



MEETING MINUTES - January 9, 2019

I. ROLL CALL

The January 9, 2019 meeting of the State Medical Board was called to order at 10:05 a.m. with the following members present: Dr. Saferin, Mr. Giacalone, Dr. Schottenstein, Dr. Schachat, Mr. Gonidakis, Dr. Edgin, Dr. Factora, Ms. Montgomery, Dr. Johnson, Dr. Bechtel.

II. MINUTES REVIEW

Motion to approve the draft minutes of the December 12, 2018 Board meeting:

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|-----------------|------------|
| Motion | Saferin |
| 2 nd | Montgomery |
| Saferin | Yes |
| Giacalone | Y |
| Edgin | Y |
| Schottenstein | Y |
| Schachat | Y |
| Gonidakis | Y |
| Factora | Y |
| Montgomery | Y |
| Johnson | Y |
| Bechtel | Abstain |

III. APPLICANTS FOR LICENSURE

Motion to approve, contingent upon all requested documents being received and approved in accordance with licensure protocols, the physician and allied professional applicants contained in the Agenda Materials and handouts; and to approve the results of the December 17, 2018 Cosmetic Therapy Examination and to certify as passing and license those receiving a score of 75 or greater on their examination, and to certify as failing and deny licensure to those who received a score of less than 75 on the examination, as listed in the Handouts provided to the Board members:

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| Motion | Factora |
| 2 nd | Saferin |
| Saferin | Y |
| Giacalone | Y |
| Edgin | Y |
| Schottenstein | Y |
| Schachat | Y |
| Gonidakis | Y |
| Factora | Y |
| Montgomery | Y |
| Johnson | Y |
| Bechtel | Y |

Motion to approve, contingent upon all requested documents being received and approved in accordance with licensure protocols, the applicants for a Certificate to Recommend Medical Marijuana contained in the Handouts provided to the Board members:

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| Motion | Saferin |
| 2 nd | Factora |
| Saferin | Y |
| Giacalone | Y |
| Edgin | Y |
| Schottenstein | Y |
| Schachat | Y |
| Gonidakis | A |
| Factora | Y |
| Montgomery | Y |
| Johnson | Y |
| Bechtel | Y |

IV.REPORTS AND RECOMMENDATIONS

REPORTS AND RECOMMENDATIONS

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

Dr. Schachat 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: Michael Herman Anikeev, M.D.; Larry Lee Doss, M.D.; and Mohammad Moayeri, M.D. A roll call was taken:

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| Saferin | Y |
| Giacalone | Y |
| Edgin | Y |
| Schottenstein | Y |
| Schachat | Y |
| Gonidakis | Y |
| Factora | Y |
| Montgomery | Y |
| Johnson | Y |
| Bechtel | Y |

Dr. Schachat 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:

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| Saferin | Y |
| Giacalone | Y |
| Edgin | Y |
| Schottenstein | Y |
| Schachat | Y |
| Gonidakis | Y |

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|------------|---|
| Factora | Y |
| Montgomery | Y |
| Johnson | Y |
| Bechtel | Y |

Dr. Schachat 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. In addition, Dr. Bechtel served as Secretary and/or Supervising Member in the matters of Dr. Doss and Dr. Moayeri

Dr. Schachat 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.

Michael Herman Anikeev, M.D.

Dr. Bechtel moved to approve and confirm Mr. Porter’s Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Michael Herman Anikeev, M.D. Mr. Giacalone seconded the motion.

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

Dr. Factora led the discussion concerning the matter of Dr. Anikeev by presenting the information provided in the Report and Recommendation

Dr. Factora agreed with the Findings of Fact and Conclusions of Law. Dr. Anikeev has had multiple episodes of alcohol use and abuse. It is clear that the alcohol abuse has impaired his ability to practice medicine and surgery according to acceptable standards of care. Dr. Anikeev failed to submit to a board ordered evaluation. Dr. Factora was convinced that it was due to circumstances beyond his control. Dr. Anikeev also appears to have depression but it did not affect his practice.

Dr. Factora agreed with the proposed board order that Dr. Anikeev submit to an examination for chemical dependency at a board-approved provider or location. Dr. Factora further stated that Dr. Anikeev will probably be diagnosed with alcohol dependency disorder, and it would be reasonable to consider additional parameters beyond just the 72-hour requirement. As there is a co-existing depression disorder, it would be reasonable to have additional components of the board order addressing the management of the co-morbidity depression. Dr. Factora stated that it would reasonable to include this in the Board’s Order because Dr. Anikeev waived his Eastway objection. Dr. Factora called for further discussion and any amendment proposals by fellow board members.

Ms. Montgomery supports the State’s objection to the Report and Recommendation based on her years of experience and background prosecuting those denying problems with alcoholism. Ms. Montgomery is sympathetic to Dr. Anikeev’s concerns with alcoholism and depression, but she agrees that his attendance was not beyond his control. The rules are you have to go and money is not an excuse. Ms. Montgomery was concerned that the licensee would continue a cycle of offering excuses of why he was unable to attend treatment or evaluation. She stated that she does not believe Dr. Anikeev should be practicing. Ms. Montgomery recommends that the Board amend the Findings of Fact under No. 4 and the Conclusion of Law under No. 2 according to Mr. Wilcox’s suggestions and that there by an amended Proposed Order to revoke Dr. Anikeev’s license.

Ms. Montgomery moved to amend the Findings of Fact No. 4; Conclusion of Law No. 2; and amend the Proposed Order to revocation. Mr. Giacalone seconded the motion for discussion purposes.

Dr. Schottenstein supported Ms. Montgomery's statements. If an individual's depression is so severe that it prevents them from attending a board-ordered examination, they should have sought treatment/hospitalization immediately following the missed evaluation, not months later. Depression and alcoholism are often co-morbid conditions and if we allow this reason for not attending an evaluation, all licensees could use this excuse for not following board orders. We have not historically conceptualized lack of transportation and money as circumstances beyond one's control.

Dr. Schottenstein stated he would like to save the doctor's life. Dr. Schottenstein proposed an amendment to Ms. Montgomery's amendment: amend Finding of Fact No. 4 to state that Dr. Anikeev did not provide sufficient evidence of circumstances beyond his control; amended Conclusion of Law No. 2 to state that Dr. Anikeev did not provide sufficient evidence or circumstances beyond his control; there fore the allegations in the Notice of Opportunity are admitted to by Dr. Anikeev in default of finding of impairment disorder pursuant to Ohio Revised Code 4731.22 (B)(26). Dr. Schottenstein wants to also amend the proposed order to make it a standard impairment order with the usual license suspension with standard reinstatement conditions and standard probationary terms.

Dr. Schottenstein moved to amend Findings of Fact No. 4 of the Report and Recommendation to find that there was not sufficient evidence of circumstances beyond Dr. Anikeev's control; amended Conclusion of Law No. 2 to state that Dr. Anikeev did not provide sufficient evidence or circumstances that were beyond his control; and amend the Proposed Order to read as follows:

It is hereby ORDERED that:

- A. **SUSPENSION OF LICENSE:** The license of Michael Herman Anikeev, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time.
- B. **INTERIM MONITORING:** During the period that Dr. Anikeev's license to practice medicine and surgery in Ohio is suspended, Dr. Anikeev shall comply with the following terms, conditions, and limitations:
 1. **Obey the Law:** Dr. Anikeev shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.
 2. **Declarations of Compliance:** Dr. Anikeev shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has 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 this Order becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
 3. **Personal Appearances:** Dr. Anikeev shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective, or as otherwise directed by the Board. Subsequent personal appearances shall occur every three 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. **Sobriety**
 - a. **Abstention from Drugs:** Dr. Anikeev shall abstain completely from the personal use or personal possession of drugs, except those prescribed, dispensed, or administered to him by another so authorized by law who has full knowledge of Dr. Anikeev's history of chemical

dependency and/or abuse and who may lawfully prescribe for him (for example, a physician who is not a family member).

