



I. ROLL CALL

Dr. Schachat called the February 13, 2019 meeting of the State Medical Board to order at 10 a.m. with the following members present Dr. Rothermel, Dr. Saferin, Mr. Giacalone, Dr. Schottenstein, Dr. Schachat, Mr. Gonidakis, Dr. Edgin, Dr. Factora, Dr. Johnson and Dr. Bechtel.

II. MINUTES REVIEW

Dr. Schachat called for a motion to approve the draft minutes of the January 9, 2019 Board meeting, as written.

Motion	Saferin
2nd	Schottenstein
Dr. Rothermel	Abstain (A)
Dr. Saferin	Yes (Y)
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Dr. Factora	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

III. APPLICANTS FOR LICENSURE

Dr. Schachat asked if any Board member wish to consider a Licensure Application separately.
There was no response.

Dr. Schachat called for a 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.

Motion	Schottenstein
2nd	Giacalone
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Dr. Factora	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Dr. Schachat called for a 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.

Motion	Schottenstein
2nd	Giacalone
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	A
Dr. Edgin	Y
Dr. Factora	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

IV.REPORTS AND RECOMMENDATIONS

Dr. Schachat stated that the board has eliminated the discussion leader and the five-to ten-minute presentation that each had traditionally done for the case. Although the reading of the case summary will not be conducted, each board member has the opportunity to make comments during the discussion.

Dr. Schachat asked: Has each member of the Board received, read and considered the Hearing Record; the Findings of Fact, Conclusions and Proposed Orders; and any objections filed in the matters of Ronald B. Casselberry, M.D.; Nicholas Garritano, D.O.; Melvin Orlando Hollis, L.M.T.; Susan Donna Lawrence, D.O.; Steven Scott McNutt, M.D.; and Jose Vargas, M.D.?

Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Dr. Factora	Y
Dr. Johnson	Y
Dr. Bechtel	Y

Dr. Schachat asked: Does each member of the Board understand that the Board’s disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from Dismissal to Permanent Revocation or Permanent Denial?

Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y

Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Dr. Factora	Y
Dr. Johnson	Y
Dr. Bechtel	Y

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 disciplinary 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 Drs. Casselberry, Garritano, Lawrence, and McNutt. The matters of Mr. Hollis and Dr. Vargas are non-disciplinary in nature, and therefore all Board members may vote in those matters. During these proceedings, no oral motions may be made by either party.

Finally, Respondents and their attorneys addressing the Board will be allotted five minutes to do so. The small timing device on the podium will indicate the time remaining. The yellow light will indicate one minute remaining. The red light will indicate that time has expired. The assistant attorneys general will be subject to the same limitations.

RONALD B. CASSELBERRY, M.D.

Dr. Schottenstein moved to approve and confirm Mr. Porter’s Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Ronald B. Casselberry, M.D. Dr. Factora seconded the motion.

Dr. Schachat stated that he would now entertain discussion in the matter of Dr. Casselberry and asked if there was any discussion.

Dr. Schottenstein stated that Dr. Casselberry’s practice very substantially reflects a pill mill type of practice as the assistant attorney general stated and practicing very substantially outside his practice of training. Dr. Casselberry is trained as an anesthesiologist but was managing chronic pain. The other aspect of Dr. Casselberry’s practice was wellness which he testified consists of acupuncture, craniopathy, and treatment for heavy metal exposure. The Board as seen doctors before who have gotten into trouble for practicing outside of their training. Dr. Schottenstein stated that this does look bad and it gave him pause that the hearing examiner did not conceptualize the practice as a pill mill because if he had, he would have said so and recommended permanent revocation.

Dr. Schottenstein stated the question then for him was if there was anything that differentiated Dr. Casselberry’s practice from a pill mill type of practice. What did the hearing examiner see that in not realizing this practice as a pill mill when there are clearly so many qualities in common with that type of practice. Dr. Schottenstein further stated that it may come down to whether one considers Dr. Casselberry to have been intentionally practicing in this manner out of greed, or

whether we conceptualize the doctor as incompetent but well-meaning in his management of these patients. Perhaps one may be swayed by the hiring of the consultant and taking of the controlled substance course in an effort to improve his practice. However, Dr. Schottenstein said that unfortunately for him it was too little too late. The severity of the minimal standards violations is so substantial that the question of pill mill verses incompetency really becomes a distinction without a difference. Dr. Schottenstein believes that Dr. Casselberry is lucky that he did not kill anyone and further believes the doctor's prescribing likely contributed to the opioid epidemic. Dr. Schottenstein stated that if the Board allows the doctor to keep his license, we will see him back at the Board.

