

**MINUTES****THE STATE MEDICAL BOARD OF OHIO****June 12, 2013**

Anita M. Steinbergh, D.O., President, called the meeting to order at 1:00 p.m. in the Administrative Hearing Room, 3<sup>rd</sup> Floor, the James A. Rhodes Office Tower, 30 E. Broad Street, Columbus, Ohio 43215, with the following members present: Kris Ramprasad, M.D., Vice President; J. Craig Strafford, M.D., Secretary; Mark A. Bechtel, M.D., Supervising Member; Lance A. Talmage, M.D.; Laurie O. Elsass; Donald R. Kenney, Sr.; Michael L. Gonidakis; and Sushil M. Sethi, M.D. The following member did not attend: Amol Soin, M.D.

Also present were: Kimberly Anderson, Interim Executive Director; Susan Loe, Assistant Executive Director, Program Management and Operations; Sallie J. Debolt, General Counsel; William J. Schmidt, Senior Counsel; Joan K. Wehrle, Education & Outreach Program Manager; Rebecca Marshall, Chief Enforcement Attorney; Marcie Pastrick, Mark Blackmer, Cheryl Pokorny, and Dennis Tenison, Enforcement Attorneys; Katherine Bockbrader, Melinda Snyder, and Heidi Dorn, Assistant Attorneys General; Gregory Porter, Acting Chief Hearing Examiner; Danielle Blue, Hearing Examiner; Alana Noward, Hearing Unit Assistant; Danielle Bickers, Compliance Supervisor; Annette Jones, Compliance Officer; Nicole Weaver, Chief of Licensure; Barbara Jacobs, Senior Executive Staff Attorney; Jacqueline A. Moore and Fonda Brooks, Public Information Assistants; and Benton Taylor, Executive Assistant to the Executive Director.

**MINUTES REVIEW**

**Ms. Elsass moved to approve the draft minutes of the May 8-9, 2013, Board meeting, as written. Dr. Bechtel seconded the motion.** All members voted aye. The motion carried.

**EXECUTIVE SESSION**

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

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion carried.

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

The Board returned to public session.

#### APPLICANTS FOR LICENSURE

**Dr. Talmage moved to approve for licensure, contingent upon all requested documents being received and approved in accordance with licensure protocols, the physician applicants listed in Exhibit "A," the physician assistant applicants listed in Exhibit "B," the massage therapy applicants listed in Exhibit "C," the acupuncturist applicants listed in Exhibit "D," the anesthesiologist assistant applicants listed in Exhibit "E," the Oriental medicine practitioner applicants listed in Exhibit "F," and to grant Certificates of Good Standing to the limited branch schools listed in exhibit "G." Dr. Bechtel seconded the motion. A vote was taken:**

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion carried.

#### REPORTS AND RECOMMENDATIONS

Dr. Steinbergh announced that the Board would now consider the Reports and Recommendations appearing on its agenda.

Dr. Steinbergh asked whether each member of the Board had received, read and considered the hearing records; the Findings of Fact, Conclusions of Law, Proposed Orders, and any objections filed in the matters of: Brenda L. Banks, M.D.; and Anyse Storey, M.D.

A roll call was taken:

ROLL CALL:	Dr. Strafford	- aye
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Dr. Bechtel	- aye
Ms. Elsass	- aye
Dr. Ramprasad	- aye
Dr. Steinbergh	- aye
Dr. Sethi	- aye
Dr. Talmage	- aye
Mr. Kenney	- aye
Mr. Gonidakis	- aye

Dr. Steinbergh asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation or permanent denial. A roll call was taken:

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

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

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

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

BRENDA L. BANKS, M.D., Case No. 13-CRF-001

Dr. Steinbergh directed the Board's attention to the matter of Brenda L. Banks, M.D. She advised that no objections were filed. Ms. Blue was the Hearing Examiner.

Dr. Steinbergh continued that a request to address the Board has been timely filed on behalf of Dr. Banks. Five minutes will be allowed for that address.

Dr. Banks was represented by her attorney, John Irwin, M.D.

Dr. Irwin stated that Dr. Banks is currently incarcerated at a federal correctional institution in West Virginia. Dr. Irwin stated that when Dr. Banks was before the Board in 2008, the Board mercifully stayed a permanent revocation of her medical license and imposed an indefinite suspension instead. That matter arose from Dr. Banks' involvement in the distribution of narcotics.

Dr. Irwin continued that the Board cited Dr. Banks a second time following her plea of guilty and conviction in federal court, for which she was sentenced to 48 months of imprisonment. Dr. Irwin stated that the purpose of requesting a hearing on the second citation was to point out the fact that Dr. Banks' conviction and the basis of the second citation, in essence, related to the same offensive conduct that the Board had considered in the first disciplinary action. Dr. Irwin asked the Board to be merciful once again and impose the same disciplinary action as in the first action. Dr. Irwin acknowledged that the Board has the authority to impose new disciplinary action as a result of Dr. Banks' federal conviction, but reiterated that the conviction related to the exact same misconduct as in the original discipline.

Dr. Irwin stated that he has represented hundreds, if not thousands, of physicians in his practice, some of whom have been incarcerated. Dr. Irwin stated that those who have no hope of redemption, of regaining any stature in their own minds or that of the community, do very poorly in prison. These individuals are often radicalized and do not come out of prison well. However, Dr. Irwin stated that those with the slightest hope of redemption and regaining their professional abilities at some point in the future have a reason to live and survive in prison. Dr. Irwin stated that these individuals do very well. Dr. Irwin stated that Dr. Banks is repentant, remorseful, and wishes to redeem herself. Dr. Irwin stated that if there is an opportunity, however remote, for Dr. Banks to come back to the Board following her imprisonment and prove herself worthy of relicensure by any means deemed appropriate by the Board, then the Board will have granted her some hope to survive.

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

Ms. Dorn opined that this case does not merit giving Dr. Banks a third chance. Ms. Dorn stated that the case currently before the Board is not one that the Board has taken action on under the same circumstances. Ms. Dorn stated that the first case before the Board involved Dr. Banks' surrender of her Drug Enforcement Administration (DEA) certificate; the Board did not allege any criminal conduct in that case. In fact, Dr. Banks denied any wrongdoing in that case and her attorney argued that Dr. Banks was "in the dark" as far as allegations of criminal conduct.

Conversely, this current case is based on Dr. Banks' December 5, 2012 plea of guilty and being found guilty in federal court for a felony count of acquiring and possessing a controlled substance by deception. Ms. Dorn stated that she could not say it any better than the judge in the federal case, who said:

Dr. Banks played a crucial role in the operation of the Sadler's pain clinic over several years. The evidence introduced at the Sadler's trial confirmed Dr. Banks' important role. By permitting the Sadlers to use her DEA license, Dr. Banks was responsible for large quantities of controlled substances, primarily hydrocodone and oxycodone, that were dispensed through the clinic. Dr. Banks prescribed

these drugs to so-called patients of the clinic whom she should have known were addicts and were improperly seeking access to narcotics. She should have known, but she overlooked it, ignored it, actively neglected to inquire. Without Dr. Banks' willing participation in the Sadlers' ongoing operation of the clinic, they would not have been able to obtain the controlled substances.

Ms. Dorn stated that this is a case of someone who has misused her license to practice medicine in a way that truly affected a community. Ms. Dorn stated that Dr. Banks should not be allowed to continue the practice of medicine. Ms. Dorn opined that the federal judge summarized it aptly when she said, "it is amazing that one person could be responsible for so much destruction."

Ms. Dorn stated that, based on these facts and the fact that Dr. Banks pleaded guilty to drug charges in federal court, she agrees with the Report and Recommendation and opined that Dr. Bank's medical license should be permanently revoked.

**Dr. Ramprasad moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Brenda L. Banks, M.D. Mr. Kenney seconded the motion.**

Dr. Steinbergh stated that she would now entertain discussion in the above matter.

Dr. Ramprasad stated that on April 27, 2012, Dr. Banks entered into a plea agreement in which she pleaded guilty to a felony charge. The court accepted the plea agreement and found Dr. Banks guilty of one count of Acquiring or Possessing a Controlled Substance by Deception. As part of the plea agreement, Dr. Banks acknowledged that, among other things, she permitted the owners and operators of the Ohio Medical Pain Management Clinic to order approximately 219,860 dosage units of controlled substances from two different distributors. Dr. Banks and the owners then distributed the medications among themselves to facilitate illegal resale to others by clinic employees. The controlled substances were ordered fraudulently through the use of fake identities at the clinic and by misrepresenting the purposes of the order to the distributors.

Dr. Ramprasad stated that Dr. Banks played a crucial role in operating the pain clinic over several years by permitting her DEA license to be used to obtain drugs. Dr. Ramprasad stated that Dr. Banks was responsible for large quantities of controlled substances, primarily hydrocodone and oxycodone, being dispensed through the clinic. Dr. Ramprasad stated that Dr. Banks adversely affected many lives and participated in the distribution of drugs over a four to five year period.

Dr. Ramprasad stated that he agrees with the Findings of Fact, Conclusions of Law, and the proposed order of permanent revocation.

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

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Ms. Elsass	- aye

Dr. Ramprasad	- aye
Dr. Steinbergh	- aye
Dr. Sethi	- aye
Dr. Talmage	- abstain
Mr. Kenney	- aye
Mr. Gonidakis	- aye

The motion to approve carried.

ANYSE J. STOREY, M.D., Case No. 13-CRF-005

Dr. Steinbergh directed the Board's attention to the matter of Anyse J. Storey, M.D. She advised that no objections were filed. Ms. Blue was the Hearing Examiner.

**Dr. Ramprasad moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Anyse J. Storey, M.D. Mr. Kenney seconded the motion.**

Dr. Steinbergh stated that she would now entertain discussion in the above matter.

Dr. Steinbergh stated that Dr. Storey, a urologist in Toledo, was summarily suspended by the Board on January 9, 2013, while she was undergoing a 28-day inpatient treatment program.

Dr. Steinbergh stated that at 7:30 am on December 6, 2012, Dr. Storey and a junior resident performed a cystoscopy and placed a stent in a patient without incident at Toledo Hospital. The operative time was about 30 to 45 minutes. At approximately 12:30 pm that day, Dr. Storey was informed by Brian Kaminski, D.O., President of Medical Staff at Toledo Hospital, that a nurse from her 7:30 am surgery had filed an incident report against her. The nurse had indicated that Dr. Storey had a wobbly gait, her breath smelled like wintergreen, and she had a bruise on her right forearm. Dr. Kaminski also mentioned that another incident report had been filed against Dr. Storey approximately two years previously and no action had been taken at that time. Dr. Storey denied consuming any alcohol on the evening of December 5 or the morning of Dec. 6 and denied taking any pain medication. Dr. Storey testified that she offered to immediately have her blood drawn and provide a urine specimen to Dr. Kaminski, but he declined her offer and advised her to cancel her cases at Toledo Hospital for the next day.

Dr. Steinbergh noted that, regarding the nurse's allegations, Dr. Storey stated that she had used peppermint-flavored mouthwash that morning and she occasionally limps due to osteoarthritis in her right knee. Dr. Storey further stated that she had not been aware of the bruise on her forearm, but surmised that she had bruised it while recently moving into her new home. Dr. Steinbergh stated that there is no evidence that there was an unusual or aggravated relationship between Dr. Storey and the nurse who filed the two incident reports and that they rarely worked together.

Dr. Steinbergh continued that, at Dr. Kaminski's request, Dr. Storey agreed to voluntarily give up her privileges at Toledo Hospital pending investigation of the reported incident. On December 11, 2012, Dr. Kaminski informed Dr. Storey that the hospital's Disruptive Impaired Practitioner Committee had

recommended that she be evaluated for possible impairment by Arrowhead Behavioral Health. The committee had also recommended that Dr. Storey be evaluated by a board-certified neurologist. Dr. Storey complied with the committee's recommendations.