Further, in the event that Dr. Anikeev is so prescribed, dispensed, or administered any drug that is required to be reported to the Ohio Automated Rx Reporting System ("OARRS"), including any Schedule II-V controlled substance, Dr. Anikeev shall notify the Board in writing within seven days, providing the Board with the identity of the prescriber, the name of the drug Dr. Anikeev received, the medical purpose for which he received the drug, the date the drug was initially received, and the dosage, amount, number of refills, and directions for use.

Further, within 30 days of the date the drug is so prescribed, dispensed, or administered to him, Dr. Anikeev shall provide the Board with either a copy of the written prescription or other written verification from the prescriber, including the dosage, amount, number of refills, and directions for use.

- b. **Abstention from Alcohol**: Dr. Anikeev shall abstain completely from the use of alcohol.

5. **Toxicology Screens; Designated Testing Facility and Collection Site**

- a. Dr. Anikeev shall submit to random toxicology screenings of biological materials (including but not limited to blood, urine, hair, saliva, breath, or fingernail samples) for drugs and alcohol at least four times per month, or as otherwise directed by the Board. Dr. Anikeev shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug-testing panel utilized must be acceptable to the Secretary of the Board, and shall include Dr. Anikeev's drug(s) of choice. The screening process for random testing shall require a daily call-in and/or log-in procedure, as set forth below in Paragraph B.5.f., and Dr. Anikeev shall call or log in each day during the appropriate time window.
- b. Dr. Anikeev shall abstain from the use of any substance that may produce a positive result on a toxicology screen, including the consumption of poppy seeds or other food or liquid that may produce a low-level positive result on a toxicology screen. Dr. Anikeev shall be held to an understanding and knowledge that the consumption or use of various substances, including but not limited to mouthwashes, hand-cleaning gels, and cough syrups, may cause a positive toxicology screen; that unintentional ingestion of a substance is not distinguishable from intentional ingestion on a toxicology screen; and that, therefore, consumption or use of substances that may produce a positive result on a toxicology screen is prohibited under this Order. Further, Dr. Anikeev shall ensure his use of over-the-counter medications complies with the "Guide to Alcohol-Free Products" brochure as utilized by the Board's Compliance division.
- c. Dr. Anikeev shall submit, at his expense and on the day selected, specimens for drug and/or alcohol analysis. All specimens submitted by Dr. Anikeev shall be negative, except for those substances prescribed, administered, or dispensed to him in conformance with the terms, conditions and limitations set forth in this Order. Refusal to submit such specimen, or failure to submit such specimen on the day he is selected or in such manner as the Board may request, shall constitute a violation of this Order.
- d. All toxicology screenings for drugs and alcohol shall be conducted through a Board-approved drug testing facility and Board-approved collection site pursuant to the global contract between said facility ("designated testing facility") and the Board, that provides for the Board to maintain ultimate control over the toxicology screening process and to preserve the confidentiality of positive screening results in accordance with Section 4731.22(F)(5), Ohio Revised Code. The screening process for random testing shall require a daily call-in and/or

log-in procedure. Dr. Anikeev's failure to timely call or log in each day as directed by the Board shall constitute a violation of this Order.

- e. Within 30 days of the effective date of this Order, Dr. Anikeev shall enter into the necessary financial and/or contractual arrangements with the designated testing facility in order to facilitate the screening process in the manner required by this Order.

Further, Dr. Anikeev shall promptly provide to the Board written documentation of completion of such arrangements, including a copy of any contract entered into between Dr. Anikeev and the designated testing facility. Dr. Anikeev's failure to timely complete such arrangements, or failure to timely provide written documentation to the Board of completion of such arrangements, shall constitute a violation of this Order.

- f. Dr. Anikeev shall ensure that the toxicology screening process performed through the designated testing facility requires a daily call-in and/or log-in procedure, that the specimens are obtained on a random basis, and that the giving of the specimen is witnessed by a reliable person. In addition, Dr. Anikeev and the designated testing facility shall ensure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening result.
- g. Dr. Anikeev shall ensure that the designated testing facility provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all toxicology screens have been conducted in compliance with this Order, and whether all toxicology screens have been negative.
- h. In the event that the designated testing facility becomes unable or unwilling to serve as required by this Order, Dr. Anikeev shall immediately notify the Board in writing, and make arrangements acceptable to the Board, pursuant to Paragraph B.6, below, as soon as practicable. Dr. Anikeev shall further ensure that the designated testing facility also notifies the Board directly of its inability to continue to serve and the reasons therefor.
- i. The Board, in its sole discretion, may withdraw its approval of any designated testing facility in the event that the Secretary and Supervising Member of the Board determine that the designated testing facility has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

- 6. **Alternate Testing Facility:** It is the intent of this Order that Dr. Anikeev shall submit specimens to the designated testing facility chosen by the Board. However, in the event that utilizing said designated testing facility creates an extraordinary hardship upon Dr. Anikeev, as determined in the sole discretion of the Board, the Board may approve an alternate testing facility provided the Board determines in its sole discretion that the alternate testing facility is acceptable for the purpose of conducting the random toxicology testing required by this Order.

The Board, in its sole discretion, may disapprove any entity or facility proposed to serve as Dr. Anikeev's alternate testing facility, or may withdraw its approval of any entity or facility previously approved to so serve in the event that the Secretary and Supervising Member of the Board determine that any such entity or facility has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

- 7. **Reports Regarding Toxicology Screens:** All screening reports required under this Order from the designated testing facility or the alternate testing facility shall be received in the Board's offices no later than the due date for Dr. Anikeev's declarations of compliance. It is Dr. Anikeev's responsibility to ensure that reports are timely submitted.

8. **Additional Screening Without Prior Notice:** Upon the Board's request and without prior notice, Dr. Anikeev shall provide a specimen of his biological materials (including but not limited to blood, urine, hair, saliva, breath, or fingernail samples) for screening for drugs and alcohol, for analysis of therapeutic levels of medications that may be prescribed for Dr. Anikeev, or for any other purpose, at Dr. Anikeev's expense. Dr. Anikeev's refusal to submit a specimen upon the request of the Board shall result in a minimum of one year of actual license suspension. Further, the collection of such specimens shall be witnessed by a representative of the Board, or another person acceptable to the Secretary and Supervising Member of the Board.
9. **Rehabilitation Program:** Dr. Anikeev shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., C.A., or Caduceus, no less than three times per week, or as otherwise ordered by the Board. Substitution of any other specific program must receive prior Board approval.

Dr. Anikeev shall submit acceptable documentary evidence of continuing compliance with this program, including submission to the Board of meeting attendance logs, which shall be received in the Board's offices no later than the due date for Dr. Anikeev's declarations of compliance.