Dr. Schottenstein moved to amend the Proposed Order so that Dr. Casselberry's medical license be permanently revoked. Mr. Giacalone seconded the motion.

The amendment is to read as follows:

It is hereby ORDERED that:

On the thirty-first day following the date on which this Order becomes effective, the license of Ronald B. Casselberry, M.D, to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED. During the 30-day interim, Dr. Casselberry shall not undertake the care of any patient not already under his care.

This Order shall become effective immediately upon the mailing of the notification of approval by the Board.

Mr. Giacalone agreed with Dr. Schottenstein. He stated the Dr. Casselberry prescribed a patient 90 tablets of Oxycontin 80mg, followed by 150 Oxycodone 30mg and 60 Valium 10mg. The patient's spouse was prescribed 90 tablets of Oxycontin 80mg, followed by 150 Oxycodone 30mg and 30 Xanax 2mg. Mr. Giacalone didn't understand how you could justify these numbers. Secondly, he agreed with Dr. Schottenstein that too little too late is exactly right. Dr. Casselberry didn't seek a consultant until he had received three subpoenas from the Medical board in August 2011, March 2012 and September 2013.

Mr. Giacalone stated that the opioid crisis is not a stealth event and that it started in the early 2000's when overdose deaths climbed. We talk about drug overdoses, mostly from opiates, surpassing auto fatalities as the leading cause of accidental death in the U.S. in 2008. In 2010, the FDA approved an abuse deterrent form of Oxycontin because of this abuse. Also, in 2010, the tide of public awareness turned with overdose cases becoming routine in hospital emergency rooms and morgues, affecting families throughout the country. Mr. Giacalone further stated given that Dr. Casselberry appeared to be asleep at the "prescribing" wheel while collecting \$140 in cash from patients per visit is simply egregious and that he did not see how the Board can let this pass. He felt it that this case is ripe for permanent revocation as the Assistant Attorney General has pointed out.

Dr. Schachat asked for other comments and that he had one. He asked if the citizens would be adequately protected if the doctor was no longer allowed to prescribe scheduled substances. Mr.

Gonidakis said he would like to add to that if the public would be protected by that prescribing restriction and would also include a two, three or four year suspension of his license as well as other probationary terms and conditions.

Mr. Giacalone commented so we take the gun away from the murderer, is that a justification for a two or three year suspension. He believes the answer is no. The individual did something that was egregious, he hurt society, and there is an opioid crisis going on. He probably contributed to it if not directly then indirectly because of the overabundance of prescribing medications that are unneeded and probably getting to the streets, and we are going to reward him by saying you need some continuing medical education and you're good to go. Mr. Giacalone stated that there is a responsibility on anyone who uses these products to know what they are dealing with. He might understand early on but that this has been going on for a while. Mr. Giacalone believed that this practice is egregious and doctor's license needs to go.

Dr. Factora stated that he thought about whether eliminating Dr. Casselberry's ability to participate in any chronic pain management would be enough to also limit his ability to practice wellness as he has a two-pronged practice. It seems like the harm that was done with chronic pain management patients outweighed whatever benefit to treating patients from a wellness perspective. If Dr. Casselberry had actually demonstrated significant changes in his behavior following all of the investigation by recognizing and changing his documentation patterns or making significant changes in his prescription behavior when there were substantial limitations on narcotics; and he made more of a conscious effort of being more vigilant in the amounts of controlled substances prescribed, these might have been mitigating factors. However, there was none of that. Dr. Factora further stated that he did not know what would be available to this physician that would reflect a real change in his ability to practice medicine. There is not much evidence in the Report and Recommendation to demonstrate a change in behaviors. He agrees with the recommendation for permanent revocation would be appropriate based on the trajectory of his recovery there is not much movement on what we would expect him to change in the future.

