

June 8, 2016

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**MINUTES****THE STATE MEDICAL BOARD OF OHIO****June 8, 2016**

Michael L. Gonidakis, President, called the meeting to order at 10:00 a.m. in the Administrative Hearing Room, 3<sup>rd</sup> Floor, the James A. Rhodes Office Tower, 30 E. Broad Street, Columbus, Ohio 43215, with the following members present: Amol Soin, Vice President; Kim G. Rothermel, M.D., Secretary; Bruce R. Saferin, D.P.M., Supervising Member; Anita M. Steinbergh, D.O.; Donald R. Kenney, Sr.; Robert P. Giacalone; Andrew P. Schachat, M.D.; and Michael Schottenstein, M.D. The following member did not attend: Richard Edgin, M.D.

Also present were: Anthony J. Groeber, Executive Director; Kimberly Anderson, Assistant Executive Director; David Fais, Assistant Executive Director; Susan Loe, Director of Human Resources and Fiscal; Sallie J. Debolt, Senior Counsel; William Schmidt, Chief of Investigations; 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, Angela McNair, Cheryl Pokorny, Gregory Taposci, James Roach, and Kimberly Lee, Enforcement Attorneys; Melinda Snyder, Assistant Attorney General; R. Gregory Porter, Chief Hearing Examiner; Danielle Blue, Hearing Examiner; Alexandra Murray, Managing Attorney for Standards Review, Experts, and Intervention; Annette Jones and Angela Moore, Compliance Officers; Mitchell Alderson, Administrative Officer; Chantel Scott, Chief of Renewal; Julie Williams, Public Information Officer; Christine Schwartz, Legal and Policy Staff Attorney; Jacqueline A. Moore, Legal/Public Affairs Assistant; and Benton Taylor, Board Parliamentarian.

MINUTES REVIEW

**Dr. Saferin moved to approve the draft minutes of the May 11, 2016, Board meeting, as amended. Dr. Steinbergh seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Mr. Giacalone	- aye
	Dr. Steinbergh	- aye
	Dr. Soin	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Schachat	- aye
	Dr. Schottenstein	- 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 anesthesiologist assistant 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." as listed in the agenda supplement and handout. Dr. Saferin seconded the motion.** A vote was taken:

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

The motion carried.

PROPOSED FINDINGS AND PROPOSED ORDERS

Mr. Gonidakis stated that in the following matters, the Board issued a Notice of Opportunity for Hearing. No timely requests for hearing were received. The matters were reviewed by a Hearing Examiner, who prepared Proposed Findings and Proposed Orders, and are now before the Board for final disposition. Dr. Soin stated that these matters are disciplinary in nature, and therefore the Secretary and Supervising Member may not vote. In these matters, Dr. Rothermel served as Secretary and Dr. Saferin served as Supervising Member.

MEGAN M. HAGEDORN

**Dr. Steinbergh moved to find that the allegations as set forth in the October 8, 2014 Notice of Opportunity for Hearing in the matter of Ms. Hagedorn have been proven to be true by a preponderance of the evidence and to adopt Ms. Mobacher's Proposed Findings and Proposed Order. Dr. Soin seconded the motion.**

Mr. Gonidakis stated that he will now entertain discussion in the matter of Ms. Hagedorn.

Dr. Schachat stated that in her application for a massage therapy license, Ms. Hagedorn disclosed that she had been diagnosed with bipolar disorder and had had legal charges of aggravated menacing and telecommunications harassment. The Board ordered Ms. Hagedorn to submit to a psychiatric evaluation, which was conducted by Stephen Noffsinger, M.D. In his report to the Board, Dr. Noffsinger opined, with

a reasonable degree of medical certainty, that Ms. Hagedorn has the mental disorder of Unspecified Depressive Disorder and psychopathology of borderline personality traits. Dr. Noffsinger further opined that Ms. Hagedorn is not presently capable of practicing massage therapy according to acceptable and prevailing standards of care. Dr. Noffsinger added that Ms. Hagedorn's condition is amenable to treatment.

Dr. Schachat stated that he supports the Hearing Examiner's Proposed Order of denial of Ms. Hagedorn's application.

Dr. Schottenstein commented that borderline personality traits is a serious mental illness which has at its core a severe sensitivity to abandonment, either real or perceived. Those with borderline personality traits can have symptoms which mimic bipolar disorder, which Ms. Hagedorn was diagnosed with at one point. Dr. Schottenstein agreed with Dr. Noffsinger's assessment that this condition is amenable to treatment with medication and therapy.

Dr. Schottenstein noted that Dr. Noffsinger's August 2014 report is the most recent information available on Ms. Hagedorn, so it is not known if Ms. Hagedorn is currently stable or is still seeing a psychiatrist and therapist. Dr. Schottenstein further noted that under Section 4731-28-01, Ohio Administrative Code, a practitioner is deemed to be impaired even if they have demonstrated long-term stability if they require treatment to maintain that stability. Dr. Schottenstein stated that he would have favored a less severe sanction if Ms. Hagedorn had appeared before the Board and shown the she had maintained stability since Dr. Noffsinger's examination. In the absence of such information, Dr. Schottenstein supported the Proposed Order of denial.

Mr. Giacalone asked if a permanent denial of Ms. Hagedorn's application would be appropriate, given the circumstances of this case in terms of her safety and the safety of others. Dr. Schottenstein opined that a non-permanent denial is appropriate because Ms. Hagedorn's condition is treatable. Dr. Schottenstein stated that if Ms. Hagedorn demonstrates a commitment to treatment and maintains stability, it would be legitimate to afford her an opportunity to reapply.

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

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

The motion to approve carried.

LYDIA CAROLINE NICHOLS, M.D.

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

Mr. Gonidakis stated that he will now entertain discussion in the matter of Dr. Nichols.

Mr. Kenney stated that the Board's proposed action is based on Dr. Nichols' alleged failure to cooperate with a Board investigation. Mr. Kenney stated that Board interrogatories had been sent to Dr. Nichols on numerous occasions since she submitted an application for an Ohio medical license in June 2012. Dr. Nichols signed for the first set of interrogatories sent by the Board on May 31, 2013, but she did not respond to that mailing or subsequent mailings. The Board published notices in the Spartanburg Journal on October 7, 14, and 21, 2015 to complete the legal requirements for service.

Mr. Kenney continued that on October 27, 2015, Dr. Nichols contacted the Board. Dr. Nichols explained that at the time of her initial application for an Ohio medical license she was at an address which she shared with her husband and other family members. Dr. Nichols said she divorced the following winter and move from that address; mail forwarding from that address ended in 2013. Dr. Nichols reported that many things had changed and she wished to withdraw her application. Dr. Nichols further reported that she had been stricken with a catastrophic illness which resulted in a near-death condition which required life support. Dr. Nichols stated that she is unable to physically travel to Columbus due to her present condition. Dr. Nichols indicated her willingness to cooperate with the Board by telephone, mail, or other methods in order to resolve this issue.