10. **Comply with the Terms of Aftercare Contract:** Dr. Anikeev shall maintain continued compliance with the terms of the aftercare contract(s) entered into with his treatment provider(s), provided that, where terms of an aftercare contract conflict with terms of this Order, the terms of this Order shall control.
11. **Continue Psychiatric Treatment:** Within thirty days of the effective date of this Order, Dr. Anikeev shall submit to the Board for its prior approval the name and curriculum vitae of a psychiatrist of Dr. Anikeev's choice. The Board may consider Dr. Anikeev's current psychiatrist as an approved provider. Dr. Anikeev shall continue psychiatric treatment until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require reports from the approved treating psychiatrist. The psychiatric reports shall contain information describing Dr. Anikeev's current treatment plan and any changes that have been made to the treatment plan since the prior report; his compliance with the treatment plan; his psychiatric status; his progress in treatment; and results of any laboratory or other studies that have been conducted since the prior report. Dr. Anikeev shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Anikeev's declarations of compliance.

Dr. Anikeev shall ensure that his treating psychiatrist immediately notifies the Board of Dr. Anikeev's failure to comply with his psychiatric treatment plan and/or any determination that Dr. Anikeev is unable to practice due to his psychiatric disorder.

In the event that the designated psychiatrist becomes unable or unwilling to serve in this capacity, Dr. Anikeev shall immediately so notify the Board in writing and make arrangements acceptable to the Board for another psychiatrist as soon as practicable. Dr. Anikeev shall further ensure that the previously designated psychiatrist also notifies the Board directly of his or her inability to continue to serve and the reasons therefor.

The Board, in its sole discretion, may disapprove any psychiatrist proposed to serve as Dr. Anikeev's designated treating psychiatrist, or may withdraw its approval of any psychiatrist previously approved to serve as Dr. Anikeev's designated treating psychiatrist, in the event that the Secretary and Supervising Member of the Board determine that any such psychiatrist has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

12. **Releases:** Dr. Anikeev shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties

that provide treatment or evaluation for Dr. Anikeev's alcohol or chemical use disorder and/or related conditions, or for purposes of complying with this Order, whether such treatment or evaluation occurred before or after the effective date of this Order. To the extent permitted by law, the above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43, Ohio Revised Code, and are confidential pursuant to statute.

Dr. Anikeev shall also provide the Board written consent permitting any psychiatrist, counselor, or other treatment provider from whom he obtains treatment to notify the Board in the event Dr. Anikeev fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Order.

13. **Absences from Ohio:** Dr. Anikeev shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the suspension/probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed. Further, the Secretary and Supervising Member of the Board shall have the discretion to waive part or all of the monitoring terms set forth in this Order for occasional periods of absence of 14 days or less.

In the event that Dr. Anikeev resides and/or is employed at a location that is within 50 miles of the geographic border of Ohio and a contiguous state, Dr. Anikeev may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Dr. Anikeev is otherwise able to maintain full compliance with all other terms, conditions and limitations set forth in this Order.

Further, in the event that Dr. Anikeev does not reside or practice in Ohio while subject to the requirements of this Order, the Secretary and Supervising Member of the Board, in their sole discretion, may allow this Board's monitoring of Dr. Anikeev to be coordinated with an entity or board from another jurisdiction provided the Secretary and Supervising Member determine that such coordination ensures substantial compliance with the requirements of this Order.

14. **Required Reporting of Change of Address:** Dr. Anikeev shall notify the Board in writing of any change of residence address and/or principal practice address within 30 days of the change.

C. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Anikeev's license to practice medicine and surgery until all of the following conditions have been met:

1. **Application for Reinstatement or Restoration:** Dr. Anikeev shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
2. **Compliance with Interim Conditions:** Dr. Anikeev shall have maintained compliance with all the terms and conditions set forth in Paragraph B of this Order.
3. **Demonstration of Ability to Resume Practice:** Dr. Anikeev shall demonstrate to the satisfaction of the Board that he can practice in compliance with acceptable and prevailing standards of care under the provisions of his license. Such demonstration shall include but shall not be limited to the following:
 - a. Certification from a treatment provider approved under Section 4731.25, Ohio Revised Code, that Dr. Anikeev has successfully completed any required inpatient treatment, including at least 28 days of inpatient or residential treatment for substance use disorder, as set forth in Rules 4731-16-02 and 4731-16-08, Ohio Administrative Code, completed consecutively.

- b. Evidence of continuing full compliance, or successful completion of, a post-discharge aftercare contract with a treatment provider approved under Section 4731.25, Ohio Revised Code. Such evidence shall include, but shall not be limited to, a copy of the signed aftercare contract. The aftercare contract must comply with Rule 4731-16-10, Ohio Administrative Code.
- c. Evidence of continuing full compliance with this Order.
- d. Two written reports indicating that Dr. Anikeev's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall have been made by physicians knowledgeable in the area of addictionology and who are either affiliated with a current Board-approved treatment provider or otherwise have been approved in advance by the Board to provide an assessment of Dr. Anikeev. Further, the two aforementioned physicians shall not be affiliated with the same treatment provider or medical group practice. Prior to the assessments, Dr. Anikeev shall provide the evaluators with copies of patient records from any evaluation and/or treatment that he has received, and a copy of this Order. The reports of the evaluators shall include any recommendations for treatment, monitoring, or supervision of Dr. Anikeev, and any conditions, restrictions, or limitations that should be imposed on Dr. Anikeev's practice. The reports shall also describe the basis for the evaluator's determinations.

The first two such assessments sought by Dr. Anikeev shall constitute the basis for the two reports required under this Order regardless of whether Dr. Anikeev agrees with the report(s) provided by the physician evaluator(s) and regardless of whether he obtains subsequent assessment(s).

All reports required pursuant to this paragraph shall be based upon examinations occurring within the three months immediately preceding any application for reinstatement or restoration. Further, at the discretion of the Secretary and Supervising Member of the Board, the Board may request an updated assessment and report if the Secretary and Supervising Member determine that such updated assessment and report is warranted for any reason.

- 4. **Additional Evidence of Fitness To Resume Practice**: In the event that Dr. Anikeev has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222 Ohio Revised Code, to require additional evidence of his fitness to resume practice.
- D. **PROBATION**: Upon reinstatement or restoration, Dr. Anikeev's license shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:
- 1. **Terms, Conditions, and Limitations Continued from Suspension Period**: Dr. Anikeev shall continue to be subject to the terms, conditions, and limitations specified in Paragraph B of this Order.
 - 2. **Modification of Terms; Exception**: Dr. Anikeev shall not request modification of the terms, conditions, or limitations of probation for at least (*specify time*) after imposition of these probationary terms, conditions, and limitations, except that Dr. Anikeev may make such request with the mutual approval and joint recommendation of the Secretary and Supervising Member.
 - 3. **Monitoring Physician**: Within 30 days of the date of Dr. Anikeev's reinstatement or restoration, or as otherwise determined by the Board, Dr. Anikeev shall submit in writing the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary and Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary and Supervising

Member will give preference to a physician who practices in the same locale as Dr. Anikeev and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Anikeev and his medical practice and shall review Dr. Anikeev's patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Anikeev and his medical practice, and on the review of Dr. Anikeev's patient charts. Dr. Anikeev shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Anikeev's declarations of compliance.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Anikeev shall immediately so notify the Board in writing. In addition, Dr. Anikeev shall make arrangements acceptable to the Board for another monitoring physician within 30 days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Dr. Anikeev shall further ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefor.

The Board, in its sole discretion, may disapprove any physician proposed to serve as Dr. Anikeev's monitoring physician, or may withdraw its approval of any physician previously approved to serve as Dr. Anikeev's monitoring physician, in the event that the Secretary and Supervising Member of the Board determine that any such monitoring physician has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

4. **Tolling of Probationary Period While Out of Compliance:** In the event Dr. Anikeev 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.
- E. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Anikeev's license will be fully restored.
- F. **VIOLATION OF THE TERMS OF THIS ORDER:** If Dr. Anikeev violates the terms of this Order in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his license.
- G. **REQUIRED REPORTING TO THIRD PARTIES; VERIFICATION:**
 1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Anikeev shall provide a copy of this Order to all employers or entities with which he 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 he has privileges or appointments. Further, Dr. Anikeev shall promptly provide a copy of this Order to all employers or entities with which he 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 he applies for or obtains privileges or appointments.