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

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Mr. Giacalone	- aye
	Dr. Schottenstein	- aye
	Dr. Schachat	- nay
	Mr. Gonidakis	- aye
	Dr. Edgin	- aye
	Dr. Factora	- aye
	Dr. Johnson	- aye
	Dr. Bechtel	- abstain

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 Ronald B. Casselberry, M.D. Mr. Giacalone seconded the motion. A vote was taken:

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

The motion to approve carried.

NICHOLAS GARRITANO, D.O.

Dr. Schottenstein moved to approve and confirm Mr. Porter's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Nicholas Garritano, D.O. Mr. Giacalone seconded the motion.

Ms. Montgomery joined the meeting at this time.

Ms. Montgomery attested that she had received, read and considered the Hearing Record; the Findings of Fact, Conclusions and Proposed Orders; and any objections filed in the matters of Ronald B. Casselberry, M.D.; Nicholas Garritano, D.O.; Melvin Orlando Hollis, L.M.T.; Susan Donna Lawrence, D.O.; Steven Scott McNutt, M.D.; and Jose Vargas, M.D. She further attested that she understands that the Board's disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from Dismissal to Permanent Revocation or Permanent Denial.

Dr. Schachat stated that he would now entertain discussion in the matter of Dr. Garritano and asked if there was any discussion.

Dr. Schottenstein stated that when he read thru the record he felt that Dr. Garritano had made an honest mistake. He has had a very large substantial legal and financial consequence to that mistake. As the hearing examiner noted, there is no evidence of fraud or deceit, he had no prior disciplinary record, he fully cooperated with the authorities and with the Board and he was considered honest and forthright with this testimony. It is highly unlikely that the conduct would ever be repeated, and his behavior was negligent, but no reckless. Given the absence of aggravating factors and the presence of multiple mitigating factors, Dr. Schottenstein believed it reasonable to consider an amendment to the order and change it from reprimand to no further

action. A no further action order does not mean the same as a dismissal of the charges, it simply means that we declined to impose any additional penalty.

Dr. Schottenstein moved to amend the Proposed Order to no further action. Mr. Giacalone seconded the motion.

Mr. Giacalone stated that he agreed with Dr. Schottenstein. He thought Dr. Garritano paid a heavy price and he believed that doctor was well intentioned. Mr. Giacalone does not believe this is a case of trying to pull a fast one. The doctor reported on his taxes but didn't have the funds to pay as he was trying to operate the business. It doesn't excuse Dr. Garritano's actions, but it appears obvious that Dr. Garritano has paid the price. Mr. Giacalone did not see the value of piling on and believes that no further action is appropriate, even the Hearing Examiner suggested this and Mr. Giacalone also believes it is the right thing to do.

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

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

The motion to amend carried.

Dr. Edgin moved to approve and confirm Mr. Porter's Findings of Fact, Conclusions of Law, and Proposed Order, as amended, in the matter of Nicholas Garritano, D.O. Dr. Schottenstein seconded the motion. A vote was taken:

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

The motion to approve carried.

MELVIN ORLANDO HOLLIS, L.M.T.

Dr. Schachat directed the board to the matter of Melvin Orlando Hollis, L.M.T. No objections have been filed. Ms. Lee was the Hearing Examiner. The matter of Mr. Hollis is non-disciplinary, and therefore all Board members may vote.

Dr. Saferin moved to approve and confirm the Proposed Findings of Fact, Conclusions, and Order in the matter of Mr. Hollis. Dr. Schottenstein seconded the motion for discussion purposes.

Dr. Schachat entertained discussion concerning the matter of Mr. Hollis. No discussion was held.

A vote was taken on Dr. Saferin’s motion to approve and confirm the order.

Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

SUSAN DONNA LAWRENCE, D.O.

Dr. Schottenstein moved to approve and confirm Ms. Shamansky’s Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Susan Donna Lawrence, D.O. Mr. Giacalone seconded the motion.

Dr. Schachat stated that he would now entertain discussion in the matter of Dr. Lawrence and asked if there was any discussion.