Mr. Kenney stated that there is evidence that Dr. Nichols was stricken with her illness in August 2013, and therefore a finding that she failed to cooperate after that date cannot be supported. However, Dr. Nichols personally signed for the Board's first set of interrogatories before her illness and she was still living at the location the interrogatories were mailed to. Mr. Kenney stated that based on the facts presented, Dr. Nichols did not receive the second or third set of interrogatories.

Mr. Kenney noted that Dr. Nichols has no immediate interest in securing an Ohio medical license. Mr. Kenney stated that he agrees with the Proposed Order to deny Dr. Nichol's application for Ohio licensure.

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

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

Dr. Schachat - aye  
Dr. Schottenstein - aye

The motion to approve carried.

HIL RIZVI, M.D.

**Dr. Steinbergh moved to find that the allegations as set forth in the September 9, 2015 Notice of Opportunity for Hearing in the matter of Dr. Rizvi have been proven to be true by a preponderance of the evidence and to adopt Mr. Porter's Proposed Findings and Proposed Order. Dr. Soin seconded the motion.**

Mr. Gonidakis stated that he will now entertain discussion in the matter of Dr. Rizvi.

Dr. Soin stated that this matter revolves around the allegation the Dr. Rizvi provided incorrect information on his licensure renewal application. In April 2014 Dr. Rizvi submitted an online application for renewal of his Ohio medical license. Dr. Rizvi answered "no" to Question #4, which asked:

At any time since signing your last application for renewal of your certificate, has any board, bureau, department, agency, or any other body, including those in Ohio **other than this board**, filed any charges, allegations or complaints against you? (Emphasis in original).

Dr. Soin stated that, in fact, in January 2014 the Maine Board of Licensure in Medicine notified Dr. Rizvi that it had preliminarily denied his application for medical licensure in Maine. The allegations made against him by the Maine Board included the following:

- Dr. Rizvi failed to disclose on his application for a Maine license that he had entered into a Stipulation and Order with the Division of Occupational and Professional Licensing of the Department of Commerce in Utah ("Utah Board") in April 2000. The conduct underlying the Utah Board action included Dr. Rizvi's failure to provide accurate information on his Utah application for licensure.
- Dr. Rizvi misrepresented the dates of his residency at St. Elizabeth's Hospital in Youngstown, Ohio, on his Maine application, on the curriculum vitae he provided to the Maine Board, and to the Federation Credentials Verification Service ("FCVS").
- Dr. Rizvi made misrepresentations to the FCVS in connection with certain events that took place while he was a resident at Guthrie Robert Packer Hospital in Sayre, Pennsylvania.

In November 2014 the Maine Board issued a Decision and Order which denied Dr. Rizvi's application for medical licensure in that state.

Dr. Soin stated that the Proposed Order is to permanently revoke Dr. Rizvi's Ohio medical license. In

making this recommendation, the Hearing Examiner stated, “It would appear from the Maine Board action, as well as Dr. Rizvi’s 2014 renewal application in Ohio, that he has difficulty providing accurate information to state licensing boards, including Ohio, when the information is unfavorable to him. Such conduct on the part of a licensee or applicant seriously impedes a regulatory agency’s ability to protect the public.”

Dr. Soin opined that a permanent revocation is not appropriate for this sort of case. Dr. Soin suggested that the Board consider a non-permanent revocation to see if Dr. Rizvi can turn himself around and provide the Board with more accurate information.

Dr. Steinbergh noted that Dr. Rizvi was also fraudulent on his initial application for Ohio licensure in 1998. At that time, the Board denied Dr. Rizvi’s application based on his fraudulent answers. Dr. Rizvi appealed the Board’s Order to the Franklin County Court of Common Pleas, which ruled in 2001 that the Board was obligated to grant Dr. Rizvi a license.

Dr. Steinbergh stated that she supports the Proposed Order of permanent revocation. Dr. Steinbergh stated that throughout the years Dr. Rizvi has never changed his ability to tell the truth and he has consistently made false statements. Dr. Steinbergh stated that a person who can falsify an application can falsify any record. Dr. Steinbergh also noted that Dr. Rizvi had had problems in his residency in Youngstown that the program was unable to correct, including being argumentative. Dr. Steinbergh expressed concerns about patient safety and stated that there are no extenuating circumstances to indicate that Dr. Rizvi will change his pattern of lying.

**Dr. Soin moved to amend the Proposed Order to a non-permanent revocation of Dr. Rizvi’s Ohio medical license.** No Board member seconded the motion. The motion to amend was lost for want of a second.

Mr. Giacalone agreed with Dr. Steinbergh’s comments and noted the circumstances about which Dr. Rizvi had lied to the Maine Board. Mr. Giacalone stated that Dr. Rizvi had been disciplined by his hospital for behavioral reasons, academic incompetence, professionalism, and interpersonal issues. Mr. Giacalone also noted that an arrest warrant for Dr. Rizvi was issued in October 2013 when he assaulted a female employee at Burger King for refusing to take back the French fries he had purchased the day before. Dr. Rizvi had not informed the Maine Board about this assault charge, calling it “laughable.” Mr. Giacalone opined that Dr. Rizvi is not trustworthy and is not worthy to hold a license in this state.

Dr. Schottenstein stated that the Board does not lightly contemplate the permanent revocation of a practitioner’s license. Dr. Schottenstein stated that he may have felt differently had Dr. Rizvi come forward in a hearing and before the Board, admitted his problems with temperament and his tendency to engage in deceit, taken responsibility for his behavior, and asked for a chance to work with a professional to become a better physician. However, Dr. Schottenstein stated that Dr. Rizvi has not given the Board any reason to believe that things will be different moving forward. Dr. Schottenstein stated that Dr. Rizvi’s ongoing issues with veracity interferes with the Board’s ability to protect the public, and for this reason Dr. Schottenstein supports the Proposed Order of permanent revocation.

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

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

The motion to approve carried.

JAMES ANDREW WILLIAMS, D.O.

Mr. Gonidakis stated that the matter of Dr. Williams is being postponed until next month's meeting for administrative purposes.

**Dr. Steinbergh moved to table the matter of James Andrew Williams, D.O. Dr. Soin seconded the motion.** A vote was taken:

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

The motion to table carried.