By December 13, 2012, Dr. Storey became aware that the staff at Toledo Hospital had released this information to other hospitals in the area, which would affect Dr. Storey's privileges at those hospitals. This news devastated Dr. Storey and she became very emotional because this would literally close her practice. Two of Dr. Storey's staff members came to her aid. One staff member, who had been prescribed a sedative benzodiazepine, offered some of her medication to Dr. Storey. Dr. Storey testified that she accepted the sedative, which was detected in subsequent evaluations. This led to the belief that Dr. Storey may be abusing drugs.

Dr. Steinbergh stated that on December 17, 2012, Dr. Storey had a very normal neurological examination by Khalid Mahmood, M.D., a board-certified neurologist. Dr. Mahmood knew Dr. Storey and knew her to always have a limp due to her arthritis. Dr. Mahmood had always felt that Dr. Storey was very professional and he never saw any problems with her practice. The neurological examination found no concerns.

Also on December 17, 2012, Dr. Storey was evaluated by a team at Arrowhead, who felt that she was impaired and recommended 28 days of inpatient treatment, which Dr. Storey complied with. Dr. Storey also reported that she consumed about two glasses of wine with dinner up to four times per week. Dr. Storey denied any history of blackouts, withdrawal seizures, or consequences from her drinking. Dr. Storey stated that she only drank on nights when she was not on call.

Dr. Steinbergh stated that during her 28-day inpatient treatment, Dr. Storey underwent a psychiatric evaluation by Kenneth Adler, M.D., a psychiatrist and addictionologist. Dr. Adler subsequently diagnosed Dr. Storey with alcohol and benzodiazepine abuse. Dr. Steinbergh noted that, according to Dr. Storey's testimony, she did not see any physician at Arrowhead until she saw Dr. Adler three days into her treatment.

Dr. Steinbergh stated that during the hearing, Dr. Adler, acting as the State's witness, was not certain that his diagnosis of Dr. Storey was appropriate. Two experts testified on behalf of Dr. Storey, Craig Pratt, M.D., and Lurley Archambeau, M.D., both of whom are board-certified psychiatrists as well as addictionologists. Both Dr. Archambeau and Dr. Pratt testified that Dr. Storey was not impaired, though they recognized that Dr. Storey exercised poor judgment by taking benzodiazepines from someone not licensed to prescribe to her. Dr. Storey took that medication for purposes of being sedated from her anxiety over this situation, which was very aggravating.

Dr. Steinbergh stated that she agrees with the Findings of Fact and Conclusions of Law. Dr. Steinbergh opined that the Board was substantially justified in issuing the Notice of Summary Suspension because of Dr. Adler's report to the Board. Dr. Steinbergh stated that she agrees with the proposed order of dismissal.

Dr. Talmage stated that, although Dr. Adler has been described as an addictionologist, he testified in hearing that he is a general psychiatrist and is not an addictionologist. Dr. Talmage opined that this further

discounts Dr. Adler's testimony in the face of two recognized addictionologists.

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

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to approve carried.

#### FINDINGS, ORDERS, AND JOURNAL ENTRIES

Dr. Steinbergh advised that in the following matters, the Board issued Notices of Opportunity for Hearing, and documentation of service was received for each. There were no requests for hearing filed, and more than 30 days have elapsed since the mailing of the Notices. The matters are therefore before the Board for final disposition. Dr. Steinbergh stated that these items are not disciplinary in nature, and therefore all Board members may vote.

#### JEFFREY JOHNSON BARROWS, D.O., Case No. 13-CRF-028

**Dr. Bechtel moved to find that the allegations as set forth in the April 16, 2013 Notice in the matter of Dr. Barrows have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective upon mailing, approving his application for restoration of his license to practice osteopathic medicine and surgery in the state of Ohio, provided that Dr. Barrows takes and passes the Comprehensive Osteopathic Medical Variable-Purpose Examination (COMVEX) or the American Osteopathic Association (AOA) obstetrics and gynecology examination within one year of April 16, 2013. Dr. Strafford seconded the motion.**

Dr. Steinbergh stated that she would now entertain discussion in the above matter.

Mr. Kenney stated that Dr. Barrows was first licensed by the Medical Board in 1979. In February 2011, Dr. Barrows requested that his license be placed in emeritus status and his request was granted. In March 2013, Dr. Barrows applied for restoration of his license and that application remains pending.

Mr. Kenney recommended approval of Dr. Barrow's application, pending successful completion of the COMVEX or the AOA obstetrics and gynecology examination within one year of April 16, 2013.

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

ROLL CALL:

Dr. Strafford	- aye
Dr. Bechtel	- aye
Ms. Elsass	- aye
Dr. Ramprasad	- aye
Dr. Steinbergh	- aye
Dr. Sethi	- aye
Dr. Talmage	- aye
Mr. Kenney	- aye
Mr. Gonidakis	- aye

The motion carried.

TERESA LORRAINE COOPER, Case No. 13-CRF-031

**Dr. Talmage moved to find that the allegations as set forth in the April 22, 2013 Notice in the matter of Ms. Cooper have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective upon mailing, denying her application for a license to practice massage therapy in the state of Ohio. Dr. Bechtel seconded the motion.**

Dr. Steinbergh stated that she would now entertain discussion in the above matter.

Dr. Talmage stated that there are three methods by which an application for a massage therapy license can be approved: Graduating from an approved massage therapy school; graduating from a school in which the applicant received 750 hours of instruction over a nine-month period; or holding a massage therapy license in another state for at least the previous five years. Dr. Talmage stated that Ms. Cooper did not attend an approved massage therapy school, only received 600 hours of instruction over a 6 month period, and has only been licensed as a massage therapist in North Carolina since July 2012. Therefore, Ms. Cooper does not meet the requirements for licensure in Ohio.

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

ROLL CALL:

Dr. Strafford	- aye
Dr. Bechtel	- aye
Ms. Elsass	- aye
Dr. Ramprasad	- aye
Dr. Steinbergh	- aye
Dr. Sethi	- aye
Dr. Talmage	- aye
Mr. Kenney	- aye
Mr. Gonidakis	- aye

The motion carried.

KARA LEE DELASHMIT, C.T., Case No. 13-CRF-029

**Dr. Ramprasad moved to find that the allegations as set forth in the April 15, 2013 Notice in the matter of Ms. DeLashmit have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective upon mailing, approving her application for restoration of her license to practice cosmetic therapy in the state of Ohio, provided that Ms. DeLashmit takes and passes the Cosmetic Therapy practical examination within six months of April 15, 2013. Dr. Bechtel seconded the motion.**

Dr. Steinbergh stated that she would now entertain discussion in the above matter.

Mr. Gonidakis stated that Ms. Delashmit has applied to restore her cosmetic therapy license, which expired in 2009. Ms. Delashmit has not been engaged in the practice of cosmetic therapy for more than two years. Mr. Gonidakis stated that he agrees with the proposed order.

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

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion carried.

NICOLE ANN ELLIS, M.T., Case No. 13-CRF-027

**Ms. Elsass moved to find that the allegations as set forth in the April 15, 2013 Notice in the matter of Ms. Ellis have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective upon mailing, approving her application for restoration of her license to practice massage therapy in the state of Ohio, provided that Ms. Ellis takes and passes the Massage and Bodywork Licensing Examination (MBLEX) within six months of April 15, 2013. Dr. Talmage seconded the motion.**

Dr. Steinbergh stated that she would now entertain discussion in the above matter.

Ms. Elsass stated that Ms. Ellis' massage therapy license lapsed in August 2009 for non-renewal. Ms. Ellis submitted an application for restoration in 2013, which is still pending. Ms. Ellis has not been engaged in the practice of massage therapy in more than two years.

A vote was taken on Ms. Elsass' motion:

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion carried.

SHANNON MICHELLE PRATT, Case No. 13-CRF-017

**Dr. Talmage moved to find that the allegations as set forth in the March 18, 2013 Notice in the matter of Ms. Pratt have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective upon mailing, denying her application for a license to practice massage therapy in the state of Ohio. Dr. Ramprasad seconded the motion.**

Dr. Steinbergh stated that she would now entertain discussion in the above matter.

Dr. Talmage stated that Ms. Pratt graduated in 2009 from a school not approved by the State Medical Board of Ohio. Ms. Pratt had only 500 hours of instruction over an 8-month period, which does not meet the Board's standards. Mr. Pratt was issued a massage therapy license in Texas in April 2012, which is below the Board's requirement that an out-of-state massage therapy license be held for five years to be licensed in Ohio. Dr. Talmage stated that it would be appropriate to deny Ms. Pratt's application.

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

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion carried.

OF IMMEDIATE SUSPENSIONOBIANUJU GENEVIEVE AGUOLU, M.D. – CITATION LETTER

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

**Dr. Ramprasad moved to send the Citation Letter to Dr. Aguolu. Ms. Elsass seconded the motion.**

A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to send carried.

ABDULRAHIM AL-AWASHEZ, M.D. - CITATION LETTER

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

**Dr. Ramprasad moved to send the Citation Letter to Dr. Al-Awashez. Ms. Elsass seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to send carried.

TONI LOUISE CARMAN, M.D. - CITATION LETTER

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

**Dr. Ramprasad moved to send the Citation Letter to Dr. Carman. Ms. Elsass seconded the motion.**

A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- abstain
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to send carried.

TONY E. NOLAND – CITATION LETTER

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

**Dr. Ramprasad moved to send the Citation Letter to Mr. Noland. Ms. Elsass seconded the motion.**

A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to send carried.

DEBORAH S. LUBITZ, M.D. – CITATION LETTER

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

**Ms. Elsass moved to send the Citation Letter to Dr. Lubitz. Dr. Ramprasad seconded the motion. A**

vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- abstain
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to send carried.

DONALD R. SAVAGE, JR., M.D. – CITATION LETTER

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

**Dr. Ramprasad moved to send the Citation Letter to Dr. Savage. Ms. Elsass seconded the motion. A vote was taken:**

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- abstain
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to send carried.

CASEY R. SHERBOURNE – CITATION LETTER

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

**Dr. Ramprasad moved to send the Citation Letter to Ms. Sherbourne. Ms. Elsass seconded the motion. A vote was taken:**

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain

Ms. Elsass	- aye
Dr. Ramprasad	- aye
Dr. Steinbergh	- aye
Dr. Sethi	- aye
Dr. Talmage	- aye
Mr. Kenney	- aye
Mr. Gonidakis	- aye

The motion to send carried.

#### RATIFICATION OF SETTLEMENT AGREEMENTS

##### REGIS BURLAS, D.O. – SUPERSEDING STEP I CONSENT AGREEMENT

**Dr. Ramprasad moved to ratify the Proposed Superseding Step I Consent Agreement with Dr. Burlas. Ms. Elsass seconded the motion. A vote was taken:**

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- abstain
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to ratify carried.

##### ALBERT J. WEISBROT, M.D. – CONSENT AGREEMENT

**Dr. Ramprasad moved to ratify the Proposed Consent Agreement with Dr. Weisbrot. Ms. Elsass seconded the motion. A vote was taken:**

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- abstain
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to ratify carried.

PHILICIA S. DUNCAN, M.D. – STEP I CONSENT AGREEMENT

**Dr. Ramprasad moved to ratify the Proposed Step I Consent Agreement with Dr. Duncan. Ms. Elsass seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- abstain
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to ratify carried.

YASHWANT B. GIRI, M.D. – PERMANENT SURRENDER OF CERTIFICATE

**Dr. Ramprasad moved to ratify the Proposed Permanent Surrender with Dr. Giri. Ms. Elsass seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- abstain
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to ratify carried.

