

February 11, 2015

MINUTES**THE STATE MEDICAL BOARD OF OHIO****February 11, 2015**

Donald R. Kenney, Sr., President, called the meeting to order at 9:50 a.m. in the Administrative Hearing Room, 3rd Floor, the James A. Rhodes Office Tower, 30 E. Broad Street, Columbus, Ohio 43215, with the following members present: Michael L. Gonidakis, Vice-President; Kim G. Rothermel, M.D., Secretary; Bruce R. Saferin, D.P.M., Supervising Member; Anita M. Steinbergh, D.O.; Krishnamurthi Ramprasad, M.D.; Amol Soin, M.D.; Sushil Sethi, M.D.; Robert P. Giacalone; and Andrew P. Schachat, M.D.

Also present were: Anthony J. Groeber, Executive Director; Kimberly Anderson, Assistant Executive Director; Susan Loe, Assistant Executive Director, Human Resources and Fiscal; Michael Miller, Assistant Executive Director for Licensure and Renewal; Sallie J. Debolt, Senior Counsel; David Katko, Assistant Legal Counsel; Joan K. Wehrle, Education and Outreach Program Manager; Jonithon LaCross, Public Policy & Governmental Affairs Program Administrator; Rebecca Marshall, Chief Enforcement Attorney; Marcie Pastrick, Mark Blackmer, Cheryl Pokorny, Angela McNair, Greg Taposci, James Roach, and Kimberly Lee, Enforcement Attorneys; Kyle Wilcox, Melinda Snyder, and James Wakley, Assistant Attorneys General; R. Gregory Porter, Chief Hearing Examiner; Danielle Blue, Hearing Examiner; William Schmidt, Senior Counsel for Investigations; Gary Holben, Operations Administrator; Danielle Bickers, Compliance Supervisor; Annette Jones and Angela Moore, Compliance Officers; Mitchell Alderson, Chief of Licensure; Chantel Scott, Chief of Renewal; Christine Schwartz, Legal Services Contractor; Cathy Hacker, P.A. Program Administrator; Judith Rodriguez, Legal Department Secretary; Jacqueline A. Moore, Legal/Public Affairs Assistant; Regina Bouldware, Licensure Assistant; and Benton Taylor, Board Parliamentarian.

MINUTES REVIEW

Dr. Saferin moved to approve the draft minutes of the January 14, 2015, Board meeting, as written. Dr. Steinbergh seconded the motion. A vote was taken:

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

The motion carried.

REPORTS AND RECOMMENDATIONS

Mr. Kenney announced that the Board would now consider the Reports and Recommendations appearing on its agenda.

Mr. Kenney 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: Phyllis Yvonne Bell; Patrick Lewis Bruno, M.D.; Richard M. Kincaid, M.D.; and Todd Louis Samuels, M.D.

A roll call was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

Mr. Kenney 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. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

Mr. Kenney 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. Rothermel served as Secretary and Dr. Saferin served as Supervising Member.

Mr. Kenney 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.

PHYLLIS YVONNE BELL

Mr. Kenney directed the Board's attention to the matter of Phyllis Yvonne Bell. Objections have been filed and were previously distributed to Board members. Ms. Blue was the Hearing Examiner.

Dr. Steinbergh moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Phyllis Yvonne Bell. Dr. Sethi seconded the motion.

Mr. Kenney stated that he would now entertain discussion in the above matter.

Mr. Gonidakis stated that in 2010 Ms. Bell, a licensed nurse at the time, was charged in the Franklin County Court of Common Pleas with a felony count of theft for overbilling the Ohio Department of Jobs and Family Services in the amount of \$24,000.00. Ms. Bell pleaded guilty to a lesser offense of theft and was sentenced to five years of community control, community service, and was required to pay \$24,000.00 in restitution. In July 2011, the Ohio Board of Nursing suspended Ms. Bell's nursing license for a minimum of five years and permanently prohibited her from practicing as a nurse with agencies that provide home care and hospice care. In 2011, Ms. Bell graduated from the Cleveland Institute of Medical Massage. Ms. Bell is currently employed in a salon and spa as a housekeeper.

Mr. Gonidakis continued that Ms. Bell applied for a license as a massage therapist in September 2013. On her application, Ms. Bell disclosed her conviction and the status of her nursing license. Ms. Bell also disclosed that in 1983, at the age of 18, she was arrested for receiving stolen property. Specifically, Ms. Bell stole books from another student at the Ohio State University and tried to sell them at a campus bookstore. Ms. Bell was convicted and spent three days in jail.

Mr. Gonidakis stated that Ms. Bell appears to be remorseful for her past actions. Ms. Bell has indicated that if her massage therapy license application is granted, she will take a job with her current employer as a massage therapist.

Mr. Gonidakis stated that the Proposed Order is to permanently deny Ms. Bell's application due to a perceived lack of trustworthiness. Mr. Gonidakis stated that the \$24,000.00 in restitution that Ms. Bell must repay is significant and that she cheated the taxpayers of Ohio. However, Mr. Gonidakis appreciated that Ms. Bell fully disclosed her past transgressions and is trying to do something better with her life. Mr. Gonidakis commented that the 1983 incident, while inexcusable, had no bearing on his assessment of whether Ms. Bell is trustworthy.

Mr. Gonidakis offered an amendment to the Proposed Order that would grant Ms. Bell's application for licensure, then immediately suspend that license for a minimum of 180 days. Upon fulfilling the conditions for reinstatement, Ms. Bell's license would be subject to probationary terms for a minimum of

three years. Mr. Gonidakis opined that in this case, it would be appropriate to allow Ms. Bell to practice in the profession for which she has been educated.

Mr. Gonidakis moved to amend the Proposed Order to read as follows:

It is hereby ORDERED that:

- A. **GRANT OF MASSAGE THERAPIST LICENSE; SUSPENSION OF CERTIFICATE:** The application of Phyllis Yvonne Bell for a certificate to practice massage therapy in Ohio is GRANTED, provided that she otherwise meets all statutory and regulatory requirements. That certificate shall be immediately SUSPENDED for an indefinite period of time, but not less than 180 days.
- B. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Ms. Bell's certificate to practice massage therapy until all of the following conditions have been met:
1. **Application for Reinstatement or Restoration:** Ms. Bell shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
 2. **Certification of Compliance with Terms of Criminal Probation:** At the time she submits her application for reinstatement or restoration, Ms. Bell shall submit to the Board certification from the Franklin County Court of Common Pleas, dated no earlier than 60 days prior to Ms. Bell's application for reinstatement or restoration, indicating that Ms. Bell is in full compliance with the terms of probation in criminal case No. 10CR-4219, including paying full restitution to ODJFS.
 3. **Personal Ethics Course(s):** At the time she submits her application for reinstatement or restoration, or as otherwise approved by the Board, Ms. Bell shall provide acceptable documentation of successful completion of a course or courses dealing with personal ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee.
- In addition, at the time Ms. Bell submits the documentation of successful completion of the course(s) dealing with personal ethics, she shall also submit to the Board a written report describing the course(s), setting forth what she learned from the course(s), and identifying with specificity how she will apply what she learned to her practice of massage therapy in the future.
- C. **PROBATION:** Upon reinstatement or restoration, Ms. Bell's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least three years:
1. **Obey the Law:** Ms. Bell shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.
 2. **Declarations of Compliance:** Ms. Bell shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there had been compliance with all

the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which Ms. Bell's certificate is restored or reinstated. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

3. **Personal Appearances:** Ms. Bell shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which Ms. Bell's certificate is restored or reinstated, or as otherwise directed by the Board. Subsequent personal appearances shall occur every six months thereafter, and/or as otherwise directed by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
 4. **Tolling of Probationary Period While Out of Compliance:** In the event Ms. Bell is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.
 5. **Required Reporting of Change of Address:** Ms. Bell shall notify the Board in writing of any change of residence address and/or principal practice address within 30 days of the change.
- D. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Ms. Bell's certificate will be fully restored.
- E. **VIOLATION OF THE TERMS OF THIS ORDER:** If Ms. Bell violates the terms of this Order in any respect, the Board, after giving his notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.
- F. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER:**
1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Ms. Bell shall provide a copy of this Order to all employers or entities with which she is under contract to provide healthcare services (including but not limited to third-party payors), or is receiving training; and the Chief of Staff at each hospital or healthcare center where she has privileges or appointments. Further, Ms. Bell shall promptly provide a copy of this Order to all employers or entities with which she contracts in the future to provide healthcare services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or healthcare center where she applies for or obtains privileges or appointments. This requirement shall continue until Ms. Bell receives from the Board written notification of the successful completion of her probation.

In the event that Ms. Bell provides any healthcare services or healthcare direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, within 30 days of the effective date of this Order, she shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

This requirement shall continue until Ms. Bell receives from the Board written notification of the successful completion of her probation.

