



Mr. Giacalone	- aye
Dr. Bechtel	- aye
Dr. Saferin	- aye
Dr. Schachat	- aye
Dr. Rothermel	- aye
Dr. Ramprasad	- aye

Dr. Ramprasad 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. A roll call was taken:

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- aye
	Dr. Saferin	- aye
	Dr. Schachat	- aye
	Dr. Rothermel	- aye
	Dr. Ramprasad	- aye

Dr. Ramprasad 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 matters before the Board today, Dr. Bechtel served as Secretary and Dr. Saferin served as Supervising Member.

Dr. Ramprasad 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.

NOOR U. HASSAN, M.D.

Dr. Ramprasad directed the Board's attention to the matter of Noor U. Hassan, M.D. He advised that no objections were filed. Mr. Mayton was the Hearing Examiner.

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

Dr. Hassan was represented by his attorney, Elizabeth Collis. Ms. Collis stated that she has filed no objections to the Hearing Examiner's Report and Recommendation. Ms. Collis supported the Proposed Order of a reprimand in this case, based on similar cases that have come before the Board.

Dr. Hassan stated that he has practiced medicine in Ohio since 1971 and this is the first time he has appeared before the Board. Dr. Hassan stated that he had worked as a neurosurgeon in the Cleveland area

from 1971 to 1989, then worked as an emergency medicine physician in Pennsylvania. Dr. Hassan relocated to Cincinnati in 2006 to practice in an urgent care.

Dr. Hassan stated that he treats very few patients for chronic pain. Those he does treat are poor, have limited or no transportation, or are unable to get treatment at a pain management practice due to their Medicaid insurance status. Dr. Hassan stated that his office works hard to refer patients to pain management physicians in the Cincinnati area, but it is a constant struggle and many of those physicians do not take Medicaid. Consequently, Dr. Hassan prescribes medications for these patients while urging them to seek care with specialists outside the urgent care setting.

Dr. Hassan stated that in his treatment of Patient 1, he erred by post-dating a prescription for oxycodone. Dr. Hassan explained that he dated the prescription in this way so that the patient, who did not have reliable transportation, would not have to return in two days. Dr. Hassan had wanted to make sure the prescription was not filled early, but also ensure that the patient was not left without care. Dr. Hassan stated that, in hindsight, he should have put the correct date on the prescription and written "Do not fill before [date]." Dr. Hassan stated that since this incident he has taken several continuing medical education courses, including a two-day intensive course on prescribing. Dr. Hassan stated that he now has a clear understanding on how to write prescriptions in these situations.

Dr. Hassan recounted that in 2012 he applied for medical licensure in Hawaii, but that application was denied due to Dr. Hassan's malpractice history. Dr. Hassan noted that he did not fight the denial of his Hawaii application; consequently, Dr. Hassan never had a hearing in Hawaii and never offered evidence in his defense. Dr. Hassan further stated that his malpractice actions had long since been dismissed and no settlement was awarded. Dr. Hassan noted that he disclosed his malpractice history to the Ohio Board, which chose to take no action.

Dr. Hassan continued that he had not been aware that he was required to report the denial of his Hawaii licensure application to the Florida Board of Medicine, with whom he also held a license. As a result of his failure to disclose, Dr. Hassan entered into a settlement agreement with the Florida Board of Medicine.

Dr. Hassan stated that he is currently treating patients and is of service to his community. Dr. Hassan stated that he has been a physician for his whole life and felt that he can still contribute to the profession. Dr. Hassan asked the Board to accept the Hearing Examiner's Proposed Order of reprimand.

Dr. Ramprasad asked if the Assistant Attorney General would like to respond. Mr. Wakley stated that he would like to respond.

Mr. Wakley stated that Dr. Hassan had committed a technical violation regarding the exact way to write a prescription. Mr. Wakley opined that a reprimand of Dr. Hassan in appropriate.

**Mr. Gonidakis moved to approve and confirm Mr. Mayton's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Noor U. Hassan, M.D. Dr. Rothermel seconded the motion.**

Dr. Ramprasad stated that he would now entertain discussion in the above matter.

Dr. Ramprasad stated that the Board investigated Dr. Hassan because on July 21, 2012, he post-dated a prescription for 40 oxycodone 5 mg tablets. Dr. Hassan did this so that the patient could not refill the prescription prior to when his previous prescription would run out, and he did not want the patient to have to make a separate visit to the urgent care to get the second prescription. Dr. Ramprasad stated that approximately 3% of the Dr. Hassan's cases at his urgent care practice involve chronic conditions such as chronic pain, according to Dr. Hassan's testimony. Dr. Ramprasad stated that Dr. Hassan's practice has instituted a new policy whereby patients are prescribed controlled substances a maximum of three times.

Dr. Ramprasad stated that this appears to be an isolated episode and Dr. Hassan has learned how to handle such situations properly. Dr. Ramprasad supported the Proposed Order of reprimand.

A vote was taken on Mr. Gonidakis' motion to approve:

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- abstain
	Dr. Saferin	- abstain
	Dr. Schachat	- aye
	Dr. Rothermel	- aye
	Dr. Ramprasad	- aye

The motion to approve carried.

CLIFFORD M. PEREZ, M.D.

Dr. Ramprasad directed the Board's attention to the matter of Clifford M. Perez, M.D. He advised that no objections were filed. Ms. Clovis was the Hearing Examiner.

**Dr. Schachat moved to approve and confirm Ms. Clovis' Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Clifford M. Perez, M.D. Dr. Rothermel seconded the motion.**

Dr. Ramprasad stated that he would now entertain discussion in the above matter.

Mr. Giacalone briefly reviewed Dr. Perez's career, including service in the United States Air Force before attending medical school. Following medical school, Dr. Perez returned to service in the Air Force in 2006 as a major and a general surgeon. In 2007, having returned from a deployment to Afghanistan, a patient allegedly suffered a complication during a laparoscopic cholecystectomy. Dr. Perez contended that he did not perform the cholecystectomy, but he was held responsible because he had been supervising the resident and was the attending physician on record. Although a subsequent peer review of Dr. Perez's surgical techniques was inconclusive, the Air Force permanently restricted Dr. Perez's laparoscopic privileges based on his failure to use appropriate general surgery techniques during the surgery. Based on the Air Force's action, the Medical Board of California took action on Dr. Perez's medical license in that state.

Dr. Perez entered into a Stipulated Settlement and Disciplinary Order with the California Board which revoked Dr. Perez's California medical license, stayed that revocation, imposed probationary terms for four years, and required Dr. Perez to obtain training, education, and monitoring in laparoscopic surgery. Mr. Giacalone noted that Dr. Perez currently holds an unrestricted medical license in Nebraska.

According to his testimony, Dr. Perez was honorably discharged from the Air Force in 2010 and began work at the Veterans Administration (VA) hospital in Cleveland, Ohio, in 2011. Although an Ohio medical license is not required for Dr. Perez to practice in the VA hospital, he has applied for medical licensure in Ohio so that he can complete a trauma fellowship.

Mr. Giacalone stated that he agreed with the Hearing Examiner's Findings of Fact, Conclusions of Law, and Proposed Order, which would grant Dr. Perez's application for licensure with a non-permanent restriction from performing laparoscopic surgery until he has demonstrated competency in that procedure. Dr. Ramprasad agreed with Mr. Giacalone.

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

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- abstain
	Dr. Saferin	- abstain
	Dr. Schachat	- aye
	Dr. Rothermel	- aye
	Dr. Ramprasad	- aye

The motion to approve carried.

ZBIGNIEW TROJANOWSKI, M.D.

Dr. Ramprasad directed the Board's attention to the matter of Zbigniew Trojanowski, M.D. Objections have been filed and were previously distributed to Board members. Mr. Mayton was the Hearing Examiner.

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

Dr. Trojanowski was represented by his attorney, Elizabeth Collis. Ms. Collis stated that she has filed objections in this matter and opined, based on similar cases, that the appropriate sanction for Dr. Trojanowski would be a reprimand.

Dr. Trojanowski stated that he was first licensed to practice medicine in Ohio in 2001 and worked in Ohio briefly as a *locum tenens* physician. Dr. Trojanowski stated that he has not lived or worked in Ohio since that time and he has no plans to return to practice in Ohio.

Dr. Trojanowski continued that he was friends with Patient 1, who is also a physician, and had seen him and his family socially many times. Dr. Trojanowski stated that during a soccer game in 2004, Patient 1 exacerbated a previously-existing back problem. Dr. Trojanowski, who was also participating in the game, examined Patient 1 and prescribed pain medication. Over the following years, Dr. Trojanowski continued to examine Patient 1 annually and prescribe the same medications approximately two to three times per year, with no side effects. Dr. Trojanowski stated that he maintained patient records for Patient 1. Dr. Trojanowski stated that he maintained communication with Patient 1's family, including his wife who is also a physician. Dr. Trojanowski had felt that Patient 1 was fully functional and was not doctor shopping or using the medications in an inappropriate manner. However, Dr. Trojanowski later learned from local police that Patient 1 was obtaining medications from various sources. Dr. Trojanowski stated that he cooperated with the police and stopped prescribing to Patient 1 immediately.

Dr. Trojanowski stated that in 2012 he was contacted by representatives of the Board and was asked to answer interrogatory questions and submit medical records for Patient 1. At the hearing, Dr. Trojanowski was shown numerous letters that the Board had sent to him at his permanent address South Carolina. Dr. Trojanowski stated that he did not receive many of those letters because he often stayed with his girlfriend or with friends in North Carolina for extended periods. Dr. Trojanowski stated that he then received a letter from the Board asking him to appear in Ohio for a deposition in December 2013. However, poor weather caused Dr. Trojanowski to cancel his plans to travel to Ohio. Dr. Trojanowski stated that he should have contacted the Board at that time, but he believed that he had already given the Board all the information and documentation he had and he had no further information to provide. Dr. Trojanowski also stated that he had given the Board his cellular telephone number and he thought the Board would call him if it had any other questions. Dr. Trojanowski further stated that he had also indicated to the Board that he would not be renewing his Ohio medical license.