In the event that Dr. Anikeev 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, he shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

Further, within 30 days of the date of each such notification, Dr. Anikeev shall provide documentation acceptable to the Secretary and Supervising Member of the Board demonstrating that the required notification has occurred.

This requirement shall continue until Dr. Anikeev receives from the Board written notification of the successful completion of his probation.

2. **Required Reporting to Other Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Anikeev shall provide a copy of this Order by certified mail to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Administration, through which he currently holds any professional license or certificate. Also, Dr. Anikeev shall provide a copy of this Order by certified mail at the time of application to the proper licensing authority of any state or jurisdiction in which he applies for any professional license or reinstatement/restoration of any professional license.

Additionally, within 30 days of the effective date of this Order, Dr. Anikeev shall provide a copy of this Order to any specialty or subspecialty board of the American Board of Medical Specialties or the American Osteopathic Association Bureau of Osteopathic Specialists under which he currently holds or has previously held certification.

Further, within 30 days of the date of each such notification, Dr. Anikeev shall provide documentation acceptable to the Secretary and Supervising Member of the Board demonstrating that the required notification has occurred.

This requirement shall continue until Dr. Anikeev receives from the Board written notification of the successful completion of his probation.

3. **Required Reporting to Treatment Providers/Monitors:** Dr. Anikeev shall promptly provide a copy of this Order to all persons and entities that provide him treatment or monitoring for alcohol or chemical use disorder. Further, within 30 days of the date of each such notification, Dr. Anikeev shall provide documentation acceptable to the Secretary and Supervising Member of the Board demonstrating that the required notification has occurred. This requirement shall continue until Dr. Anikeev receives from the Board written notification of the successful completion of his probation.

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

Dr. Schottenstein felt confident that Dr. Anikeev would be capable of following a board order following appropriate treatment, therefore he did not support revocation. If, following the opportunity to follow the board order with appropriate treatment and Dr. Anikeev has still not complied, then the Board could at that time consider revocation. Dr. Schottenstein further stated that because the doctor's mental health has played a substantial role in this case, he would include B19 provisions for psychiatric treatment since Dr. Anikeev did sign the Eastway waiver.

Ms. Montgomery stated that she is willing to accept Dr. Schottenstein's changes to her amendment. Mr. Giacalone supports including a 90-day suspension as there needs to be a repercussion to not attending the evaluation. Dr. Schottenstein confirmed that there is an indefinite 90-day suspension included in his proposed amended order.

A vote was taken on Dr. Schottenstein's motion to amend:

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| ROLL CALL: | Dr. Saferin | - abstain |
| | Mr. Giacalone | - aye |
| | Dr. Edgin | - aye |
| | Dr. Schottenstein | - aye |
| | Dr. Schachat | - aye |
| | Mr. Gonidakis | - aye |
| | Dr. Factora | - aye |
| | Ms. Montgomery | - aye |
| | Dr. Johnson | - aye |
| | Dr. Bechtel | - aye |

The motion to amend carried.

Dr. Schottenstein moved to approve and confirm Mr. Porter’s Findings of Fact, Conclusions of Law, and Proposed Order, as amended, in the matter of Michael Herman Anikeev, M.D. Dr. Edgin seconded the motion. A vote was taken:

| | | |
|------------|-------------------|-----------|
| ROLL CALL: | Dr. Saferin | - abstain |
| | Mr. Giacalone | - aye |
| | Dr. Edgin | - aye |
| | Dr. Schottenstein | - aye |
| | Dr. Schachat | - aye |
| | Mr. Gonidakis | - aye |
| | Dr. Factora | - aye |
| | Ms. Montgomery | - aye |
| | Dr. Johnson | - aye |
| | Dr. Bechtel | - aye |

The motion to approve carried.

Larry Lee Doss, M.D. (Lancaster, OH)

Dr. Factora moved to approve and confirm Ms. Shamansky’s Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Larry Lee Doss, M.D. Mr. Giacalone seconded the motion.

Mr. Gonidakis exited the meeting at this time.

Dr. Schachat stated that he would now entertain discussion in the matter of Dr. Doss and that he was the discussion leader. Dr. Schachat started by presenting the information provided in the Report and Recommendation.

Dr. Schachat stated that Dr. Doss’s testimony as to why he accessed OARRS is consistent but not consistent as to whether he considered Patient 3 to be his current patient at the time he accessed the OARRS data base. The evidence suggested that Dr. Doss was not trying to cause harm but was trying to protect someone else. Dr. Schachat agrees with the Findings of Fact, Conclusion of Law and Proposed Order but had one additional concern regarding boundary issues because Dr. Doss had a staff member who was also his patient, his girlfriend and mother of another patient.

Dr. Schottenstein agrees with Dr. Schachat that there are inconsistencies in the way Dr. Doss referred to Patient 3; that Patient 3 was a former patient, but Dr. Doss started referring to him as a current patient to justify OARRS access. He stated that there are substantial professional boundary issues. Dr. Schottenstein believes that Dr. Doss would have made different choices if Patient 1, Patient 2 and Patient 3 had been strictly professional relationships. He also believes that Dr. Doss does not understand the substantial invasion of

privacy that occurred. If patients do not feel confident that their health information is protected, they could stop seeing health care providers and it could have a substantial impact of societal harm that would outweigh any potential societal good. According to the transcript, the terms of the proposed Board action were agreed to by the State and the defense: a 30-day stayed suspension, a course on medical ethics, probation for at least a year. The fine is standard, however, he would support an amendment for a professional boundaries course.

Dr. Schottenstein moved to amend the Proposed Order to add a course(s) concerning physician/patient boundaries. Dr. Edgin seconded the motion for discussion purposes.

Mr. Giacalone expressed concern on whether the crime fit the punishment. Maybe Dr. Doss didn't know what he was doing but he does believe it was done with good intentions. Mr. Giacalone further stated that the court only imposed a \$500 fine and the Board is proposing a \$4,000 fine. The course makes sense, but the fine is unnecessarily high. It should be at most \$500 to mirror the court's fine.

Ms. Montgomery agrees with Mr. Giacalone. She stated that she would hate to elevate rule over a sincere desire to protect human beings when they see them in danger. She also agrees that boundaries need to be addressed but a \$4,000 fine is unnecessary and a fine of \$500 makes the Board's point. Ms. Montgomery hopes Dr. Doss pursues with law enforcement if there are serious problems or risk to the patient's safety.

Dr. Schottenstein stated he was agreeable to amend his amended order to the \$500 fine but the boundary course should stay in the amended order. When Mr. Giacalone questioned the need for probation, Ms. Anderson answered that the probation provides Dr. Doss with time to complete the courses and report successful completion back to the Board. When Dr. Schachat expressed concern with fining below the minimum guidelines and if this would be setting a precedent for future cases, Ms. Anderson confirmed that the Board has discretion to fine outside of the guidelines, as they are just guidelines, and that the Board has outlined the reasoning for fining below the minimum outlined in the guidelines.

Amendment to the amended order is a fine of \$500; 30-day suspension, stayed; probationary terms for one year including a personal/professional ethics course(s) and a physician/patient boundary course(s) and other standard probationary terms. No Board member objected to changing the fine to \$500.