I. PRAVEEN KUMAR, M.D. – CONSENT AGREEMENT

**Dr. Ramprasad moved to ratify the Proposed Consent Agreement with Dr. Kumar. Ms. Elsass seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Ms. Elsass	- aye

Dr. Ramprasad	- aye
Dr. Steinbergh	- aye
Dr. Sethi	- aye
Dr. Talmage	- abstain
Mr. Kenney	- aye
Mr. Gonidakis	- aye

The motion to ratify carried.

VINCENT J. KEISER, M.D. – STEP I CONSENT AGREEMENT

**Dr. Ramprasad moved to ratify the Proposed Step I Consent Agreement with Dr. Keiser. Ms. Elsass seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- abstain
	Mr. Gonidakis	- aye

The motion to ratify carried.

WENDY A. MILLIS, M.D. – STEP II CONSENT AGREEMENT

**Ms. Elsass moved to ratify the Proposed Step II Consent Agreement with Dr. Millis. Dr. Ramprasad seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to ratify carried.

WILLIAM FRANCIS POPOVICH, M.D. – STEP II CONSENT AGREEMENT

**Dr. Ramprasad moved to ratify the Proposed Step II Consent Agreement with Dr. Popovich. Ms. Elsass seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- abstain
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to ratify carried.

Dr. Ramprasad asked, when a physician is required to obtain evaluations from two physicians before returning to practice, if the two physicians are also the treating physicians. Ms. Marshall replied that it depends on the wording of the consent agreement, but typically one of the assessors is allowed to be the treating physician unless the Secretary and Supervising Member has reason to not approve that.

Mr. Kenney asked if the assessors have personal liability to the Board or anyone else. Ms. Marshall replied that the assessors have the same liability as they have in practicing medicine in general. Mr. Kenney asked if the assessors have a contractual liability to the Board for giving information that causes the Board to vote in a certain way. Ms. Marshall stated that there is no contractual obligation because the assessors are approved by the Board as being appropriate. Ms. Marshall stated that as long as the assessor acts in good faith, there should be no liability. Mr. Kenney asked about cases in which the assessor acts in good faith, but is incorrect and the physician relapses. Ms. Marshall replied that it depends on the facts and whether the assessor made the opinion in good faith. Ms. Marshall noted that the Board occasionally receives evaluations in which the physician is not approved to return to practice.

EMMETT EDWIN WHITAKER, III, M.D. – PROBATIONARY CONSENT AGREEMENT

**Dr. Ramprasad moved to ratify the Proposed Probationary Consent Agreement with Dr. Whitaker. Ms. Elsass seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye

Mr. Gonidakis - aye

The motion to ratify carried.

BDL, M.D. – CONSENT AGREEMENT

**Dr. Ramprasad moved to ratify the Proposed Consent Agreement with BDL, M.D. Ms. Elsass seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- abstain
	Mr. Kenney	- aye
	Mr. Gonidakis	- nay

The motion to ratify did not carry.

Mr. Gonidakis stated that he is not certain as to why this proposed Consent Agreement goes below the Board disciplinary guidelines. Ms. Marshall stated that she cannot discuss this particular case, but stated that when the Secretary and Supervising Member set discipline, some of the things they look at are potentially mitigating circumstances. Ms. Marshall stated that in this case, the conduct in question is several years old and there is no indication of any other problem or a pattern of behavior. Ms. Marshall stated that the conduct was limited to one patient and the physician went to Vanderbilt University to voluntarily take a comprehensive course. Mr. Gonidakis thanked Ms. Marshall for that information.

MICHELE HANLON, L.M.T.. – CONSENT AGREEMENT

**Ms. Elsass moved to ratify the Proposed Consent Agreement with Ms. Hanlon. Dr. Ramprasad seconded the motion.**

Dr. Steinbergh stated that she will now entertain discussion in the above matter.

Dr. Talmage commented that it is noted that the practitioner was “unaware” that her license was expired, as it does in other agreements of this nature. Dr. Talmage opined that this is disingenuous and anyone with a license should be aware if it expires. Dr. Talmage stated that the fact that she continued to practice without a license was not accidental, it was careless. Dr. Talmage opined that the word “unaware” is a poor choice of terms and asked that it be eliminated in future agreements.

Dr. Ramprasad exited the meeting at this time.

Ms. Marshall agreed that the word “unaware” can be removed in future agreements of this nature. Ms. Marshall stated that practitioners in this situation almost universally claim that they did not know that they had not renewed their license.

Dr. Sethi suggested that the Board turn down the proposed Consent Agreement and let the practitioner reapply. That way, she will never forget to renew her license. Ms. Marshall stated that the practitioner currently has an application pending that must be dealt with. Ms. Marshall stated that if the Board rejects the proposed Consent Agreement, the application will remain pending and the case will have to be handled in some other manner, at the direction of the Secretary and Supervising Member.

Dr. Talmage agreed with the proposed Consent Agreement, which will restore the practitioner’s massage therapy license, suspend it for 60 days, and impose probationary terms for a minimum of two years. Dr. Talmage stated that he only wanted to see the wording of such agreements changed in the future.

Dr. Steinbergh stated that, although she gave approval as President to this agreement, she feels that the Board is much more lenient in these matters than it had been in the past. Dr. Steinbergh stated that it is unacceptable to her when a massage therapist practices unlicensed for two or three years because they forgot to renew. Dr. Steinbergh stated that if a physician was in a similar situation, the Board would not be having the same discussion. Dr. Steinbergh stated that individuals licensed by the Board must have respect for their license.

Dr. Strafford stated that as Secretary and Supervising Member, he and Dr. Bechtel have looked into these situations regarding the unlicensed practice of massage therapy with some diligence in recent months. One response he frequently hears is that, unlike physicians, massage therapists move frequently and often only practice massage therapy on a part-time basis. The renewal application is mailed to them by the Board six months in advance and it is often forgotten. Dr. Strafford stated that if the Board directs him and Dr. Bechtel to be more intent with the letter of the rule, then they will do that when approving consent agreements to come before the Board.

Mr. Kenney stated that massage therapist should covet their licenses and act accordingly. Otherwise, Mr. Kenney felt that there should be more of a penalty than what is in this proposed Consent Agreement.

A vote was taken on Ms. Elsass’s motion to ratify:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Ms. Elsass	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- nay
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to ratify did not carry.

Dr. Ramprasad returned to the meeting at this time.

**Ms. Elsass moved to reconsider the proposed Consent Agreement with Michele Hanlon, L.M.T. Dr. Talmage seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- nay
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to reconsider carried.

**Ms. Elsass moved to ratify the Proposed Consent Agreement with Ms. Hanlon. Dr. Ramprasad seconded the motion.**

Dr. Steinbergh stated that she will now entertain discussion in the above matter.

Mr. Kenney asked to hear why Dr. Sethi voted against ratification to see if he might agree with Dr. Sethi. Dr. Sethi opined that massage therapists should show respect to their license and know what is required. Dr. Sethi stated that it is unacceptable to practice beyond the expiration of the license. Ms. Marshall noted that, if the Board ratifies the agreement, it is a public action that is posted on the Board's website and reported to anyplace the practitioner may work or have privileges, so there are consequences to this action.

Ms. Anderson stated that some years ago, there were several citations issued in cases involving the unlicensed practice of massage therapy. When the first one came before the Board, the Board issued a Board Order with the same sanction as is seen in the current proposed Consent Agreement. The same or similar sanctions were imposed in the other cases. Since that time, it was much more expedient for the Board staff and the Board to handle these situations in a negotiated consent agreement with that sanction. However, it appears that the current Board is less comfortable with that, and the staff can adjust accordingly. Dr. Steinbergh agreed that as the Board membership changes, the Board's opinion also changes and can provide guidance to the Secretary and Supervising Member.

Dr. Talmage commented that it is not accurate to suggest that the proposed Consent Agreement is without consequence. Dr. Talmage noted that the practitioner has not practiced since she admitted to not being licensed, and this agreement will suspend her license for an additional two months. Dr. Talmage stated that this represents a significant economic consequence, and whether it is a sufficient consequence is for the Board to discuss and decide.

Mr. Kenney asked if the best way to indicate that the Board is not satisfied with these agreements is to reject this proposed Consent Agreement. Ms. Marshall replied that the Board has provided a lot of input for both the staff and the Secretary and Supervising Member and that the staff always strives to give the Board what it wants. Ms. Marshall stated that the message has been received, whether the Board chooses to ratify this proposed Consent Agreement or not.

Ms. Marshall stated that this proposed Consent Agreement is below the Board's disciplinary guidelines because practicing massage therapy without a license is a felony, and the disciplinary guidelines for committing a felony in the course of practice is permanent revocation or permanent surrender. Ms. Marshall asked for further guidance, noting that it will be very difficult to negotiate consent agreements if the staff cannot go offer a sanction less than permanent surrender.

Dr. Steinbergh opined that this topic should be discussed in a committee and presented to the Board for further discussion. Ms. Anderson suggested that the Group 2 Committee would be appropriate, as this discussion may result in a revision of the disciplinary guidelines.

Mr. Gonidakis opined that this current proposed Consent Agreement should be ratified rather than rejected just to make a point.

A vote was taken on Ms. Elsass' motion to ratify:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion to ratify carried.

#### KENDRA N. VON DER EMBSE, D.O. – STEP I CONSENT AGREEMENT

**Dr. Talmage moved to ratify the Proposed Step I Consent Agreement with Dr. Von Der Embse. Dr. Ramprasad seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- abstain
	Dr. Sethi	- aye

Dr. Talmage	- aye
Mr. Kenney	- aye
Mr. Gonidakis	- aye

The motion to ratify carried.

**Ms. Elsass moved to table this topic in case of possible additional settlement agreements. Dr. Ramprasad seconded the motion.** All members voted aye. The motion carried.

#### REINSTATEMENT REQUEST

##### BRUCE S. KAY, M.D.

Dr. Ramprasad stated that he has great concerns about Dr. Kay and his assessment. Dr. Ramprasad stated that Dr. Kay performed in the bottom 4% of the projected scores. The evaluation findings stated that Dr. Kay's overall judgment appears to be "fair." On his test, Dr. Kay was able to recite six digits forwards inconsistently and five digits backwards inconsistently. On rapid visual scanning and symbol substitution, Dr. Kay scored in the average range. Dr. Ramprasad acknowledged that Dr. Kay passed the evaluation, but just barely. Dr. Ramprasad opined that Dr. Kay's practice plan should be well-structured with regards to monitoring and chart review, and he may need more frequent office conferences.

Dr. Steinbergh agreed with Dr. Ramprasad. Dr. Steinbergh stated that this concerns minimal standards of practice, and that is essentially what the evaluation findings show. Dr. Steinbergh commented that she was pleased with the thoroughness of the evaluation and the summary.

**Dr. Ramprasad moved that the request for the reinstatement of the license of Bruce S. Kay, M.D., be approved, subject to the probationary terms and conditions as outlined in the July 11, 2012 Board Order, for a minimum of three years. Mr. Kenney seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- abstain
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion carried.

The Board took a brief recess at 2:55 p.m. and returned at 3:20 p.m. Ms. Elsass was not present when the meeting resumed.

PROBATIONARY APPEARANCESRICHARD DAVID GRECZANIK, D.O.

Dr. Greczanik was making his final appearance before the Board pursuant to his request for release from the terms of his June 11, 2008 Consent Agreement. Ms. Bickers reviewed Dr. Greczanik's history with the Board.

Dr. Steinbergh noted that Dr. Greczanik is currently practicing family medicine. Dr. Greczanik agreed and stated that he also does some urgent care at his practice. Dr. Steinbergh asked if Dr. Greczanik has signed an agreement with the Ohio Physician's Health Program (OPHP). Dr. Greczanik replied that he has signed an agreement with OPHP and will continue to be monitored by them when he is released from his Consent Agreement.