Dr. Trojanowski stated that he never tried to be uncooperative with the Board. Dr. Trojanowski stated that he attended the hearing and gave all the same responses that he had provided the Board by letter. Dr. Trojanowski asked the Board to issue a reprimand instead of suspending his Ohio medical license, which has already expired.

Dr. Ramprasad asked if the Assistant Attorney General would like to respond. Mr. Wakley stated that he would like to respond.

Mr. Wakley stated that Dr. Trojanowski came to the attention of the Board because of an investigation of Patient 1, who had been prescribed pain medication by several physicians. Mr. Wakley opined that Dr. Trojanowski was openly contemptuous to the authority of the Board, ignored communications from the Board, never called the Board, and ignored the Board's continued requests for a deposition for more information, thereby interfering with a Board investigation. Mr. Wakley agreed with the Hearing Examiner that Dr. Trojanowski's medical license should be indefinitely suspended, but he felt that the suspension should be for a minimum of 180 days and that his cooperation with the Board investigation should be a requirement for reinstatement. Mr. Wakley also opined that Dr. Trojanowski should be required to complete courses in ethics and medical record-keeping, noting that his medical records were woefully incomplete.

**Dr. Sethi moved to approve and confirm Mr. Mayton's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Zbigniew Trojanowski, M.D. Dr. Rothermel seconded the motion.**

Dr. Ramprasad stated that he would now entertain discussion in the above matter.

Dr. Sethi stated that Dr. Trojanowski has admitted that in an approximately seven-year period he wrote 16 prescriptions for narcotics for Patient 1, each for 120 tablets and generally with three refills. Dr. Trojanowski also admitted that he prescribed medications for Patient 1 for one entire year without seeing the patient at all. Dr. Sethi reviewed the Findings of Fact, including Dr. Trojanowski's failure to respond to interrogatories from the Board, his failure to appear for a deposition, and that the medical record he provided to the Board failed to accurately reflect all of the controlled substances he had prescribed to Patient 1. Dr. Sethi also reviewed the Conclusions of Law of the Report and Recommendation.

Dr. Sethi stated that he agreed with the Proposed Order to indefinitely suspend Dr. Trojanowski's Ohio medical license, with conditions for reinstatement or restoration. Dr. Sethi stated that there are no excuses for not cooperating with a Board investigation.

Dr. Ramprasad commented that he was appalled by the responses that the Board had received from Dr. Trojanowski during the investigation. On multiple occasions, Dr. Trojanowski failed to respond to letters sent to him from the Board via certified mail. Dr. Ramprasad noted that Dr. Trojanowski did respond to one such letter, but he only answered one question of the five questions the letter asked. Dr. Ramprasad reiterated that Dr. Trojanowski did not appear for a scheduled deposition and failed to contact the Board regarding his inability to appear. Dr. Ramprasad observed that Dr. Trojanowski's objections to the Report and Recommendation compare this case to previous cases concerning inappropriate prescribing, but does not mention other cases of non-cooperation with Board investigations. Dr. Ramprasad stated that the Board must take this matter seriously and invited further discussion regarding possible amendments to the Proposed Order as suggested by Mr. Wakley.

Mr. Giacalone agreed with Dr. Ramprasad's comments. Mr. Giacalone opined that Dr. Trojanowski's letter to the Board of July 29, 2012, displayed a certain amount of contempt for the Board's reasonable request and was almost accusatory towards the Board. Mr. Giacalone further noted that Patient 1, albeit allegedly a friend of Dr. Trojanowski's, traveled 60 miles to see Dr. Trojanowski when there were a plethora of physicians within a shorter distance. Mr. Giacalone stated that the fact that Patient 1 was concurrently receiving pain medications from a physician in Chicago apparently did not raise any red flags for Dr. Trojanowski. Mr. Giacalone opined that these facts raise questions about Dr. Trojanowski's motivations for writing the prescriptions. Mr. Giacalone agreed that the Proposed Order is appropriate and suggested that something more strict may be in order. Dr. Sethi agreed and opined that Mr. Wakley's suggestion of a minimum 180 day suspension would be proper.

**Dr. Sethi moved to amend the Proposed Order so that the indefinite suspension would be for a minimum of 180 days.** No member seconded the motion. The motion to amend was lost for want of a second.

Mr. Giacalone expressed concerns that since the nature of Dr. Trojanowski's offense is non-cooperation with an investigation, the underlying basis of that investigation is not really known to the Board members at this time. Mr. Gonidakis questioned if any action taken by the Board today would stymie any further action on Dr. Trojanowski's license based on the eventual results of the investigation. Ms. Marshall explained that the discipline the Board is considering today is based solely on Dr. Trojanowski's failure to cooperate with a Board investigation. Ms. Marshall stated that if there is another investigation into other possible violations by Dr. Trojanowski, which she could not confirm or deny, then that would come before the Board as a separate matter.

Dr. Ramprasad commented that it is not certain whether or not Dr. Trojanowski was in Ohio or South Carolina when he wrote prescriptions for Patient 1. Regardless, the matter before the Board today is Dr. Trojanowski's failure to cooperate with a Board investigation.

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

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- abstain
	Dr. Saferin	- abstain
	Dr. Schachat	- aye
	Dr. Rothermel	- aye
	Dr. Ramprasad	- aye

The motion to approve carried.

#### PROPOSED FINDING AND PROPOSED ORDER

Dr. Ramprasad stated that in the following matter, the Board issued a Notice of Opportunity for Hearing. No timely request for hearing was received. The matter was reviewed by a Hearing Examiner, who prepared Proposed Findings and Proposed Orders, and is now before the Board for final disposition. Dr. Ramprasad noted that this item is disciplinary in nature, and therefore the Secretary and Supervising Member may not vote. In this matter, Dr. Bechtel served as Secretary and Dr. Saferin served as Supervising Member.

#### WILLIE FRED STEWART, M.D.

**Mr. Gonidakis moved to find that the allegations as set forth in the January 8, 2014 Notice of Opportunity for Hearing in the matter of Dr. Stewart have been proven to be true by a preponderance of the evidence and to adopt Ms. Clovis' Proposed Findings and Proposed Order. Dr. Rothermel seconded the motion.**

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

Mr. Gonidakis stated that on January 8, 2014, the Board sent notice to Dr. Stewart proposing to deny his application for license to practice medicine and surgery in Ohio. The proposed denial had two bases: The fact that Dr. Stewart had not engaged in the active practice of medicine for more than 2 years; and because Dr. Stewart failed to respond to the Board's interrogatories. Mr. Gonidakis noted that Dr. Stewart was given a second opportunity to answer the Board's interrogatories, but the certified mail was returned unclaimed. The Proposed Order is to permanently deny Dr. Stewart's application.

A vote was taken on Mr. Gonidakis' motion to approve:

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- abstain
	Dr. Saferin	- abstain
	Dr. Schachat	- aye
	Dr. Rothermel	- aye
	Dr. Ramprasad	- aye

The motion to approve carried.

#### FINDINGS, ORDERS, AND JOURNAL ENTRIES

Dr. Ramprasad stated 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. Ramprasad noted that the matters of Ms. Hucker, Dr. Lanham, Dr. Lesko, and Dr. Lobo are disciplinary in nature. Therefore the Secretary, Dr. Bechtel, and Supervising Member, Dr. Saferin, may not vote in those matters.

#### GLENDIA GAIL HUCKER

Dr. Ramprasad stated that Ms. Hucker has applied for licensure as a massage therapist in Ohio. As part of the application process Ms. Hucker was ordered to attend a psychiatric examination. Upon her request, the examination was rescheduled. However, Ms. Hucker did not attend the re-scheduled examination. She did not submit any documentation that might show that her failure to attend the examination was due to circumstances beyond her control. Because she failed to submit to a Board-ordered examination, Ms. Hucker is deemed to have admitted the allegations in the letter ordering her to the mental examination, and to be impaired in her ability to practice in accordance with accepted and prevailing standards of care by reason of mental illness or physical illness. The Proposed Order is a non-permanent denial of Ms. Hucker's application.

**Mr. Giacalone moved to find that the allegations as set forth in the May 14, 2014 Notice of Opportunity for Hearing in the matter of Ms. Hucker have been proven to be true by a preponderance of the evidence and to adopt the Proposed Findings and Proposed Order. Dr.**

**Rothermel seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- abstain
	Dr. Saferin	- abstain
	Dr. Schachat	- aye
	Dr. Rothermel	- aye
	Dr. Ramprasad	- aye

The motion to approve carried.

JOHN S. LANHAM, D.P.M.

Dr. Ramprasad stated that the allegation against Dr. Lanham is that in 2013 the Wisconsin Podiatry Affiliated Credentialing Board first summarily suspended his license and then suspended his license for one year, but stayed six months of the suspension. The disciplinary action was based upon the finding that Dr. Lanham engaged in unethical conduct related to his billing practices and made false statements related to his insurance provider status.

**Mr. Gonidakis moved to find that the allegations as set forth in the May 14, 2014 Notice of Opportunity for Hearing in the matter of Dr. Lanham have been proven to be true by a preponderance of the evidence and to enter an order, effective immediately upon mailing, revoking Dr. Lanham's license to practice podiatric medicine and surgery in Ohio. Dr. Sethi seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- abstain
	Dr. Saferin	- abstain
	Dr. Schachat	- aye
	Dr. Rothermel	- aye
	Dr. Ramprasad	- aye

The motion carried.

RONALD MICHAEL LESKO, D.O.