FINDINGS, ORDERS, AND JOURNAL ENTRIES

Mr. Gonidakis stated that in the following matter, the Board issued a Notice of Opportunity for Hearing, and documentation of Service was received. There was no timely request for hearing filed, and more than 30 days have elapsed since the mailing of the Notice. The matter is therefore before the Board for final disposition. This matter is disciplinary in nature, and therefore the Secretary and Supervising Member may not vote. In this matter, Dr. Rothermel served as Secretary and Dr. Saferin served as Supervising Member.

MEGHAN JOY O'KEEFE, M.T.

Mr. Gonidakis stated that on October 14, 2015, the Board issued a Notice of Opportunity for Hearing to Ms. O'Keefe based upon her June 2013 conviction in the Franklin County Court of Common Pleas on one felony count of Falsification in a Theft Offense. The matter is now before the Board for final disposition.

**Dr. Steinbergh moved to find that the allegations set forth in the October 14, 2015 Notice of Opportunity for Hearing have been proven to be true by a preponderance of the evidence. Dr. Steinbergh further moved to enter an order, effective immediately upon mailing, permanently revoking Ms. O'Keefe's license to practice massage therapy in Ohio. Dr. Soin seconded the motion.**

Dr. Steinbergh stated that she supports the permanent revocation because Ms. O'Keefe is clearly uninterested in maintaining her massage therapy license.

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

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

The motion carried.

LISA LOUISE CROFT, D.O.

Mr. Gonidakis stated that the matter of Dr. Croft is non-disciplinary in nature, and therefore all Board members may vote.

Mr. Gonidakis stated that Dr. Croft has applied for a license to practice osteopathic medicine and surgery in Ohio. The Board notified Dr. Croft that it proposed to approve her application and to immediately limit and restrict such license to administrative, non-clinical medicine due to the fact that Dr. Croft has not engaged in the active practice of medicine for more than two years. The Board further proposed to remove all limitations and restrictions upon evidence acceptable to the Board that Dr. Croft has successfully taken the Comprehensive Osteopathic Medical Variable-Purpose Examination (COMVEX).

**Dr. Steinbergh moved to find that the allegations set forth in the April 22, 2016 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. Croft's application, limiting that license to the practice of administrative, non-clinical medicine, and terminating said**



**limitations and restrictions upon Dr. Croft's submission of documentation that she has successfully taken the COMVEX. Dr. Saferin seconded the motion.** A vote was taken:

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

The motion carried.

#### EXECUTIVE SESSION

**Dr. Saferin moved to go into Executive Session to confer with the Medical Board's attorneys on matters of pending or imminent court action, and for the purpose of deliberating on proposed consent agreements in the exercise of the Medical Board's quasi-judicial capacity. Dr. Rothermel seconded the motion.** A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Mr. Giacalone	- aye
	Dr. Steinbergh	- aye
	Dr. Soin	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Schachat	- aye
	Dr. Schottenstein	- 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. Schmidt, Ms. Marshall, the Enforcement Attorneys, the Assistant Attorneys General, Ms. Schwartz, Ms. Murray, Ms. Williams, Ms. Moore, and Mr. Taylor in attendance.

The Board returned to public session.

RATIFICATION OF SETTLEMENT AGREEMENTSFARAJ A. GHABAG, M.D. – PERMANENT WITHDRAWAL OF APPLICATION FOR MEDICAL LICENSURE

**Dr. Steinbergh moved to ratify the Proposed Permanent Withdrawal with Dr. Ghabag. Dr. Soin seconded the motion.** A vote was taken:

ROLL CALL:

Dr. Rothermel	- abstain
Dr. Saferin	- abstain
Mr. Giacalone	- aye
Dr. Steinbergh	- aye
Dr. Soin	- aye
Mr. Gonidakis	- aye
Mr. Kenney	- aye
Dr. Schachat	- aye
Dr. Schottenstein	- aye

The motion to ratify carried.

STEVEN JONATHAN KAZ, M.D. – PERMANENT SURRENDER OF CERTIFICATE TO PRACTICE MEDICINE AND SURGERY

**Dr. Steinbergh moved to ratify the Proposed Permanent Surrender with Dr. Kaz. Dr. Soin seconded the motion.** A vote was taken:

ROLL CALL:

Dr. Rothermel	- abstain
Dr. Saferin	- abstain
Mr. Giacalone	- aye
Dr. Steinbergh	- aye
Dr. Soin	- aye
Mr. Gonidakis	- aye
Mr. Kenney	- aye
Dr. Schachat	- aye
Dr. Schottenstein	- aye

The motion to ratify carried.

JAMES THOMAS LUTZ, M.D. – CONSENT AGREEMENT

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

ROLL CALL:

Dr. Rothermel	- abstain
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Dr. Saferin	- abstain
Mr. Giacalone	- aye
Dr. Steinbergh	- aye
Dr. Soin	- aye
Mr. Gonidakis	- aye
Mr. Kenney	- aye
Dr. Schachat	- aye
Dr. Schottenstein	- aye

The motion to ratify carried.

CARA E. PEREZ, M.D. – CONSENT AGREEMENT

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

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

The motion to ratify carried.

JODI HARWOOD CHAPEK, P.A. – CONSENT AGREEMENT

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

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

The motion to ratify carried.

MICHAEL KLEEREKOPER, M.D. – VOLUNTARY PERMANENT RETIREMENT FROM THE PRACTICE OF MEDICINE AND SURGERY

**Dr. Steinbergh moved to ratify the Proposed Voluntary Permanent Retirement with Dr. Kleerekoper. Dr. Soin seconded the motion. A vote was taken:**

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

The motion to ratify carried.

GREGORY ALLAN PARKER, M.D. – STEP I CONSENT AGREEMENT

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

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

The motion to ratify carried.

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

**Dr. Steinbergh moved to enter an Order of Summary Suspension in the matter of James Austin Mabe, III, P.A., in accordance with Section 4730.25(G), Ohio Revised Code, and to issue the Notice of Summary Suspension and Opportunity for Hearing. Dr. Soin seconded the motion. A vote was taken:**

ROLL CALL:

Dr. Rothermel	- abstain
Dr. Saferin	- abstain
Mr. Giacalone	- aye
Dr. Steinbergh	- aye
Dr. Soin	- aye
Mr. Gonidakis	- aye
Mr. Kenney	- aye
Dr. Schachat	- aye
Dr. Schottenstein	- aye

The motion carried.

**Dr. Steinbergh moved to send the Notices of Opportunity for Hearing to the following: J. Derek Hollingsworth, D.O.; Sonney P. Johnson; James Patrick Mima, P.A.; Barbara VanWye Simpson, L.M.T.; and William Lloyd Washington, M.D. Dr. Soin seconded the motion. A vote was taken:**

ROLL CALL:

Dr. Rothermel	- abstain
Dr. Saferin	- abstain
Mr. Giacalone	- aye
Dr. Steinbergh	- aye
Dr. Soin	- aye
Mr. Gonidakis	- aye
Mr. Kenney	- aye
Dr. Schachat	- aye
Dr. Schottenstein	- aye

The motion to send carried.