Dr. Steinbergh asked Dr. Greczanik to discuss his recovery and his commitment to wellness. Dr. Greczanik stated that his recovery is going very well. Dr. Greczanik stated that the Board played a large role in saving his life because if he didn't have close monitoring and the requirement for inpatient treatment, he does not believe he would be alive today. Dr. Greczanik stated that he has a much greater zest for life and he plans to continue doing what he is doing. Dr. Greczanik stated that overconfidence is one of the paths to relapse, so he will be humble and do the things he does every day to stay sober. Dr. Steinbergh commented that continuing to be monitored is like an investment in Dr. Greczanik's future. Dr. Greczanik agreed.

Dr. Steinbergh asked if Dr. Greczanik's depression is under control. Dr. Greczanik replied that his depression is much better, noting that his depression medications have been reduced significantly since he last appeared before the Board. Dr. Greczanik stated that he continues to talk with his psychologist once per week. Dr. Steinbergh asked about Dr. Greczanik's family support. Dr. Greczanik stated that his family support is excellent and he has gotten married since his last appearance. Dr. Greczanik stated that he now has a 13-month-old son who is a blessing to him.

**Dr. Ramprasad moved to release Dr. Greczanik from the terms of his June 11, 2008 Consent Agreement. Mr. Kenney seconded the motion.** All members voted aye. The motion carried.

CHRISTOPHER S. CROOM, M.D.

Dr. Croom was making his initial appearance before the Board pursuant to the terms of his March 13, 2013 Consent Agreement. Ms. Bickers reviewed Dr. Croom's history with the Board.

Dr. Ramprasad commented that Dr. Croom's experience has been a long battle. Dr. Croom agreed and stated that he had a good recovery until about one year ago, when he became non-compliant with what had kept him healthy.

Responding to Dr. Ramprasad, Dr. Croom stated that the explanation he gives is not an excuse and that the bottom line is that he is an alcoholic who was not compliant. Dr. Croom explained that his wife has

multiple medical problems which further deteriorated about four years ago. At about the same time, Dr. Croom accepted a position as Chief of Staff at Miami Valley Hospital. Because of her chronic medical conditions, Dr. Croom's wife became more isolated and Dr. Croom became her primary emotional support. With that, plus the work at the hospital, Dr. Croom slowly stopped doing the things he had done, such as attend AA meetings and work with a sponsor. Dr. Croom stated that part of his recovery had been being emotionally honest with people, but he could not admit that he was not doing well when people kept complimenting him on handling his work along with his personal life. Dr. Croom stated that he ended up doing something insane, and he is now back before the Board.

Dr. Ramprasad asked if Dr. Croom had been working as a CEO or practicing as a physician. Dr. Croom answered that he had been practicing part-time and his Chief of Staff position was about a 20-hour-per-week commitment.

Dr. Ramprasad asked if Dr. Croom found his 28-day treatment to be useful. Dr. Croom replied that his treatment was very useful because he needed some time away. Dr. Croom stated that he had been brought into the emergency department of the hospital where he was Chief of Staff and he needed to be resuscitated. Dr. Croom found this to be a humbling experience. Dr. Croom stated that he had not realized how dysfunctional his home life had become. Dr. Croom stated that he also learned new information about the disease of addiction, which he found helpful.

Dr. Ramprasad asked how Dr. Croom's wife is doing. Dr. Croom answered that his wife is doing better and was been diagnosed with a common immune deficiency about six months ago. Dr. Croom stated that he and his wife are working on their relationship and are in couples therapy.

Dr. Steinbergh asked when Dr. Croom's sobriety date is. Dr. Croom replied that his sobriety date is February 13, 2013. Dr. Steinbergh asked if Dr. Croom has seen a psychiatrist. Dr. Croom replied that he saw a psychiatrist while in treatment and no underlying pathology was detected. Dr. Croom stated that he is currently seeing a therapist to deal with the situation of chronic illness in his family. Dr. Croom stated that he is not currently taking any medications.

Dr. Steinbergh asked if Dr. Croom understands his Consent Agreement. Dr. Croom replied that he understands his Consent Agreement and expressed gratitude that the Board is giving him the opportunity to practice medicine in Ohio again.

**Dr. Ramprasad moved to continue Dr. Croom under the terms of his March 13, 2013 Consent Agreement. Dr. Bechtel seconded the motion.** All members voted aye. The motion carried.

JENNIFER J. FURIN, M.D.

Dr. Furin was making her initial appearance before the Board pursuant to the terms of her January 9, 2013 Consent Agreement. Ms. Bickers reviewed Dr. Furin's history with the Board.

Dr. Ramprasad recalled that Dr. Furin had done good work in Africa. Dr. Ramprasad also recalled that Dr. Furin missed the last meeting with the Board because she was in treatment. Dr. Furin stated that she

completed a 28-day program at the Center for Chemical Addictions and Treatment in Cincinnati on May 6. Dr. Ramprasad noted that Dr. Furin had had similar treatment in Massachusetts. Dr. Furin agreed, but stated that her treatment in Massachusetts had not been 28 days of inpatient treatment. Dr. Furin stated that she had been undergoing treatment for post-traumatic stress disorder at that time following an assault she suffered in Africa.

Dr. Furin continued that when she relapsed, she reported it immediately to the Board. However, because Dr. Furin had not completed a full 28-day inpatient program, her medical license was suspended. Dr. Furin found her 28-day treatment to be a wonderful experience and she had been able to think about things that she had not thought about during her initial treatment. Dr. Furin stated that she is enrolled in aftercare and she has submitted the two evaluations that she is fit to practice medicine again, along with all the documentation necessary to have her license reinstated.

Responding to Dr. Ramprasad, Dr. Furin stated that an error in the documentation published on the Board's website stated that Dr. Furin had been convicted of felony drug trafficking, which was not the case. That information was seen by Dr. Furin's university. It was clarified that that was mistakenly published, but unfortunately Dr. Furin's academic appointment will not be renewed on July 1.

Dr. Ramprasad asked what Dr. Furin will be doing. Dr. Furin responded that she has been doing some consulting work for the World Health Organization and the Centers for Disease Control. Dr. Furin is also looking for other job options.

Dr. Ramprasad asked if Dr. Furin is taking any medications. Dr. Furin replied that she is not on any medications. Dr. Ramprasad asked if Dr. Furin has good family support. Dr. Furin replied that she has wonderful community support, she attends five AA meetings per week, she has a sponsor, and her sister has been incredibly supportive. Dr. Furin stated that she feels happy and humble in her recovery.

Dr. Steinbergh asked when Dr. Furin's sobriety date is. Dr. Furin replied that her sobriety date is July 21, 2012. Dr. Steinbergh stated that many physicians ultimately thank the Board for its intervention, though they may not appreciate it at the beginning of the process. Dr. Furin stated that she is already feeling the same way. Dr. Furin stated that in January, she had been somewhat frustrated by the Board's 28-day rule, but found her 28-day treatment to be a wonderful thing. Dr. Furin commented that she continues to work with the Ohio Physician's Health Program, as she has since 2010.

Dr. Ramprasad asked if Dr. Furin had any questions for the Board. Dr. Furin replied that she had no questions.

**Dr. Ramprasad moved to continue Dr. Furin under the terms of her January 9, 2013 Consent Agreement. Dr. Bechtel seconded the motion.** All members voted aye. The motion carried.

ALEXANDER C. HALKIAS, M.D.

Dr. Halkias was making his initial appearance before the Board pursuant to the terms of his March 13, 2013 Consent Agreement. Ms. Bickers reviewed Dr. Halkias' history with the Board.

Dr. Steinbergh asked when Dr. Halkias' sobriety date is. Dr. Halkias replied that his sobriety date is January 14, 2013. Dr. Steinbergh asked what Dr. Halkias is doing in terms of his recovery. Dr. Halkias answered that after his discharge from Glenbeigh on April 27, he has been attending three to seven meetings per week. Dr. Halkias also has a sponsor and a home group. Dr. Halkias stated that he has been compliance with FirstLab testing. Dr. Halkias stated that currently, due to his job situation, he is trying to get approval of COBRA coverage, which should happen by the end of this week. After that approval, Dr. Halkias will be able to start aftercare.

Dr. Steinbergh asked about Dr. Halkias' family support. Dr. Halkias stated that his family has been more supportive than he could have asked for. Dr. Halkias stated that he also has a significant other who is also a physician in Cleveland and has been attending Al-Anon meetings.

Dr. Ramprasad asked what Dr. Halkias will be doing, noting that he is permanently restricted from practicing anesthesia. Dr. Halkias stated that he is looking for a residency in internal medicine to move forward with his career.

Dr. Ramprasad noted that Dr. Halkias had an initial 28-day treatment, followed by another treatment that lasted almost 90 days. Dr. Halkias stated that during his initial treatment, he had been in denial that he needed help and he had not really been committed to recovery. Dr. Halkias stated that, as unfortunate as it was, it took the second incident for him to realize how severe and life-threatening the problem was.

Dr. Steinbergh asked about Dr. Halkias' treatment and current medications for his panic disorder and depression. Dr. Halkias stated that he has a strong family history of depression. Dr. Halkias had no symptoms of depression until November 2012, and that is when his problems began. Dr. Halkias stated that he sought treatment by a psychiatrist, but the prescribed medications did not work. This led to Dr. Halkias attempting to self-medicate. While at Glenbeigh, his medication was changed to Viibryd and he has been stable on that. Regarding his panic and anxiety disorder, Dr. Halkias was originally prescribed a benzodiazepine, which did not help. At Glenbeigh, Dr. Halkias was started on Gabapentin and underwent counseling and regular therapy appointments to help him work through the panic and anxiety disorder without medication.

Dr. Steinbergh asked if Dr. Halkias is comfortable with where he is at this point. Dr. Halkias answered that he is very comfortable and his mood is the best it has been since November 2012.

Dr. Steinbergh asked if Dr. Halkias understands his Consent Agreement. Dr. Halkias replied that he understands his Consent Agreement.

**Dr. Ramprasad moved to continue Dr. Halkias under the terms of his March 13, 2013 Consent Agreement. Dr. Bechtel seconded the motion. All members voted aye. The motion carried.**

ROY W. HARRIS, D.O.

Dr. Harris was making his initial appearance before the Board pursuant to the terms of the Board's Order

of August 11, 2010. Ms. Bickers reviewed Dr. Harris's history with the Board.

Dr. Ramprasad asked if Dr. Harris has undergone ethics training. Dr. Harris replied that he attended two very good courses in Cleveland that he highly recommended. Dr. Ramprasad asked what Dr. Harris got out of the courses. Dr. Harris responded that he scored very high on the tests. Dr. Harris stated that he regards his medical license very highly and understands that practicing medicine is a privilege.

Dr. Harris continued that he had appealed the Board's Order because he did not prey on his patient, he just wrote a prescription for his girlfriend. However, Dr. Harris stated that he accepts the Board's Order and his punishment. Dr. Harris stated that he is having financial problems and noted that during the investigation, a Medical Board investigator told one of Dr. Harris' staff that he would not have a cent to his name when he was through. Dr. Harris stated that it has cost him about \$500,000.00 and close to \$97,000.00 in legal fees. Dr. Harris stated that he is not trying to cry on anyone's shoulders, but is just trying to get back into practice and move on with his life.

Dr. Harris continued that insurance companies are not credentialing him because of his probation, including United Health Care, the number one healthcare organization in the country. Dr. Harris stated that Medicare has not taken action, but he has lost Medicaid. Dr. Harris stated that he cannot give himself a salary because he has to pay six staff members plus rent. Dr. Harris expressed frustration at his situation.