Dr. Ramprasad stated that the allegation concerning Dr. Lesko is that in 2013, the Osteopathic Board of California placed his license on probation for five years. The conditions of the probation included that Dr. Lesko successfully complete the Physician Assessment and Clinical Education Program. The California action was based upon charges of Gross Negligence, Repeated Acts of Negligence, Incompetence,

Repeated Acts of Clearly Excessive Prescribing, Prescribing Without Appropriate Examination and Medical Indication, and Failure to Maintain Adequate and Accurate Medical Records with respect to his care of three specified patients.

**Mr. Giacalone moved to find that the allegations as set forth in the May 14, 2014 Notice of Opportunity for Hearing in the matter of Dr. Lesko have been proven to be true by a preponderance of the evidence and to enter an order, effective immediately upon mailing, permanently revoking Dr. Lesko's license to practice osteopathic medicine and surgery in Ohio. Mr. Gonidakis seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- abstain
	Dr. Saferin	- abstain
	Dr. Schachat	- aye
	Dr. Rothermel	- aye
	Dr. Ramprasad	- aye

The motion carried.

CAROLYN MARY LOBO, M.D.

Dr. Ramprasad stated that the allegation concerning Dr. Lobo is that in December 2013, the Medical Board of California stayed a revocation of her California license and placed her on three years of probation. The California action was based upon the finding that Dr. Lobo used excessive force to remove a foreign body from a patient; performed a procedure without securing appropriate assistance from nursing staff; failed to document informed consent; was dishonest during the investigation; and failed to maintain adequate medical records.

**Dr. Sethi moved to find that the allegations as set forth in the April 9, 2014 Notice of Opportunity for Hearing in the matter of Dr. Lobo have been proven to be true by a preponderance of the evidence and to enter an order, effective immediately upon mailing, revoking Dr. Lobo's license to practice medicine and surgery in Ohio. Mr. Gonidakis seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- abstain
	Dr. Saferin	- abstain
	Dr. Schachat	- aye
	Dr. Rothermel	- aye
	Dr. Ramprasad	- aye

The motion carried.

LINDA DARLENE CLOSSMAN, C.T.

Dr. Ramprasad stated that Ms. Clossman's license to practice cosmetic therapy lapsed for non-renewal in 2009. She has applied for restoration of the license. The information on the application is that she has not actively engaged in the practice of cosmetic therapy for more than two years. The Board sent Ms. Clossman a Notice of Opportunity for Hearing informing her that the Board proposed to grant her request for restoration provided she passed the Cosmetic Therapy Practical Exam within six months of May 20, 2014. She did not request a hearing. Dr. Ramprasad noted that this matter is non-disciplinary in nature, and the Secretary and Supervising Member may vote.

**Dr. Saferin moved to find that the allegations as set forth in the May 20, 2014 Notice of Opportunity for Hearing in the matter of Ms. Clossman have been proven to be true by a preponderance of the evidence and to enter an order, effective immediately upon mailing, approving her application for restoration of her license to practice cosmetic therapy in Ohio, provided that Ms. Clossman takes and passes the Cosmetic Therapy practical examination within six months of May 20, 2014. Dr. Schachat seconded the motion. A vote was taken:**

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- aye
	Dr. Saferin	- aye
	Dr. Schachat	- aye
	Dr. Rothermel	- aye
	Dr. Ramprasad	- aye

The motion to approve carried.

MAMDOUH SOLIMAN HANNA, M.D.

Dr. Ramprasad stated that Dr. Hanna has applied for licensure as an allopathic physician in Ohio. According to information on his application Dr. Hanna did not pass United States Medical Licensing Examination (USMLE) Step III until the seventh attempt and does not hold specialty board certification. Dr. Ramprasad noted that this matter is non-disciplinary in nature, and the Secretary and Supervising Member may vote.

**Dr. Saferin moved to find that the allegations as set forth in the April 14, 2014 Notice of Opportunity for Hearing in the matter of Dr. Hanna have been proven to be true by a preponderance of the evidence and to enter an order, effective immediately upon mailing, denying his application for a license to practice medicine and surgery in Ohio. Dr. Sethi seconded the motion.**

Dr. Ramprasad stated that the documentation on this matter states that Dr. Hanna did not pass all three

steps of the USMLE within a ten-year time period without failing any step more than five times. However, Dr. Ramprasad stated that Dr. Hanna did, in fact, pass all three steps in less than ten years. Dr. Rothermel pointed out that, while Dr. Hanna did pass all three steps within ten years, he failed Step 3 more than three times. Consequently, Dr. Hanna does not meet the Board's requirements for licensure.

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

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- aye
	Dr. Saferin	- aye
	Dr. Schachat	- aye
	Dr. Rothermel	- aye
	Dr. Ramprasad	- aye

The motion to approve carried.

TAMMY LYNN KINSER, M.T.

Dr. Ramprasad stated that Ms. Kinser has applied for restoration of her massage therapy license. According to the information on her application, Ms. Kinser has not actively engaged in the practice of massage therapy since August 2009. The Board sent a Notice of Opportunity to Ms. Kinser informing her that the Board proposed to approve her application for restoration provided she passed the Massage and Bodywork Licensing Examination within six months of May 20, 2014. She did not request a hearing. Dr. Ramprasad noted that this matter is non-disciplinary in nature, and the Secretary and Supervising Member may vote.

**Dr. Saferin moved to find that the allegations as set forth in the May 20, 2014 Notice of Opportunity for Hearing in the matter of Ms. Kinser have been proven to be true by a preponderance of the evidence and to enter an order, effective immediately upon mailing, approving her application for restoration of her license to practice massage therapy in Ohio, provided that Ms. Clossman takes and passes the Massage and Bodywork Licensing Examination (MBLEX) within six months of May 20, 2014. Dr. Rothermel seconded the motion. A vote was taken:**

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- aye
	Dr. Saferin	- aye
	Dr. Schachat	- aye
	Dr. Rothermel	- aye
	Dr. Ramprasad	- aye

The motion to approve carried.

MEGAN KYLE MCMASTER

Dr. Ramprasad stated that Ms. McMaster has applied for a license to practice massage therapy. Eligibility for a massage therapy license requires, among other criteria, that the applicant either hold a diploma or certificate from a school or institution holding a certificate of good standing from the Board; or, that the course of instruction completed at a school or institution that does not hold a certificate of good standing from that Board meets the Ohio curriculum requirements; or, that the applicant has held a current license to practice massage therapy in another state for at least the preceding five years. The information on Ms. McMaster's application fails to establish that she meets any of these options. Dr. Ramprasad noted that this matter is non-disciplinary in nature, and the Secretary and Supervising Member may vote.

**Dr. Saferin moved to find that the allegations as set forth in the May 29, 2014 Notice of Opportunity for Hearing in the matter of Ms. McMaster have been proven to be true by a preponderance of the evidence and to enter an order, effective immediately upon mailing, denying her application for a license to practice massage therapy in Ohio. Dr. Sethi seconded the motion. A vote was taken:**

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- aye
	Dr. Saferin	- aye
	Dr. Schachat	- aye
	Dr. Rothermel	- aye
	Dr. Ramprasad	- aye

The motion to approve carried.

DAVID JOSEPH POWERS

Dr. Ramprasad stated that Mr. Powers has applied for a license to practice massage therapy. Eligibility for a massage therapy license requires, among other criteria, that the applicant either hold a diploma or certificate from a school or institution holding a certificate of good standing from the Board; or, that the course of instruction completed at a school or institution that does not hold a certificate of good standing from that Board meets the Ohio curriculum requirements; or, that the applicant has held a current license to practice massage therapy in another state for at least the preceding five years. The information on Mr. Powers' application fails to establish that he meets any of these options. Dr. Ramprasad noted that this matter is non-disciplinary in nature, and the Secretary and Supervising Member may vote.

**Dr. Bechtel moved to find that the allegations as set forth in the April 22, 2014 Notice of Opportunity for Hearing in the matter of Mr. Powers have been proven to be true by a preponderance of the evidence and to enter an order, effective immediately upon mailing, denying his application for a license to practice massage therapy in Ohio. Dr. Rothermel seconded the motion. A vote was taken:**

ROLL CALL:

Dr. Sethi	- aye
Mr. Gonidakis	- aye
Mr. Giacalone	- aye
Dr. Bechtel	- aye
Dr. Saferin	- aye
Dr. Schachat	- aye
Dr. Rothermel	- aye
Dr. Ramprasad	- aye

The motion to approve carried.

CHOON AE SAMPER

Dr. Ramprasad stated that Ms. Samper has applied for a license to practice massage therapy. Eligibility for a massage therapy license requires, among other criteria, that the applicant either hold a diploma or certificate from a school or institution holding a certificate of good standing from the Board; or, that the course of instruction completed at a school or institution that does not hold a certificate of good standing from that Board meets the Ohio curriculum requirements; or, that the applicant has held a current license to practice massage therapy in another state for at least the preceding five years. The information on Ms. Samper's application fails to establish that she meets any of these options. Dr. Ramprasad noted that this matter is non-disciplinary in nature, and the Secretary and Supervising Member may vote.

**Dr. Bechtel moved to find that the allegations as set forth in the May 29, 2014 Notice of Opportunity for Hearing in the matter of Ms. Samper have been proven to be true by a preponderance of the evidence and to enter an order, effective immediately upon mailing, denying her application for a license to practice massage therapy in Ohio. Dr. Saferin seconded the motion. A vote was taken:**

ROLL CALL:

Dr. Sethi	- aye
Mr. Gonidakis	- aye
Mr. Giacalone	- aye
Dr. Bechtel	- aye
Dr. Saferin	- aye
Dr. Schachat	- aye
Dr. Rothermel	- aye
Dr. Ramprasad	- aye

The motion to approve carried.

SHEILA T. WALL, M.D.

Dr. Ramprasad stated that Dr. Wall has applied for restoration of her medical license, which expired on October 1, 2009. The information provided on her application is that she had not been actively engaged in the practice of medicine and surgery since May 2008. Dr. Wall was sent a Notice of Opportunity for

Hearing informing her that the Board proposed to grant her request for restoration provided she passed the Special Purpose Examination or specialty board recertification examination within one year of December 16, 2013. She did not request a hearing. Dr. Ramprasad noted that this matter is non-disciplinary in nature, and the Secretary and Supervising Member may vote.