2. **Required Reporting to Other State Licensing Authorities:** Within 30 days of the effective date of this Order, Ms. Bell shall provide a copy of this Order to the proper licensing authority of any state or jurisdiction in which she currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which she currently holds any license or certificate. Also, Ms. Bell shall provide a copy of this Order at the time of application to the proper licensing authority of any state or jurisdiction in which she applies for any professional license or reinstatement/restoration of any professional license. This requirement shall continue until Ms. Bell receives from the Board written notification of the successful completion of her probation.
3. **Required Documentation of the Reporting Required by Paragraph F:** Ms. Bell shall provide this Board with **one** of the following documents as proof of each required notification within 30 days of the date of each such notification: (a) the return receipt of certified mail within 30 days of receiving that return receipt, (b) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (c) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (d) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

EFFECTIVE DATE OF ORDER: This Order shall become effective immediately upon the mailing of the notification of approval by the Board.

Mr. Giacalone seconded the motion.

Mr. Kenney stated that he will now entertain discussion of the proposed amendment.

Ms. Anderson stated that Ms. Bell is present and is indicating that she sent a letter to the Board via fax requesting to address the Board today. Ms. Anderson stated that Ms. Bell's letter was never received, but she is requesting to address the Board.

Mr. Gonidakis moved to allow Ms. Bell to address the Board. Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- nay
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye

Dr. Soin - aye
Mr. Giacalone - aye
Dr. Schachat - aye

The motion carried.

Mr. Kenney stated that five minutes will be allowed for Ms. Bell's address.

Ms. Bell acknowledged her guilt for her past actions and emphasized that she is not minimizing her past actions, which she will carry with her for the rest of her life. Ms. Bell stated that she has grown since that time and is making restitution. Ms. Bell stated that she would like the opportunity to be able to meet her financial obligations and to become a better citizen.

Mr. Giacalone asked Ms. Bell why the Board should believe her today or feel that past events involving trust and honesty should not be a concern to the Board. Ms. Bell responded that she had made a bad decision, but she is not a bad person. Ms. Bell stated that her focus is to provide the best care she can. Ms. Bell stated that she would like to have a second chance to show that she can be good at her work.

Mr. Kenney asked if the Assistant Attorney General would like to respond. Mr. Wilcox declined to make a response.

Dr. Steinbergh expressed great concern that, as an adult, Ms. Bell had stolen money from the State of Ohio by overbilling for her services. Dr. Steinbergh noted the following quote from Ms. Bell's testimony: "Having flipped this over in my mind so many times, I've learned that what belongs to someone else is theirs and I don't have the right to take it from them." Dr. Steinbergh observed that even at that stage in Ms. Bell's life, as a practicing licensed practical nurse, she did not know the difference between right and wrong. Dr. Steinbergh stated that she does not know if Ms. Bell has yet learned the difference between right and wrong.

Dr. Steinbergh found it very significant that part of the Nursing Board's order permanently bars Ms. Bell from working as an independent contractor. Dr. Steinbergh stated that she had favored the Proposed Order of permanent denial, but she appreciated Mr. Gonidakis' comments and the fact that the amended Order would require a personal ethics course. Dr. Steinbergh suggested that the Order also include the requirement that Ms. Bell submit a practice plan and have it approved by the Board before she commences practice as a massage therapist. Dr. Steinbergh stated that while under the practice plan, Ms. Bell will not be able to go into business for herself as a massage therapist. Dr. Steinbergh commented that she is opposed to Ms. Bell going into practice by herself and performing the billing for her services.

Mr. Kenney agreed with Dr. Steinbergh's suggestion, noting that it would not bar Ms. Bell from opening her own business after she is released from probation. Dr. Soin and Mr. Gonidakis also agreed.

Mr. Gonidakis wished to change his proposed amendment to add the requirement that Ms. Bell submit a practice plan to the Board and to have that plan approved by the Board prior to Ms. Bell commencing practice. The practice plan requirement shall be in effect for the duration of Ms. Bell's

probationary period. No Board member objected to the change in Mr. Gonidakis' proposed amendment. The change to the motion to amend was accepted.

Dr. Ramprasad stated that, according to the hearing record, Ms. Bell had been informed by her massage therapy school that her felony conviction would have no impact on her ability to obtain a massage therapy license. Dr. Ramprasad noted that the Board has seen many such instances of massage therapy schools misinforming their students in this manner Dr. Ramprasad recommended that a letter be sent to the massage therapy schools emphasizing that this practice is not acceptable. Mr. Kenney and Dr. Steinbergh agreed. Ms. Anderson stated that a letter can be sent reminding the schools of the Board's rules in this regard.

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

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

The motion to amend carried.

Dr. Steinbergh moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order, as amended, in the matter of Phyllis Yvonne Bell. Dr. Soin seconded the motion. A vote was taken:

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

The motion carried.

PATRICK LEWIS BRUNO, M.D.

Mr. Kenney directed the Board's attention to the matter of Patrick Lewis Bruno, M.D. Objections have been filed and were previously distributed to Board members. Ms. Shamansky was the Hearing Examiner.

Mr. Kenney stated that a request to address the Board has been timely filed on behalf of Dr. Bruno. Five minutes will be allowed for that address.

Dr. Bruno was represented by his attorney, Elizabeth Collis.

Ms. Collis stated that this case involves sister-state discipline, commonly referred to as a "bootstrap" case, and is based on action that has been taken against Dr. Bruno's medical licenses in Missouri and Illinois. In a bootstrap case, the only evidence the State needs to introduce is a certified copy showing that the respondent has been the subject of discipline in another state; no evidence regarding the underlying allegations is required. Ms. Collis stated that, consequently, the respondents' hands are tied because they cannot introduce any defense of the underlying allegations. Ms. Collis noted that the underlying allegations concern Dr. Bruno's treatment of a patient in a Van Wert, Ohio, hospital. Since no evidence regarding the underlying allegations have been introduced, the only thing before the Board is that the Missouri Board of Registration for the Healing Arts took action against Dr. Bruno, and then the Division of Professional Regulation of the Department of Financial and Professional Regulation of the State of Illinois took action based on the Missouri Board's order.

Ms. Collis stated that in similar cases, the Medical Board has imposed a reprimand or taken no further action. In this case, the Hearing Examiner has recommended a three-year probation. Ms. Collis respectfully opined that this is not appropriate and that no monitoring physician is needed since Dr. Bruno is currently in a fellowship program. Ms. Collis stated that Dr. Bruno will be under the terms of his Missouri probation until 2016.

Dr. Bruno stated that he was recruited to come to Van Wert, Ohio, in 2011 to practice as an obstetrician and gynecologist. In 2012, Dr. Bruno's hospital privileges were suspended due to a surgical complication. Subsequently, Dr. Bruno applied to restore his expired Missouri medical license. Dr. Bruno disclosed the loss of his hospital privileges, as well as a prior Driving While Intoxicated (DWI) offense. The Missouri Board granted Dr. Bruno's application and placed him on probation for three years. Dr. Bruno stated that he is in full compliance with his Missouri probationary terms.

Dr. Bruno continued that he sought treatment for chemical dependency in 2011 at Glenbeigh Hospital. Dr. Bruno currently participates in the Ohio Physician's Health Program (OPHP) and is being monitored by that group. Dr. Bruno stated that he has never been charged by the State Medical Board of Ohio with practicing below the minimal standards of care or being impaired in his ability to practice medicine. Dr. Bruno stated that if he had been given the opportunity to present evidence regarding his care of the patient in Van Wert, he would have gladly done so.

Dr. Bruno stated that he has not practiced obstetrics and gynecology since 2012 and he recently entered a one-year fellowship in addiction medicine at Saint Vincent's Charity Hospital in Cleveland, Ohio. As a

fellow, Dr. Bruno is under the supervision of the fellowship program directors. Dr. Bruno hoped to use his skills in women's health to help treat pregnant women who suffer from addiction.

Dr. Bruno respectfully asked the Board to refrain from taking action against his Ohio medical license. Dr. Bruno asked that, if the Board finds that sanctions are warranted, then a reprimand would be considered. Dr. Bruno also asked that if the Board finds that probationary terms are warranted, that those terms coincide with his fellowship or his Missouri probation.

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

Mr. Wakley stated that the order from the Missouri Board provided a good deal of detail regarding Dr. Bruno's substance abuse issues and the patient care issue that occurred in a Van Wert, Ohio, hospital. Mr. Wakley stated that Dr. Bruno was not prevented from talking about the incident in Van Wert and he answered questions about that subject. Mr. Wakley stated that it is within the Board's ability to take action based on information contained within the Missouri order. Mr. Wakley asked the Board to take whatever action it deems appropriate without regard to the fact that this case is based on a sister-state action.

Mr. Giacalone moved to approve and confirm Ms. Shamansky's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Patrick Lewis Bruno, M.D. Dr. Soin seconded the motion.

Mr. Kenney stated that he would now entertain discussion in the above matter.

Mr. Kenney briefly reviewed Dr. Bruno's career, including the incident in Van Wert, Ohio, the resulting suspension of this hospital privileges, and his subsequent relocation to Missouri. In May 2011, while practicing in Ohio, Dr. Bruno voluntarily sought treatment for alcohol dependency at Glenbeigh Hospital. In his hearing, Dr. Bruno admitted that he drank heavily for many years before seeking treatment following two DWI convictions. Dr. Bruno testified that he never drank while he had patient responsibilities or when he was on call; however, when working he found himself "looking at the clock" considering when he can drink again. Mr. Kenney quoted a portion of Dr. Bruno's testimony: "I guarantee you that when time ended I was looking for a drink if I didn't have healthcare-related responsibilities." Dr. Bruno described his drinking pattern as "an evolving binge drinking problem."