Dr. Harris opined that he did not really misbehave and he would never do that to his medical license. Dr. Harris stated that he is in full compliance with the Board Order and he has not broken any laws, even traffic laws. Dr. Harris stated that he is trying to get reestablished to take care of the citizens of Bucyrus, Ohio, and 4,000 patients.

Dr. Ramprasad asked if Dr. Harris has good family support. Dr. Harris stated that he had an affair, which was very unprofessional and he asked the Board's forgiveness for that. Dr. Harris stated that physicians are held in too high esteem to engage in such behavior. Dr. Harris stated that this has been a very long, drawn-out process beginning in 2003 and has done a lot of damage to his relationship with his wife. Dr. Harris stated that his wife stood by his side because that is the kind of woman she is, and they'll be celebrating their 11<sup>th</sup> anniversary on Saturday.

Dr. Ramprasad commented that the problems that have resulted from the investigation and the Board's action are not intentional, but the Board does the best thing for patient safety. Dr. Harris agreed and stated that there had not been an issue with patient safety, noting that he was allowed to continue practicing throughout his appeals. Dr. Harris hoped to get his probation reduced so he could get back to business. Dr. Harris hoped that in the future, the state can hand down different types of punishment. Dr. Harris opined that it was not the Board's purpose to put him out of business; otherwise, the Board would have revoked Dr. Harris' license. However, Dr. Harris stated that his probation is an automatic stop on credentialing by insurance companies.

**Dr. Ramprasad moved to continue Dr. Harris under the terms of the Board's Order of August 11, 2010. Dr. Sethi seconded the motion.** All members voted aye, except Dr. Steinbergh, who abstained. The motion carried.

JEFFERY T. NELSON, M.D.

Dr. Nelson was making his initial appearance before the Board pursuant to the terms of his February 13, 2013 Consent Agreement. Ms. Bickers reviewed Dr. Nelson's history with the Board.

Dr. Steinbergh asked where Dr. Nelson is in his training. Dr. Nelson replied that he is just finishing his second year of neurosurgery residency. Dr. Steinbergh asked Dr. Nelson to describe how his residency is going and the pressures he is under. Dr. Nelson stated that the support he's received from his program is better than he could have expected. Dr. Nelson stated that the residency has allowed him flexibility to attend aftercare meetings and other aspects of his recovery program. Dr. Nelson was grateful to be treating patients again.

Dr. Steinbergh noted that Dr. Nelson has a diagnosis of ADHD and asked what treatment he is taking for that. Dr. Nelson responded that he takes Bupropion and Isotretinoin.

Dr. Ramprasad observed that Dr. Nelson is from Texas and asked how he came to Cleveland for his residency. Dr. Nelson stated that when he was applying for residencies, he was impressed with the Case Western Reserve University program because of the friendly atmosphere and the opportunity to work in both a private hospital and the county hospital. Dr. Nelson suspected that if he had been in another program, it would not have been as supportive of him.

Dr. Ramprasad asked if Dr. Nelson has privileges to prescribe controlled substances. Dr. Nelson replied that he can prescribe controlled substances and he is required to keep a log of all controlled substance prescriptions.

Dr. Ramprasad expressed concern about the possibility of relapse, noting the Dr. Nelson is young. Dr. Nelson stated that he is worried about relapse as well and stated that he has a family history of addiction on both sides of his family. Dr. Nelson stated that he has to be extremely vigilant for the rest of his life.

Dr. Steinbergh asked if Dr. Nelson understands his Consent Agreement. Dr. Nelson replied that he understands his Consent Agreement.

**Dr. Ramprasad moved to continue Dr. Nelson under the terms of his February 13, 2013 Consent Agreement. Dr. Bechtel seconded the motion.** All members voted aye. The motion carried.

GERALD K. PERELMAN, D.P.M.

Dr. Perelman was making his initial appearance before the Board pursuant to the terms of his April 10, 2013 Consent Agreement. Ms. Bickers reviewed Dr. Perelman's history with the Board.

Dr. Steinbergh asked what Dr. Perelman has learned from this experience. Dr. Perelman replied that he has learned a lot and he is happy to get back into practice. Dr. Perelman reported that he has had some difficulty getting back on insurance plans. Dr. Perelman stated that he is not seeing the same patients he

had seen previously, which is helpful. Dr. Perelman stated that during his time off, he attended courses on medical record keeping and narcotics prescribing, which he found informative and eye-opening.

Responding to Dr. Ramprasad, Dr. Perelman stated that he has an office in Kenwood, Ohio, and an office in Wilmington, Ohio. Dr. Perelman is trying to make the Wilmington Office his primary office, noting that there is only one other podiatrist in that area and that podiatrist does not take many insurances.

Dr. Steinbergh asked if Dr. Perelman has surgical privileges. Dr. Perelman replied that he has not yet regained surgical privileges, but is in the process of doing so with one of his previous hospitals. Dr. Steinbergh asked if Dr. Perelman had had a large surgical practice. Dr. Perelman answered that his surgical practice had been small, consisting of about two to three cases per month. Dr. Steinbergh asked if Dr. Perelman currently refers surgical cases to another podiatrist. Dr. Perelman answered that that issue has not come up since he returned to practice.

Dr. Steinbergh was glad that Dr. Perelman is moving on with his practice. Dr. Perelman stated that it is a starting over process and was appreciative of the opportunity to do so.

Dr. Ramprasad asked if Dr. Perelman had any questions for the Board. Dr. Perelman replied that he has no questions.

**Dr. Ramprasad moved to continue Dr. Perelman under the terms of his April 10, 2013 Consent Agreement. Dr. Bechtel seconded the motion.** All members voted aye. The motion carried.

#### PROBATION AND REINSTATEMENT CONSENT AGENDA

Dr. Steinbergh advised that at this time she would like the Board to consider the probationary reports and probationary requests on today's consent agenda. Dr. Steinbergh and Dr. Ramprasad stated that they wished to discuss some probationary reports and a request separately.

#### JEAN ANNE CAIRNS, M.D.

Dr. Ramprasad expressed concern about whether the course *Prescribing Controlled Substances in Ohio During a Prescription Drug Abuse Crisis*, administered by the Ohio State Medical Association (OSMA), is adequate to fulfill the controlled substances course requirement in her Consent Agreement. Dr. Ramprasad suggested that the course only be approved to fulfill part of Dr. Cairns' controlled substances course requirement. Ms. Bickers noted that the course has already been approved as sufficient for Dr. Cairns' practice partner, whose case had the same fact pattern involving prescribing to family members.

Dr. Steinbergh asked if Dr. Cairns took the course prior to Board approval. Ms. Jones replied that the course was postponed due to insufficient enrollment, so Dr. Cairns has not yet taken the course. Dr. Steinbergh and Dr. Ramprasad felt that the course is a good review course, but is not robust enough to address Dr. Cairns' situation. Dr. Steinbergh stated that she could approve the course for partial credit, but was not comfortable with the number of hours.

Since Dr. Cairns has not yet taken the course, Dr. Steinbergh felt that the Board could suggest a more robust prescribing course. Dr. Ramprasad opined that the OSMA course should be approved in this instance since that course has already been approved for Dr. Cairn's partner for the same issues. Dr. Steinbergh opined that the Board should not set a lower standard for its expectations for this type of education. Ms. Bickers agreed and stated that the Board can do that going forward, but reiterated that disapproval of what has already been approved for Dr. Cairns' practice partner could create an appearance of inconsistency. Ms. Bickers stated that she could share the Board's concerns with both physicians and indicate that an additional course would be beneficial.

Dr. Ramprasad asked for the opinions of the Secretary and Supervising Member. Dr. Strafford noted that several people currently present in the meeting, including himself, have been faculty for the course in question. Further, the course is sponsored by the Board's colleagues at OSMA. Dr. Strafford agreed that the course is not very strong and talks more about the problem of inappropriate prescribing rather than the solution, though it is a good review course for a medical society meeting or hospital staff meeting. Dr. Bechtel agreed. However, timing is also an issue and the preferred course, Case Western Reserve University's *Intensive Course in Controlled Substance Prescribing*, is only offered twice a year. Dr. Strafford opined that the Board should strive for consistency, but agreed that the Board could suggest to both physicians that the Case Western Reserve University course or a similar course would be more valuable. Dr. Steinbergh commented that the intent of this process is to remediate and reeducate.

**Dr. Ramprasad moved to grant Jean Anne Cairns, M.D.'s request for approval of *Intensive Course in Medical Records Keeping*, administered by Case Western Reserve University, to fulfill the medical records course requirement; and approval of *Prescribing Controlled Substances in Ohio During a Prescription Drug Abuse Crisis*, administered by the Ohio State Medical Association, to fulfill the controlled substances course requirement. Dr. Sethi seconded the motion. A vote was taken:**

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- nay
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion carried.

DEBORAH A. JORGENSEN, P.A.

Dr. Ramprasad asked if the Board has a list of ethics courses that probationers can take that are online and/or less expensive than the courses that are usually taken to fulfill ethics requirements. Ms. Bickers answered that traditionally, the Board has avoided approving online ethics courses. Dr. Strafford agreed, stating that online ethics courses offer little or no interaction with the instructor.

MARTIN R. HOBOWSKY, D.O.

Dr. Ramprasad noted that Dr. Hobowsky failed to appear for a probationary conference on April 8, 2013. Dr. Ramprasad asked what the procedure is for such instances. Ms. Bickers replied that if an appearance is missed, the probationer must provide an explanation. Depending on the explanation, the practitioner can be rescheduled for the following month.

**Dr. Ramprasad moved to accept the Compliance staff's Reports of Conferences on May 6 & 7, 2013, with: Muhammad N. Akhtar, M.D.; Franklin H. Baker, P.A.; Andrew J. Beistel, D.O.; Valentino J. Bianco, III, D.O.; Craig L. Bierer, D.O.; Kory D. Brownlee, D.P.M.; Lisa Ellen Burgan, M.T.; Franklin D. Demint, D.O.; Thomas A. Gibbs, D.O.; John Mark Hatheway, M.D.; Martin R. Hobowsky, D.O.; Nilesh B. Jobalia, M.D.; Deborah A. Jorgensen, P.A.; John R. Kerns, D.O.; Hungchih Lee, M.D.; Brian E. Leve, M.D.; Carol E. Lewis, M.D.; Paul D. Lopreato, P.A.; William G. Martin, M.D.; Zev R. Maycon, M.D.; Ronica A. Neuhoff, M.D.; William Popovich, M.D.; Lawrence Gene Ratcliff, M.D.; Dan Ryu, M.D.; Genevieve A. Salvaggio, M.T.; Jon Berkley Silk, Jr., M.D.; Joseph P. Sitarik, D.O.; Arthur H. Smith, M.D.; Rick D. St. Onge, M.D.; Rodney E. Stone, M.D.; Richard Mark Weil, M.D.; Randall G. Whitlock, Jr., P.A.; and Carmen L. Woolums, P.A.**

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

- **To grant Cynthia Lynn Brown, M.D.'s request for approval of Michael Seng, M.D., to serve as the new treating psychiatrist;**
- **To grant Paul P. Chu, M.D.'s requests for acceptance of the Compliance staff's report of conference on May 7, 2013; reduction in appearances from once every three months to once every six months; and discontinuance of the chart review requirement;**
- **To grant Mark E. DiLuciano, M.D.'s request for acceptance of the Compliance staff's report of conference on May 7, 2013; discontinuance of the comparative audit/Pyxis Medstation report requirement; and discontinuance of the drug log requirement;**
- **To grant Allison C. Heacock (Grauer), M.D.'s request for acceptance of the Compliance staff's report of conference on May 7, 2013; reduction in psychiatric sessions to every six months; discontinuance of the chart review requirement; and discontinuance of the drug log requirement;**
- **To grant W. Andrew Highberger, M.D.'s request for approval of Richard N. Whitney, M.D., to serve as the new monitoring physician;**
- **To grant Elizabeth B. Lottes, D.O.'s request for acceptance of Compliance staff's report of conference on May 7, 2013; and reduction in appearances to every six months;**
- **To grant Mahendra K. Mahajan, M.D.'s request for acceptance of Compliance staff's report of conference on May 7, 2013; and discontinuance of the work hour restriction requirement;**