**Dr. Bechtel moved to find that the allegations as set forth in the December 16, 2013 Notice of Opportunity for Hearing in the matter of Dr. Wall have been proven to be true by a preponderance of the evidence and to enter an order, effective immediately upon mailing, approving her application for restoration of her license to practice medicine and surgery in Ohio, provided that Dr. Wall takes and passes the Special Purpose Examination (SPEX) or specialty board recertification examination within one year of December 16, 2013. Dr. Saferin seconded the motion. A vote was taken:**

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- aye
	Dr. Saferin	- aye
	Dr. Schachat	- aye
	Dr. Rothermel	- aye
	Dr. Ramprasad	- aye

The motion to approve carried.

#### EXECUTIVE SESSION

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

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- aye
	Dr. Saferin	- aye
	Dr. Schachat	- aye
	Dr. Rothermel	- aye
	Dr. Ramprasad	- aye

The motion carried.

Pursuant to Section 121.22(G)(3), Ohio Revised Code, the Board went into executive session with Mr. Blanton, Ms. Anderson, Mr. Miller, Ms. Loe, Ms. Debolt, Mr. Katko, Ms. Ore, Ms. Wehrle, Ms. Marshall, the Enforcement Attorneys, the Assistant Attorneys General, Ms. Rieve, Mr. Alderson, Ms. Jacobs, Ms. Moore, Ms. Brooks, Ms. Rodriguez, and Mr. Taylor in attendance.

The Board returned to public session.

Dr. Saferin exited the meeting at this time.

RATIFICATION OF SETTLEMENT AGREEMENTS

COURTNEY DEAN BORRUSO, D.O. – CONSENT AGREEMENT

**Dr. Rothermel moved to ratify the Proposed Consent Agreement with Dr. Borruso. Dr. Schachat seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- abstain
	Dr. Schachat	- aye
	Dr. Rothermel	- aye
	Dr. Ramprasad	- aye

The motion to ratify carried.

Dr. Saferin returned to the meeting at this time.

COURTNEY DESELM BONNER, D.O. – STEP I CONSENT AGREEMENT

**Dr. Schachat moved to ratify the Proposed Step I Consent Agreement with Dr. Bonner. Dr. Rothermel seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- abstain
	Dr. Saferin	- abstain
	Dr. Schachat	- aye
	Dr. Rothermel	- aye
	Dr. Ramprasad	- aye

The motion to ratify carried.

THEODORE ROOSEVELT CUBBISON, D.O. – STEP II CONSENT AGREEMENT

**Dr. Rothermel moved to ratify the Proposed Step II Consent Agreement with Dr. Cubbison. Dr. Schachat seconded the motion.** A vote was taken:

ROLL CALL:

Dr. Sethi	- aye
Mr. Gonidakis	- aye
Mr. Giacalone	- aye
Dr. Bechtel	- abstain
Dr. Saferin	- abstain
Dr. Schachat	- aye
Dr. Rothermel	- aye
Dr. Ramprasad	- aye

The motion to ratify carried.

SUSHIL KUMAR SOMPUR VASANTHKUMAR, M.D. – PERMANENT WITHDRAWAL OF APPLICATION FOR MEDICAL LICENSURE

**Dr. Rothermel moved to ratify the Proposed Permanent Withdrawal with Dr. Sompur Vasanthkumar. Dr. Sethi seconded the motion.** A vote was taken:

ROLL CALL:

Dr. Sethi	- aye
Mr. Gonidakis	- aye
Mr. Giacalone	- aye
Dr. Bechtel	- abstain
Dr. Saferin	- abstain
Dr. Schachat	- aye
Dr. Rothermel	- aye
Dr. Ramprasad	- aye

The motion to ratify carried.

RANDALL GREGORY WHITLOCK, JR., P.A. – STEP II CONSENT AGREEMENT

**Dr. Sethi moved to ratify the Proposed Step II Consent Agreement with Mr. Whitlock. Dr. Schachat seconded the motion.** A vote was taken:

ROLL CALL:

Dr. Sethi	- aye
Mr. Gonidakis	- aye
Mr. Giacalone	- aye
Dr. Bechtel	- abstain
Dr. Saferin	- abstain
Dr. Schachat	- aye
Dr. Rothermel	- aye
Dr. Ramprasad	- aye

The motion to ratify carried.

PURA GARIN-VARGAS, M.D. – VOLUNTARY PERMANENT RETIREMENT FROM THE PRACTICE OF MEDICINE AND SURGERY

**Dr. Rothermel moved to ratify the Proposed Voluntary Permanent Retirement with Dr. Garin-Vargas. Dr. Sethi seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- abstain
	Dr. Saferin	- abstain
	Dr. Schachat	- aye
	Dr. Rothermel	- aye
	Dr. Ramprasad	- aye

The motion to ratify carried.

RAYMOND CARL GRUENTHER, M.D. – CONSENT AGREEMENT

**Dr. Schachat moved to ratify the Proposed Consent Agreement with Dr. Gruenther. Dr. Rothermel seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- abstain
	Dr. Saferin	- abstain
	Dr. Schachat	- aye
	Dr. Rothermel	- aye
	Dr. Ramprasad	- aye

The motion to ratify carried.

DEBORAH A. JORGENSEN, P.A. – PERMANENT SURRENDER OF CERTIFICATE TO PRACTICE AS A PHYSICIAN ASSISTANT

**Dr. Rothermel moved to ratify the Proposed Permanent Surrender with Ms. Jorgensen. Dr. Schachat seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- abstain

Dr. Saferin	- abstain
Dr. Schachat	- aye
Dr. Rothermel	- aye
Dr. Ramprasad	- aye

The motion to ratify carried.

CARLI A. STEINHAUSER, A.A. – STEP I CONSENT AGREEMENT

**Dr. Sethi moved to ratify the Proposed Step I Consent Agreement with Ms. Steinhauser. Dr. Schachat seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- abstain
	Dr. Saferin	- abstain
	Dr. Schachat	- aye
	Dr. Rothermel	- aye
	Dr. Ramprasad	- aye

The motion to ratify carried.

CITATIONS AND ORDERS OF SUMMARY SUSPENSION

STEVEN RALPH ANGERBAUER, 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. Schachat moved to send the Citation Letter to Dr. Angerbauer. Dr. Rothermel seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- abstain
	Dr. Saferin	- abstain
	Dr. Schachat	- aye
	Dr. Rothermel	- aye
	Dr. Ramprasad	- aye

The motion to send carried.

ASHOKKUMAR RATILAL BABARIA, 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. Schachat moved to send the Citation Letter to Dr. Babaria. Dr. Rothermel seconded the motion.**  
A vote was taken:

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- abstain
	Dr. Saferin	- abstain
	Dr. Schachat	- aye
	Dr. Rothermel	- aye
	Dr. Ramprasad	- aye

The motion to send carried.

BRYAN DAVID BORLAND, D.O. – NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY FOR HEARING

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. Rothermel moved to send the Notice of Summary Suspension and Opportunity for Hearing to Dr. Borland. Dr. Schachat seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- abstain
	Dr. Saferin	- abstain
	Dr. Schachat	- aye
	Dr. Rothermel	- aye
	Dr. Ramprasad	- aye

The motion to send carried.

ROLAND F. CHALIFOUX, JR., D.O.. – 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. Schachat moved to send the Citation Letter to Dr. Chalifoux. Dr. Rothermel seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- abstain
	Dr. Saferin	- abstain
	Dr. Schachat	- aye
	Dr. Rothermel	- aye
	Dr. Ramprasad	- aye

The motion to send carried.

LILLIAN F. LEWIS, 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. Rothermel moved to send the Citation Letter to Dr. Lewis. Dr. Schachat seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- abstain
	Dr. Saferin	- abstain
	Dr. Schachat	- aye
	Dr. Rothermel	- aye
	Dr. Ramprasad	- aye

The motion to send carried.

JOSHUA LONG – 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. Schachat moved to send the Citation Letter to Mr. Long. Dr. Rothermel seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye

Dr. Bechtel	- abstain
Dr. Saferin	- abstain
Dr. Schachat	- aye
Dr. Rothermel	- aye
Dr. Ramprasad	- aye

The motion to send carried.

CHRISTOPHER E. PELLOSKI, M.D. – CITATION LETTER

At this time the Board read and considered the proposed Notice of Automatic Suspension and Opportunity for Hearing in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

Ms. Marshall noted that in this matter, Dr. Sethi served as Acting Secretary and Mr. Gonidakis had previously served as Acting Supervising Member; therefore, those Board members, along with Dr. Bechtel and Dr. Saferin, may not vote.

**Dr. Rothermel moved to send the Citation Letter to Dr. Pelloski. Dr. Schachat seconded the motion.**  
A vote was taken:

ROLL CALL:	Dr. Sethi	- abstain
	Mr. Gonidakis	- abstain
	Mr. Giacalone	- aye
	Dr. Bechtel	- abstain
	Dr. Saferin	- abstain
	Dr. Schachat	- aye
	Dr. Rothermel	- aye
	Dr. Ramprasad	- aye

The motion to send carried.

TOM REUTTI STARR, 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. Rothermel moved to send the Citation Letter to Dr. Starr. Dr. Schachat seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- abstain
	Dr. Saferin	- abstain

Dr. Schachat - aye  
Dr. Rothermel - aye  
Dr. Ramprasad - aye

The motion to send carried.