#### RULES & POLICIES

**Dr. Steinbergh moved to approve the Findings and Order rescinding current Rule 4731-14-01 and adopting new Rule 4731-14-01 and amended Rules 4731-26-01 and 4731-26-03. Dr. Steinbergh further moved that the adopted rules be final filed with an effective date of June 30, 2016. Dr. Soin seconded the motion. A vote was taken:**

ROLL CALL:

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

The motion to send carried.

## OPERATIONS REPORT

**Human Resources:** Mr. Groeber stated that an offer has been extended to Teresa Pollock for the open Deputy Director 3 position, which will lead the Board's communication group. Ms. Pollock has communications experience with the Ohio State University School of Public Health, the Ohio Department of Health, and the media.

Mr. Groeber stated that the Board continues efforts to fill investigator and nurse positions. Mr. Groeber anticipated making offers to candidate within approximately the next month.

Mr. Groeber stated that, as part of the Union contract which the State approved last year, all bargaining unit employees will automatically receive a 2.5% increase in pay at the beginning of the next fiscal year. Mr. Groeber stated that he has approved a 2.5% increase for non-bargaining unit employees as well. Mr. Groeber stated that a similar increase in his own salary will be considered by the Finance Committee and the full Board. Mr. Groeber stated that these raises have already been accounted for in the Board's budget.

**Budget:** Mr. Groeber stated that the Board's current cash balance is \$5,240,000, about 20% more than this time last year.

**Information Technology:** Groeber stated that Mr. Miller continues to make progress on the e-license project for the Medical Board and all other state regulatory boards. Mr. Groeber stated that the Finance Committee has discussed additional functionalities to enhance the e-license system, including the following:

- An external user interface for the Attorney General's office and defense counsel to allow for the submission of motions and a more effective flow of documents
- A Board meeting module to allow the Board Parliamentarian to track Board materials and actions, as well as the production of notes
- Expanded compliance modules to allow probationers to use the system as a scheduling tool, a mechanism for notifications, and the submission of materials electronically
- An investigator daily planning and tracking module to allow investigators to plan their day effectively
- A Report of Investigation module to allow investigators to complete and submit reports as close to real-time as possible

**Communications and Outreach:** Mr. Groeber stated that he and Mr. Miller met with Dr. Jeffrey Sussman, Dean of the Northeast Ohio Medical University and Chair of the Council of Ohio Medical School Deans, to discuss the objectives of the Board to interact with Ohio's medical students more frequently. Mr. Groeber and Dr. Sussman also discussed the possibility of holding Medical Board meetings at the medical schools on a semi-regular basis. Dr. Sussman liked the idea of holding Board

meetings at the schools, but expressed concerns about the logistics involved.

Mr. Giacalone opined that holding actual meetings at the schools would be more impactful to the students because they will be able to see physicians and other practitioners appearing before the Board. Dr. Steinbergh agreed that seeing a Board meeting would be beneficial to students. Dr. Rothermel observed that holding a Board meeting in a different location would be very challenging. Dr. Rothermel suggested that the Board consider helping medical students come to the Board meetings in the usual location. Mr. Groeber commented that other services could also be offered to medical students to help them understand the Board's rules and the licensure process.

**Agency Operations:** Mr. Groeber thanked the staff on the work its done in resolving complaints that were still open in the Board's system. Mr. Groeber stated that last month the number of open complaints decreased by about 200 and now stands at approximately 1,550. Mr. Groeber noted that the Standards Review and Intervention Section continues to struggle due to a lack of appropriate staffing, a situation which should be resolved as candidates are selected to fill nurse reviewer positions.

Mr. Groeber stated that the total number of licenses issued this year to date increased by 5% and are being processed 7% faster. Mr. Groeber noted that the Bureau of Criminal Investigation (BCI), which performs criminal background checks on the Board's applicants, has revised their processes that will mostly affect out-of-state applicants. Mr. Alderson and Ms. Scott have been able to identify fingerprinting and background firms that are licensed by the Attorney General's office, which should improve the process time of out-of-state applicants. The use of these firms will add about \$25 to the cost of the application, but the applicant should obtain their licenses two to three weeks faster.

Mr. Groeber stated that the number of complaints in the Hearing Unit have reduced significantly in the last several months.

**Investigator Protective Vest and Firearms Policy:** Mr. Groeber stated that Armada, a third-party firm which the Board commissioned to assess the risks that investigators potentially face, issued a report concluding that there are some inherent risks associated with the position which would warrant investigators carrying a firearm. In light of this report, Mr. Groeber asked the Board to consider in what circumstances an investigator should be required to wear their protective vests.

The Board discussed this matter thoroughly. Mr. Kenney opined that it is not appropriate for Medical Board investigators to carry firearms at all, noting that there has never been an incident in which an investigator had to draw his or her firearm. Mr. Kenney also expressed concern with the idea of an investigator with a firearm and a proactive vest entering a physician's office.

Dr. Steinbergh stated that she has consistently opposed the carrying of firearms by investigators, even when the Board approved the policy some years ago. Dr. Steinbergh opined that if an investigator goes into a situation in which they feel they need a firearm, then they should also wear a protective vest. Dr. Steinbergh stated that investigators should be able to request back-up from local law enforcement if they feel that they may be in a dangerous situation. Dr. Rothermel agreed.

Dr. Schottenstein asked if the Board should consider the option of having investigators wear protective vests and not carry firearms. Mr. Kenney approved of Dr. Schottenstein's suggestion. Mr. Kenney also opined that an investigator should leave the premises if they feel they are at risk. Dr. Schachat and Dr. Schottenstein agreed with Mr. Kenney, though Dr. Schottenstein noted that an investigator may not realize the risk until it is too late.

In response to questions from Mr. Gonidakis, Mr. Groeber stated that the job description of an investigator requires them to be proficient in carrying a firearm and that a firearm is available, but it does not mandate carrying a firearm in any given situation. Mr. Groeber stated that there are currently three investigators whose employment predate the current policy and have chosen not to have a firearm. Mr. Groeber stated that investigators receive firearm training on a biennial basis.

In response to questions from Dr. Schachat, Mr. Groeber stated that the investigators who have firearms carry them the majority of the time. Mr. Groeber stated that in the two to three years this policy has been in effect, no investigator has ever taken their firearm out of the holster except for training purposes. Mr. Groeber further stated that at the April meeting of the Federation of State Medical Boards, he asked representatives from approximately 10 to 15 medical board whose investigators carry firearms if any of their investigators had ever drawn or fired their weapon; no one answered affirmatively. Dr. Schachat asked what the investigators want in this regard. Mr. Groeber replied that the majority of investigators want to be able to carry firearms.