Mr. Kenney continued that following treatment at Glenbeigh Hospital, Dr. Bruno entered into an aftercare program and registered with OPHP. Dr. Bruno stated that he did not disclose his 1993 DWI conviction on his application to restore his Missouri medical license because it had been expunged. While Dr. Bruno agrees with the Missouri Board's finding that he failed to disclose his 1993 DWI conviction, he disagreed with its findings regarding standard of care issues. In August 2013, the Illinois Department of Financial and Professional Regulation issued an order, based on the Missouri Board's action, that his Illinois medical license would not be renewed.

Mr. Kenney noted Dr. Bruno's testimony that he is not planning to return to the practice of obstetrics and gynecology and that he has chosen to practice addiction medicine. Mr. Kenney stated that he agrees with

the Hearing Examiner's Findings of Fact and Conclusions of Law. Mr. Kenney also stated that he supports amending the Proposed Order.

Mr. Gonidakis moved to amend the Proposed Order to add a permanent limitation and/or restriction stating that Dr. Bruno's certificate to practice medicine in Ohio shall be permanently limited and restricted to field of addiction medicine only. Dr. Soin seconded the motion.

Mr. Kenney stated that he will now entertain discussion in the above matter.

Dr. Schachat noted that practicing addiction medicine may also entail aspects of general practice, such as examining the patient and ordering liver tests. Dr. Schachat questioned whether the Board should more clearly define what practicing addiction medicine means in relation to this proposed amendment. Mr. Kenney agreed.

Dr. Steinbergh commented that, as noted by Mr. Kenney, Dr. Bruno had emphasized that he never drank when he had patient responsibilities, but he often found himself watching the clock and waiting for his responsibilities to end so he can have a drink. Dr. Steinbergh stated that this describes a distracted physician and is a significant red flag for minimal standards issues. Dr. Steinbergh stated that the decision-making capacity of a physician must be clear. Dr. Steinbergh further commented that no one wants to be seen by a physician who is calculating when he can have his next drink. Dr. Steinbergh stated that Dr. Bruno may not have had alcohol in his body when he was seeing patients, but he had not been engaged in the clear practice of medicine at the moment.

Dr. Steinbergh noted Dr. Bruno's argument that he did not have the ability to defend himself on patient care issues. However, Dr. Steinbergh pointed out that the Missouri Board's order outlined Dr. Bruno's patient care problems. Dr. Steinbergh stated that Dr. Bruno failed to make a post-operative complication such as a ureteral injury a part of his differential diagnosis. Dr. Steinbergh also noted the Hearing Examiner's comment that Dr. Bruno was reticent to take responsibility for this patient care issue and used language that deflected blame. Dr. Steinbergh disagreed with the objection that Dr. Bruno was unable to defend himself and stated that there is always an ability to defend oneself when the record shows minimal standards concerns.

Dr. Steinbergh agreed with Dr. Schachat regarding the definition of addiction medicine in the proposed amendment.

Dr. Ramprasad opined that this matter should be treated primarily as a bootstrap case. Dr. Ramprasad stated that physicians face many difficult situations in the course of practice and it is problematic to critique actions after the fact. Dr. Ramprasad stated that if the Board is to issue an order that imposes a greater sanction than the Missouri Board issued, then the Board has an obligation to uncover the details and not simply accept the facts included in the Missouri Board order. Regarding Dr. Bruno's alcohol use, Dr. Ramprasad agreed with Dr. Goldberg of OHPH that it should be considered a one-bite exemption.

Dr. Ramprasad felt that the Hearing Examiner did a spectacular job on the Report and Recommendation, but he opined that it is not possible to determine if someone is truly repentant or reticent to give

information. Dr. Ramprasad stated that he supports the Proposed Order, which is based on the Missouri Board's order.

Mr. Giacalone stated that he appreciates the creativity of Mr. Gonidakis' proposed amendment, but he agrees with Dr. Ramprasad's comments. Mr. Giacalone noted that Dr. Bruno's sobriety date is in 2011, while the malpractice occurred in 2012, and therefore it appears that alcoholism did not impact the malpractice claim. Mr. Giacalone also questioned whether the medical aspects of this case have been truly vetted. Mr. Giacalone stated that he supports the Proposed Order.

Dr. Soin stated that he appreciated the comments of Dr. Ramprasad and Mr. Giacalone. However, Dr. Soin pointed out that according to the Report and Recommendation, Dr. Bruno has no intention of returning to the practice of obstetrics and gynecology. Therefore, Dr. Soin opined that Mr. Gonidakis' proposed limitation would be harmful to Dr. Bruno's career. Dr. Soin stated that he supports the proposed amendment. Mr. Kenney agreed and also opined that the proposed amendment protects patients.

Dr. Ramprasad stated that a permanent limitation of any kind can be harmful to Dr. Bruno because he will have to report it to potential employers and insurance companies for the rest of his career, even after his probationary term ends. Dr. Ramprasad opined that it will be extremely difficult for Dr. Bruno to return to obstetrics and gynecology in any case due to his history. Therefore, Dr. Ramprasad found the proposed amendment to be unnecessary and burdensome.

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

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Ramprasad	- nay
	Dr. Steinbergh	- nay
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Mr. Giacalone	- abstain
	Dr. Schachat	- nay

The motion to amend carried.

Dr. Steinbergh moved to approve and confirm Ms. Shamansky's Findings of Fact, Conclusions of Law, and Proposed Order, as amended, in the matter of Patrick Lewis Bruno, M.D. Dr. Sethi seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Ramprasad	- nay
	Dr. Steinbergh	- nay

Mr. Gonidakis	- aye
Mr. Kenney	- aye
Dr. Sethi	- aye
Dr. Soin	- aye
Mr. Giacalone	- nay
Dr. Schachat	- nay

The motion did not carry, having failed to obtain six affirmative votes.

Dr. Steinbergh moved to approve and confirm Ms. Shamansky's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Patrick Lewis Bruno, M.D. Dr. Ramprasad seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- nay
	Mr. Kenney	- nay
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion to approve the Hearing Examiner's Proposed Order carried.

PRESENTATION BY THEODORE V. PARRAN, M.D., ON ADDICTION MEDICINE

Mr. Kenney welcomed Dr. Parran, who will provide a presentation to the Board. Dr. Parran stated that he is a general internal medicine physician who has practiced primary care internal medicine and addiction medicine since 1985. Dr. Parran provided a thorough presentation to the Board regarding the disease of addiction, its natural history, its treatment, and how best to address the problem of impaired physicians. Dr. Parran then solicited questions from the Board.

Responding to questions from the Board, Dr. Parran stated that the determination that addiction is primarily a genetic disease is derived from adoption studies and twin studies. Dr. Parran stated that adoption studies have shown that children born into families with addictive behavior and adopted at an early age by families without such behaviors still have high risk for addiction. Also, studies of twins show that identical twins share a propensity to addiction at a much higher rate than fraternal twins.

Regarding one-bite and two-bite rules, Dr. Parran favored a system whereby an individual taking advantage of the rule would be with a peer assistance program and would also be required to report themselves to the Board in a confidential manner. In this way, if the individual revokes permission for the peer assistance program to share information with the Board, then that individual is already known to the

Board. Dr. Parran noted that once an individual revokes permission from the program, it cannot share that person's information as a matter of federal law.

Regarding addiction in relation to one's work, Dr. Parran stated that job loss is one of the last things to occur with chemical dependence. However, the impairment of a person's ability to function optimally happens very early in the disease. Although physicians may question how their substance abuse can be an issue at work when they only use on the weekend, Dr. Parran stated that the brain is intricately involved in both practice of medicine and the disease of addiction. Dr. Parran stated that addiction causes a radical makeover of the brain that only gradually heals after several weeks or several months of sobriety. Dr. Parran stated that physicians cannot safely practice medicine while having an active chemical dependency.

Regarding treatment and the ability for impaired practitioners to return to work, Dr. Parran stated that the brain is still healing during the first three months of treatment and it makes little sense to return to work during that time period. Dr. Parran stated that, except in instances where the practitioner has a very rough withdraw or a psychiatric dual diagnosis, he favors one month of intensive inpatient treatment followed by intensive outpatient treatment. Dr. Parran opined that six to eight weeks into sobriety, the practitioner can consider returning to work half-time. At three months of sobriety, the practitioner can consider returning to work full-time, but with limited on-call responsibilities so that it does not interfere with aftercare activities. In regards to long-term monitoring, Dr. Parran felt that a consent agreement with a three-year term makes sense for those without a dual diagnosis or a relapse, or five years if those factors are present. Dr. Parran opined that a prolonged suspension makes sense if there is a pattern of repeated relapses despite good monitoring.

Mr. Kenney thanked Dr. Kenney for presenting this information for the Board's consideration.

REPORTS AND RECOMMENDATIONS

RICHARD M. KINCAID, M.D.

Mr. Kenney directed the Board's attention to the matter of Richard M. Kincaid, M.D. No objections have been filed. Ms. Blue was the Hearing Examiner.