#### APPLICANTS FOR LICENSURE

**Dr. Saferin moved to approve for licensure, contingent upon all requested documents being received and approved in accordance with licensure protocols, the acupuncturist assistant applicants listed in Exhibit "A," the anesthesiologist assistant applicants listed in Exhibit "B," the genetic counselor applicants listed in Exhibit "C," the massage therapist applicants listed in Exhibit "D," the Oriental medicine practitioner applicants lists in Exhibit "E," the physician assistant applicants listed in Exhibit "F," the physician applicants listed in Exhibit "G," and to certify as passing and license those receiving a score of 75 or greater on their examination, and to approve the results of the August 2014 Cosmetic Therapy Examination in Exhibit "H" and to certify as failing and deny licensure to those who received a score of less than 75 on the examination, as listed in the Handout. Dr. Schachat seconded the motion. A vote was taken:**

ROLL CALL:

Dr. Sethi - aye  
Mr. Gonidakis - aye  
Mr. Giacalone - aye  
Dr. Bechtel - aye  
Dr. Saferin - aye  
Dr. Schachat - aye  
Dr. Rothermel - aye  
Dr. Ramprasad - aye

The motion carried.

#### PROBATIONARY REQUESTS

Dr. Ramprasad advised that at this time he would like the Board to consider the probationary requests on today's consent agenda. Dr. Ramprasad asked if any Board member wished to discuss a probationary report or probationary request separately. Dr. Ramprasad stated that he wished to discuss two probationary requests separately.

Dr. Ramprasad noted that Maryrose P. Bauschka, M.D., and Dustin M. Clark, M.D., are moving out-of-state to Utah and Tennessee, respectively. Dr. Ramprasad asked if they will continue to send their required reports to the Board. Ms. Bickers replied that Dr. Bauschka and Dr. Clark will continue to send their reports to the Board. Dr. Ramprasad asked if Dr. Clark will be making his required appearances before the Board by electronic means. Ms. Bickers stated that Dr. Clark initially requested to make his appearances electronically, but the Secretary's recommendation is to only reduce Dr. Clark's required appearances to once per year.

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

- To grant Sohail Aman, M.D.'s request for approval of James G. McNulty, 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 Joseph E. Baus, M.D.'s request for approval of the Nebraska Department of Health and Human Services, Division of Public Health, to conduct the drug testing while the doctor resides and practices in Nebraska;
- To grant Maryrose P. Bauschka, M.D.'s, request for approval of Steve Varechok, L.C.S.W., to serve as the treating mental health counselor;
- To grant Rebecca Ann Brauch, M.D.'s request for approval of Catrina N. Luca, M.D., to serve as the new treating psychiatrist;
- In the matter of Dustin M. Clark, M.D., to approve the Secretary's recommendation to reduce personal appearances to once per year;
- To grant Betsy L. Cornell, M.T.'s request for approval of the online personal/professional ethics course *From the Client's Perspective: Marketing, Policies and Ethics of Your Practice*, offered by the American Massage Therapy Association, or approval of the online personal/professional ethics course *Self-Evaluation for an Ethical Practice*, offered by the American Massage Therapy Association;
- To grant Jennifer J. Furin, M.D.'s request for reduction in drug screens from four times per month to two times per month; reduction in appearances from every three months to every six months; and reduction in meeting attendance from three per week to two per week with a minimum of 10 per month;
- To grant Philip M. Goldman, M.D.'s request for discontinuation of the chart review requirement; discontinuance of the drug log requirement; and discontinuance of the Comparative Audit and Waste Log/Assay requirements;
- To grant Shane R. Hanzlik, M.D.'s request for approval of the Virginia Health Practitioners' Monitoring Program (HPMP) to conduct the monitoring while residing and practicing in Virginia;
- In the matter of Gregory Gene Johnson, M.D., to approve the Secretary's recommendation to discontinue the controlled substance log requirement;
- To grant I. Praveen Kumar, M.D.'s request for approval of Lamberto T. R. Galang, Jr., 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;

- To grant Lillian Frances Lewis, M.D.'s request for approval of Elizabeth S. Wassenaar, M.D., to conduct psychiatric treatment and the return to work psychiatric assessment; and approval to continue under the terms of the May 14, 2014 Step I Consent Agreement while residing in Kentucky;
- To grant Wendy A. Millis, M.D.'s request for reduction in psychiatric sessions from once per month to once every three months; and
- To grant Michael J. Palma, M.D.'s request for approval of David W. Stroom, M.D., to serve as the new treating psychiatrist.

**Dr. Rothermel seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- aye
	Dr. Saferin	- aye
	Dr. Schachat	- aye
	Dr. Rothermel	- aye
	Dr. Ramprasad	- aye

The motion carried.

#### ADMINISTRATIVE REPORT

**Staffing Updates:** Mr. Blanton stated that two new employees have joined the Medical Board: Mitch Alderson as Chief of Licensure and James Roach as Enforcement Attorney. Mr. Blanton stated that Mr. Alderson has experience in government agencies and holds a master's degree in financial economics from the Ohio State University. Mr. Blanton stated that Mr. Roach was an assistant prosecutor in Fayette County, Ohio, for seven years and has experience with the Ohio Department of Jobs and Family Services. Mr. Blanton noted that applications for currently being accepted for Customer Service Receptionist and the vacant Enforcement Attorney position. Mr. Blanton stated that Paula Farrell has left the Board and the position of Executive Assistant is being filled by Benton Taylor on an interim basis.

**Fiscal Year 2014 Annual Report:** Mr. Blanton stated that the Fiscal Year 2014 Annual Report has been filed with the Governor's office on schedule. Mr. Blanton stated that producing the Annual Report was a tremendous effort with many people involved; Mr. Blanton particularly noted Joan Wehrle's excellent work on the final product.

**Meetings:** Mr. Blanton stated that on July 7, 2014, Ms. Debolt and Mr. LaCross met with representatives from the Ohio Board of Nursing, the Ohio Nurses Association, and the Ohio Association of Physician Assistants and discussed issues regarding advanced practice nurses and physician assistants. A follow-up

meeting was held on July 23, 2014.

On July 10, 2014, Chief of Investigations Randy Beck and Board Investigator Curtis Fortner attended a meeting of the Vinton County Drug Task Force.

On July 11, 2014, Mr. Beck and Dawn Smith, Board Investigator, continued the Board's involvement with the Heroin and Opiate Action Team in Cleveland, which is sponsored by the U.S. Attorney's Office.

On July 14, 2014, Ms. Ore met with Lyn Tolan, Chief of Policy and Communications for the Ohio Development Services Agency, Jill Del Greco, Public Information Officer for the Ohio Attorney General's Office, and Reginald Fields, Director of Communications for the Ohio State Medical Association on various dates to discuss ideas on how to communicate effectively.

On July 15, 2014, Mr. Blanton and Ms. Anderson attended the State Medical Directors meeting at the Bureau of Worker's Compensation. This discussion focused on Medicaid and related scope of practice issues.

The Medical Board's Office-Based Opioid Treatment Panel met on July 23, 2014 to discuss the office-based opioid treatment rules. The meeting was also attended by members of the public. Mr. Blanton commented that the meeting was extremely productive. The Panel proposed some modifications to the rules, which was discussed this morning by the Policy Committee and will be discussed during the Policy Committee's report later in the meeting. Mr. Blanton thanked Ms. Anderson, Mr. Schmidt, and Ms. Debolt for facilitating the meeting.

On July 30, 2014, Mr. Blanton, Ms. Anderson, Mr. Schmidt, Mr. Miller, and Ms. Bickers had a conference call with Dr. Ted Parran, Dr. Chris Delos Reyes, and Amy Pisman from Case Western Reserve University. The discussion centered on adding assessment and monitoring to remedial education programs.

On July 29, Mr. Blanton and other staff met with Mr. Gonidakis to discuss communication with associations and the general public. The goal is to improve the Board's messaging in a way that is more productive, more persuasive, and generates news about the good work that the Board is doing.

On August 4, 2014, Mr. Blanton, Ms. Anderson, and Mr. Miller met with Greg Moody, Director of the Governor's Office of Health Transformation (OHT) to discuss how the Board can assist and work with OHT and the State Department of Health as they move forward on the future of healthcare in Ohio. Workforce issues were also discussed. Mr. Blanton stated that the Board will develop demographic data for Director Moody regarding who is practicing medicine in Ohio, their location, their specialties, and other data. Mr. Blanton stated that this data will be available by the time of the September Board meeting.

On August 5, 2014, Mr. Blanton, Ms. Anderson, Mr. Miller, Ms. Wehrle, and Mr. LaCross met with representatives from several professional associations, including the Ohio State Medical Association, the Ohio Osteopathic Association, and the Ohio Foot & Ankle Medical Association. The purpose of the meeting was to work with the associations on physician educational programs and outreach. Mr. Blanton stated that these meetings will continue and will also include the Ohio Academy of Family Physicians.

**Start Talking! Consent Form:** Mr. Blanton stated that as part of House Bill 314, practitioners are required to provide and use the Start Talking! consent form when prescribing opioids to minors. Members of the Board staff collaborated to design the form. It was decided to make the Medical Board's form available to all other licensing boards that are also under the requirements of House Bill 314. Mr. Blanton stated that the form will be sent to the other boards for their comment.

**Lyme Disease Test Form:** Mr. Blanton stated that another new requirement for physicians is to provide the Lyme Disease Test Form to any patient for whom the physician is ordering a test for Lyme disease. The form essentially informs the patient that the test could result in false positives or false negatives. Mr. Blanton stated that these efforts to make required forms easily accessible to practitioners are part of the outreach communication that the Board discussed at its last retreat.

Dr. Schachat stated that the Lyme Disease Test Form and the Start Talking! Consent Form should be formatted to be compatible with electronic medical records (EMR). Mr. Blanton agreed and asked Ms. Wehrle to work with Dr. Schachat to ensure that the forms are EMR compatible.