Dr. Saferin opined that the Board should err on the side of safety for the investigators and reiterated that most investigators want to carry firearms for their protection. Dr. Schottenstein agreed that the Board should be sensitive to the investigators' concerns.

Mr. Groeber thanked the Board for its discussion and asked for further comments from Board members over the next two weeks. Mr. Groeber stated that he and the staff will draft a policy reflective of the Board members' comments. Mr. Gonidakis stated that he would also like to hear input from Mr. Schmidt and the investigators.

## REPORTS BY ASSIGNED COMMITTEES

### POLICY COMMITTEE

#### RULES PREVIOUSLY CIRCULATED FOR COMMENT

Ms. Anderson stated that the Policy Committee recommends approval of Rules 4731-11-01, 4731-11-09, 4731-1-04, 4731-1-06, and 4731-2-01 to be filed with the Common Sense Initiative office. Ms. Anderson stated that Rule 4731-1-04 has a small amendment to address statutory issues, while Rule 4731-2-01 includes minor amendments for ease of reading.

**Dr. Saferin moved to approve Rules 4731-11-01, 4731-11-09, 4731-1-04, 4731-1-06, and 4731-2-01, as recommended by the Policy Committee, to be filed with the Common Sense Initiative office. Dr. Steinbergh seconded the motion. A vote was taken:**



ROLL CALL:

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

The motion to send carried.

#### LICENSURE COMMITTEE

#### LICENSURE APPLICATION REVIEW

#### AYAL ROMEM, M.D.

Dr. Saferin stated that Dr. Romem is requesting waiver of the Board's United States Medical Licensing Examination (USMLE) ten-year rule on basis of Section 4731-6-14, Ohio Administrative Code. Dr. Romem passed Step I of the USMLE in 1997, Step II CK in 1999, Step II CS in 2008, and Step III in 2010. Dr. Romem is requesting a waiver because he had served in the Israeli army for five years, which caused delays in taking the USMLE sequence.

The Licensure Committee recommends approval of Dr. Romem's request.

**Dr. Saferin moved to approve the good-cause exception for the 10-year rule as outlined in 4731-6-14(C)(3)(b)(ii), Ohio Administrative Code, and accept the examination sequence in order to grant Dr. Romem a license. Dr. Steinbergh seconded the motion. A vote was taken:**

ROLL CALL:

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

The motion carried.

CHAPTER 4731-10, LICENSING AND CONTINUING EDUCATION

Dr. Saferin stated that the Licensure Committee voted to circulate the draft rules in Chapter 4731-10 for comments from interested parties.

APPLICATION QUESTIONS REGARDING MENTAL & PHYSICAL HEALTH

Ms. Anderson stated that Question #23 of the application for licensure, which concerns physical and mental conditions, has been redrafted to reflect the Board's discussion at the May Board meeting.

**Dr. Steinbergh moved to approve the language of Question #23 as drafted. Dr. Saferin seconded the motion.**

Mr. Giacalone recommended adding language, in parentheses, specifying that the applicant does not need to disclose that he or she wears eyeglasses or contact lenses. The Board discussed the recommendation and agreed with Mr. Giacalone.

**Dr. Steinbergh wished to change her motion so that the phrase "excluding the wearing of eyeglasses and contact lenses" is added parenthetically to Question #23.** No Board member objected to the change in Dr. Steinbergh's motion. The change to the motion was accepted.

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

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

The motion carried.

COSMETIC THERAPY UNIVERSAL EXAMINATION

Dr. Saferin stated that the Board continues to give a licensure examination for cosmetic therapist applicants, which is costly and time-consuming. Dr. Saferin stated that the Licensure Committee is exploring the possibility of accepting a universal examination which cosmetic therapist applicants can take on their own at multiple locations and times. Dr. Saferin stated that the Licensure Committee will offer a motion in this regard at the next Board meeting.

COMPLIANCE COMMITTEE

Dr. Steinbergh stated that On May 11, 2016, the Compliance Committee met with Nabila Saeed Babar, M.D.; Anthony V. Dallas, Jr., M.D.; James C. English, M.D.; Kirstin D. Felumlee, M.T.; David M. Hughes, D.O.; Steve M. Leung, M.D.; Richard Ray Mason, D.O.; and John A. Ross, M.D., and moved to continue them under the terms of their respective Board actions. The Compliance Committee accepted Compliance staff's report of conferences on April 11 & 12, 2016.

PHYSICIAN ASSISTANT/SCOPE OF PRACTICE COMMITTEEPODIATRY AND HYPERBARIC OXYGEN THERAPY

Dr. Steinbergh stated that the Physician Assistant/Scope of Practice Committee has been considering questions regarding whether podiatrists should be allowed to supervise hyperbaric oxygen therapy (HBOT). Dr. Steinbergh stated that in 2007 the Board had considered supervision of HBOT to be outside the scope of podiatric medicine.

Dr. Steinbergh stated that the Physician Assistant/Scope of Practice Committee and staff researched this issue thoroughly over that last several months, including documentation from the Undersea and Hyperbaric Medical Society and the American College of Hyperbaric Medicine's consensus statement on physician credentialing. The Committee also reviewed a position paper in the Journal of the American Podiatric Medical Association, as well as a letter from Jimelle Rumberg, Ph.D., Executive Director of the Ohio Foot and Ankle Medical Association.

Following review of the relevant data, the Physician Assistant/Scope of Practice Committee recommended approval of draft legislative language which would allow podiatrists who meet certain conditions to supervise HBOT to treat ailments within the scope of podiatric medicine. The draft language would require the podiatrist to consult with a physician recognized by the facility as an HBOT expert and an HBOT physician must be readily available for consultation in the event of a complication during treatment. In addition, the podiatrist must be certified in advanced cardiovascular life support (ACLS) and complete a minimum 40-hour course in hyperbaric medicine recognized by the American College of Hyperbaric Medicine or the Undersea and Hyperbaric Medicine Society. Lastly, the draft language would allow a certified hyperbaric technologist to practice under the direct supervision of a podiatrist.

Dr. Saferin stated that the Ohio Foot and Ankle Medical Association supports the draft language. Dr. Saferin further commented that he does not intend to supervise HBOT treatments in his own practice, and therefore he will not personally benefit from the adoption of this language.

Dr. Steinbergh commented that if the language is adopted, it will be up to each hospital to determine if it wants to credential podiatrists to supervise HBOT in their facility.

