asked to care for new patients who had been given drugs from other doctors.

Dr. Feibel said the statement needs to be clear that the doctors will not face disciplinary action for caring for these patients and trying to adjust the patient's medication dosages.

Mr. Giacalone said that the prescribing has to be within the minimal standards of care.

Dr. Soin noted that it would be good to have statement that says as long as the licensee complies with the rules, they won't face disciplinary action by the board, but it should be a carefully crafted statement. Dr. Schottenstein said that documentation in the patient record is key. Dr. Feibel agreed that it has to be a clear statement, otherwise doctors won't take the risk of caring for those patients.

Board members realized that if a pain clinic closes, some patients may have higher MEDs and those patients can't be abruptly weaned from those dosages.

Dr. Soin asked if there was a way to redraft the statement to clearly state what a doctor can do so as not to face repercussions from the board. Ms. Montgomery suggested FAQs may be helpful.

Ms. Anderson said that the Medication Assisted Treatment (MAT) rules and the chronic pain rules will be reviewed to develop FAQs. She said that she will work with Dr. Soin to develop factual scenarios to replace a blanket statement.

Adjourn

Dr. Bechtel moved to adjourn the meeting. Motion seconded by Ms. Montgomery. Motion carried. The meeting adjourned at 10:00 a.m.

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