**OARRS Letters:** Mr. Blanton stated that the Board undertook the Ohio Automated Rx Reporting System (OARRS) letter project in January 2014 in conjunction with the Ohio Board of Pharmacy to identify all prescribers who had written in excess of 500 prescriptions for controlled substances in 2012 and were not registered with OARRS. Approximately 2,000 such prescribers were identified and the Board sent a letter to each one. In April 2014, Ms. Anderson and Ms. Rodriguez conducted a follow-up project and found that about 1,400 of those who received letter had registered with OARRS since that time. The remaining practitioners received a hand-delivered letter reiterating the need to register with OARRS. Another follow-up project will begin in the fall.

Mr. Blanton stated that discussions, both internally and with associations, have centered on the demographics of those physicians who had written over 500 prescriptions for controlled substances but had not registered for OARRS. Ms. Rodriguez removed those who had died, retired, or moved out of state and analyzed the resulting data. Ms. Rodriguez found that these physicians were not concentrated in any one geographic area, but practiced in all areas of the state approximately in proportion to the general population. Mr. Rodriguez also found that primary care physicians (internal medical practitioners, family practitioner, and pediatricians) constituted about 45% of these practitioners, orthopedic surgeons made up about 9%, and child & adolescent psychiatrists made up another 8%. Mr. Blanton stated that the Board will work with the associations to get the message out to these groups more effectively. Mr. Blanton further noted that of all the physicians in question, only one was a pain management physician, indicating that that group of practitioners had received the Board's message on this matter.

Mr. Blanton hoped to have additional information in this regard for the Board's review in September. Mr. Blanton also stated that the Board will soon break down this data based on class of medication prescribed.

**Out-of State Travel Request:** Mr. Blanton stated that Mr. Miller has been asked to travel to Baltimore, Maryland, for the Citizens Advisory Advocacy Center's annual meeting on October 23 and 24 to speak to a panel addressing how licensing boards are collaborating with law-enforcement agencies. Mr. Blanton

stated that Mr. Miller is the perfect person to address this issue. Mr. Blanton asked for the Board's approval to reimburse Mr. Miller's travel expenses.

**Dr. Bechtel moved to approve Mr. Miller's travel to the annual meeting of the Citizens Advisory Advocacy Center, to reimburse Mr. Miller's travel expenses, and to approve *per diem* for Mr. Miller. Dr. Bechtel further moved that Mr. Miller's travel to the meeting is a part of his job duties with the Board. Dr. Saferin seconded the motion.** All members voted aye. The motion carried.

The Board recessed for lunch at 11:55 a.m. and resumed the meeting at 1:00 p.m.

#### FINAL PROBATIONARY APPEARANCES

##### TIMOTHY R. HALSTEAD, P.A.

Mr. Halstead was appearing before the Board pursuant to his request for release from the terms of his August 12, 2009 Consent Agreement. Ms. Bickers reviewed Mr. Halstead's history with the Board.

Dr. Ramprasad noted that Mr. Halstead has expressed pride in what he has accomplished; Dr. Ramprasad agreed that Mr. Halstead should be proud. Dr. Ramprasad asked Mr. Halstead to comment on his statement that knows what went wrong when he relapsed. Mr. Halstead stated that he had stopped attending meetings and opined that this is what led to his relapse. Mr. Halstead stated that he needs to keep his recovery in the forefront of his mind every day and going to meetings accomplishes that.

Dr. Ramprasad noted that Mr. Halstead has a history of domestic violence, resisting arrest, and driving intoxicated going back to 1995. Dr. Ramprasad asked if the turning point for Mr. Halstead had been his visit to Glenbeigh in 2009. Mr. Halstead had no doubt that that was, in fact, the turning point for him. Dr. Ramprasad asked if Mr. Halstead was fairly certain that he would not go back to what he had done in the past. Mr. Halstead replied that after what he had been through in the last five years, he would not think of going back. Mr. Halstead commented that his life is too good right now to go back.

Dr. Ramprasad asked what specialty Mr. Halstead practiced in. Mr. Halstead replied that as a physician assistant, he had been in cardiothoracic surgery for 13 years. However, Mr. Halstead stated that he recently began practicing in emergency medicine.

Dr. Sethi asked what Mr. Halstead will do to prevent another relapse. Mr. Halstead responded that he will not want to go back to keeping track of the arduous paperwork involved with Board monitoring as he has in the previous five years, as well as his inability to leave the state without permission from the Board. Dr. Rothermel asked if Mr. Halstead will continue attending meetings. Mr. Halstead replied that he will continue attending meetings.

Dr. Saferin asked if Mr. Halstead is a sponsor for other addicted persons. Mr. Halstead answered that he has sponsored a couple of people, but those people are no longer sober at this time. Mr. Halstead stated that a sponsor cannot force people to do what is asked of them. Dr. Saferin asked if Mr. Halstead wants to sponsor more people. Mr. Halstead replied that if someone asked him to be a sponsor, he would not turn

them down.

**Dr. Rothermel moved to release Mr. Halstead from the terms of his August 12, 2009 Consent Agreement, effective immediately. Dr. Saferin seconded the motion.** All members voted aye. The motion carried.

MADelyn R. SARTAIN, D.O.

Dr. Sartain was appearing before the Board pursuant to her request for release from the terms of her August 12, 2009 Consent Agreement. Ms. Bickers reviewed Dr. Sartain's history with the Board.

Dr. Ramprasad asked Dr. Sartain to explain one of the bases for her Consent Agreement, specifically the "admission of having permitted staff to improperly dispose of patient records including laboratory results, body fluids samples," and so forth. Dr. Sartain answered that an employee did not follow the well-established rules regarding shredding documents and putting urine in the hazardous waste containers available in every room. Dr. Sartain stated that the employee had come into the office on the weekend and put a bag of unshredded documents and less than half a pound of hazardous waste into the dumpster. Dr. Sartain stated that if someone had asked her for permission to do that, she would have said no.

Dr. Ramprasad asked how Dr. Sartain benefited from taking the intensive course on controlled substance management. Dr. Sartain replied that she no longer accepts new patients and only manages her 28 current pain management patients. Dr. Sartain stated that these 28 patients have all seen pain management specialists and have had the proper training; Dr. Sartain only handles their day-to-day management based on the pain management specialists' recommendations.

Dr. Ramprasad noted that Dr. Sartain is also using Suboxone in the treatment of some patients. Dr. Sartain responded that that is correct.

Mr. Giacalone noted that Dr. Sartain had prescribed excessive quantities of controlled substances. Mr. Giacalone asked Dr. Sartain to elaborate on this. Dr. Sartain replied that, to her understanding, the Board felt that she had been prescribing opiates in quantities that were too large. When asked how much opiates Dr. Sartain would prescribe, she replied that her approach to pain management at that time, as well as currently, is to have the patient see a pain management specialist who would determine the proper dosages. Dr. Sartain opined that she came under the scrutiny of the Board because of the sheer number of patients she was seeing.

Mr. Giacalone asked if Dr. Sartain had been prescribing excessive quantities of opiates. Dr. Sartain replied that there may have been one or two patients for whom what she was doing was not proper, though that had not been her intent. Dr. Sartain stated that her current 28 patients are managed in the same way that she had managed them previously. Dr. Sartain stated that her current documentation is "spot-on," while some of her documentation previously may not have been. Dr. Sartain stated that she is learning a great deal from her Suboxone patients and opined that the process of overall learning regarding opiates and addiction is ongoing.

Mr. Giacalone asked if Dr. Sartain recalled if she had been prescribing oxycodone 30 mg and in what quantities. Dr. Sartain replied that she had been prescribing oxycodone 30 mg in quantities of 60 or 90 tablets. Mr. Giacalone asked if Dr. Sartain had ever prescribed anything else with the opiates. Dr. Sartain answered that she had occasionally prescribed benzodiazepines, but never in large quantities. Dr. Sartain stated that she no longer prescribes benzodiazepines at all anymore.

Mr. Giacalone asked if Dr. Sartain's patients had been oncological patients or had back pain or some other diagnosis. Dr. Sartain replied that her patients had been varied; some had cancer while some had had multiple back surgeries. Dr. Sartain reiterated that all of her patients had previously seen a pain management specialist. Mr. Giacalone opined that the Board would not have taken action against Dr. Sartain for treating oncological patients and commented that her patients must have been questionable for the Board to have taken action. Dr. Sartain felt that the Board had taken action because of the high number of patients she had been seeing, but stated that she was never told exactly why the Board had taken action. Dr. Sartain stated that she had signed her Consent Agreement on the advice of her attorney.

Dr. Rothermel asked if Dr. Sartain felt that the reason for the Board's action was a lack of record-keeping for what Dr. Sartain had been prescribing, or if the Board felt she had been prescribing inappropriately. Dr. Sartain replied that she was not perfect at prescribing and there were probably occasional cases in which she prescribed more than she should have. Dr. Sartain believed that most of her prescribing had been appropriate and her record-keeping had not been perfect. For instance, Dr. Sartain stated that there were times when a patient may have seen a back surgeon but not a pain management specialist.

Dr. Sartain stated that she currently has 28 pain management patients and she will accept no more. Dr. Sartain stated that all of her current patients have all the proper documentation and they see pain management specialists on a regular basis, usually annually. Dr. Sartain stated that she manages the patients on a month-to-month basis, based on the recommendations of the pain management specialist, because the pain management specialists already have all the patients that they are able to manage month-to-month.

**Dr. Rothermel moved to release Dr. Sartain from the terms of her August 12, 2009 Consent Agreement, effective immediately. Dr. Schachat seconded the motion.** All members voted aye. The motion carried.

TIMOTHY SCROGGINS, M.D.

Dr. Scroggins was appearing before the Board pursuant to his request for release from the terms of his May 10, 2012 Consent Agreement. Ms. Bickers reviewed Dr. Scroggins' history with the Board.