**Dr. Steinbergh moved that the Medical Board support the draft legislation, as amended by the Physician Assistant/Scope of Practice Committee. Dr. Soin seconded the motion. A vote was taken:**

ROLL CALL:

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

The motion carried.

#### PHYSICIAN ASSISTANT FORMULARY REVIEW

**Dr. Steinbergh moved to accept the physician assistant formulary as approved by the Physician Assistant Policy Committee and the Physician Assistant/Scope of Practice Committee. Dr. Soin seconded the motion. A vote was taken:**

ROLL CALL:

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

The motion carried.

#### DRAFT PHYSICIAN ASSISTANT RULES

**Dr. Saferin moved to approve Rules 4730-1-02, 4730-1-03, 4730-1-04, 4731-1-06, 4730-1-07, 4730-2-03, 4730-3-01, and 4730-3-02, as approved by the Physician Assistant/Scope of Practice Committee, to be filed with the Common Sense Initiative Office. Mr. Giacalone seconded the motion. A vote was taken:**

ROLL CALL:

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

Dr. Schachat - aye  
Dr. Schottenstein - aye

The motion carried.

## EXECUTIVE SESSION

**Dr. Steinbergh moved to go into Executive Session to discuss employment of a staff member. Dr. Saferin seconded the motion.** A vote was taken:

ROLL CALL:

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

The motion carried.

Pursuant to Section 121.22(G)(3), Ohio Revised Code, the Board went into executive session. Mr. Groeber was present during a portion of the Executive Session.

The Board returned to public session.

The Board recessed at 12:25 p.m. and resumed at 1:10 p.m.

## REPORTS BY ASSIGNED COMMITTEES

### FINANCE COMMITTEE

Ms. Loe stated that in April 2016 the Board received slightly over \$1,000,000 in revenue and spent slightly over \$800,000. Ms. Loe noted that the spending included more than \$200,000 spent on the second half of the e-license project. As of the end of April, the Board had \$5,200,000 in its fund.

Ms. Loe stated that Fiscal Year 2016 ends on June 30 and the state's accounting system will close down for most spending, except payroll, on June 17 until the beginning of Fiscal Year 2017.

## PROBATIONARY REQUESTS

Mr. Gonidakis advised that at this time he would like the Board to consider the probationary requests on today's consent agenda. Mr. Gonidakis asked if any Board member wished to discuss a probationary

request separately. No Board members wished to discuss a probationary request separately.

**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 reduction in personal appearances to every six months;**
- **To grant Courtney D. Bonner, D.O.'s request for reduction in personal appearances to every six months; and reduction in recovery meeting attendance to two meetings per week with a minimum of ten meetings per month;**
- **To grant Regis P. Burlas, D.O.'s, request for approval of Catherine DeGood, D.O., to conduct one return-to-work assessment, required for reinstatement; and approval of Stuart Gitlow, M.D., to conduct one return to work assessment, required for reinstatement;**
- **To grant James C. English, M.D.'s request for approval of the submitted practice plan; approval of David H. Prescott, M.D., to serve as the monitoring physician; approval of Scott Kurzer, M.D., to serve as the alternate monitoring physician; and determination of the frequency and number of charts to be reviewed at ten charts per week;**
- **To grant Peter C. Johnson, M.D.'s request for approval of Steven J. Stechsulte to serve as the new polygraph technician;**
- **To grant John R. Kerns, D.O.'s request for reduction in required drug and alcohol rehabilitation meetings from three per week to two per week with a minimum of ten per month;**
- **To grant Paul D. Lopreato, P.A.'s request for permission to continue under the terms of his May 8, 2013 Step II Consent Agreement while residing in Florida; approval of the Florida Professionals Resource Network (PRN) to conduct monitoring while Mr. Lopreato resides in Florida; and approval to make personal appearances via electronic means;**
- **To grant Adam C. Maier, D.O.'s request for reduction in personal appearances to every six months; and discontinuance of the film review requirement;**
- **To grant Kimberly M. Nemeth, D.O.'s request for approval of John A. Bastulli, M.D., to serve as the new monitoring physician;**
- **To grant David O'Connell, M.D.'s request for reduction in personal appearances to every six months;**
- **To grant Anthony M. Ruffa, D.O.'s request for reduction in psychiatric treatment sessions to every six months; approval of Maria W. Davison, M.D., to serve as the new monitoring physician; and approval of personal appearances via internet meeting source;**

- To grant Bradley Joseph Vargo, D.O.'s request for reduction in frequency of drug and alcohol testing requirements to a minimum of two per month; reduction in personal appearances to every six months; and reduction in drug and alcohol rehabilitation meetings to two per week with a minimum of ten per month; and
- To grant Aly Mohamed Aly Zewail, M.D.'s request for approval of a course tailored specifically for the doctor by Donna F. Homenko, Ph.D., to fulfill the personal/professional ethics course required for reinstatement; and approval of *Course #91410 Prescription Opioids: Risk Management and Strategies for Safe Use*, administered by NETCE, to fulfill the controlled substance prescribing course required for reinstatement.

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

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

The motion carried.

#### REINSTATEMENT REQUEST

MARK E. HOSTETTLER, M.D.

**Dr. Steinbergh moved that the request for the reinstatement of the license of Michael E. Hostettler, M.D., be approved, effective immediately, subject to the probationary terms and conditions as outlined in the October 14, 2015 Order for a minimum of two years. Dr. Soin seconded the motion.**

A vote was taken:

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

The motion carried.

MATTHEW R. STEINER, M.D.

**Dr. Steinbergh moved that the request for the reinstatement of the license of Matthew R. Steiner, M.D., be approved, effective immediately, subject to the probationary terms and conditions as outlined in the March 9, 2016 Order for a minimum of two years. Dr. Soin seconded the motion. A vote was taken:**

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

The motion carried.

FINAL PROBATIONARY APPEARANCE

MARJORIE M. HAAS, M.D.

Dr. Haas was appearing before the Board pursuant to her request for release from the terms of her December 8, 2010 Consent Agreement. Mr. Gonidakis reviewed Dr. Haas' history with the Board.

In response to questions from Dr. Soin, Dr. Haas stated that she will be moving to Kentucky soon and she has already begun orientation for her new job. Dr. Haas stated that she will be working in a very small hospital in Kentucky which has been without a pediatrician for a very long time. Dr. Haas stated that she will have a great deal of supervisory support. Dr. Haas intends to continuing seeing her current sponsor via telephone and FaceTime, at least to start, following her move.

Dr. Schottenstein noted that Dr. Haas has a previous diagnosis of depression. Dr. Haas stated that she is holding up well and feels that her depression is under control. Dr. Haas stated that she has no cravings for alcohol or drugs.