Mr. Giacalone stated that he could support spreading the fine payments out over 180 days. He then addressed Dr. Lawrence stating that she has a laundry list of issues and she will not get another “turn at bat” if she doesn’t keep it together.

Mr. Groeber stated that the State does not offer payments plans but could extend the deadline to make the payment in full. After discussion it was agreed that the board order could state that the fine must be paid in full in 180 days and that the license would not be reinstated until payments is received.

Mr. Giacalone moved to amend the Proposed Order to extend the time to pay fine to 180 days. Dr. Schottenstein seconded the motion.

Dr. Edgin stated that he was flabbergasted by all the issues that Dr. Lawrence has and that she should be suspended for more than six months. He further commented that if she relapses again, she would be looking at permanent revocation.

Ms. Montgomery stated that she wished Dr. Lawrence well, but her laundry list is so long that the potential for patient harm is great but that she doesn't support the doctor keeping her license.

Dr. Schottenstein stated that he acknowledges the "laundry list" of violations but believes that they occurred under untreated addiction and deserves a second chance. He further stated that this is a good board order and agrees that if she finds herself back at the Board again it will be a different story. He would like to give Dr. Lawrence the benefit of the doubt for now. He supports the 180-day fine deadline and agrees with the rest of the Board Order. Mr. Gonidakis stated that he understood that Dr. Lawrence did go through treatment and if so, this would be her second chance. Dr. Schottenstein agreed but stated that this happens sometimes and that is why the Board has standards for 1st, 2nd, 3rd relapse in terms of varying degree of severity imposed. Dr. Schottenstein stated that sometimes it takes a couple times to "get it" and that he doesn't think it is a good idea to cut this off so fast. He thinks it is premature and he is agreeable to the Order.

Ms. Montgomery stated that this doctor had two 28-day inpatient treatments and a 3-day evaluation. She believes in chances and rehab but concerned how Dr. Lawrence diminished her alcoholism at hearing and the passive way described in obtaining prescriptions. Ms. Montgomery believes that Dr. Lawrence has had many chances and that it is dangerous. Dr. Schottenstein stated that Dr. Lawrence is still in denial and believes she needs time to work treatment hard to break the denial and he is agreeable to giving her another chance. Dr. Factora said that he thought about this case as well concerning the number of relapses she has had, and if her substance abuse and wondered if there was a way to modify the Order to increase her chances of success and noticed in the Proposed Order that there was nothing in the Order to address the mental health issues. Dr. Factora further stated that this is a very complicated form of depression with substance abuse and that it would be reasonable to integrate some sort of plan to address it. He agreed that Dr. Lawrence has had multiple chances but thinks that if given her another opportunity with all of her issues on board related to her situation then agrees would probably be the last straw. Dr. Factora said there is only so much you can do to allow a person to advance and she has also waived her Eastway objection so this could be integrated.

Mr. Giacalone asked Ms. Anderson to clarify that the Board could include something regarding her mental health issues and Ms. Anderson confirmed that there was an Eastway waiver so the Board could if chose to add to the conditions for reinstatement to include a requirement for two written mental health reports and asked the Board if they would like to table this to let the hearing unit come up with something to address the issue. Dr. Schottenstein that there was standard language that the hearing unit uses and that it can be table now and look at language later. Mr. Giacalone stated that Dr. Lawrence is on Naltrexone now and asked if they could require her being kept on Naltrexone. Dr. Schottenstein stated that the Board has done that before. Dr. Schachat stated the he was concerned with this requirement because he feels that it appears that the Board is practicing medicine. He believes that the doctors involved with treating Dr. Lawrence should make the medical decisions and the Board would be practicing medicine

without an examination. Dr. Schottenstein stated that it is kind of like the last straw and that Dr. Lawrence is on naltrexone because it has been productive and the use of this drug maximizes her odds of continuing success but he certainly sees his point. Dr. Schachat stated that if the Board did that then the supervising medical doctor managing her care should tell us if he decides to have her stop taking it.