Mr. Giacalone asked why Dr. Scroggins surrendered his Drug Enforcement Administration (DEA) controlled substances license. Dr. Scroggins replied that it was due to a paperwork issue. Dr. Scroggins specified that he had been using Vicodin from his office for house calls and he had not documented it clearly. Mr. Giacalone commented that he had never heard of a physician dispensing Vicodin tablets at house calls. Dr. Scroggins explained that he had been making house calls for the Amish and it was very difficult for them to get to pharmacies.

Dr. Ramprasad asked about Dr. Scroggin's depression. Dr. Scroggins replied that his depression is fine and his medication is working for him. Dr. Ramprasad asked how bad Dr. Scroggins' depression had been. Dr. Scroggins responded that he had suffered from depression for 35 to 40 years and had been basically in control of it, especially as he grew older. Dr. Scroggins continued that he had tried to stop smoking using Chantrix prior to the warning on that medication regarding depression. Dr. Scroggins stated that a month after using Chantrix, he went into a major depressive episode. Subsequently, Dr. Scroggins fought his way back to being his usual self.

Dr. Ramprasad asked if Dr. Scroggins had a support system. Dr. Scroggins stated that he is married and he has friends. Dr. Scroggins further stated that he is active in martial arts. Dr. Scroggins stated that he has been seeing a psychiatrist monthly, but they have mutually agreed that they can reduce the appointments to annually and on an as-needed basis.

Dr. Saferin asked if Dr. Scroggins intends to get his DEA license back. Dr. Scroggins replied that he is currently retired and he is not certain if he wants to return to the practice of medicine. Dr. Scroggins stated that he may return to medicine to do work at a free clinic. Dr. Scroggins' understanding is that he would be able to get his DEA license back with few problems. Dr. Scroggins stated that he no longer has a private practice and will no longer purchase office Vicodin.

**Dr. Rothermel moved to release Dr. Scroggins from the terms of his May 10, 2012 Consent Agreement, effective immediately. Dr. Saferin seconded the motion.** All members voted aye. The motion carried.

## RULES & POLICIES

### MILITARY SERVICE RULES

Ms. Debolt stated that the Board had previously approved the proposed military service rules for circulation among interested parties. Ms. Debolt reminded the Board that pursuant to an Executive Order, all agencies are required to consider military service in regards to licensure applications and continuing medical education. The Executive Order further requires that a license that expires while the licensee is on active military duty be renewed without penalty.

Ms. Debolt stated that the proposed rules put the Executive Order into effect for anesthesiologist assistants, radiologist assistant, Oriental medicine practitioners, and genetic counselors. Ms. Debolt stated that the rules regarding physician assistants must first go through the Physician Assistant Policy Committee before coming before the Board, while the rules regarding massage therapists are still in progress.

**Dr. Sethi moved to approve the filing of proposed rules 4731-24-05, 4762-1-01, 4774-1-02.1, and 4778-1-02.1 with the Common Sense Initiatives Office. Dr. Schachat seconded the motion.** All members voted aye. The motion carried.

## REPORTS BY ASSIGNED COMMITTEES

LICENSURE COMMITTEELICENSURE APPLICATION REVIEWSBENJAMIN DONOHUE, M.D.

Dr. Saferin stated that Dr. Donohue has applied for restoration of his Ohio medical license. Dr. Donohue has not engaged in the clinical practice of medicine since 2009. The Licensure Committee recommended granting Dr. Donohue's application for restoration, limited to his participation in a fellowship program, and that all limitations be terminated upon successful completion of the fellowship.

**Dr. Saferin moved to approve Dr. Donohue's application for restoration of his license, with the restriction that he may only practice within his fellowship program. Dr. Saferin further moved to this restriction be lifted when documentation of Dr. Donohue's successful completion of the fellowship program is received. Dr. Schachat seconded the motion. A vote was taken:**

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- aye
	Dr. Saferin	- aye
	Dr. Schachat	- aye
	Dr. Rothermel	- aye
	Dr. Ramprasad	- aye

The motion carried.

JOSEPH PREMANANDAN, M.D.

Dr. Saferin stated that Dr. Premanandan has applied for restoration of his Ohio medical license. Dr. Premanandan has not engaged in the clinical practice of medicine since 2005. In 2012, Dr. Premanandan placed his license into emeritus status. Dr. Premanandan holds lifetime certificate from the American Board of Internal Medicine and the American Board of Neurology. The Licensure Committee recommends granting Dr. Premanandan's application for restoration, pending successful completion of the Special Purpose Examination (SPEX) or recertification examination in internal medicine or neurology.

**Dr. Saferin moved to approve Dr. Premanandan's application for restoration of his license, pending successful completion of the Special Purpose Examination (SPEX) or recertification in internal medicine or neurology. Dr. Sethi seconded the motion. A vote was taken:**

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye

Dr. Bechtel	- aye
Dr. Saferin	- aye
Dr. Schachat	- aye
Dr. Rothermel	- aye
Dr. Ramprasad	- aye

The motion carried.

ALI NADERI MAHABADI, M.D.

Dr. Saferin stated that Dr. Naderi Mahabadi has applied for a medical license in Ohio. Dr. Naderi Mahabadi has completed 12 months of post-graduate training in the United Kingdom and 12 months of post-graduate training in the United States. Dr. Naderi Mahabadi is requesting that his training and experience in the United Kingdom and the United States be deemed equivalent to 24 months of graduate medical education. The Licensure Committee recommends approving Dr. Naderi Mahabadi's request.

**Dr. Saferin moved to deem Dr. Naderi Mahabadi's training and experience in the United Kingdom and his 12 months of postgraduate training in the United States to be equivalent to the 24 months of graduate medical education through the second-year level so that he may be granted a license. Dr. Bechtel seconded the motion. A vote was taken:**

ROLL CALL:	Dr. Sethi	- aye
	Mr. Gonidakis	- aye
	Mr. Giacalone	- aye
	Dr. Bechtel	- aye
	Dr. Saferin	- aye
	Dr. Schachat	- aye
	Dr. Rothermel	- aye
	Dr. Ramprasad	- aye

The motion carried.

EZHILUDAI NAMBI RAMAMOORTHY, M.D.

Dr. Saferin stated that Dr. Ramamoorthy has applied for a medical license in Ohio. Dr. Ramamoorthy has completed 12 months of post-graduate training in the United States and has previous training and experience in the United Kingdom. Dr. Ramamoorthy is requesting that his training and experience in the United Kingdom and the United States be deemed equivalent to 24 months of graduate medical education. The Licensure Committee recommends approving Dr. Ramamoorthy's request.

**Dr. Saferin moved to deem Dr. Ramamoorthy's training and experience in the United Kingdom and his 12 months of postgraduate training in the United States to be equivalent to the 24 months of graduate medical education through the second-year level so that he may be granted a license. Dr. Rothermel seconded the motion. A vote was taken:**

ROLL CALL:

Dr. Sethi	- aye
Mr. Gonidakis	- aye
Mr. Giacalone	- aye
Dr. Bechtel	- aye
Dr. Saferin	- aye
Dr. Schachat	- aye
Dr. Rothermel	- aye
Dr. Ramprasad	- aye

The motion carried.

### STEP 3 USMLE WAIVER REQUEST

#### JENNIFER O'MALLEY, M.D., PH.D.

Dr. Saferin stated that Dr. O'Malley has applied for a good cause waiver to take Step 3 of the United States Medical Licensing Examination (USMLE). Dr. O'Malley is one month over the 10-year limit to complete all steps of the USMLE. Dr. Saferin explained that Dr. O'Malley is over the limit because she discontinued her medical school training, transferred to a graduate school, obtained a Ph.D. in 2009, and then finished her Doctor of Medicine degree in 2011. The Licensure Committee recommends granting Dr. O'Malley's request.

**Dr. Saferin moved that Dr. O'Malley be granted a waiver for good cause to take Step 3 of the USMLE because she passed Steps 1 and 2 on the first attempt and has obtained an M.D./Ph.D. Dr. Ramprasad seconded the motion. A vote was taken:**

ROLL CALL:

Dr. Sethi	- aye
Mr. Gonidakis	- aye
Mr. Giacalone	- aye
Dr. Bechtel	- aye
Dr. Saferin	- aye
Dr. Schachat	- aye
Dr. Rothermel	- aye
Dr. Ramprasad	- aye

The motion carried.

### PHYSICIAN REENTRY AFTER EXTENDED PERIOD OF NON-PRACTICE

Dr. Saferin stated that the Licensure Committee continues to discuss this topic and how to evaluate physicians who have not practiced medicine for an extended period. Dr. Saferin stated that this topic will be brought back before the Board at the September meeting for a vote.

POLICY COMMITTEEOFFICE-BASED OPIOID TREATMENT RULES

Ms. Anderson stated that there was a meeting of the Office-Based Opioid Treatment Panel. Representatives from the Common Sense Initiative Office were also present. Ms. Anderson stated that numerous changes to the proposed rule were recommended by the Panel, as well as changes recommended by other public comments. Ultimately, 15 changes were made to the proposed rule, which were discussed in-depth at the Policy Committee meeting. Ms. Anderson asked for approval to send the proposed rule out to all interested parties who had provided comments. Ms. Anderson also asked for approval to file the revised rule with the Common Sense Initiative Office and move forward with the rule promulgation process. Ms. Anderson stated that there will be other opportunities for public input.

Dr. Ramprasad asked for an explanation of the proposal for “elimination of the requirement that failed drug screens must be confirmed.” Ms. Anderson stated that the original draft of the rule required gas chromatography-mass spectrometry (GCMS) confirmation of all failed drug screens except for the initial one. There was a great deal of discussion on this regarding concerns that GCMS confirmation is not necessary in many situations, such as when the individual admits to use of an illegal substance. Ms. Anderson commented that the section of the proposed rule regarding urine drug screens has been put more in the physician’s discretion. Ms. Anderson stated that the Panel’s concern was prompted by the high cost of GCMS screens.