A vote was taken on Dr. Schottenstein's motion to amend:

| | | |
|------------|-------------------|-----------|
| ROLL CALL: | Dr. Saferin | - abstain |
| | Mr. Giacalone | - aye |
| | Dr. Edgin | - aye |
| | Dr. Schottenstein | - aye |
| | Dr. Schachat | - aye |
| | Dr. Factora | - aye |
| | Ms. Montgomery | - aye |
| | Dr. Johnson | - aye |
| | Dr. Bechtel | - abstain |

The motion to amend carried.

Dr. Schottenstein moved to approve and confirm Ms Shamansky's Findings of Fact, Conclusions of Law, and Proposed Order, as amended, in the matter of Larry Lee Doss, M.D. Dr. Factora seconded the motion. A vote was taken:

| | | |
|------------|-------------------|-----------|
| ROLL CALL: | Dr. Saferin | - abstain |
| | Mr. Giacalone | - aye |
| | Dr. Edgin | - aye |
| | Dr. Schottenstein | - aye |
| | Dr. Schachat | - aye |

| | |
|----------------|-------|
| Dr. Factora | - aye |
| Ms. Montgomery | - aye |
| Dr. Johnson | - aye |
| Dr. Bechtel | - aye |

The motion to approve carried.

Mohammad Moayeri, M.D. (Pepper Pike, OH)

Dr. Schachat turned the boards attention to the Mohammad Moayeri, M.D. Objections have been filed and were previously distributed to Board members. Ms. Lee was the Hearing Examiner.

Dr. Schottenstein made a motion to approve and confirm the Proposed Findings of Fact, Conclusions, and Order in the matter of Dr. Moayeri. Mr. Giacalone provided the second.

Mr. Gonidakis returned to the meeting.

Mr. Giacalone presented information from the R&R, testimony and exhibits. Mr. Giacalone stated that based upon the evidence presented, it is clear that these violations occurred.

Mr. Giacalone moved to adopt the Hearing Examiner’s analysis, Findings of Fact, and Conclusions of Law. However, he asked fellow board members their thoughts as to whether a permanent revocation accompanied by an \$18,000 fine is an appropriate sanction. While it’s apparent that the Respondent has credibility issues, accompanied by what he perceived to be arrogance and a view that the rules in this case do not apply to him, he questioned whether the actions that resulted in the violations at issue are egregious enough to merit permanent revocation given the circumstances presented and the relationship of the Respondent to Patient 1. Mr. Giacalone would consider a suspension or non-permanent revocation but was curious as to what his colleagues’ views would be on this matter.

Dr. Schottenstein stated that the doctor has been evasive and deceptive throughout and that is not acceptable. I don’t think anyone on his staff stole his pads and then wrote controlled meds to doc’s family members. Don’t believe anyone called into the pharmacy without his knowledge. Prescribing to a family member for a decade does not constitute an emergency situation. If the doctor’s love over law rationalization is used as an excuse for breaking the law, we would have anarchy in our society. The doctor’s credibility is lacking and there are aggravating circumstances in this matter such as the dishonest and selfish motives. He has submitted false statements in the disciplinary process, he did not acknowledge wrong doing, and his behavior was reckless. He used his position of trust as a doctor to engage in deceptive misconduct. When a licensee behaves this way, it demonstrates that a doctor is not fit for probation and remediation.

Dr. Schottenstein moved to approve the proposed board order for the license of Mohammad Moayeri , M.D. , to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED. Within thirty days of the effective date of this Order, Dr. Moayeri shall remit payment in full of a fine of eighteen thousand dollars (\$18,000). Such payment shall be made via credit card in the manner specified by the Board through its online portal, or by other manner as specified by the Board. Mr. Giacalone seconded the motion. A vote was taken:
ROLL CALL

| | |
|-----------------|---------------|
| Motion | Schottenstein |
| 2 nd | Giacalone |
| Saferin | A |
| Giacalone | Y |
| Edgin | Y |
| Schottenstein | Y |

| | |
|------------|---|
| Schachat | Y |
| Gonidakis | Y |
| Factora | Y |
| Montgomery | Y |
| Johnson | Y |
| Bechtel | A |

V. PROPOSED FINDINGS AND PROPOSED ORDERS (none)

VI. FINDINGS, ORDERS, AND JOURNAL ENTRIES

Dr. Schachat stated: In the following matters, the Board issued Notices of Opportunity for Hearing, and documentation of Service was received for each. There were no timely requests for hearing filed, and more than 30 days have elapsed since the mailing of the Notices. These matters are therefore before the Board for final disposition. These matters are non-disciplinary in nature, and therefore all Board members may vote. Nicole Ery, M.T. (Tecumseh, MI)

Dr. Schachat stated that Ms. Ery has applied for a license to practice massage therapy in Ohio. The Board notified Ms. Ery that it proposed to deny her application because she does not hold a diploma or certificate from a school, college, or institution in another state or jurisdiction that meets the Board's required course of instruction; and Ms. Ery hasn't held a current license, registration, or certificate of good standing for massage therapy in another state for at least the preceding five years.

Dr. Saferin made a motion to find that the allegations set forth in the September 19, 2018 Notice of Opportunity for Hearing have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective immediately upon mailing, denying Ms. Ery's application for a license to practice massage therapy in Ohio. Dr. Bechtel provided a second.

| | |
|-----------------|---------|
| Motion | Saferin |
| 2 nd | Bechtel |
| Saferin | Y |
| Giacalone | Y |
| Edgin | Y |
| Schottenstein | Y |
| Schachat | Y |
| Gonidakis | Y |
| Factora | Y |
| Montgomery | Y |
| Johnson | Y |
| Bechtel | Y |

Allan Edward Gettys, M.T. (Grove City, OH)

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

Dr. Saferin made a motion to find that the allegations set forth in the November 14, 2018 Notice of Opportunity for Hearing have been proven to be true by a preponderance of the evidence, and that the Board enter an

Order, effective immediately upon mailing, approving Mr. Gettys' application for restoration of his Ohio massage therapy license, pending successful completion of the MBLEX within six months of the mailing of the Notice of Opportunity for Hearing. Dr. Edgin provided the second.

| | |
|-----------------|---------|
| Motion | Saferin |
| 2 nd | Edgin |
| Saferin | Y |
| Giacalone | Y |
| Edgin | Y |
| Schottenstein | Y |
| Schachat | Y |
| Gonidakis | Y |
| Factora | Y |
| Montgomery | Y |
| Johnson | Y |
| Bechtel | Y |

VII. EXECUTIVE SESSION I

Dr. Schottenstein made a motion to go into Executive Session to confer with the Medical Board's attorneys on matters of pending or imminent court action, and for the purpose of deliberating on proposed consent agreements in the exercise of the Medical Board's quasi-judicial capacity. Dr. Saferin seconded the motion.

| | |
|-----------------|---------------|
| Motion | Schottenstein |
| 2 nd | Saferin |
| Saferin | Y |
| Giacalone | Y |
| Edgin | Y |
| Schottenstein | Y |
| Schachat | Y |
| Gonidakis | Y |
| Factora | Y |
| Montgomery | Y |
| Johnson | Y |
| Bechtel | Y |

Executive Session 1 began at 11:13 a.m. and ended at 11:30 a.m.

The board recessed for lunch at 1:54 a.m. and returned at 1:07 p.m.