Mr. Kenney stated that a request to address the Board has been timely filed on behalf of Dr. Kincaid. Five minutes will be allowed for that address.

Dr. Kincaid was represented by his attorney, Elizabeth Collis.

Ms. Collis stated that Dr. Kincaid has been subject to monitoring by the Board since June 2010. In that time, Dr. Kincaid has not relapsed and has never tested positive on any drug screen. The Board's citation alleges that Dr. Kincaid failed to make required call-ins to FirstLab seven times in 2013 and five times in 2014.

Ms. Collis continued that the purpose of the Board's monitoring conditions is to ensure that the practitioner is sober and is fulfilling what is required of them. However, Ms. Collis stated that there can be other

indications of sobriety. In this case, Ms. Collis stated that testimony from Dr. Kincaid's wife, the Board's Compliance Officer Danielle Bickers, and Dr. Kincaid's monitoring physician, as well as letters of support from individuals from Alcoholics Anonymous (AA) and other evidence, show that Dr. Kincaid is sober and has not relapsed.

Ms. Collis stated that similar cases have come before the Board in the last few months and have resulted in similar sanctions to what has been recommended by the Hearing Examiner in this case. Ms. Collis disagreed with the Assistant Attorney General's suggestion that a suspension of Dr. Kincaid's license would be appropriate. Ms. Collis emphasized that there is no evidence that Dr. Kincaid has relapsed and stated that he has merely missed a few call-ins.

Dr. Kincaid stated that he has been monitored by the Board for nearly five years. Dr. Kincaid stated that he is much healthier and happier than he was before seeking treatment in 2010. Dr. Kincaid was proud that he has not consumed alcohol at all during his suspension and probation. Dr. Kincaid stated that his requirements to attend AA and submit to random drug screens are the best ways to show the Board and his employer that he is not consuming alcohol.

Dr. Kincaid stated that he has worked hard at his recovery, but admitted that he has not had perfect compliance with his requirement to call FirstLab daily. Dr. Kincaid explained that for a long time he did not have a good system to ensure that he made his daily call-ins. Dr. Kincaid stated that this was complicated by the fact that he worked several night shifts per week at Pomerene Hospital, which is 72 miles from his home. Dr. Kincaid stated that this work schedule made it difficult to create a consistent routine and led him to miss some call-ins to FirstLab.

Dr. Kincaid continued that he had been under the mistaken impression that if he missed a call-in, listing it on his quarterly declaration of compliance would resolve that issue. Dr. Kincaid now realizes that this is not the case and he has redoubled his efforts to make sure he does not miss a call-in. Dr. Kincaid has set an alarm on his cell phone to call in to FirstLab at 8:10 a.m. every day. Dr. Kincaid has also encouraged his wife to help him remember, though he acknowledged that he alone is responsible for his compliance. Dr. Kincaid believed that he now has a system in place to prevent him from missing future call-ins.

Dr. Kincaid stated that he is sober and he understands that importance of proving his sobriety to the Board. Dr. Kincaid supported the Hearing Examiner's Proposed Order to extend his probationary period for an additional six months.

Mr. Giacalone stated that he had some questions for Dr. Kincaid. Ms. Collis objected. Ms. Collis stated that under Section 4731-13-15(E), Ohio Administrative Code, the Board has the authority to reopen the hearing record if it has any additional questions or needs any additional evidence. Ms. Collis asked that that be the process used by the Board. Mr. Kenney recognized Mr. Giacalone to ask questions.

Mr. Giacalone asked if Dr. Kincaid had been concerned about what may happen to him when he missed approximately twelve call-ins to FirstLab in 2013 and 2014, given fact that he had been treated for chemical dependency in 1982 and had a relapse that resulted in a 120-day suspension in 2010. Mr. Giacalone also noted that Dr. Kincaid had been advised at the probationary meeting in September 2013

that it was important that he complete the call-ins.

Dr. Kincaid replied that he had been concerned, but he had been under the impression that missing some call-ins was not a major problem as long as he disclosed them on his declaration of compliance. Dr. Kincaid further stated that he had just purchased a new smartphone and he had not known how to work the notification program. Dr. Kincaid also stated that due to his work schedule, he would sometimes wake up in the day and not remember if he had called in or not and there was no way to check if he had on the FirstLab website.

Mr. Giacalone asked whose responsibility it is to ensure that Dr. Kincaid call in to FirstLab daily. Dr. Kincaid replied that it is obviously his responsibility. Mr. Giacalone asked Dr. Kincaid why he thought the Board was focused on his daily call-in requirements. Dr. Kincaid replied that the Board wants to make sure that he is sober so as to protect the public. Dr. Kincaid stated that initially he had felt that the most important thing is that he knows that he is sober; however, Dr. Kincaid now acknowledges that it is important that the Board know he is sober as well.

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

Mr. Wakley stated that this case is a little different from prior cases of non-compliance because Dr. Kincaid was repeatedly told that he must call in every day, as specified in both his Step I and Step II Consent Agreements. Mr. Wakley stated that despite a tolling letter being issued for non-compliance and despite a meeting with Ms. Bickers and a member of the Board emphasizing this requirement, Dr. Kincaid continued to miss call-ins.

Mr. Wakley stated that the State continues to believe that a suspension is warranted in this case. Mr. Wakley stated that if the Board listens to the recording of the compliance meetings Dr. Kincaid had with Ms. Bickers, it would understand that Dr. Kincaid did not take his Consent Agreement seriously. Mr. Wakley stated that the Board must show that its agreements need to be taken seriously and that there will be consequences for non-compliance.

Dr. Steinbergh moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Richard M. Kincaid, M.D. Dr. Ramprasad seconded the motion.

Mr. Kenney stated that he would now entertain discussion in the above matter.

Dr. Steinbergh stated that Dr. Kincaid is an emergency physician who entered into a Step I Consent Agreement with the Board in June 2010 due to a relapse on alcohol. In October 2010, Dr. Kincaid entered into a Step II Consent Agreement which reinstated his license and put him under probationary conditions for a minimum of five years. Dr. Kincaid's Step II Consent Agreement is still in effect. Dr. Steinbergh noted that the Proposed Order erroneously refers to an "October 2012" agreement, which should read "October 2010."

Dr. Steinbergh stated that she objects to the concept that Dr. Kincaid "merely" missed a few call-ins. Dr.

Steinbergh commented that the Board takes monitoring an impaired physician very seriously and that missing required call-ins is not a “mere” thing to the Board.

Dr. Steinbergh noted Dr. Kincaid’s testimony that the call-in requirements of his Consent Agreement “seemed like almost an afterthought” and that he did not consider that the Medical Board needed this information to ensure that he is sober. Dr. Steinbergh found this difficult to accept. Dr. Steinbergh noted that Dr. Kincaid is an impaired physician who has entered into two consent agreements with the Board and has been through a series of office conferences about noncompliance, yet he failed to correct his non-compliance. Dr. Steinbergh stated that Dr. Kincaid was intermittently non-compliant with his Consent Agreement from May 2013 to May 2014 and questioned whether the appropriate time to lengthen the period of his Consent Agreement would be six months, as provided for in the Proposed Order, or twelve months.

Dr. Steinbergh stated that it always concerns her when an individual is repeatedly non-compliant with their consent agreement. Dr. Steinbergh stated that Dr. Kincaid is highly-educated and is represented by an attorney, yet he still had not understood the requirements of his consent agreement. Dr. Steinbergh stated that the Board’s primary mission is protection of the public. The Board also wants to see impaired physicians healed, but it cannot be certain of that if the consent agreement is not adhered to. Dr. Steinbergh stated that there is no evidence that Dr. Kincaid relapsed, but her consideration of this case is strictly limited to Dr. Kincaid’s non-compliance and not the possibility of relapse.

Dr. Ramprasad stated that Dr. Kincaid had been under consent agreements with the Board since 2010, so it was not a new thing to him. Dr. Ramprasad also noted that a letter sent to Dr. Kincaid from the Board’s Secretary and Supervising Member on April 29, 2013, outlined what he should be doing. This was reiterated during Dr. Kincaid’s September 2013 meeting with Ms. Bickers and the Board Secretary. Despite all this, Dr. Kincaid continued to miss call-ins and he failed to do what was required of him. Dr. Ramprasad stated that he would favor suspending Dr. Kincaid’s medical license.

Mr. Giacalone stated that, although he does not support suspension, he agrees with Dr. Ramprasad’s sentiments. Mr. Giacalone failed to understand how Dr. Kincaid could continue to miss call-ins after being brought in to the Board’s offices in September 2013 and having the situation clearly spelled out for him. Mr. Giacalone stated that he supports lengthening Dr. Kincaid’s probationary period.

Dr. Soin agreed with Mr. Giacalone and stated that he did not find Dr. Kincaid’s testimony to be credible. Dr. Soin did not appreciate that Dr. Kincaid used ignorance as a tool to masquerade negligence or that he blamed it on his cell phone. Dr. Soin opined that missing twelve call-ins is negligence. Dr. Soin agreed with lengthening Dr. Kincaid’s probationary term.