Mr. Gonidakis moved to table the topic of Susan Donna Lawrence, D.O. Dr. Factora seconded the motion. A vote was taken:

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

Mr. Gonidakis moved to remove the topic of Susan Donna Lawrence, D.O., from the table. Dr. Schottenstein seconded the motion. A vote was taken:

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

Dr. Schachat asked Ms. Anderson to summarize the changes to the Proposed Order. Ms. Anderson stated that the 1st change concerned the fine and it would give the doctor 180-days from the effective date of the Order. The interim monitoring physician, number 11 on page 5 adds psychiatric assessment with standard language and continued that on page 6, paragraph 12 under Releases, there was an addition to the treatment records. On page 9, paragraph 5, Ms. Anderson stated that in the Conditions for Reinstatement, there is a requirement for psychiatric reports addressing fitness to practice and any limitations and also stated that they do not have

standard language for requiring naltrexone so it wasn't added to the draft. Mr. Giacalone stated that even though they don't have standard language, it could be added. Ms. Anderson stated that Board staff would look for guidance from the Board regarding that issue. Mr. Giacalone stated that the language could be that Dr. Lawrence is required to continue treatment on naltrexone until her physician decides it is not appropriate or something to that effect. Mr. Giacalone further stated that since some on the Board do not want to give her a license back at all, adding this along with the other requirements ideally should provide enough guardrails to have her recovery done appropriately and successfully. Then if Dr. Lawrence fails after this, she will know the severe consequences facing her medical license.

Ms. Anderson stated that under Interim Conditions, she can add #4. Dr. Schachat offered wording as: The Board understands that you are receiving this medicine (naltrexone) now and it is expected that this be continued unless the prescribing physician believes it's contrarily indicated and stops the order. Dr. Edgin commented that the Board should be notified if Dr. Lawrence stops taking the Naltrexone. Ms. Anderson asked if the Board could give her just a minute and then stated that there actually is standard language for this in consent agreements. Mr. Groeber asked Ms. Murray to give an overview of that standard language in consent agreements in regards to Naltrexone and discontinued use. Ms. Murray stated that if there is a Board Order or Consent Agreement with the requirement for Naltrexone, the treating physician is to make a recommendation to discontinue it and the recommendation is taken to the Secretary and Supervising Member for approval then it goes to the Board as a probationary request. Dr. Factora asked if that would be for a psychiatrist and an addictionologist to make that recommendation and Ms. Murray said it was. Mr. Groeber asked Mr. Giacalone if he approved of these changes to be included in his amendment and Mr. Giacalone stated that he did. Dr. Schachat asked that Board members be given a few minutes to review the amended Order due to the several changes and when completed, would ask for a motion to approve the proposed amended Order.

It is hereby ORDERED that:

- A. **SUSPENSION OF LICENSE:** The license of Susan Donna Lawrence, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than 180 days.
- B. **FINE:** Within 180 days of the effective date of this Order, Dr. Lawrence shall remit payment in full of a fine of Four Thousand Dollars (\$4,000). 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.
- C. **INTERIM MONITORING:** During the period that Dr. Lawrence's license to practice osteopathic medicine and surgery in Ohio is suspended, Dr. Lawrence shall comply with the following terms, conditions, and limitations:
 1. **Obey the Law:** Dr. Lawrence shall obey all federal, state, and local laws, and all rules governing the practice of osteopathic medicine and surgery in Ohio.
 2. **Declarations of Compliance:** Dr. Lawrence 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 date her quarterly declaration would have