- To grant Patrick K. McGriff, D.O.'s request for approval of the proposed practice plan; approval of Rani A. Lakhi, M.D., to serve as the monitoring physician; and determination of the frequency and number of charts to be reviewed at 10 charts per week;
- To grant Bud E. Quintana, D.O.'s request for acceptance of Compliance staff's report of conference on May 7, 2013; discontinuance of the controlled substances log; and discontinuance of the chart review requirement;
- To grant Sheila S. Reddy, M.D.'s request for approval of Michael J. McFarlane, M.D., to serve as the monitoring physician; and determination of the frequency and number of charts to be reviewed at 10 charts per month;
- To grant Anthony M. Ruffa, D.O.'s request for approval of David Kemp, M.D., to serve as the treating psychiatrist; approval of Mark Hogue, Ph.D., to serve as the treating psychotherapist; approval of Michael O. Rowane, D.O., to serve as the monitoring physician; and determination of the frequency and number of charts to be reviewed at 10 charts per month;
- To grant Richard J. Ryan, M.D.'s request for acceptance of Compliance staff's report of conference on May 7, 2013; and discontinuance of the controlled substance log requirement;
- To grant Alan D. Sabino, M.D.'s request for acceptance of the Compliance staff's report of conference on May 6, 2013; and approval of Roger D. Yates, M.A., M.F.T., to conduct psychotherapy;
- To grant Myron L. Shank, M.D.'s request for approval of *Risk Management Consult; Pain Management*, administered by Medical Protective; approval of *Responsible Opioid Prescribing: A Clinician's Guide*, administered by the Federation of State Medical Boards; approval of *Ethics and Regulations of Pain Management*, administered by the Texas Medical Association; approval of *Opioid Analgesics: Recognizing the Risk of Abuse and Misuse*, administered by the National Association for Continuing Education; approval of *Therapeutic Updates, Best Practices and Barriers to Care in the Treatment of Chronic Pain*, administered by ScientiaCME; approval of *Legal Advisor: Identifying drug dependence*, administered by the Massachusetts Medical Society; approval of *Managing Non-Cancer Related Chronic Pain Without Opioids*, administered by CMEweb, to fulfill the controlled substance prescribing course requirement; approval of *Risk Management Essentials: Documentation*, administered by Medical Protective, to fulfill the medical records course requirement; and approval of *Maintenance of Professional Boundaries and Effective Management of Challenging Patient Encounters*, administered by the Texas Medical Association, to fulfill the professional ethics course requirement;
- To grant Denise J. Signs, M.D.'s request for acceptance of Compliance staff's report of conference on May 7, 2013; reduction in appearances from every three months to every six months; reduction in drug and alcohol rehabilitation meetings to two per week with a minimum of 10 per month; and discontinuance of the chart review requirement;

- To grant James H. Silverblatt, M.D.'s request for approval of *Intensive Course in Medical Ethics, Boundaries and Professionalism*, administered by Case Western Reserve University, to fulfill the ethics course requirement; and approval of *Intensive Course in Controlled Substance Prescribing: Pain, Anxiety, and Insomnia*, administered by Case Western Reserve University, to fulfill the boundaries course requirement;
- To grant Mitchell E. Simons, M.D.'s request for approval of the modified list of chaperones; and
- To grant Gregory M. Thomas, M.D.'s request for approval of Christine D. Ellis, M.D., to serve as the new monitoring physician; and determination of the frequency and number of charts to be reviewed at 10 charts per week.

Dr. Sethi seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Bechtel	- abstain
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion carried.

#### ADMINISTRATIVE REPORT

**Fiscal Years 2014-2015 Biennial Budget:** Ms. Anderson stated that the Biennial Budget Bill for Fiscal Years 2014-2015 passed the Senate with amendments last week. A Conference Committee has been named to reconcile the Senate and House Budget Bills. Ms. Anderson stated that the Board's proposed increase in physician license renewal fees was not included in either version of the Budget and it is very unlikely to be added by the Conference Committee.

Ms. Anderson stated that the Board's financial situation has evolved somewhat during the budget process. Ms. Anderson noted that the Board's revenue has been higher than expected due to several reasons, including an increase in license renewals, an increase in supervisory agreements, and the increase in the massage therapist licensure fee that was implemented in 2012. In addition, expenditures are about \$1,100,000.00 lower than expected as a result of deliberate spending cuts, putting the computer refresh program on hold, and a number of high-level staff vacancies. Ms. Anderson also pointed out that there has been an unprecedented number of staff out on disability, which is paid from a different fund.

Ms. Anderson continued that the projected ending balance for Fiscal Year 2015 is \$2,100,000.00, based on revenue projections and assuming that the Board will spend its full appropriation of \$9,172,000.00; Ms. Anderson stated that it is unlikely that the Board will spend its full appropriation. The budget supports 82

positions, which is down from the 87 that was originally requested. Ms. Anderson stated that the Board has not had 82 filled staff positions this year, but many of the vacancies will need to be filled in the near future.

Ms. Anderson stated that the Board's proposal for expedited licensure was included in the Senate version of the budget, but it was amended to remove the requirement for specialty board certification for those using expedited licensure. Ms. Anderson stated that she and Mr. Miller met a great deal on this issue with the Ohio State Medical Association (OSMA), the Ohio Hospital Association (OHA) and the National Council on Quality Assurance (NCQA). Ms. Anderson stated that there were concerns that by not having the training and education verified in some way through the specialty boards or some other means, the Medical Board's website would lose its NCQA approval. Hospital credentialers rely on NCQA approval to insure that what they find on the website is valid and true. If NCQA approval is lost, then all checks on credentials would have to be handled by the Board's staff by hand, a very time-consuming process.

Ms. Anderson stated that language contained in Paragraph D indicates that within 60 days of the effective date of the section, the Board must approve acceptable means of demonstrating compliance with the Board's existing statutes regarding medical education and training requirements. Ms. Anderson stated that the NCQA will accept specialty board certification, American Medical Association/American Osteopathic Association profiles, and Federal Credential Verification Service, but this was not part of the initial expedited licensure proposal. Ms. Anderson stated that if this language is included in the bill, the Board will be asked to establish, by policy, a list of what is acceptable for the expedited licensure program.

Ms. Anderson stated that with the approval of expedited licensure, it is anticipated that the Board will see approximately \$500,000.00 in additional revenue annually. Ms. Anderson noted that this is about half of what the proposed license renewal fee would have provided if it had been approved. Ms. Anderson stated that she will continue to work with the Conference Committee on the expedited licensure language.

Ms. Anderson stated that there are other legislative vehicles that the Board can look at for pursuing an increase in license renewal fees. Other measures will also be examined, such as non-disciplinary fines for Continuing Medical Education (CME) violation. Mr. Kenney and Mr. Gonidakis have also been involved in these efforts.

Mr. Kenney noted that the proposal for expedited licensure includes a fee of \$1,000.00 and asked if that figure had been approved by the Board. Ms. Anderson stated that the issue was discussed many times and had been approved. Mr. Kenney stated that he would not have approved the \$1,000.00 fee, noting that the Board could have charged \$5,000.00 or more and physicians would pay it because they would save much more than that by getting licensed sooner with expedited licensure.

The Board discussed this issue thoroughly. Dr. Ramprasad agreed with Mr. Kenney, but opined that very few physicians would use expedited licensure if the fee was \$5,000.00. Ms. Anderson stated that the \$1,000.00 figure was the result of negotiation and noted that at one time, the Ohio State Medical Association had suggested a fee of only \$335.00. Dr. Talmage opined that the Board's estimate on revenue from expedited licensure is overly optimistic. Dr. Talmage stated that most physicians and residents know if they will be working in Ohio three to four months ahead of time, and therefore will

forego the expedited licensure and simply wait the 60 to 75 days for the traditional licensure process. Dr. Talmage opined that even a \$1,000.00 fee may be a significant disincentive to use the program. Ms. Anderson noted that medical school deans and hospital credentialers strongly support the current proposal and feel that it will get physicians into their facilities more quickly.

Mr. Gonidakis stated that in the current political climate in the state legislature, any additional fee of any amount is seen as a tax hike. Mr. Gonidakis likened even having discussions of such a fee with the legislature to navigating a minefield.

**Prescribing and Prescription Drug Abuse Issues:** Ms. Anderson stated that there have been a number of meetings on the proposed prescribing guidelines for an 80 morphine equivalent dose (MED) trigger that was adopted by the Board in May. Yesterday, Ms. Anderson, Dr. Strafford, and Dr. Bechtel attended a meeting of the education subcommittee of the group and discussed ways to communicate the new guidelines to the physician community. The group will reconvene in about a month with ideas for educational modules. Dr. Strafford and Dr. Bechtel will continue working on the actual guidelines while Ms. Anderson will work on the action steps that will accompany the guidelines, such as informed consent.

Mr. Kenney exited the meeting at this time.

Ms. Anderson stated that she, Dr. Strafford, and Dr. Bechtel also attended a metrics meeting, and will attend another scheduled for June 17, to discuss ways to measure whether the program is successful. These metrics will include lowering the number or percentage of patients receiving polypharmacy, benzodiazepines, and opioids. Ms. Anderson stated that the metrics continue to be a work in progress. The timeline for developing the metrics has been moved to September 1.

**Inspector General's Report:** Ms. Anderson stated that pursuant to the Inspector General's report regarding former Chief Investigator Doug Edwards, the Board is required to provide information to the Inspector General's office by July 22 on the implementation of their recommendations. The information will also be provided to the Governor's Legal Counsel, at their request. A draft of proposed updates to two of the Board's policies has been provided to the Board members and can be further discussed at the July Board meeting.

## LEGISLATIVE REPORT

Ms. Anderson stated that in addition to the expedited licensure previously discussed, there are other amendments in the budget bill that relate to the Medical Board. First, the Board will be required to promulgate an internal management rule regarding the Board's Annual Report. The Board will also be required to include certain performance measures in the Annual Report.

In addition, the Board will not be required to obtain the approval of the Controlling Board for contracts under \$50,000.00. Ms. Anderson anticipated that the Board will contract with two hearing examiners for the next biennium and those contracts will probably be under \$50,000.00.

Lastly, a change was made regarding a limited grandfathering provision in the legislation for licensing

genetic counselors.

EXECUTIVE SESSION

**Dr. Strafford moved that the Board declare Executive Session to consider the discipline of a public employee. Dr. Bechtel seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Gonidakis	- aye

The motion carried.

Pursuant to Section 121.22(G)(3), Ohio Revised Code, the Board went into executive session with Ms. Anderson, Ms. Loe, and Ms. Debolt in attendance. Mr. Kenney returned to the meeting during the Executive Session.

The Board returned to public session.

DANIEL ZINSMASER

Dr. Steinbergh noted that enforcement attorney Daniel Zinsmaster has recently resigned from the Board. Dr. Steinbergh commented that Mr. Zinsmaster did good work for the Board and she was sorry to see him go. Ms. Anderson stated that Mr. Zinsmaster is an excellent attorney whom she had considered for promotion. However, Mr. Zinsmaster accepted a job with Dinsmore and Shohl, a law firm which represents many practitioners before the Board. Ms. Anderson stated that this was a difficult decision for Mr. Zinsmaster, but this was a good opportunity for him. Dr. Talmage noted that Mr. Zinsmaster, a young man with a family, will be able to make more money in the private sector than the Board would be able to offer.