Mr. Gonidakis questioned whether the Board would have confidence that there would be a different outcome if Dr. Kincaid’s probationary period is extended. Dr. Steinbergh stated that extending the probationary period will indicate the seriousness of this matter and will allow the Board to continue monitoring Dr. Kincaid. Mr. Giacalone opined that if Dr. Kincaid continues to miss call-ins, then it can be reasonably assumed that a suspension of his license would be more likely.

Dr. Steinbergh stated that the Proposed Order will lengthen Dr. Kincaid's probation by six months and 30 days. Dr. Steinbergh opined that lengthening the probation by one year and 30 days would be more appropriate. Dr. Ramprasad agreed.

Dr. Steinbergh moved to amend the Proposed Order so that Dr. Kincaid shall not request termination of his October 2010 Step II Consent Agreement for a minimum of six years and thirty days from its effective date. Dr. Ramprasad seconded the motion. A vote was taken:

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

The motion to amend carried.

Dr. Steinbergh moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order, as amended, in the matter of Richard M. Kincaid, M.D. Dr. Soin seconded the motion. A vote was taken:

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

The motion carried.

TODD LOUIS SAMUELS, M.D.

Mr. Kenney directed the Board's attention to the matter of Todd Louis Samuels, M.D. No objections have been filed. Ms. Blue was the Hearing Examiner.

Mr. Kenney stated that a request to address the Board has been timely filed on behalf of Dr. Samuels. Five

minutes will be allowed for that address.

Dr. Samuels was represented by his attorney, Elizabeth Collis.

Ms. Collis stated that the Board has charged Dr. Samuels with violations of Section 4731.22(B)(5), Ohio Revised Code, providing false information to the Medical Board on an application, and Section 4731.22(B)(22), Ohio Revised Code, related to sister-state discipline. Ms. Collis opined that in this type of case, the Hearing Examiner's findings and observations regarding the credibility of the witnesses are very crucial. Ms. Collis noted that the courts have held that in order to prove a violation of 4731.22(B)(5), it must be shown that the respondent intended to provide false information to the Board. Ms. Collis stated that the Hearing Examiner found Dr. Samuel's testimony credible and determined that there was no evidence that he had intended to provide false information. Ms. Collis stated that she supports the Proposed Order to grant Dr. Samuels' application for licensure and to reprimand that license for violation of 4731.22(B)(22).

Dr. Samuels stated that he is a board-certified neurologist and currently resides in Baltimore, Maryland. From January 2009 to the present, Dr. Samuels has been employed as a consulting neurologist for Specialists on Call, Inc., which provides consultations for patients via video conferencing to emergency departments in over 300 hospitals in 26 states. Since 2009, Dr. Samuels has performed more than 15,000 teleneurology consultations, evaluated more than 7,000 stroke patients, and have recommended more than 800 doses of IV tissue plasminogen activator (TPA) without incident.

Dr. Samuels continued the November 2010 malpractice case involves care provided to a patient in Florida while he was located in Maryland. Dr. Samuels stated that while preparing his documentation of recommendations for administration of TPA for an acute stroke, he mistakenly reported the patient's weight as 98 kilograms rather than 98 pounds and used that incorrect weight in his dose calculation. This error was not identified by the emergency physician, nursing staff, or the hospital pharmacist. The patient subsequently suffered a large hemorrhagic infarct and died. Dr. Samuels stated that he was devastated when he learned of his mistake and took steps ensure that it never happens again, including making modifications to the electronic medical record system. Dr. Samuels stated that he has made a personal commitment to do everything he can to ensure that all communication regarding patient care is as clear as possible.

As a result of this incident, Dr. Samuels was fined by the Florida Department of Health and required to complete continuing medical education (CME) courses. Disciplinary action was also taken by several other states, all of which were based on the single malpractice case. Dr. Samuels stated that this is the only adverse action against him in 25 years of medical practice. Dr. Samuels stated that he has always been up-front and honest about this incident.

Dr. Samuels stated that he filed an application for an Ohio medical license in 2013 and Dr. Samuels' office used an outside licensing service to help complete the paperwork. Dr. Samuels reviewed and signed the application, but never realized that a question related to former board discipline had been answered incorrectly. Dr. Samuels noted that after filing his application, he sent a letter to the Board detailing his state disciplinary actions. Dr. Samuels stated that he never intended to conceal this information.

Dr. Samuels asked the Board to adopt the Propose Order and grant his application for Ohio licensure so he can provide consultative services to hospitals that would benefit from his emergency teleneurology services.

Mr. Kenney asked if the Assistant Attorney General would like to respond. Mr. Wilcox stated that he would like to respond.

Mr. Wilcox stated that he agrees with the Hearing Examiner's Report and Recommendation and the Proposed Order. Regarding the allegation that Dr. Samuels violated Section 4731.22(B)(5), Mr. Wilcox opined that the Board was justified in that allegation because it did not have all of the information that Dr. Samuels was able to provide at his hearing.

Dr. Steinbergh moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Todd Louis Samuels, M.D. Dr. Ramprasad seconded the motion.

Mr. Kenney stated that he would now entertain discussion in the above matter.

Dr. Schachat stated that in applying for a medical license in Ohio, Dr. Samuels answered question #7 incorrectly. Question #7 asks, among other things, if the applicant has had any reprimands or disciplinary actions in other states. Dr. Schachat stated that the question before the Board is whether Dr. Samuels' incorrect answer was intentional. Dr. Schachat noted that the Hearing Examiner found Dr. Samuels to be credible when he testified that he did not intend to mislead the Board.

Dr. Schachat continued that Dr. Samuels has admitted to the November 2010 incident in which confusion between kilograms and pounds led to a 2.2 times increased dose of a dangerous drug and caused in a patient death. This resulted in a malpractice case, which was settled, and a reprimand from the Florida Department of Health. Seven other states have also filed reprimands against Dr. Samuels. Dr. Schachat noted that Dr. Samuels, who provides telemedicine services, is licensed in 23 states.

Dr. Schachat stated that according to Dr. Samuels' testimony, his employer used an outside agency to fill out his Ohio medical license application and when he reviewed the application he missed the checkbox on question #7. Dr. Samuels' staff sent a notice to the Ohio Board disclosing the malpractice case.

Dr. Schachat stated that he agrees with the Report and Recommendation and the Proposed Order to grant Dr. Samuels' application for licensure and to reprimand that license.

Dr. Steinbergh noted that when this case was considered in Florida, they found it unbelievable that a reasonably prudent neurologist ordered a dose for a 98 kilogram individual when the patient only weighed 98 pounds. Dr. Steinbergh stated that such errors occur, even when the physician is physically present, and she was pleased that Dr. Samuels' practice has addressed this issue. However, Dr. Steinbergh emphasized that a patient death occurred in this case. In addition to a malpractice settlement, Dr. Samuels has his medical license reprimanded in several states. Dr. Steinbergh wondered how Dr. Samuels could have made this mistake on his licensure application when, due to his exposure to several state disciplines, it

should have been at the forefront of his mind. Dr. Steinbergh stated that Dr. Samuels allowed an outside agency to answer his application questions and he automatically signed it without studying it.

Dr. Steinbergh stated that she disagrees with Conclusion of Law #2 of the Report and Recommendation because she believes that Dr. Samuels' actions could constitute making a false, fraudulent, deceptive, or misleading statement. Dr. Steinbergh stated that at times very busy physicians allow others to take ownership of things that they themselves should own. Dr. Steinbergh stated that physicians must review applications carefully before certifying them as accurate and submitting them.

Dr. Steinbergh stated that she does not disagree with the Proposed Order, but she advised Dr. Samuels to not take the reprimand lightly. Dr. Steinbergh stated that the reprimand should make Dr. Samuels think about the amount of time he puts into such actions.

Mr. Giacalone stated that Dr. Steinbergh raises important points, but opined that, based on his testimony, Dr. Samuels has taken full ownership of the tragic event of a patient death. Regarding Dr. Samuels' application, Mr. Giacalone questioned how Dr. Samuels could have been intentionally deceptive when his office sent a follow-up letter acknowledging his discipline in other states. Mr. Giacalone also noted that Dr. Samuels has many licenses and, while it is not an excuse, he could understand how an administrative error could occur. Mr. Giacalone opined that Dr. Samuels' error was not intentional, but it was significant. Mr. Giacalone agreed with the Proposed Order.

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

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

The motion carried.

The meeting recessed at 1:12 p.m. and returned at 1:55 p.m. Dr. Sethi was not present when the meeting resumed.

FINDINGS, ORDERS, AND JOURNAL ENTRIES

Mr. Kenney 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. These matters are non-disciplinary, and therefore all Board members may vote.

ERIC KENNETH AMEND, M.D.

Mr. Kenney stated that Dr. Amend has applied for a license to practice medicine and surgery in Ohio. The Board notified Dr. Amend that it proposed to approve his application for licensure, but limit such license to participation in a preceptorship that includes direct supervision for a period of not less than three months due to the fact that Dr. Amend has not engaged in the active practice of medicine for more than two years.