been due pursuant to her August 9, 2017 Step I Consent Agreement. 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. Lawrence shall appear in person for an interview before the full Board or its designated representative. The first such appearance shall take place on the date her appearance would have been scheduled pursuant to her August 9, 2017 Step I Consent Agreement. 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. Lawrence shall abstain completely from the personal use or personal possession of drugs, except those prescribed, dispensed, or administered to her by another so authorized by law who has full knowledge of Dr. Lawrence's history of chemical dependency and/or abuse and who may lawfully prescribe for her (for example, a physician who is not a family member). Further, in the event that Dr. Lawrence 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. Lawrence shall notify the Board in writing within seven days, providing the Board with the identity of the prescriber, the name of the drug Dr. Lawrence received, the medical purpose for which she 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 her, Dr. Lawrence 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. Lawrence shall abstain completely from the use of alcohol.
5. **Toxicology Screens; Designated Testing Facility and Collection Site**
 - a. Dr. Lawrence 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. Lawrence 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. Lawrence'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 C.5.f., and Dr. Lawrence shall call or log in each day during the appropriate time window.
 - b. Dr. Lawrence 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. Lawrence 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. Lawrence shall ensure her 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. Lawrence shall submit, at her expense and on the day selected, specimens for drug and/or alcohol analysis. All specimens submitted by Dr. Lawrence shall be negative, except for those substances prescribed, administered, or dispensed to her 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 she 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. Lawrence'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. Lawrence 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. Lawrence shall promptly provide to the Board written documentation of completion of such arrangements, including a copy of any contract entered into between Dr. Lawrence and the designated testing facility. Dr. Lawrence'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. Lawrence 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. Lawrence 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. Lawrence 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. Lawrence shall immediately notify the Board in writing, and make arrangements acceptable to the Board, pursuant to Paragraph C.6, below,

as soon as practicable. Dr. Lawrence 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. Lawrence 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. Lawrence, 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. Lawrence'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. Lawrence's declarations of compliance. It is Dr. Lawrence'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. Lawrence shall provide a specimen of her 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. Lawrence, or for any other purpose, at Dr. Lawrence's expense. Dr. Lawrence'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. Lawrence 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. Lawrence 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. Lawrence's declarations of compliance.
10. **Comply with the Terms of Aftercare Contract:** Dr. Lawrence shall maintain continued compliance with the terms of the aftercare contract(s) entered into with her 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. **ReVia/Vivitrol Treatment:** Dr. Lawrence shall maintain treatment with ReVia/Vivitrol (naltrexone) as directed by the physician providing that treatment (“treating physician”). Further, Dr. Lawrence shall submit acceptable documentary evidence of continuing compliance with this provision which shall be received in the Board’s offices no later than the due date for Dr. Lawrence’s quarterly declarations. Dr. Lawrence shall not request modification of this provision during the first year following the effective date of this Order unless the request is accompanied by written documentation from her treating physician and a physician affiliated with a Board-approved treatment provider indicating that such physicians have assessed Dr. Lawrence and determined that discontinuation of ReVia/Vivitrol (naltrexone) treatment is medically warranted due to resultant negative health consequences. After the first year following the effective date of this Order, Dr. Lawrence may request modification of this provision so long as her request is accompanied by written documentation from a physician affiliated with a Board-approved treatment provider indicating that such physician has assessed Dr. Lawrence for purposes of determining whether Dr. Lawrence continues to require ReVia/Vivitrol (naltrexone) treatment and that, based upon such assessment, the physician supports Dr. Lawrence’s request to modify or discontinue her ReVia/Vivitrol (naltrexone) treatment. Any assessments and written documentation will be at Dr. Lawrence’s expense.
12. **Psychiatric Assessment/Treatment:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Lawrence shall submit to the Board for its prior approval the name and curriculum vitae of a psychiatrist of Dr. Lawrence’s choice. Upon approval by the Board, Dr. Lawrence shall obtain from the approved psychiatrist an assessment of Dr. Lawrence’s current psychiatric status. The assessment shall take place no later than 60 days following such approval, unless otherwise determined by the Board. Prior to the initial assessment, Dr. Lawrence shall furnish the approved psychiatrist copies of the Board’s Order, including the Summary of the Evidence, Findings of Fact, and Conclusions of Law, and any other documentation from the hearing record which the Board may deem appropriate or helpful to that psychiatrist. Upon completion of the initial assessment, Dr. Lawrence shall cause a written report to be submitted to the Board from the approved psychiatrist. The written report shall include:
- a. A detailed report of the evaluation of Dr. Lawrence’s current psychiatric status and condition;
 - b. A detailed plan of recommended psychiatric treatment, if any, based upon the psychiatrist’s informed assessment of Dr. Lawrence’s current needs;
 - c. A statement regarding any recommended limitations upon her practice; and
 - d. Any reports upon which the treatment recommendation is based, including reports of physical examination and psychological or other testing.
- Should the Board-approved psychiatrist recommend psychiatric treatment, and upon approval by the Board of the treatment plan, Dr. Lawrence shall undergo and continue psychiatric treatment at the rate of visits recommended by the approved treating psychiatrist, or as otherwise directed by the Board. The sessions shall be in person and may not be conducted by telephone or other electronic means. Dr. Lawrence shall comply with her psychiatric treatment plan, including taking medications as prescribed for her psychiatric disorder and submitting to periodic tests of her blood and/or urine.