IX. SETTLEMENT AGREEMENTS

Motion to ratify the proposed consent agreement for Pradeep Mathur, M.D. (Poland, Ohio):

| | |
|-----------------|---------------|
| Motion | Schottenstein |
| 2 nd | Edgin |
| Saferin | A |
| Giacalone | Y |
| Edgin | Y |
| Schottenstein | Y |

| | |
|------------|---|
| Schachat | Y |
| Gonidakis | Y |
| Factora | Y |
| Montgomery | Y |
| Johnson | Y |
| Bechtel | A |

Motion to ratify the proposed Permanent Surrender with Crystal R. Goveia M.D., (Perrysburg, Ohio):

| | |
|-----------------|---------------|
| Motion | Schottenstein |
| 2 nd | Edgin |
| Saferin | A |
| Giacalone | Y |
| Edgin | Y |
| Schottenstein | Y |
| Schachat | Y |
| Gonidakis | Y |
| Factora | Y |
| Montgomery | Y |
| Johnson | Y |
| Bechtel | Y |

Motion to ratify the proposed Probationary Consent Agreement with Cherilynn M. Waldron, R.C.P. (Cortland, Ohio):

| | |
|-----------------|---------------|
| Motion | Schottenstein |
| 2 nd | Factora |
| Saferin | A |
| Giacalone | Y |
| Edgin | Y |
| Schottenstein | Y |
| Schachat | Y |
| Gonidakis | Y |
| Factora | Y |
| Montgomery | Y |
| Johnson | Y |
| Bechtel | Y |

Motion to ratify the proposed Permanent Surrender with Leslie Loren Ashley, L.M.T, (New Lexington, Ohio):

| | |
|-----------------|---------|
| Motion | Bechtel |
| 2 nd | Factora |
| Saferin | A |
| Giacalone | Y |
| Edgin | Y |
| Schottenstein | Y |
| Schachat | Y |
| Gonidakis | Y |
| Factora | Y |

| | |
|------------|---|
| Montgomery | Y |
| Johnson | Y |
| Bechtel | Y |

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

Ms. Marshall presented four proposed citations. The first, issued to Phillip Christopher Demio, M.D., based on medical care and prescribing to 16 patients. The second is to be issued to Joshua Payne, M.T. based on violation of the sexual misconduct rule. Third citation is to be issued to Joseph S. Peyton, D.O. based on medical care and prescribing for seven patients. The fourth citation is to be issued to Vanessa Russell, M.D. based on action taken by the Alabama medical board that restricted this physician’s prescribing.

Motion to approve Notices of Opportunity for Hearing for Phillip Christopher Demio, M.D., and Joseph S. Peyton, D.O.:

| | |
|-----------------|---------------|
| Motion | Schottenstein |
| 2 nd | Factora |
| Saferin | A |
| Giacalone | Y |
| Edgin | Y |
| Schottenstein | Y |
| Schachat | Y |
| Gonidakis | Y |
| Factora | Y |
| Montgomery | Y |
| Johnson | Y |
| Bechtel | A |

Motion to approve Notices of Opportunity for Hearing for Joshua Payne, M.T. and Vanessa Russell, M.D.:

| | |
|-----------------|---------------|
| Motion | Schottenstein |
| 2 nd | Factora |
| Saferin | A |
| Giacalone | Y |
| Edgin | Y |
| Schottenstein | Y |
| Schachat | Y |
| Gonidakis | Y |
| Factora | Y |
| Montgomery | Y |
| Johnson | Y |
| Bechtel | Y |

Ms. Montgomery offered praise on the speed of the Enforcement section for turning information received from another state so quickly.

XI. RULES & POLICIES

- a. Adoption of Amended Rules Ms. Debolt stated that Rules 4731-10 and 4731-16 can be adopted with an effective date of January 31, 2019.

| Motion | Saferin |
|-----------------|-----------|
| 2 nd | Giacalone |
| Saferin | Y |
| Giacalone | Y |
| Edgin | Y |
| Schottenstein | Y |
| Schachat | Y |
| Gonidakis | Y |
| Factora | Y |
| Montgomery | Y |
| Johnson | Y |
| Bechtel | Y |

- b. Adoption of New Rules. Ms. Debolt stated that with the board's motion the new rules would implement the One-bite program with an effective date of January 31, 2019.

| Motion | Saferin |
|-----------------|---------------|
| 2 nd | Schottenstein |
| Saferin | Y |
| Giacalone | Y |
| Edgin | Y |
| Schottenstein | Y |
| Schachat | Y |
| Gonidakis | Y |
| Factora | Y |
| Montgomery | Y |
| Johnson | Y |
| Bechtel | Y |

XII. OPERATIONS REPORT

Staff: Mr. Groeber stated that board staff are working to fill the number of current vacancies filled as quickly as possible. At the time of dissemination of the operations report document, Investigators were scheduled to return their board-issued firearms on Monday, January 7, 2019. All indications are that the returns went smoothly and faster than anticipated. All firearms have been returned and are being stored at ODNR.

Investigations and Enforcements: There was a significant spike in open cases over the last month related to a single incident which promoted numerous complaints. The board issued 20% more new licenses last year compared to 2017; they were issued 24% faster than the year prior. The staff is starting to look at the compliance data base. Because of better categorization, it appears that we have 25% fewer licensees on probation.

Board meeting materials: Ms. Montgomery stated that she no longer is calling for a review of the board meeting material as the OnBoard software has addressed her concerns. Mr. Giacalone suggesting flagging the probationary requests which the Secretary and Supervising member do not agree with so board members can provide a higher level of scrutiny while reviewing board meeting materials.

Physician Assistant Policy Committee: Senate Bills 229 and 221 removes the physician assistant formulary and allows the medical board to determine when the committee needs meet to address rules. Ms. Debolt estimated that based on the effective date of the bills, by March the committee will not longer need to review a formulary. Mr. Groeber stated that the board members who are involved in the committee should attend the planned meetings for January and February.

Federation of State Medical Board’s annual meeting will occur April 25-27, 2019 in Ft. Worth, Texas. Dr. Schachat and Mr. Giacalone will attend on scholarship. Dr. Schottenstein, Dr. Edgin and Dr. Bechtel also expressed interest in attending.

Financial disclosure is due May 15, 2019. Ms. Debolt will provide follow up support for the board members.

XIII.APPLICATION PROCESS FOR DIETETICS AND RESPIRATORY CARE ADVISORY COUNCILS

Mr. Smith stated that members who are on one-year terms on the respiratory care and dietetics councils will soon be up for reappointment. The statutes and rules do not speak to the process for reappointment. Mr. Smith suggested that any advisory candidate, incumbent or new, complete an application for the advisory council position. If selected, they would be appointed for a three-year term.

Motion to approve suggested process for application and appointment:

| Motion | Factora |
|-----------------|---------------|
| 2 nd | Schottenstein |
| Saferin | Y |
| Giacalone | Y |
| Edgin | Y |
| Schottenstein | Y |
| Schachat | Y |
| Gonidakis | Y |
| Factora | Y |
| Montgomery | Y |
| Johnson | Y |
| Bechtel | Y |

When Ms. Montgomery inquired if the associations had input to the application/selection process. Mr. Smith assured Ms. Montgomery that we selected a process that is the most open, fair and transparent. He also stated that the associations provide a nomination for council members.

XIV.DIETETICS ADVISORY COUNCIL REPORT

Mr. Smith provided a report from the January 8 Dietetics Advisory Council: The council approved December meeting minutes; reviewed continuing education jurisprudence video which is now available in the form of a video and quiz on med.ohio.gov; council members were informed of licensure statistics; members reviewed FAQs which will be presented to the Policy Committee in February; and discussed topics for future meetings. The next Dietetics Advisory Council meeting will be April 9 (now quarterly).

Board recessed for lunch at 11:55 a.m. Board returned from lunch at 1:05 p.m.