Dr. Ramprasad moved to find that the allegations set forth in the December 22, 2014 Notice of Opportunity for Hearing have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective immediately upon mailing, granting Dr. Amend's application for licensure; limiting such license to participation in a preceptorship that includes direct supervision for a period of not less than three months; and to remove the limitation upon Dr. Amend's submission of documentation from the preceptor that he has successfully completed the preceptorship and that he has practiced satisfactorily and in accordance with acceptable and prevailing standards of care. Dr. Saferin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Soin	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion carried.

KIMBERLY SUE CARIS, M.T.

Mr. Kenney stated that Ms. Caris has applied for restoration of her license to practice massage therapy in Ohio. The Board notified Ms. Caris that it proposed to approve her application, provided that she take and pass the Massage and Bodywork Licensing Examination (MBLEX) due to the fact that Ms. Caris has not engaged in the active practice of massage therapy for more than two years.

Dr. Ramprasad moved to find that the allegations set forth in the December 22, 2014 Notice of Opportunity for Hearing have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective immediately upon mailing, granting Ms. Caris' application for restoration, provided that she takes and passes the Massage and Bodywork Licensing Examination within six months of December 22, 2014. Dr. Saferin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
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Dr. Saferin	- aye
Dr. Ramprasad	- aye
Dr. Steinbergh	- aye
Mr. Gonidakis	- aye
Mr. Kenney	- aye
Dr. Soin	- aye
Mr. Giacalone	- aye
Dr. Schachat	- aye

The motion carried.

SUNNY RAE DI FLORIO, M.T.

Mr. Kenney stated that Ms. Di Florio has applied for restoration of her license to practice massage therapy in Ohio. The Board notified Ms. Di Florio that it proposed to approve her application, provided that she take and pass the Massage and Bodywork Licensing Examination (MBLEX) due to the fact that Ms. Di Florio has not engaged in the active practice of massage therapy for more than two years.

Dr. Saferin moved to find that the allegations set forth in the December 22, 2014 Notice of Opportunity for Hearing have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective immediately upon mailing, granting Ms. Di Florio's application for restoration, provided that she takes and passes the Massage and Bodywork Licensing Examination within six months of December 22, 2014. Dr. Steinbergh seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Soin	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion carried.

RYAN MICHAEL FAUGHT, M.T.

Mr. Kenney stated that Mr. Faught has applied for restoration of his license to practice massage therapy in Ohio. The Board notified Mr. Faught that it proposed to approve his application, provided that he take and pass the Massage and Bodywork Licensing Examination (MBLEX) due to the fact that Mr. Faught has not engaged in the active practice of massage therapy for more than two years.

Dr. Saferin moved to find that the allegations set forth in the December 22, 2014 Notice of Opportunity for Hearing have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective immediately upon mailing, granting Mr. Faught's application for restoration, provided that he takes and passes the Massage and Bodywork Licensing Examination within six months of December 22, 2014. Dr. Ramprasad seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Soin	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion carried.

MICHAEL PATRICK LOREY, P.A.

Mr. Kenney stated that Mr. Lorey has applied for restoration of his license to practice as a physician assistant in Ohio. The Board notified Mr. Lorey that it proposed to approve his application for licensure, but restrict such license to require direct supervision for a period of not less than three months due to the fact that Mr. Lorey has not engaged in active practice as a physician assistant for more than two years.

Dr. Steinbergh moved to find that the allegations set forth in the December 22, 2014 Notice of Opportunity for Hearing have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective immediately upon mailing, Granting Mr. Lorey's application for restoration of his license; Restricting such license to require direct supervision for a period of not less than three months; and upon Mr. Lorey's submission of documentation from the supervising physician that he has practiced satisfactorily and in accordance with acceptable and prevailing standards of care, said limitations and restrictions shall be terminated. Dr. Saferin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Soin	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion carried.

EXECUTIVE SESSION

Dr. Steinbergh moved that the Board declare Executive Session to confer with the Attorney General's representatives on matters of pending or imminent court action and for the purpose of deliberating on proposed consent agreements in the exercise of the Medical Board's quasi-judicial capacity. Mr. Soin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Soin	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion carried.

Pursuant to Section 121.22(G)(3), Ohio Revised Code, the Board went into executive session with Mr. Groeber, Ms. Anderson, Mr. Miller, Ms. Loe, Ms. Debolt, Mr. Katko, Ms. Wehrle, Ms. Marshall, the Enforcement Attorneys, the Assistant Attorneys General, Mr. Alderson, Ms. Scott, Ms. Moore, Ms. Bouldware, Ms. Schwartz, and Mr. Taylor in attendance.

Dr. Sethi returned to the meeting during the Executive Session

The Board returned to public session.

Dr. Ramprasad exited the meeting at this time.

RATIFICATION OF SETTLEMENT AGREEMENTS

JAMES BRUCE BALDWIN, D.P.M. – PERMANENT WITHDRAWAL OF APPLICATION TO PRACTICE PODIATRIC MEDICINE AND SURGERY

Dr. Steinbergh moved to ratify the Proposed Permanent Withdrawal with Dr. Baldwin. Mr. Giacalone seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Steinbergh	- aye

Mr. Gonidakis	- aye
Mr. Kenney	- aye
Dr. Sethi	- aye
Dr. Soin	- aye
Mr. Giacalone	- aye
Dr. Schachat	- aye

The motion to ratify carried.

JESSOP MARK MCDONNELL, M.D. – PERMANENT SURRENDER OF CERTIFICATE TO PRACTICE MEDICINE AND SURGERY

Dr. Steinbergh moved to ratify the Proposed Permanent Surrender with Dr. McDonnell. Dr. Sethi seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion to ratify carried.

DENNIS A. PATEL, M.D. – STEP II CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Proposed Step II Consent Agreement with Dr. Patel. Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion to ratify carried.

SHANNON L. SWANSON, D.O. – SUPERSEDING CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Proposed Superseding Consent Agreement with Dr. Swanson. Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion to ratify carried.

DAVID MICHAEL HUGHES, D.O. – CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Proposed Consent Agreement with Dr. Hughes. Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion to ratify carried.

Dr. Ramprasad returned to the meeting at this time.

STEVEN MINGFUNG LEUNG, M.D. – STEP I CONSENT AGREEMENT

Dr. Steinbergh moved to ratify the Proposed Step I Consent Agreement with Dr. Leung. Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Ramprasad	- aye

Dr. Steinbergh	- aye
Mr. Gonidakis	- aye
Mr. Kenney	- aye
Dr. Sethi	- aye
Dr. Soin	- aye
Mr. Giacalone	- aye
Dr. Schachat	- aye

The motion to ratify carried.

CITATIONS AND ORDERS OF SUMMARY SUSPENSION, IMMEDIATE SUSPENSION, AND
AUTOMATIC SUSPENSION

ANDREW JOHN BEISTEL, 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. Steinbergh moved to send the Citation Letter to Dr. Beistel. Dr. Soin seconded the motion. A vote was taken:

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

The motion to send carried.

MARTIN RICHARD HOBOWSKY, 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. Steinbergh moved to send the Citation Letter to Dr. Hobowsky. Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain

Dr. Ramprasad	- aye
Dr. Steinbergh	- aye
Mr. Gonidakis	- aye
Mr. Kenney	- aye
Dr. Sethi	- aye
Dr. Soin	- aye
Mr. Giacalone	- aye
Dr. Schachat	- aye

The motion to send carried.

SHEILA S. REDDY, 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. Steinbergh moved to send the Citation Letter to Dr. Reddy. Dr. Ramprasad seconded the motion. A vote was taken:

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

The motion to send carried.

EDWARD A. THOMAS, P.A.-C.

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. Steinbergh moved to send the Citation Letter to Mr. Thomas. Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye

Mr. Gonidakis	- aye
Mr. Kenney	- aye
Dr. Sethi	- aye
Dr. Soin	- aye
Mr. Giacalone	- aye
Dr. Schachat	- aye

The motion to send carried.

JOSEPH M. WEST, M.T. – 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. Steinbergh moved to send the Citation Letter to Mr. West. Dr. Soin seconded the motion. A vote was taken:

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

The motion to send carried.

PROBATIONARY REQUESTS

Mr. Kenney advised that at this time he would like the Board to consider the probationary requests on today's consent agenda. Mr. Kenney asked if any Board member wished to discuss a probationary request separately. Dr. Steinbergh stated that she wished to discuss probationary request of David Brian Levy, D.O., separately.

Dr. Steinbergh wished to clarify that the recommendation to be approved by the Board is to approve Dr. Levy's request that his probationary appearances to be conducted via an internet meeting source in April 2015 and October 2015, but not for other future meetings as requested by Dr. Levy's counsel.

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

- To grant Martin P. Ambrose, M.D.'s request for approval of Mustafa Quadri, 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 Nicholas A. Atanasoff, D.O.'s request for reduction in appearances from every three months to every six months;
- To grant Courtney D. Borruso, D.O.'s, request for approval of Gary R. Huston, 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 Mounir Boutros, M.D.'s request for approval of an ethics course tailored for the doctor by Stephen B. Levine, M.D.;
- To grant James E. Breidenstein, D.O.'s request for reduction in appearances from every three months to every six months;
- To grant Marjorie M. Haas, M.D.'s request for discontinuance of the requirement for psychiatric treatment;
- To grant David Brian Levy, D.O.'s request for approval of personal appearances to be conducted via an internet meeting source in April 2015 and October 2015;
- To grant Eric P. MacDonald, M.D.'s request for reduction in drug and alcohol rehabilitation meetings from three meetings per week to two per week with a minimum of ten per month;
- To grant Aiyappan Menon, M.D.'s request for approval of Anthony F. DiMarco, M.D., to serve as the new monitoring physician;
- To grant Carla M. Myers, D.O.'s request for approval of Troy A. Tyner, 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; and
- To grant Mark Aaron Weiner, D.O.'s request for approval of psychiatric assessment and subsequent treatment recommendations.