Dr. Lawrence shall continue in 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. Lawrence's current treatment plan and any changes that have been made to the treatment plan since the prior report; her compliance with the treatment plan; her psychiatric status; her progress in treatment; and results of any laboratory or other studies that have been conducted since the prior report. Dr. Lawrence 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. Lawrence's declarations of compliance.

Dr. Lawrence shall ensure that her treating psychiatrist immediately notifies the Board of Dr. Lawrence's failure to comply with her psychiatric treatment plan and/or any determination that Dr. Lawrence is unable to practice due to her psychiatric disorder. In the event that the designated psychiatrist becomes unable or unwilling to serve in this capacity, Dr. Lawrence shall immediately so notify the Board in writing and make arrangements acceptable to the Board for another psychiatrist as soon as practicable. Dr. Lawrence 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. Lawrence's designated treating psychiatrist, or may withdraw its approval of any psychiatrist previously approved to serve as Dr. Lawrence'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.

13. **Releases:** Dr. Lawrence 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. Lawrence's alcohol or chemical use disorder and/or psychiatric 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. Lawrence shall also provide the Board written consent permitting any treatment provider from whom she obtains treatment to notify the Board in the event Dr. Lawrence 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.
14. **Absences from Ohio:** Dr. Lawrence 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. Lawrence resides and/or is employed at a location that is within 50 miles of the geographic border of Ohio and a contiguous state, Dr. Lawrence may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Dr. Lawrence 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. Lawrence 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. Lawrence 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.

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

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

1. **Application for Reinstatement or Restoration**: Dr. Lawrence shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
2. **Compliance with Interim Conditions**: Dr. Lawrence shall have maintained compliance with all the terms and conditions set forth in Paragraph C of this Order.
3. **Payment of Fine**: Dr. Lawrence shall have fully paid the fine as set forth in Paragraph B of this Order.
4. **Demonstration of Ability to Resume Practice**: Dr. Lawrence shall demonstrate to the satisfaction of the Board that she can practice in compliance with acceptable and prevailing standards of care under the provisions of her 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. Lawrence 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. Lawrence's ability to practice has been assessed and that she 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. Lawrence. Further, the two aforementioned physicians shall not be affiliated with the same treatment provider or

medical group practice. Prior to the assessments, Dr. Lawrence shall provide the evaluators with copies of patient records from any evaluation and/or treatment that she has received, and a copy of this Order. The reports of the evaluators shall include any recommendations for treatment, monitoring, or supervision of Dr. Lawrence, and any conditions, restrictions, or limitations that should be imposed on Dr. Lawrence's practice. The reports shall also describe the basis for the evaluator's determinations. The first two such assessments sought by Dr. Lawrence shall constitute the basis for the two reports required under this Order regardless of whether Dr. Lawrence agrees with the report(s) provided by the physician evaluator(s) and regardless of whether she 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.