**Dr. Steinbergh moved to release Dr. Haas from the terms of her December 8, 2010 Consent Agreement, effective June 29, 2016. Dr. Schottenstein seconded the motion. All members voted aye. The motion carried.**



EWA HANSEN, M.D.

Dr. Hansen was appearing before the Board pursuant to her request for release from the terms of her May 8, 2013 Consent Agreement. Mr. Gonidakis reviewed Dr. Hansen's history with the Board.

Dr. Steinbergh asked what changes Dr. Hansen has made in her practice to reassure the Board that she will not repeat her offenses. Dr. Hansen replied that her office no longer utilizes pre-signed prescriptions. Dr. Hansen stated that patients who need refills of their Attention Deficit Disorder medications must come to the office when the physician can see them, even if it is less convenient for the patient.

Responding to further questions from Dr. Steinbergh, Dr. Hansen stated that she is aware of the relevant rules in Ohio and is complying with them. Dr. Hansen stated that the prescription pads in her office are locked away, though the prescriptions pads are seldom used since her office began using electronic medical records. Dr. Hansen stated that she is still unable to see Ohio Medicaid patients, but she can reapply as a provider once she is released from her probation.

**Dr. Steinbergh moved to release Dr. Hansen from the terms of her May 8, 2013 Consent Agreement, effective immediately. Dr. Schottenstein seconded the motion.** All members voted aye. The motion carried.

BRUCE S. KAY, M.D.

Dr. Kay was appearing before the Board pursuant to his request for release from the terms of the Board's Order of July 11, 2012. Mr. Gonidakis reviewed Dr. Kay's history with the Board.

In response to questions from Dr. Soin, Dr. Kay stated that his practice is going very well. Dr. Kay stated that most of his practice is orthopedic consultations and wound care. Dr. Kay stated that he does little in the way of treating pain patients, mostly limited to interventional procedures. Dr. Kay stated that he has stayed up-to-date on the new rules and regulations on pain management.

Mr. Giacalone asked Dr. Kay to explain what had brought him to the attention of the Board. Dr. Kay replied that he had been involved with a pain management practice. Dr. Kay stated that the patients had been difficult, he had not documented well enough, had not properly controlled how much medication was being prescribed, and was not strict enough on patient urine screens.

Mr. Giacalone stated that he had not been on the Medical Board when Dr. Kay's case first came under consideration. Mr. Giacalone stated that he reviewed the case and was surprised by some of the descriptions he read in Dr. Kay's care of 15 patients. For instance, Dr. Kay had been informed that Patient 3 and Patient 11 had been abusing drugs yet their prescriptions were continued. Dr. Kay stated that all of the patients had been dismissed from the practice. Dr. Kay disputed the Board's findings that he had increased medication doses for patients who were abusing drugs.

Mr. Giacalone asked if Dr. Kay continues to prescribe opiates. Dr. Kay answered that he prescribes small amounts of opiates when necessary, but never chronically. Mr. Giacalone hoped that Dr. Kay would not

need to appear before the Board again for similar prescribing issues.

Dr. Soin asked how Dr. Kay markets himself to the public. Dr. Kay replied that he markets himself as an orthopedist mostly treating back pain and joint pain.

**Dr. Soin moved to release Dr. Kay from the terms of the Board's Order of July 11, 2012, effective June 12, 2016. Dr. Steinbergh seconded the motion.** All members voted aye. The motion carried.

MATTHEW D. KELLEMS, M.D.

Dr. Kellems was appearing before the Board pursuant to his request for release from the terms of his October 13, 2010 Consent Agreement. Mr. Gonidakis reviewed Dr. Kellems' history with the Board.

In response to questions from Dr. Steinbergh, Dr. Kellems stated that he still practices anesthesiology and he has recently moved into a position practicing in the operating room after four years in a pre-operative clinic. Dr. Kellems stated that very little will change in his recovery program after he is released from his probation. Dr. Kellems stated that he will continue to see his psychiatrist and psychologist regularly, attend Alcoholics Anonymous meetings, and will participate in a urine screen monitoring program at the Cleveland Clinic. Dr. Kellems stated that no end-time has been specified for his urine-screen program and he is willing to participate indefinitely.

Responding to questions from Dr. Soin, Dr. Kellems stated that his practice environment in his new position includes 100% supervision. Dr. Soin asked if Dr. Kellems handles propofol personally in the operating room. Dr. Kellems replied that he does handle propofol, but he does not need to personally handle other controlled substances. Dr. Kellems stated that his initial drug of choice had been hydromorphone.

Responding to questions from Dr. Schottenstein, Dr. Kellems stated that he does not have cravings for propofol even though he has access to it. Dr. Schottenstein asked if naltrexone helps with the cravings. Dr. Kellems imagined that the naltrexone helps, though he was uncertain if his lack of craving is mostly due to his naltrexone or due to his absence from the operating room for several years.

Dr. Schottenstein note that Dr. Kellems is being treated for his mood and asked if Dr. Kellems' mood feels like it is under good control. Dr. Kellems replied that his mood is great. Dr. Kellems stated that his initial period of substance abuse was primarily due to undiagnosed depression, which also contributed to his relapse. Dr. Kellems stated that he is now on medication for his depression and it has made a significant impact. Dr. Schottenstein asked if Dr. Kellems would be able to notice if his depression started to come back. Dr. Kellems answered that he would notice and that he has done a lot of self-education on the subject, as well as continuing to see his psychiatrist and psychologist.

**Mr. Giacalone moved to release Dr. Kellems from the terms of his October 13, 2010 Consent Agreement, effective June 9, 2016. Dr. Steinbergh seconded the motion.** All members voted aye. The motion carried.

ANIL C. NALLURI, M.D.

Dr. Nalluri was appearing before the Board pursuant to his request for release from the terms of the Board's Order of November 13, 2013. Mr. Gonidakis reviewed Dr. Nalluri's history with the Board.

In response to questions from Dr. Soin, Dr. Nalluri stated that he currently has a private practice and he has significantly fewer patients than he had before his Board Order. Dr. Nalluri stated that he has changed how he documents and the time he takes with patients. Dr. Nalluri stated that he no longer sees Bureau of Workers Compensation (BWC) patients, but he may reapply to do so after he is released from his Board probation. Dr. Nalluri stated that he learned a great deal from the courses he had taken at Case Western Reserve University in medical billing and medical ethics.

Dr. Schottenstein recalled that Dr. Nalluri had been studying for his board examinations. Dr. Nalluri stated that he will probably sit for his forensic board examination in April 2017.

**Dr. Steinbergh moved to release Dr. Nalluri from the terms of the Board's Order of November 13, 2013, effective June 17, 2016. Dr. Soin seconded the motion.** All members voted aye. The motion carried.