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

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye

Dr. Soin	- aye
Mr. Giacalone	- aye
Dr. Schachat	- aye

The motion carried.

FINAL PROBATIONARY APPEARANCES

CARMEN L. WOOLUMS, P.A.

Ms. Woolums was appearing before the Board pursuant to her request for release from the terms of her February 9, 2011 Consent Agreement. Ms. Bickers reviewed Ms. Woolums' history with the Board.

In response to questions from Dr. Steinbergh, Ms. Woolums stated that she has been very involved in Alcoholics Anonymous (AA) and has recently had two lead meetings in which she was able to share her story. Ms. Woolums also reported that she will be released from her probation from the Kentucky Board in March 2015. Ms. Woolums stated that this situation is very real to her because she is still dealing with the consequences of her previous actions and decisions. Ms. Woolums stated that she discusses her disease extensively with her son, who is a freshman in high school.

Ms. Woolums further responded that she currently practices in a family medicine practice in Kentucky and some of her patients are from Ohio. Ms. Woolums stated that her supervising physician has been very supportive and that he was the first person to give her chance to show that she can still practice.

Dr. Steinbergh moved to release Ms. Woolums from the terms of her February 9, 2011 Consent Agreement, effective immediately. Dr. Soin seconded the motion. A vote was taken:

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

The motion carried.

APPLICANTS FOR LICENSURE

Dr. Steinbergh moved to approve for licensure, contingent upon all requested documents being received and approved in accordance with licensure protocols, the acupuncturist applicants listed in

Exhibit “A,” the genetic counselor applicants listed in Exhibit “B,” the massage therapist applicants listed in Exhibit “C,” the Oriental medicine practitioner applicants listed in Exhibit “D,” the physician assistant applicants listed in Exhibit “E,” and the physician applicants listed in Exhibit “F.” Dr. Saferin seconded the motion.

Before the vote, Dr. Ramprasad commented that since expedited licensure has been instituted, the Board in issuing an average of four expedited licenses per month.

A vote was taken on Dr. Steinbergh’s motion:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion carried.

OPERATIONS REPORT

Human Resources: Mr. Groeber stated that the position of Board Parliamentarian has been officially filled by Benton Taylor. Mr. Groeber also stated that interviews will begin in the coming weeks for candidates for the Deputy Director 5 position, which will oversee Enforcement and Investigations.

Budget: Mr. Groeber stated that he would be happy to take questions regarding the budget portion of the Operations Report. Mr. Groeber specifically noted that the year-over-year revenue is up by 18%, while expenses over the same period are up by 3%. For the fiscal year-to-date, revenue is up 4% and expenses are up 5%; Mr. Groeber stated that the primary driver for the increased expenses was a large increase in operating costs associated with rent. Cash reserves year-over-year increased by 13%.

Information Technology: Mr. Groeber stated that the Board’s new website was to have been launched on January 24. However, testing revealed some additional bugs that needed to be corrected. The projected launch for the new website is now February 13. The Information Technology staff will give an update on the functionality of the website at the March retreat.

Mr. Groeber stated that E-License 2.0 will be a cloud-based solution to replace the current CAVU system for licensure and enforcement. Mr. Groeber was pleased to announce that the Medical Board has been chosen as a pilot board to test E-License 2.0, and therefore will have significant input into its final form.

Communications and Outreach: Mr. Groeber stated that meetings have been held with several outside groups, including the Ohio Academy of Family Physicians and the Academy of Medicine of Cleveland and Northern Ohio.

Enforcement: Mr. Groeber stated that the number of open complaints, which was over 3,200 in January, is now down to 2,800, which represents a 12% reduction in one month. Mr. Groeber stated that much of this has been accomplished by reviewing open complaints and closing whatever was appropriate to close.

Licensure: Mr. Groeber stated that the time to issue an initial medical license has been reduced by 29% year-over-year. The staff continues to investigate ways to streamline the process.

Speed and Ease Initiative: Mr. Groeber stated that the goal of the Speed and Ease Initiative is to facilitate faster processes without sacrificing efficiency and to make it easier to do business with the Medical Board.

Mr. Kenney personally expressed thanks to Mr. Groeber for having quickly grasped the nature and mission of the Medical Board since recently becoming Executive Director. Mr. Kenney complimented Mr. Groeber for his communication habits and his ability to lead the Board.

REPORTS BY ASSIGNED COMMITTEES

POLICY COMMITTEE

LEGISLATIVE UPDATES

ONE-BITE REPORTING EXEMPTION

Mr. Gonidakis stated that he and the staff have been working extensively with the Ohio Physicians Health Program (OPHP) on possible revisions to the One-Bite Reporting Exemption. Mr. Gonidakis stated that OPHP will present a proposal for the Board's review in the coming weeks.

EXPEDITED PARTNER THERAPY

Mr. LaCross stated that discussions have been held with Representative Huffman, Representative Johnson, and Senator Burke on Expedited Partner Therapy (EPT), which would allow medications to be prescribed for a patient and the patient's sexual partner for certain conditions. In its current form EPT can be given for a patient presenting with syphilis, gonorrhea, trichinosis, or chlamydia. The EPT treatment can be provided for up to two partners for various reasons, including a desire to avoid exacerbating the state's antibiotic problem. The proposed legislation will also require that the patient be given a pamphlet with information on their condition. The phrase "EPT" will be written on the prescription so the pharmacist can follow up with information on allergies and interactions.

Dr. Steinbergh noted that there is a possibility that gonorrhea will be dropped from the list of EPT conditions due to antibiotic resistance.

MARIJUANA LEGISLATION

Mr. LaCross stated that current proposed legislation would authorize the use of marijuana for treatment of seizure disorder, mostly for children as a 3% THC cannabinoid, and will be limited to four or five facilities. The current legislation would also allow marijuana to be given to a secondary source, such as the parent or guardian of someone with seizure disorder. Mr. LaCross stated that this bill has bipartisan support and there will potentially be a coinciding ballot initiative.

Mr. Gonidakis stated that this topic was thoroughly discussed in Committee with excellent input from Dr. Soin, Mr. Giacalone, and Dr. Steinbergh. Mr. Gonidakis stated that in the future the Board will need to have input into this legislation to ensure all medical concerns are addressed. Dr. Ramprasad opined that the Board should oppose this legislation. Mr. LaCross stated that the Board will have an opportunity to discuss this legislation and either oppose or support it.

PHYSICIAN ASSISTANT LAW

Mr. LaCross stated that this legislation from the previous Assembly will be reintroduced and sponsored by Senator Burke. Mr. LaCross stated that the status of physician assistants as physician extenders will not change and they will not become independent practitioners. The legislation will remove the requirement that physician assistant supervisory plans be approved by the Board and will allow the Board to audit the agreements. Dr. Steinbergh added that the legislation will allow a physician assistant to do whatever his or her supervising physician does on a routine day, as long as the physician authorizes the physician assistant to do so. Also, physician assistants will receive prescriptive authority automatically with their licenses.

FINING AUTHORITY LEGISLATION

Mr. Gonidakis stated that sponsor testimony for the Fining Authority bill has been moved back one week. Mr. Gonidakis anticipated that the bill will be on the Governor's desk within a few months. Mr. Gonidakis thanked Mr. Kenney for his work on this bill.

Mr. LaCross stated that the legislation has been titled House Bill 40 and is in the Government Oversight Committee rather than the Health Committee because Representative Gonzales, the Chair of the Health Committee, is the sponsor of the bill. Mr. LaCross stated that in its current form, the bill will allow disciplinary fines up to \$20,000.00 and will authorize the Board to create guidelines for its fining authority.

OFFICE-BASED OPIOID TREATMENT RULE

Ms. Anderson stated that this Rule became effective on January 31, 2015. Ms. Debolt, Mr. Schmidt, and Mr. Katko, with assistance from Dr. Soin, have drafted a Frequently Asked Questions (FAQ) document to address concerns with the Rule. The Policy Committee approved FAQ's #1, #3, and #4 as written, and proposed that FAQ #2 be changed to emphasize that the physician must document the information in the patient chart and ensure the development of a complete assessment and plan for the patient prior to beginning the office-based opioid treatment.

Dr. Steinbergh moved to approve the Office-Based Opioid Treatment FAQ's as modified by the Policy Committee. Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion carried.