VIII. EXECUTIVE SESSION II

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

| | |
|-----------------|---------------|
| Motion | Edgin |
| 2 nd | Schottenstein |
| Saferin | Y |
| Giacalone | Y |
| Edgin | Y |
| Schottenstein | Y |
| Schachat | Y |
| Gonidakis | Y |
| Factora | Y |
| Montgomery | Y |
| Johnson | Y |
| Bechtel | Y |

Board went into the second executive session at 1:07 p.m. Board came out of executive session at 1:17 p.m.

XV.REPORTS BY ASSIGNED COMMITTEES

Finance Committee Report

Dr. Schottenstein provided the following update: Revenue was \$549,635 for November 2018. That approximates the October 2018 revenue. In an odd-number fiscal year, the months of October and November are typically low-revenue months. Odd-numbered fiscal years are low-revenue years in general, and it won't be surprising if we have negative net revenue for the year. We make up for it in the even-numbered fiscal years, where we might take in approximately \$1 million surplus, and that will carry us through a biennium. Nothing is due in November in terms of renewals. We are having a dip, but December should pick up with the January 1 renewal deadline that is pending. Net fiscal year revenue was a negative \$253,193 for November 2018, but we still are up 30% year-to-date with regard to revenue overall, and our cash balance is still substantial at \$5,165,164.

Dr. Schottenstein continued by stating: Regarding expenditures, the 5.9% increase year-to-date substantially reflects the charge for operational expenses, which includes rent for office space and computer-related services. DAS bills for those services approximately every quarter, and that 5.9% value reflects that operational charge.

With regard to fines, Dr. Schottenstein stated: we have received a \$20,000 payment since the last report.

Dr. Schottenstein summarized the Outreach and Education report stating that additional bids would be collected before proceeding with the board's magazine publication. The communications team is developing a fact sheet and video to educate prescribers about the chronic and subacute pain prescribing rules.

Earlier this fiscal year, the medical board took over room 336 to act as the new hearing room and large group meeting room for the board. In order to facilitate hearings, remote meetings, and multimedia presentations, the room should be outfitted with a large monitor, speakers, and updated conference phone. The staff reviewed a number of proposed installations recommended by DAS and selected the lowest price option with the equipment required. The quote, specification of work, and layout are attached for the committee's review.

Motion to approve the purchase of Room 336 audio-visual materials, for a total amount not to exceed \$12,751.

| | |
|-----------------|----------|
| Motion | Saferin |
| 2 nd | Edgin |
| Voice vote | All: Aye |

Motion to approve the tenant improvement projects for room 336 for a total of \$22,137.95 as bid out by the Department of Administrative Services.

| | |
|-----------------|----------|
| Motion | Saferin |
| 2 nd | Edgin |
| Voice vote | All: Aye |

Motion to approve Dr. Schachat to attend the 2019 annual meeting of the Federation of State Medical Board and accept the FSMB Voting Delegates scholarship; as Dr. Schachat's attendance at the FSMB meeting is in connection with his responsibilities as, and is related to his position as, president of the State Medical Board of Ohio. Any travel expenses not covered by scholarship will be paid by the medical board in accordance with state travel policy.

| | |
|-----------------|---------|
| Motion | Saferin |
| 2 nd | Bechtel |
| Schachat | Abstain |
| All others | Aye |

Motion to approved Mr. Giacalone to attend the 2019 annual meeting of the Federation of State Medical Board and accept the FSMB Nominating Committee member scholarship, as Mr. Giacalone's attendance at the FSMB meeting is in connection with his responsibilities as, and is related to his position as, a member of State Medical Board of Ohio. Any travel expenses not covered by scholarship will be paid by the medical board in accordance with state travel policy.

| | |
|-----------------|---------|
| Motion | Saferin |
| 2 nd | Bechtel |
| Giacalone | Abstain |
| All others | Aye |

Motion to approve Mr. Groeber to attend the 2019 annual meeting of the Federation of State Medical Board and accept the FSMB Executive Director scholarship, as 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. Any travel expenses not covered by scholarship will be paid by the medical board in accordance with state travel policy.

| | |
|-----------------|---------|
| Motion | Saferin |
| 2 nd | Bechtel |
| Voice vote | All Aye |

Motion to approve Mr. Groeber to attend the 2019 annual meeting of Administrators in Medicine, as 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. Any travel expenses not covered by scholarship will be paid by the medical board in accordance with state travel policy.

| | |
|--------|---------|
| Motion | Saferin |
|--------|---------|

| | |
|-----------------|---------|
| 2 nd | Bechtel |
| Voice vote | All Aye |

Ms. Loe presented the annual board member compensation report to the finance committee and full board as required by board policy. The total amount paid to board members for January 2018 through December 2018 was \$83,209.52. That was up from \$76,428.82 from January through December 2017. Mr. Groeber confirmed the information is published in the board's annual report and on the board's website. Ms. Loe added that board members would soon be receiving the State Medical Board of Ohio 2018 totals for travel reimbursement which will need to be included on their annual financial disclosure statement.

Policy Committee Report

Mr. Giacalone reported that Ms. Anderson is going to make some suggested edits to the pharmacy consultation agreement rules. The policy approved initial circulation and the committee will review again after that.

Motion to send a letter to the State of Ohio Board of Pharmacy indicating that the board/Policy Committee has reviewed their consultation agreement rules and we don't have any comments.

| | |
|-----------------|---------|
| Motion | Bechtel |
| 2 nd | Edgin |
| Voice vote | All Aye |

Motion to rescind rule 4731-16-16 the use of buprenorphine by practitioners while practicing and send to the Common Sense Initiative (CSI).

| | |
|-----------------|---------|
| Motion | Saferin |
| 2 nd | Bechtel |
| Voice vote | All Aye |

Licensure Committee Report

Dr. Saferin presented the licensure applications for consideration by the board. He stated that Khalid Hasan, M.D.'s application was tabled to do further research.

Motion to approve Lorie Dalrymple, M.T. application for restoration of her Ohio license pending successful completion of the MBLEx within six months from the date of mailing of the Notice of Opportunity for a Hearing.

| | |
|-----------------|---------|
| Motion | Saferin |
| 2 nd | Factora |
| Saferin | Y |
| Giacalone | Y |
| Edgin | Y |
| Schottenstein | Y |
| Schachat | Y |
| Gonidakis | Y |
| Factora | Y |
| Montgomery | Y |
| Johnson | Y |
| Bechtel | Y |

Motion to approve Jenifer Heidtman, M.T.'s application for restoration of her Ohio license pending successful completion of the MBLEx within six months from the date of mailing of the Notice of Opportunity for a Hearing.

| | |
|-----------------|---------|
| Motion | Saferin |
| 2 nd | Bechtel |
| Saferin | Y |
| Giacalone | Y |
| Edgin | Y |
| Schottenstein | Y |
| Schachat | Y |
| Gonidakis | Y |
| Factora | Y |
| Montgomery | Y |
| Johnson | Y |
| Bechtel | Y |

Motion to approve Tanya Jolliffe, L.D.'s application for restoration of her Ohio license as presented.

| | |
|-----------------|---------------|
| Motion | Edgin |
| 2 nd | Schottenstein |
| Saferin | Y |
| Giacalone | Y |
| Edgin | Y |
| Schottenstein | Y |
| Schachat | Y |
| Gonidakis | Y |
| Factora | Y |
| Montgomery | Y |
| Johnson | Y |
| Bechtel | Y |

Compliance Committee Report

Dr. Schottenstein provided a report from the December 12, 2018 committee meeting. The committee approved continuation of probation for Thomas G. Bering, M.D.; James C. Johnson, D.O.; and Krista M. Rubosky, P.A. The committee approved the proposed schedule of office conferences. The committee recommended the approval for three applications of treatment providers.