DAN RYU, M.D.

Dr. Ryu was appearing before the Board pursuant to his request for release from the terms of his June 9, 2011 Consent Agreement. Mr. Gonidakis reviewed Dr. Ryu's history with the Board.

Dr. Steinbergh asked about Dr. Ryu's plans regarding recovery following release from his Consent Agreement. Dr. Ryu replied that recovery as taught him to live one day at a time, and therefore he has not projected what he will do beyond today. Dr. Ryu stated that recovery is going well and he has been compliant with everything in his Consent Agreement.

In response to further questions from Dr. Steinbergh, Dr. Ryu stated that he continues to practice occupational medicine in Columbus about six to ten hours per week. Dr. Ryu stated that he also has a full-time job in Cleveland teaching at a small college. Dr. Ryu stated that he has never used any drugs besides alcohol. Dr. Ryu stated that he takes Zyrtec for allergies, but he has not experienced any mood changes or cerebral effects as has been reported in some cases.

Responding to questions from Dr. Soin, Dr. Ryu stated that he still sees patients on Suboxone, though he has only eight such patients currently. Dr. Ryu stated that his experience with addiction has shown him that one must have compassion when dealing with patients in recovery. Dr. Ryu stated that he is keeping up with the changes in rules and regulations regarding Suboxone.

Responding to questions from Dr. Schottenstein, Dr. Ryu stated that he does not crave alcohol even when he experiences stress in his life. Dr. Ryu stated that his moods have been good and consistent.

**Dr. Steinbergh moved to release Dr. Ryu from the terms of his June 9, 2011 Consent Agreement,**

**effective June 9, 2016. Dr. Soin seconded the motion.** All members voted aye. The motion carried.

NEIL A. SALAS, M.D.

Dr. Salas was appearing before the Board pursuant to his request for release from the terms of his June 9, 2011 Consent Agreement. Mr. Gonidakis reviewed Dr. Salas' history with the Board.

In response to questions from Mr. Giacalone, Dr. Salas stated that his recovery has been a journey for him and he has found a balance that works for him. Dr. Salas stated that he currently works full-time as an obstetrician and shares a practice with three other physicians. Dr. Salas stated that he has a busy workload, but he is only on call once every four days and one weekend per month so he has time for his family and for recovery. Dr. Salas commented that his life has been good for the last five years. Dr. Salas stated that he has sponsored others in recovery. Dr. Salas stated that he has had a sponsee who relapsed, but that simply reminds him that he does not want to take any steps backward himself.

Dr. Salas continued that very little will change following his release, other than not having to call into FirstLab every day. Dr. Salas stated that his recovery group keeps him accountable and has taught him how to live life in a different way. Dr. Salas commented that he releases stress by playing soccer on weekends. Dr. Salas stated that his family has been very supportive.

Dr. Schottenstein, commenting on Dr. Salas' sponsee who relapsed, asked if Dr. Salas understands that the relapse is not his fault. Dr. Salas replied that he understands that it is not his fault and that some people are not yet ready for recovery. Responding to further questions from Dr. Schottenstein, Dr. Salas stated that he does not have any cravings and that he works steps 10, 11 and 12 of the 12-step program daily.

**Mr. Giacalone moved to release Dr. Salas from the terms of his June 9, 2011 Consent Agreement, effective June 9, 2016. Dr. Soin seconded the motion.** All members voted aye. The motion carried.

ALBERT J. WEISBROT, M.D.

Dr. Weisbrot was appearing before the Board pursuant to his request for release from the terms of his June 12, 2013 Consent Agreement. Mr. Gonidakis reviewed Dr. Weisbrot's history with the Board.

In response to questions from Dr. Steinbergh, Dr. Weisbrot stated that he is still in family practice and he was recently rehired by Christ Hospital. Dr. Weisbrot explained that he had previously worked for Christ Hospital, but when this incident occurred he lost Medicaid privileges and the hospital let him go. Dr. Weisbrot worked for two-and-a-half years independently, but he recently let the hospital buy his practice. Dr. Weisbrot now has an associate in the office to help him. Dr. Weisbrot stated that he works three-and-a-half days per week.

Dr. Weisbrot continued that the courses that he took on prescribing and medical record-keeping helped him be more attentive and less sloppy. Dr. Weisbrot added that having electronic medical records has also helped his record-keeping habits. Dr. Weisbrot stated that the prescribing course opened his eyes. Dr. Weisbrot stated he no longer prescribes narcotics except in situations such as a fracture, and then only a small

amount with no refills. Dr. Weisbrot stated that he and his office staff also check the Ohio Automated Rx Reporting System (OARRS) regularly.

Dr. Schottenstein commented that this process can be stressful and asked how Dr. Weisbrot is holding up. Dr. Weisbrot answered that he is holding up well.

**Dr. Steinbergh moved to release Dr. Weisbrot from the terms of his June 12, 2013 Consent Agreement, effective June 12, 2016. Mr. Giacalone seconded the motion.** All members voted aye. The motion carried.

JANET E. DESPOT, M.D.

Dr. Despot was appearing before the Board pursuant to her request for release from the terms of the Board's Order of May 11, 2011. Mr. Gonidakis reviewed Dr. Despot's history with the Board.

Dr. Despot appeared before the Board via electronic means through an internet connection (Skype).

In response to questions from Dr. Soin, Dr. Despot stated that she is currently working as an allergist. Dr. Despot stated that her group has a billing department and she does not personally control the billing of her patients. Dr. Despot stated that the medical billing course she had been required to take was mostly on-line and she learned about aspects of billing that were specific to the practice of an allergist. Dr. Despot stated that she recently completed her probation with the Illinois Division of Professional Regulation and her probation with the Washington Medical Quality Assurance Commission was completed almost one year ago.

Dr. Steinbergh commented that she will abstain from this vote due to the poor audio quality of the internet connection.

**Dr. Soin moved to release Dr. Despot from the terms of the Board's Order of May 11, 2011, effective immediately. Mr. Giacalone seconded the motion.** All members voted aye, except Dr. Steinbergh, who abstained. The motion carried.

ADJOURNMENT

**Dr. Steinbergh moved to adjourn the meeting. Mr. Kenney seconded the motion.** All members voted aye. The motion carried.


Thereupon, at 1:57 p.m., the June 8, 2016 session of the State Medical Board of Ohio was adjourned.

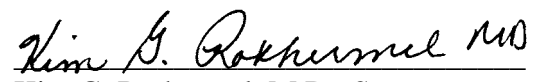
We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio meeting on June 8, 2016, as approved on July 13, 2016.

23328

June 8, 2016

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Michael L. Gonidakis, President

  
Kim G. Rothermel, M.D., Secretary