PHYSICIAN ASSISTANT/SCOPE OF PRACTICE COMMITTEE REPORT

PHYSICIAN ASSISTANT FORMULARY REVIEW

Dr. Sethi stated that Dr. Dobrovich is requesting a change to the physician assistant formulary. The Physician Assistant Policy Committee had recommended the changes be adopted, with certain restrictions. However, at the January meeting the Medical Board had voted to retain the drugs as currently listed on the formulary. Therefore, the matter was returned to the Physician Assistant Policy Committee. The Physician Assistant Policy Committee tabled the matter in order for James Fry, P.A., the Chair of the Physician Assistant Policy Committee to discuss with Dr. Dobrovich whether he wishes to further pursue the proposed changes, with the understanding that if Dr. Dobrovich wishes to do so, he and Mr. Fry will be invited to meet with the Physician Assistant/ Scope of Practice Committee.

PROPOSED AMENDMENTS TO RULE 4731-11-09, OHIO ADMINISTRATIVE CODE

Dr. Sethi stated that the Committee discussed Rule 4731-11-09 concerning practitioners prescribing to patients that they have not physically seen or evaluated. It was noted that the Rule should include language addressing situations in which a physician assistant is on-call for the practice. The Committee did not take action on this Rule at this time.

PHYSICIAN ASSISTANTS PRACTICING IN URGENT CARE SETTINGS

Dr. Sethi stated that Ms. Debolt had informed the Physician Assistant Policy Committee that physician assistants practicing in urgent settings may not supervise or perform radiology procedures. It was noted that this prohibition was from the Ohio Department of Health.

LICENSURE COMMITTEE

REPORT ON CONFERENCE CALL WITH THE AMERICAN BOARD OF MEDICAL SPECIALTIES

Dr. Saferin reported that the Licensure Committee held a telephone conference with representatives of the American Board of Medical Specialties (ABMS) regarding Maintenance of Certification (MOC) and how it could relate to physicians' continuing medical education (CME) requirements for license renewal.

Dr. Ramprasad stated that the Committee asked several questions, including what aspects of MOC besides CME would be helpful for licensing and what advantages MOC has over CME. Unfortunately, the ABMS had no answers to these questions. The ABMS was also unable to explain recent information that physicians can pay the fee for MOC and automatically be considered MOC-compliant without having yet fulfilled any MOC activities. Dr. Ramprasad also commented that articles appearing recently in the Journal of the American Medical Association and the New England Journal of Medicine show no difference in outcomes for physicians participating in MOC and physicians who are only doing CME's. Dr. Ramprasad stated that overall, the Committee was unimpressed with the responses they received from the ABMS.

Dr. Sethi opined that CME's should be sufficient. Dr. Steinbergh agreed and expressed disappointment that the specialty boards' certification of MOC and Osteopathic Ongoing Competency (OOC) is apparently not what it should be. Dr. Steinbergh asked what MOC or OCC compliance means if a physician can simply pay a fee and be considered MOC or OOC compliant.

LICENSEES ON PROBATION

Dr. Saferin stated that the Committee discussed licensees who are on probationary terms with the Board and how that affects their specialty board certification status. Specifically, most specialty boards currently require the physician to have an unrestricted license before allowing them to sit for the certification or recertification examination. The Board discussed this issue and agreed that a physician who is on probation with an active license should be able to sit for their specialty board certification or recertification examination. The Board members agreed that if a physician under monitoring has been deemed safe to practice by the Medical Board, that judgment should be accepted by the specialty boards.

Dr. Ramprasad suggested that the Board send a letter to the specialty boards asking them to allow probationers to sit for examinations. The Board members agreed. Dr. Steinbergh suggested that the Federation of State Medical Boards also be included in the conversation.

LICENSURE STATISTICS

Dr. Saferin stated that the number of new physician licenses issued increased by 7% from 2013 to 2014 and were issued an average of 14% faster. Dr. Saferin further noted that the same number of physicians was licensed in January 2014 as in January 2015, but the latter month saw a 29% improvement on average number of days in which they were issued. Dr. Saferin thanked the Licensure staff for their hard work.

SURGICAL TECHNICIANS

Dr. Saferin stated that the Committee members were contacted regarding the possibility of the Board licensing surgical technicians. Dr. Saferin stated that the Committee will reach out to Ohio's surgical technician association to schedule a time for discussion of this topic.

EXPEDITED LICENSURE UPDATE

Dr. Ramprasad reported that currently, if all required documents are submitted by the applicant, an expedited medical license can be issued in one week.

FINANCE COMMITTEE2015 FEDERATION OF STATE MEDICAL BOARDS ANNUAL MEETING

Dr. Saferin moved to approve Dr. Steinbergh, Dr. Sethi, M.D., Mr. Giacalone, and Dr. Schachat to attend the 2015 Annual Meeting of the Federation of State Medical Boards. I further move that attendance at the meeting is in connection with their responsibilities as, and is related to their positions as, members of the State Medical Board of Ohio. Dr. Rothermel seconded the motion. A roll call was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion carried.

Dr. Steinbergh moved to approve that Kimberly Anderson and Michael Miller to attend the 2015 Annual Meeting of the Federation of State Medical Boards, and that their attendance at the meeting is in connection with their responsibilities as Chief Legal Counsel and Deputy Director, respectively, of the State Medical Board of Ohio. Dr. Saferin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye

Mr. Kenney	- aye
Dr. Sethi	- aye
Dr. Soin	- aye
Mr. Giacalone	- aye
Dr. Schachat	- aye

The motion carried.

2015 ANNUAL MEETING OF ADMINISTRATORS IN MEDICINE

Dr. Steinbergh moved to approve A.J. Groeber to attend the 2015 annual meeting of Administrators in Medicine, and that his attendance at the meeting is in connection with his responsibilities as, and is related to his position as, Executive Director of the State Medical Board of Ohio. Dr. Saferin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion carried.

(NOTE: The topic of approval of travel is discussed again at the end of the meeting.)

INVESTIGATOR VESTS

Mr. Kenney stated that the cost of purchasing protective vests for investigators would be just under \$13,000.00. Mr. Kenney stated that if the purchase is approved by the Board, a policy will be developed regarding the wearing of the vests in conjunction with carrying a weapon.

Dr. Saferin moved to accept the Committee's recommendation regarding expenditures for the protective vest. Dr. Sethi seconded the motion.

Mr. Gonidakis asked if this expenditure was budgeted for Fiscal Year 2015 or if it is a new expenditure. Mr. Groeber responded that it will be a new expenditure. Mr. Gonidakis suggested that if there will be new line item expenditures for Fiscal Year 2015, the Board's budget should be balanced based on that new expenditure. Mr. Kenney stated that the Finance Committee is examining that and the Board currently has the funds for this proposed expenditure.

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

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion carried.

Mr. Kenney stated that the Finance Committee recommends expenditure of approximately \$8,800.00 for annual training of concealed carry for the Board's investigators.

Dr. Sethi moved to accept the Committee's recommendations regarding the expenditures for firearms training for investigators. Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion carried.

Mr. Kenney stated that the Finance Committee reviewed the 2014 Board Members Annual Compensation Report, which showed that the total annual compensation for Board members had decreased in the amount of \$20,000.00 due to moving to a one-day Board meeting format.

PRESENTATION BY THE OHIO ETHICS COMMISSION

Ms. Debolt stated that, in compliance with the Governor's Executive Order requiring annual ethics training for all State boards, Paul Nick, the Executive Director of the Ohio Ethics Commission, will provide an ethics presentation. Mr. Kenney welcomed Mr. Nick and thanked him for appearing.

Mr. Nick provided a thorough review of Ohio's ethics laws and how to comply with ethics regulations. Mr. Nick answered the Board members' questions regarding conflicts of interest, avoiding nepotism or the appearance of nepotism, when to accept or not accept a gift, and how to properly fill out the annual Financial Disclosure Forms.

COMPLIANCE COMMITTEE

Dr. Steinbergh stated that on January 14, 2015, the Compliance Committee met with Mounir Boutros, M.D., and James A. Williams, D.O., and moved to continue them under the terms of their respective Board actions.

The Compliance Committee accepted Compliance staff's report of conferences on December 8th and 9th, and further approved the draft minutes from the December 10, 2014 Compliance Committee.

Further, the Compliance Committee accepted Compliance staff's report of conferences on November 3rd and 4th, and further approved the draft minutes from the November 5, 2014 Compliance Committee.

APPROVAL OF TRAVEL

Mr. Gonidakis moved that the topic of travel to the 2015 annual meetings of the Federation of State Medical Boards (FSMB) and Administrators in Medicine (AIM), which the Board approved earlier in the meeting, be reconsidered. Dr. Steinbergh seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Mr. Giacalone	- aye
	Dr. Schachat	- aye

The motion carried.

Dr. Steinbergh moved that travel to the 2015 annual meetings of the FSMB and AIM be approved as earlier specified by the Board. Dr. Saferin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye

Mr. Gonidakis	- nay
Mr. Kenney	- aye
Dr. Sethi	- aye
Dr. Soin	- aye
Mr. Giacalone	- aye
Dr. Schachat	- aye

The motion carried.

Thereupon, at 4:10 p.m., the February 11, 2015 session of the State Medical Board of Ohio was adjourned by Mr. Kenney.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio meeting on February 11, 2015, as approved on March 11, 2015.



Donald R. Kenney, Sr., President



Kim G. Rothermel, M.D., Secretary

(SEAL)