Motion to approve Certificate of Good Standing as a treatment provider for impaired physicians for Addiction Campus of Ohio: The Bluffs; Summa Health Addiction Medicine (St. Thomas Ignatia Hall); and Origins Behavioral Healthcare.

| | |
|-----------------|-----------|
| Motion | Saferin |
| 2 nd | Giacalone |
| Saferin | Y |
| Giacalone | Y |
| Edgin | Y |
| Schottenstein | Y |
| Schachat | Y |

| | |
|------------|---|
| Gonidakis | Y |
| Factora | Y |
| Montgomery | Y |
| Johnson | Y |
| Bechtel | Y |

XVI. PROBATIONARY REQUESTS

Dr. Schachat asked the board to consider the Probationary Requests in today's Agenda.

- a. Christopher G. Alsager Lee, M.D. (Marietta, OH)
- b. Rebecca T. Cirino, D.O. (Valley City, OH)
- c. Jagprit S. Dhillon, M.D. (Brecksville, OH)
- d. Matthew J. Goldschmidt, M.D. (Independence, OH)
- e. Anshuli Gupta, M.D. (Columbus, OH)
- f. Kenneth Hanover, M.D. (Lima, OH)
- g. Peter C. Johnson, M.D. (Oregon, OH)
- h. Wendy M. Johnson, R.C.P. (Hilliard, OH)
- i. John K. Krebs, M.D. (Elyria, OH)
- j. Shannon Lee Swanson, D.O. (East Springfield, PA)
- k. Michael Todd Tatro, M.D. (Lower Salem, OH)
- l. Kevin A. Horvath, M.D. (Vandalia, OH)

Wendy M. Johnson, R.C.P.: Early release from the terms of the June 8, 2016 Adjudication Order; The Secretary and Supervising Member are not in support of the request.

Motion to deny (h) Wendy M. Johnson's request for early release from probation:

| | |
|-----------------|---------------|
| Motion | Edgin |
| 2 nd | Schottenstein |
| Saferin | A |
| Giacalone | Y |
| Edgin | Y |
| Schottenstein | Y |
| Schachat | Y |
| Gonidakis | Y |
| Factora | Y |
| Montgomery | Y |
| Johnson | Y |
| Bechtel | A |

The board then considered the remainder of the probationary requests:

- a. Christopher G. Alsager Lee, M.D.: Reduction in appearances from every three months to every six months; Discontinuance of the drug log requirement, including the audit & assay requirement; The Secretary is in support of the requests.

- b. Rebecca T. Cirino, D.O.: Approval of Controlled Substance Prescribing: Pain, Anxiety, Insomnia, offered by Case Western Reserve University to fulfill the controlled substance prescribing course requirement; Approval of Intensive Course in Medical Documentation: Clinical, Legal and Economic Implications for Healthcare Providers, offered by Case Western Reserve University, to fulfill the medical records course requirement; the Secretary is in support of the requests.
- c. Jagprit S. Dhillon, M.D.: Approval of Andrew J. Beistel, D.O. to serve as the additional monitoring physician; The Secretary and Supervising Member are in support of the request.
- d. Matthew J. Goldschmidt, M.D.: Release from the terms of the November 4, 2015 Consent Agreement; The Secretary and Supervising Member are in support of the request
- e. Anshuli Gupta, M.D.: Approval of Arvind M. Shah, M.D. to serve as the monitoring physician; Approval of Othello R. Repuyan, M.D. to serve as the monitoring physician; Determination of the frequency and number of charts; The Secretary and Supervising Member are in support of the requests; 10 charts per month to be divided between the monitoring physicians.
- f. Kenneth Hanover, M.D.: Approval of Jeremy Heitmeyer, D.O. to serve as the monitoring physician; Determination of the frequency and number of charts; The Secretary is in support of the request; 10 charts/month.
- g. Peter C. Johnson, M.D.: Reduction in psychiatric treatment from weekly to twice per month; The Secretary and Supervising Member are in support of the request.
- h. *(Wendy M. Johnson, R.C.P. was considered separately)*
- i. John K. Krebs, M.D.: Approval of request to reduce personal appearances from every three months to every six months; Approval of request to discontinue the drug log requirement; The Secretary and Supervising Member are in support of the request.
- j. Shannon Lee Swanson, D.O.: Approval of request to discontinue the chart review requirement; The Secretary and Supervising Member are in support of the request.
- k. Michael Todd Tatro, M.D.: Approval of Gary R. Katz, M.D. to serve as the new monitoring physician; The Secretary and Supervising Member are in support of the request.
- l. Kevin A. Horvath, M.D.: Release from the terms of the November 14, 2018 Consent Agreement; The Secretary and Supervising Member are in support of the request.

Motion to approve the Secretary and Supervising Member's recommendations for probationary requests a, b, c, d, e, f, g, i, j, k, l:

| | |
|-----------------|---------------|
| Motion | Schottenstein |
| 2 nd | Edgin |
| Saferin | A |
| Giacalone | Y |
| Edgin | Y |
| Schottenstein | Y |
| Schachat | Y |
| Gonidakis | Y |
| Factora | Y |
| Montgomery | Y |
| Johnson | Y |

| | |
|---------|---|
| Bechtel | A |
|---------|---|

XVII.NON-DISCIPLINARY PROBATIONARY REQUESTS (none)

XVIII.NON-PROBATIONARY REQUESTS

Motion to approve the Secretary and Supervising Member’s recommendations for the Non-Probationary Requests for Abdul M. Orra, D.O. (North Olmsted, OH) and Steven Mark Oyakawa, M.D. (Akron, OH):

| | |
|-----------------|---------------|
| Motion | Schottenstein |
| 2 nd | Edgin |
| Saferin | A |
| Giacalone | Y |
| Edgin | Y |
| Schottenstein | Y |
| Schachat | Y |
| Gonidakis | Y |
| Factora | Y |
| Montgomery | Y |
| Johnson | Y |
| Bechtel | A |

XIX.REINSTATEMENT REQUESTS

Motion to approve the request for the reinstatement of the license of Justin M. Rodebaugh, M.D., be approved, subject to the probationary terms and conditions as outlined in the November 4, 2015 Board Order for a minimum of five years:

| | |
|-----------------|---------------|
| Motion | Schottenstein |
| 2 nd | Factora |
| Saferin | A |
| Giacalone | Y |
| Edgin | Y |
| Schottenstein | Y |
| Schachat | Y |
| Gonidakis | Y |
| Factora | Y |
| Montgomery | Y |
| Johnson | Y |
| Bechtel | A |

XX.FINAL PROBATIONARY APPEARANCES

Motion to release Deborah Lynne Frankowski, M.D. from the terms of her September 12, 2013 Consent Agreement, effective January 11, 2019:

| | |
|-----------------|---------------|
| Motion | Edgin |
| 2 nd | Schottenstein |

| | |
|---------------|---|
| Saferin | A |
| Giacalone | Y |
| Edgin | Y |
| Schottenstein | Y |
| Schachat | Y |
| Gonidakis | Y |
| Factora | Y |
| Montgomery | Y |
| Johnson | Y |
| Bechtel | A |

Motion to adjourn

| | |
|-----------------|---------------|
| Motion | Saferin |
| 2 nd | Schottenstein |
| Voice vote | All Aye |

Board meeting adjourned at 1:49 p.m.