Mr. Gonidakis asked how the revolving door law applies to Mr. Zinsmaster's possible representation of practitioners before the Board. Ms. Anderson replied that there is a one-year waiting period, and Mr. Zinsmaster is forever barred from working on any matter that he had worked on for the Board.

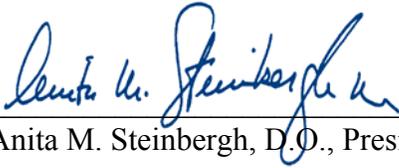
DR. STEINBERGH IN OHIO UNIVERSITY MEDICINE MAGAZINE

Dr. Strafford stated that Dr. Steinbergh has been featured in the latest issue of *Ohio University Medicine*. Dr. Steinbergh stated that the article is about mentoring and described her experience in meeting a young man who aspired to be an osteopathic physician. With Dr. Steinbergh's encouragement and guidance, the young man attended the Ohio University Heritage College of Osteopathic Medicine, graduated from that

institution, and entered into a family practice residency. Dr. Steinbergh expressed great pride in the young man's accomplishments and stated that, as President of the Board, she will have the pleasure of personally signing the medical license he will receive this year.

Thereupon, at 5:20 p.m., the June 12, 2013 session of the State Medical Board of Ohio was adjourned by Dr. Steinbergh.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio meeting on June 12, 2013, as approved on July 10, 2013.



Anita M. Steinbergh, D.O., President



J. Craig Strafford, M.D., M.P.H., Secretary



(SEAL)

**MINUTES****THE STATE MEDICAL BOARD OF OHIO****June 13, 2013**

Anita M. Steinbergh, D.O., President, called the meeting to order at 8:00 a.m., in the Administrative Hearing Room of the James A. Rhodes State Office Tower, 30 E. Broad St., Columbus, Ohio 43215, with the following members present: Kris Ramprasad, M.D., Vice-President; J. Craig Strafford, M.D., Secretary; Mark A. Bechtel, M.D., Supervising Member; Lance A. Talmage, M.D.; Laurie O. Elsass; Donald R. Kenney, Sr.; Michael L. Gonidakis; and Sushil M. Sethi, M.D. The following member did not attend the meeting: Amol Soin, M.D.

Also present were: Kimberly Anderson, Interim Executive Director; Susan Loe, Assistant Executive Director, Program Management and Operations; Michael Miller, Interim Assistant Executive Director, Licensure and Renewal; Sallie J. Debolt, General Counsel; William Schmidt, Senior Counsel; Joan K. Wehrle, Education & Outreach Program Manager; Rebecca Marshall, Chief Enforcement Attorney; Danielle Bickers, Compliance Supervisor; Melinda Snyder, Assistant Attorney General; Nicole Weaver, Chief of Licensure; Barbara Jacobs, Senior Executive Staff Attorney; Cathy Hacker, Physician Assistant Program Administrator; and Benton Taylor, Executive Assistant to the Executive Director.

**REPORTS BY ASSIGNED COMMITTEE****BOARD MEMBER ETHICS TRAINING**

Dr. Steinbergh stated that Executive Committee considered the options for ethics training, which is required of all Board members and staff annually. The Executive Committee recommended that all Board members receive the training in whatever option is appropriate, including webinars or by training sessions offered statewide by the Ethics Commission throughout the year. The Executive Committee also recommended that Ms. Debolt provide training on Thursday, September 12, following that day's Board meeting. Dr. Steinbergh stated that all Board members must complete ethics training by the end of December.

**STATE MEDICAL BOARD RETREAT**

Dr. Steinbergh stated that in the past, the Board held retreats to cover a variety of topics. Dr. Steinbergh felt that this year, especially with the number of new Board members, it would be valuable to have a retreat to discuss the basics of the Board's processes on complaints, investigations, compliance, and enforcement. The Board will also discuss strategic planning at the retreat. Ms. Anderson has asked if LeanOhio is willing to participate in the retreat and they have agreed.

Dr. Steinbergh stated that the retreat is scheduled for Thursday, October 10, from 8:00 to 3:30, and will take place on the 31<sup>st</sup> Floor of the Vern Riffe Center.

### MEDICAL BOARD MEDIA PLAN

Dr. Steinbergh stated that the media plan presented to the Board is a reiteration of what the Board has already been doing. Dr. Steinbergh asked the Board members to review the plan for discussion next month.

Dr. Steinbergh stated that over the next several months, the Executive Committee will meet individually with the executive committees of the Ohio State Medical Association, the Ohio Osteopathic Association, the Ohio Podiatric Medical Association, and the Academy of Medicine of Cleveland and Northern Ohio.

Ms. Wehrle reminded the Board that there will be a presentation on genetic counseling on Thursday of the July Board meeting. Mr. Gonidakis asked who will be giving the presentation. Ms. Anderson stated that the presentation will be given by genetic counselor Dawn Allain, M.S., C.G.C., and medical geneticist Shawn McCandless, M.D. Ms. Anderson stated that Ms. Allain worked with the Medical Board in developing that legislation for licensing genetic counselors. The presentation will be an overview of what genetic counseling is and what conditions it can be used for. Dr. Ramprasad asked that the presentation also include discussion of oversight and where the genetic counseling profession is expected to be in the future.

### FISCAL REPORT

Ms. Loe stated that the April fiscal report has been provided to all Board members. Ms. Loe stated that in April, the Board had revenue of about \$850,000.00 and expenditures of about \$650,000.00. Ms. Loe stated that the Board's cash balance is about \$3,100,000.00, which is significantly more than had been projected. Ms. Loe continued that, based on information received earlier this week, revenue in May was about \$600,000.00.

Dr. Ramprasad noted that the projected reserve balance at the end of Fiscal Year 2015 is \$2,100,000.00 and asked how that compared to what the Board should have in its reserves. Ms. Loe stated that that figure is approximately where it should be. Ms. Loe stated that reserves should be about one-quarter of the budget, so \$2,100,000.00 would be considered about right for an \$8,000,000.00 budget and a little low for a \$9,000,000.00 budget. Ms. Loe commented that this figure is higher than had been previously projected.

### LICENSURE APPLICATION REVIEWS

#### IGAL BREITMAN, M.D.

Dr. Ramprasad stated that Dr. Breitman is requesting a good-cause exemption to the Board's 10-year rule for passing all three steps of the United States Licensing Examination (USMLE). Dr. Breitman graduated from medical school in Israel and has traveled extensively in and out of the United States. Dr. Breitman explained that he did not meet the 10-year rule because he was out of the United States for quite some time. Since returning to the United States, Dr. Breitman has been an instructor in the surgery department at Vanderbilt University, 2009-2011, and has been participating in a surgical residency since July 2011.

The Group 1 Committee felt that Dr. Breitman's explanations were adequate and recommended approving the request.

**Dr. Bechtel moved to approve Dr. Breitman's request for a good cause exception of the 10-year rule as outlined in 4731-6-14(C)(3)(c)(ii), and accept his examination sequence in order for him to be granted a license. Ms. Elsass seconded the motion. A vote was taken:**

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion carried.

ROOSEVELT BRYANT, III, MD

Dr. Ramprasad stated that Dr. Bryant is requesting a good-cause exception to the Board's 10-year rule for passing all three steps of the United States Licensing Examination (USMLE). Dr. Bryant is over the 10-year limit by 28 days. Dr. Bryant passed Step III of the USMLE on his fourth attempt, which falls within the Board's rules on attempt limits. Dr. Bryant works at Amplatz Children's Hospital as a pediatric surgeon and has been Surgical Director of the Department of Pediatric Cardiac Surgery since July 2012.

The Group 1 Committee felt that Dr. Bryant had good cause and recommended approval of his request.

**Ms. Elsass moved to approve Dr. Bryant's request for a good cause exception of the 10-year rule as outlined in 4731-6-14(C)(3)(c)(ii), and accept his examination sequence in order for him to be granted a license. Dr. Bechtel seconded the motion. A vote was taken:**

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion carried.

STEPHEN CARDAMONE, D.O.

Dr. Ramprasad stated that Dr. Cardamone, whose Ohio medical license expired in 2005, has held medical licenses in Wisconsin and Iowa. Dr. Cardamone has primarily worked as a chief medical officer and other administrative work. In his request for restoration of his Ohio license, Dr. Cardamone stated that he does not intend to practice clinical medicine in Ohio. Dr. Ramprasad noted that Dr. Cardamone is board-certified in family practice.

Dr. Ramprasad continued that the Group 1 Committee is very reluctant to restore Dr. Cardamone's license because he has not practiced clinical medicine since 2002. The Group 1 Committee recommended that Dr. Cardamone's application be approved, pending successful completion of the Comprehensive Osteopathic Medical Variable-Purpose Examination (COMVEX). Dr. Steinbergh noted that Dr. Cardamone, an osteopathic physician, is certified by the American Board of Family Medicine, an allopathic medicine organization. Therefore, Dr. Steinbergh suggested that completion of the Special Purpose Examination (SPEX) also be acceptable.

**Ms. Elsass moved to approve Dr. Cardamone's request for restoration of his license to practice osteopathic medicine and surgery in Ohio, pending successful completion of the SPEX examination or the COMVEX examination. Dr. Bechtel seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion carried.

NANCY COUNTERMAN, L.M.T.

Dr. Ramprasad stated that Ms. Counterman has not practiced massage therapy since 2009. The Group 1 Committee recommended approving Ms. Counterman's application for restoration of her license, pending successful completion of Massage and Bodywork Licensing Examination (MBLEX).

**Dr. Strafford moved to approve Ms. Counterman's request for restoration of her license to practice massage therapy in Ohio, pending successful completion of the MBLEX examination. Ms. Elsass seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
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Dr. Bechtel	- aye
Ms. Elsass	- aye
Dr. Ramprasad	- aye
Dr. Steinbergh	- aye
Dr. Sethi	- aye
Dr. Talmage	- aye
Mr. Kenney	- aye
Mr. Gonidakis	- aye

The motion carried.

GARETH MORRIS-STIFF, M.D.

Dr. Ramprasad stated that Dr. Morris-Stiff has finished 12 months of a clinical fellowship in hepatobiliary surgery and transplant surgery at the Cleveland Clinic. Dr. Ramprasad noted that Dr. Morris-Stiff, who graduated from medical school in Wales in 1992, has returned to the United Kingdom and has been doing various *locum tenens* work since 2008. There is no indication that Dr. Morris-Stiff is practicing hepatobiliary surgery or transplant surgery since returning to the United Kingdom, though he is a consultant surgeon in general hepatobiliary surgery in a Belfast hospital. Reference letters on Dr. Morris-Stiff's behalf have been received from the Cleveland Clinic, which is prepared to offer him a job performing outpatient surgery and research.

Dr. Ramprasad stated that the Group 1 Committee does not feel the Dr. Morris-Stiff's experience is sufficient to grant him equivalency of 24 months of graduate medical education. Also, there is no indication that Dr. Morris-Stiff has been in research or has performed outstanding work. Dr. Ramprasad opined that Dr. Morris-Stiff should obtain an additional 12 months of graduate medical education.

**Ms. Elsass moved to deny Dr. Morris-Stiff's request to deem his training and experience in the United Kingdom and the United States to be equivalent to 24 months of graduate medical education. Dr. Bechtel seconded the motion. A vote was taken:**

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion carried.

DERMONT PHELAN, M.D.

Dr. Ramprasad stated that Dr. Phelan will complete a two-year fellowship at the Cleveland Clinic in June 2013. The Group 1 Committee recommended that Dr. Phelan not receive a license until he has completed the fellowship.

**Ms. Elsass moved to approve Dr. Phelan's request a license to practice medicine and surgery in Ohio, pending completion of his fellowship training and receipt of all other documentation required for licensure. Dr. Talmage seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion carried.