**Mr. Gonidakis moved to approve the draft rule for distribution to interested parties and for filing with the Common Sense Initiative Office. Dr. Bechtel seconded the motion.**

Dr. Ramprasad asked for a brief explanation of Section (B)(2)(b) of the proposed rule. Ms. Anderson stated that this provision is an attempt to recognize that a physical examination is not always necessary when an individual is being referred for office-based opioid treatment. Ms. Anderson stated that many times the physicians who are performing this type of treatment may not do a physical examination in their normal course of practice, such as psychiatrist. The provision allows for the physical examination to come from another physician who had recently performed the examination. Responding to further questions from Dr. Ramprasad, Ms. Anderson stated that it had been recommended that screens for hepatitis B and C be included because those conditions are fairly common among IV drug users.

**A vote was taken on Mr. Gonidakis’ motion.** All members voted aye. The motion carried.

WEIGHT-LOSS RULES

Ms. Anderson stated that the Board’s rule on weight-loss medications is being divided into rules addressing short-term medications and long-term medications. Regarding the rule on short-term medication, Ms. Anderson stated that the Board is still gathering information of a law-enforcement nature and comparing it to similar data from Kentucky. Ms. Anderson stated that the Policy Committee recommended filing this rule with the Common Sense Initiative, but subsequent review suggests that that may be premature. Ms. Anderson stated that the proposed rule will be redrafted based on comments and

presented to the Board in September. Mr. Gonidakis agreed that it is appropriate to wait until September to present this to the Board for approval.

#### PRESCRIBING TO PATIENTS NOT SEEN RULE

Ms. Anderson stated that this rule requires an examination prior to prescribing medications to patients, and is also a way to combat internet prescribing. Ms. Anderson commented that this topic also comes up in conversations on telemedicine. Ms. Anderson congratulated Ms. Debolt and Mr. Schmidt on the tremendous work they have done to simplify this rule and to incorporate the interpretive guideline the Board adopted in 2012. Ms. Anderson stated that the interpretive guideline deals with situations when, if certain criteria are met, the examinations could be performed remotely. This is a recognition of technological advances.

Ms. Anderson stated that the Policy Committee discussed this rule and recommended an amendment to Section 4731-11-09(A)(2) that specifies that the examination be appropriate to the specialty. This was in response to a comment from Dr. Schachat and his experience as an ophthalmologist. In addition, Tom Dilling of the Ohio Board of Nursing provided language that the Medical Board should use in order to be more in compliance with Nursing Board language.

Ms. Anderson commented that she and Dr. Ramprasad will address a meeting of the Health Policy Institute next week and would like to share a draft version of this rule with those attending.

Dr. Sethi asked if the provision that the examination be appropriate to the specialty constitutes letting the physician decide whether or not to perform an examination. Ms. Anderson replied that an examination will still be required, but it would have to be an appropriate examination and not necessarily a full physical examination. Ms. Anderson stated that in the past, this rule required a physical face-to-face examination. The 2012 interpretive guideline stated that with technological advances, some examinations can be done remotely in places where medical equipment provides a real-time picture to a remote physician.

Dr. Ramprasad asked why the rule for telepsychiatry is being eliminated. Ms. Anderson replied that the general rule is being broadened to include telepsychiatry and a special exception for it will not be necessary. Dr. Ramprasad asked if a physician would be able to prescribe through telemedicine if a nurse or other healthcare professional were taking the patient's vital signs. Ms. Anderson replied that under the proposed rule, prescribing through telemedicine can be done in the office of an Ohio licensed physician or a community mental health clinic and a licensed healthcare professional, such as a nurse, must be available. Dr. Ramprasad asked if any medication can be prescribed, including controlled substances. Ms. Anderson stated that the rule currently being discussed is only for non-controlled substances. Ms. Anderson stated that there are certain circumstances under which it is acceptable to prescribe controlled substances under federal law.

**Mr. Gonidakis to approve Draft Rule 4731-11-12, amended so that the required examination is appropriate to the specialty and incorporating language provided by Mr. Dilling of the Ohio Board of Nursing, for filing. Dr. Schachat seconded the motion. All members voted aye. The motion carried.**

4731-7-01, OHIO ADMINISTRATIVE CODE, METHOD OF NOTICE OF MEETINGS, AND 4731-9-01, RECORD OF BOARD MEETINGS; RECORDING, FILMING, AND PHOTOGRAPHING OF MEETINGS

Ms. Anderson asked the Board to approve the draft changes to these rules, with some non-substantive changes.

**Mr. Gonidakis moved to approve the draft rule for filing. Mr. Giacalone seconded the motion.** All members voted aye. The motion carried.

4731-30-02, OHIO ADMINISTRATIVE CODE, INTERNAL MANAGEMENT OF BOARD METRICS

Ms. Anderson stated that the Board is required to adopt an internal management rule regarding metrics. Ms. Anderson requested three changes to the draft rule to make it easier for the staff to gather the information. First, Ms. Anderson asked that the metrics for licensure and renewal metrics to be measured by median number of days rather than average number of days. Second, Ms. Anderson asked that the metrics for the investigation section be measured from the time a case is assigned to an investigator. Third, Ms. Anderson asked that the metrics for the number of presentations made by Board staff be organized by topic rather than by section.

**Dr. Saferin moved to approve the draft rule for filing, with the amendments suggested by Ms. Anderson. Dr. Bechtel seconded the motion.** All members voted aye. The motion carried.

COMPLIANCE COMMITTEE

Dr. Ramprasad reported that on July 9, 2014, the Compliance Committee met with Joanna C.S. Kauffman, M.D.; Carla M. Myers, D.O.; Michael J. Palma, M.D.; Nicholas L. Pesa, M.D.; Govindaraju Subramani, M.D.; David A. Tracy, M.D.; and Ronald G. Verrilla, D.P.M., and moved to continue them under the terms of their respective Board actions.

Dr. Ramprasad further stated that the Compliance Committee accepted Compliance staff's report of conferences on June 9 and 10, 2014, and further approved the draft minutes from the June 11, 2014 Compliance Committee.

BOARD-APPROVED TREATMENT PROVIDER APPLICATION

FOCUS HEALTHCARE OF TENNESSEE

**Dr. Saferin moved to approve the application for a Certificate of Good Standing as a Treatment Provider for Impaired Practitioners from Focus Healthcare of Tennessee be approved. Dr. Sethi seconded the motion.** All members voted aye. The motion carried.

FISCAL YEARS 2016/2017 BUDGET

Mr. Blanton stated that the Medical Board's Fiscal Years 2016-2017 Budget must be submitted by September 17, 2014. Mr. Blanton stated that he will discuss the financial projection and ask for guidance from the Board. Mr. Blanton commented that the budget could be an opportunity to move some non-controversial legislative or policy matters as part of the budgeting process. Mr. Blanton stated that the actual budget will be submitted to the Board at its September 10, 2014 meeting for approval.

Mr. Blanton stated that the Board's workforce plan will be due on November 12, 2014. Mr. Blanton recommended that three positions be added to the Board's staff. Two of these suggested positions would be in the Licensure Section to help improve the section's metrics, particularly in light of possible legislative changes to continuing medical education requirements and Ohio Automated Rx Reporting System (OARRS) certification verification. The two positions together would represent a first-year cost of approximately \$120,000.00 and a second-year cost of approximately \$130,000.00.

For the third proposed position, Mr. Blanton asked to add an additional Attorney 1 position in the Enforcement Section. Mr. Blanton stated that this position would be an opportunity to bring in an attorney who is fresh from law school and to "grow our own talent" and for use on projects that do not require an Attorney 3. Mr. Blanton stated that such a position would be a net zero cost due to a nurse reviewer position that he would not anticipate filling when it becomes vacant through retirement.

Mr. Blanton stated that the projections for Fiscal Years 2012 through 2017 show that wages go up over time. Mr. Blanton stated that one reason for this is the proposed new positions mentioned previously. Another reason is that Fiscal Years 2012, 2013, and 2014 are represented by actual number, while Fiscal Years 2015, 2016, and 2017 is based on the assumption of full staffing levels with the salaries of those currently filling those positions. Mr. Blanton stated that there have been many vacancies over time and some long-term disabilities, which means that their salary is paid from a different fund.

Ms. Loe stated that the only other projected increases are based on preliminary projections of maintenance costs on the new e-Licensing system. Ms. Loe stated that the Medical Board's share of the cost of maintaining the e-Licensing system will be approximately \$120,000.00 per year. The financial projections also include a slight increase in hearing examiner contracts. The Board's rent is also projected to increase somewhat. Ms. Loe stated that bargaining unit renegotiation has begun and she anticipated that future cost-of-living increases will be known by February 2015. Ms. Loe stated that before the budget is passed by the legislature, the Board will have an opportunity to recalculate payroll once it is known what the bargaining unit contract requires.

Mr. Blanton stated that the third page of budget presents two sets of numbers for where the Board will be at the end of Fiscal Years 2015, 2016, and 2017. The first set of numbers is calculated with flat payroll costs and a 3% increase in growth of revenues, based on anticipated increase in the number of licensees. The second set of numbers is based on a projection of what cost-of-living adjustments may be included in the bargaining unit contract. Mr. Blanton noted that these projections also do not include alternative sources of revenue that the Board is pursuing, such as additional fining authority.

Mr. Blanton opined that this proposed budget is rather conservative and would increase the function and services the Board can provide to its licensees. Dr. Saferin observed that the budget shows certain years of

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“red ink” and demonstrates the Board’s need for fining authority. Ms. Loe agreed, noting that that trend would be likely to continue beyond Fiscal Year 2017 without other increases or sources of revenue.

Thereupon, at 2:30 p.m., the August 13, 2014 session of the State Medical Board of Ohio was adjourned by Dr. Ramprasad.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio meeting on August 13, 2014, as approved on September 10, 2014.

  
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Krishnamurthi Ramprasad, M.D., President

  
\_\_\_\_\_  
Mark Bechtel, M.D., Secretary



(SEAL)