#### CLINICAL RESEARCH FACULTY CERTIFICATE APPLICATION REVIEW

##### JAMES KAYIMA, M.D.

Dr. Ramprasad stated that Dr. Kayima from Uganda has applied for a Clinical Research Faculty Certificate in order to work at the Cleveland Clinic. Dr. Ramprasad stated that Dr. Kayima's experience in the medical field is very varied. At the Cleveland Clinic, Dr. Kayima will work on rheumatic heart disease and will have adequate oversight. The Group 1 Committee felt that this application fits the Board's criteria and recommended approval of the application.

**Dr. Bechtel moved to approve Dr. Kayima's application for a Clinical Research Faculty Certificate. Ms. Elsass seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion carried.

#### PHYSICIAN ASSISTANT MATTERS

##### REVIEW CHANGE TO FORMULARY

Dr. Steinbergh stated that the Physician Assistant Policy Committee (PAPC) discussed the proposed changes to the physician assistant formulary, which will adjust the classifications used in the formulary. The changes to the formulary's classification continues to be a work in progress.

Dr. Steinbergh stated that two drugs, AndroGel and Proscar, were also discussed. It was recommended to change the authority of AndroGel from "may not prescribe" to "physician-initiated prescription." Ms. Hacker commented that the medications were originally in the "may not prescribe" category due to concerns for potential abuse. The PAPC now recommends that physician assistants be allowed to prescribe AndroGel, so long as the prescription is initiated by a physician and any changes in dosage are approved by a physician.

Ms. Hacker noted that the prescribing of Proscar differs depending on whether the patient is male or female. Dr. Ramprasad asked what the difference is. Dr. Talmage replied that the difference is in the dosage. Dr. Strafford agreed and also noted a suspected aphrodisiac effect in females, though no double-blind study has ever confirmed that. Ms. Debolt noted that, according to Dr. Flora of the PAPC, the use of Proscar in females is an off-label use.

Dr. Ramprasad asked if physicians can use medications for off-label purposes, including herbal medicines. Ms. Debolt replied that physicians can use off-label, but herbal medications are not labeled at all. Dr. Talmage stated that the Food and Drug Administration is forbidden from regulating herbals or botanicals. Mr. Schmidt stated that the use of herbal medicine falls under the alternative medicine statute, which states that a physician can use alternative medicine as long as appropriately approved and accepted treatment modalities and diagnostic modalities are not bypassed and as long as the physician meets the minimal standards of care.

**Dr. Bechtel moved to approve the proposed changes to the physician assistant formulary. Ms. Elsass seconded the motion.** All members voted aye. The motion carried.

#### SPECIAL SERVICES APPLICATION REVIEW

##### DOWNTOWN DERMATOLOGY

Dr. Steinbergh stated that this application for special services involves excision of epidermal cysts, normal and abnormal/dysplastic nevi, and basal cell skin cancer. The special services plan will utilize 100% onsite supervision, of which 10% will be direct supervision. The physician assistant will observe 25 procedures performed by the physician, then will perform 25 procedures will being observed by the physician. The physician will make the clinical decision of whether or not the lesion needs to be excised. Lastly, the physician assistant must have at least two years of dermatology experience.

Dr. Steinbergh stated that the Physician Assistant Policy Committee and the Group 2 Committee recommend approval of this application.

**Dr. Talmage moved to approve the Special Services Application of Downtown Dermatology. Dr. Bechtel seconded the motion.** All members voted aye. The motion carried.

#### RULES REVIEW

Ms. Debolt stated that the proposed rule will require physician assistants who prescribe to use the Ohio Automated Rx Reporting System (OARRS) as part of the quality assurance plan to be reviewed by the physician assistant's supervising physician.

Dr. Sethi asked what safeguards are in place to ensure that narcotics prescribed by physician assistants are being prescribed appropriately and are not being diverted. Ms. Debolt replied that the supervising physician should be reviewing the physician assistant's decisions to prescribe or not prescribe. Dr. Sethi stated that when he sees a patient who had previously been treated by a physician assistant, the chart does not indicate the name of the physician assistant's supervising physician. Dr. Sethi also asked if the signature of the supervising physician is required when a physician assistant prescribes. Ms. Debolt replied that the law is very clear that the supervising physician's signature is not required on prescriptions. However, Ms. Debolt stated that the law does require the physician assistant to write the name of the supervising physician in the patient chart, and failure to do so can be the basis of a complaint to the Board.

Following comments that some physician assistants may have Drug Enforcement Administration (DEA) registration in another state and are using it to prescribe in Ohio, Dr. Strafford noted that DEA certificates are not transferrable from the address to which it was issued. Ms. Debolt agreed, but stated that she has received calls from people who think they are transferrable. Dr. Steinbergh stated that physicians should know that DEA certificates are not, and have never been, transferrable.

**Dr. Strafford moved to approve the proposed rule to be submitted to the Common Sense Initiative. Ms. Elsass seconded the motion.** All members voted aye. The motion carried.

#### REVIEW CHANGES TO PROVISIONAL CERTIFICATE TO PRESCRIBE APPLICATION

Ms. Hacker stated that the proposed changes to the application for a provisional certificate to prescribe are minimal. Specifically, the forms and directions for 10-year grandfather clause were removed because that route to licensure is no longer valid. Also, the proposed changes will ask for the applicant's email address and the date they received their certificate or obtain their master's degree. Dr. Steinbergh stated that the Group 2 Committee recommends approval of the changes.

**Dr. Ramprasad moved to approve the proposed changes to the Provisional Certificate to Prescribe application. Ms. Elsass seconded the motion.** All members voted aye. The motion carried.

#### REVIEW DRAFT MODEL SUPERVISORY PLAN APPLICATION FOR ORTHOPEDIC PRACTICES

Dr. Steinbergh stated that the Physician Assistant Policy Committee reviewed this draft model and tabled it for further discussion. The draft model was developed by the Ohio Association of Physician Assistants, as well as some orthopedists from the Ohio Society of Orthopedists.

The Board took a recess at 8:50 a.m. and resumed the meeting at 9:15 am in Room 452 of the Rhodes State Office Tower. Dr. Bechtel was not present when the meeting resumed.

#### EXECUTIVE SESSION

**Dr. Strafford moved to go into Executive Session to consider the appointment of the Executive Director. Ms. Elsass seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- aye
	Mr. Kenney	- aye
	Mr. Gonidakis	- aye

The motion carried.

Pursuant to Section 121.22(G)(3), Ohio Revised Code, the Board went into executive session.

Mr. Gonidakis exited the meeting during the Executive Session.

The Board returned to public session.

The Board took a brief recess and reconvened in the Administrative Hearing Room of the Rhodes State Office Tower. Mr. Gonidakis was present when the meeting resumed.

#### REIMBURSEMENT OF DR. TALMAGE'S TRAVEL EXPENSES

Dr. Steinbergh stated that Dr. Talmage had traveled to a meeting of the Ohio State Medical Association representing the Board. Dr. Talmage has requested *per diem*, as well as reimbursement for mileage and lodging expenses.

**Dr. Sethi moved to approve Dr. Talmage's request for *per diem*, as well as reimbursement of travel expenses, for his representation of the Board at the meeting of the Ohio State Medical Association. Ms. Elsass seconded the motion.** All members voted aye, except Dr. Talmage, who abstained. The motion carried.

MS. ELSASS' SERVICE TO THE BOARD

Dr. Steinbergh stated that Ms. Elsass has chosen not to seek reappointment to another term on the Board, and her current term expires on July 31. Also, Ms. Elsass will not be able to attend the July 2013 meeting, so the current meeting is Ms. Elsass' last. Dr. Steinbergh thanked Ms. Elsass for her support and participation. Ms. Elsass stated that serving on the Board has been a wonderful learning experience that she is proud of. Ms. Elsass appreciated the help she received from the other Board members and the Board staff.

APPOINTMENT OF THE EXECUTIVE DIRECTOR

**Ms. Elsass moved to make an offer to Aaron E. Haslam, J.D., to serve as the Executive Director of the State Medical Board of Ohio. Ms. Elsass further move to delegate the authority to negotiate salary and starting date to Dr. Steinbergh and Dr. Ramprasad. Ms. Elsass further move that upon Mr. Haslam's acceptance of the offer, he shall be appointed the Executive Director, to begin service as of the starting date mutually agreed upon, and with authority to act as the appointing authority for day-to-day operations of the agency, including but not limited to, hiring, firing, accepting resignations, imposing employee disciplinary action, and approving or denying leave requests; to sign any fiscal or administrative documents; to contract for services as necessary to carry out the Board's responsibilities, with the stipulation that all invoices of \$5,000 or higher must be approved by the President; to serve as the custodian of the Board's records, with authority to delegate certification of documents to other staff members as the need arises; and to designate other staff members to sign personnel, fiscal, and administrative documents as the need arises. Mr. Kenney seconded the motion. All members voted aye. The motion carried.**

Dr. Steinbergh noted that Mr. Haslam is present in the meeting. Dr. Steinbergh stated that Mr. Haslam currently serves the Ohio Attorney General Office as Chief Director of the Attorney General's Prescription Drug Abuse Initiative, as well as the coordinator for special prosecutions for prescription drugs. Mr. Haslam has served in the Adams County prosecutor's office, both as an assistant prosecutor and chief assistant prosecutor, and was elected prosecutor in 2008, serving from January 2009 to February 2011.

Mr. Haslam stated that he looks forward to this opportunity and felt that there is a great future ahead of the Board.

Dr. Bechtel entered the meeting at this time.

EXECUTIVE SESSION

**Ms. Elsass moved to declare Executive Session for the purposes of hiring the Executive Director. Dr. Ramprasad seconded the motion. A vote was taken:**

ROLL CALL:	Dr. Strafford	- aye
	Dr. Bechtel	- aye
	Ms. Elsass	- aye

Dr. Ramprasad - aye  
Dr. Steinbergh - aye  
Dr. Sethi - aye  
Dr. Talmage - aye  
Mr. Kenney - aye  
Mr. Gonidakis - aye

The motion carried.

Pursuant to Section 121.22(G)(3), Ohio Revised Code, the Board went into executive session, with Mr. Haslam present.

The Board returned to public session.

On behalf of the Board, Dr. Steinbergh recognized the significant contribution Ms. Anderson made during her time as Interim Executive Director. Dr. Steinbergh stated that Ms. Anderson has unquestionably performed her duties honorably. Dr. Steinbergh thanked Ms. Anderson for her tremendous efforts, as well as the efforts of her senior staff.

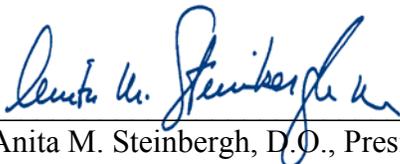
The Board took a brief recess and resumed the meeting with most of the Board staff present.

Dr. Steinbergh informed the staff that that Board has offered the position of Executive Director to Aaron Haslam, who has accepted. Mr. Haslam will begin his duties as Executive Director on July 1, 2013. Mr. Haslam stated that everyone on the staff will be seeing him over the next few weeks and he is excited for this opportunity.

Dr. Steinbergh stated that this decision was not an easy one. Dr. Steinbergh again thanked Ms. Anderson and her senior staff for their enormous efforts on behalf of the Board since October 2012. Dr. Steinbergh stated that Ms. Anderson made a tremendous difference and the Board has moved forward with her guidance. Dr. Steinbergh was hopeful that Ms. Anderson will continue with the Board and provide her tremendous insight and experience.

Thereupon at 12:45 p.m., the June 13, 2013, meeting of the State Medical Board of Ohio was duly adjourned by Dr. Steinbergh.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio meeting on June 12-13, 2013, as approved on July 11, 2013.



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Anita M. Steinbergh, D.O., President



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J. Craig Strafford, M.D., M.P.H., Secretary

(SEAL)