5. **Psychiatric Reports Evidencing Fitness to Practice; Recommended Limitations:** At the time Dr. Lawrence submits her application for reinstatement or restoration, Dr. Lawrence shall provide the Board with written reports of evaluation by two psychiatrists acceptable to the Board indicating that Dr. Lawrence's ability to practice has been assessed and that she has been found capable of practicing in accordance with acceptable and prevailing standards of care. Such evaluations shall have been performed within 60 days prior to Dr. Lawrence's application for reinstatement or restoration. The reports of evaluation shall describe with particularity the bases for the determination that Dr. Lawrence has been found capable of practicing according to acceptable and prevailing standards of care and shall include any recommended limitations upon her practice.
 6. **Additional Evidence of Fitness To Resume Practice:** In the event that Dr. Lawrence has not been engaged in the active practice of osteopathic 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 her fitness to resume practice.
- E. **PROBATION:** Upon reinstatement or restoration, Dr. Lawrence'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. Lawrence shall continue to be subject to the terms, conditions, and limitations specified in Paragraph C of this Order.
 2. **Modification of Terms; Exception:** Dr. Lawrence shall not request modification of the terms, conditions, or limitations of probation for at least one year after imposition of these probationary terms, conditions, and limitations, except that Dr. Lawrence 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. Lawrence's reinstatement or restoration, or as otherwise determined by the Board, Dr. Lawrence 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. Lawrence and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Lawrence and her medical practice, and shall review Dr. Lawrence'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. Lawrence and her medical practice, and on the review of Dr. Lawrence's patient charts. Dr. Lawrence 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. Lawrence's declarations of compliance.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Lawrence shall immediately so notify the Board in writing. In addition, Dr. Lawrence 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. Lawrence 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. Lawrence's monitoring physician, or may withdraw its approval of any physician previously approved to serve as Dr. Lawrence'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. **Controlled Substances Log**: Dr. Lawrence shall keep a log of all controlled substances she prescribes. Such log shall be submitted in a format of Dr. Lawrence's choosing and approved in advance by the Board. All such logs required under this paragraph must be received in the Board's offices no later than the due date for Dr. Lawrence's declarations of compliance, or as otherwise directed by the Board. Further, Dr. Lawrence shall make her patient records with regard to controlled substance prescribing available for review by an agent of the Board upon request.

5. **Ban on Administering, Furnishing, or Possessing Controlled Substance; Log**: Dr. Lawrence shall not, without prior Board approval, administer, personally furnish, or possess (except as allowed under Paragraph C.4.a) any controlled substances as defined by state or federal law.

In the event that the Board agrees at a future date to modify this Order to allow Dr. Lawrence to administer, personally furnish, or possess controlled substances, Dr. Lawrence shall keep a log of all controlled substances administered or personally furnished. Such log shall be submitted in a format of Dr. Lawrence's choosing and approved in advance by the Board. All such logs required under this paragraph must be received in the Board's offices no later than the due date for Dr. Lawrence's declarations of compliance, or as otherwise directed by the Board. Further, Dr. Lawrence shall make her patient records with regard to such administering, or personally furnishing controlled substances available for review by an agent of the Board upon request.

6. **Tolling of Probationary Period While Out of Compliance**: In the event Dr. Lawrence 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.

- F. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Lawrence's license will be fully restored.
- G. **VIOLATION OF THE TERMS OF THIS ORDER:** If Dr. Lawrence violates the terms of this Order in any respect, the Board, after giving her notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of her license.
- H. **REQUIRED REPORTING TO THIRD PARTIES; VERIFICATION:**
1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Lawrence shall provide a copy of this Order to all employers or entities with which she is under contract to provide healthcare services (including but not limited to third-party payors), or is receiving training, and the Chief of Staff at each hospital or healthcare center where she has privileges or appointments. Further, Dr. Lawrence shall promptly provide a copy of this Order to all employers or entities with which she contracts in the future to provide healthcare services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or healthcare center where she applies for or obtains privileges or appointments. In the event that Dr. Lawrence provides any healthcare services or healthcare direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, within 30 days of the effective date of this Order, she shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services. Further, within 30 days of the date of each such notification, Dr. Lawrence 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. Lawrence receives from the Board written notification of the successful completion of her probation.
 2. **Required Reporting to Other Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Lawrence shall provide a copy of this Order by certified mail to the proper licensing authority of any state or jurisdiction in which she currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Administration, through which she currently holds any professional license or certificate. Also, Dr. Lawrence 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 she applies for any professional license or reinstatement/restoration of any professional license. Additionally, within 30 days of the effective date of this Order, Dr. Lawrence 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 she currently holds or has previously held certification. Further, within 30 days of the date of each such notification, Dr. Lawrence 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. Lawrence receives from the Board written notification of the successful completion of her probation.

3. **Required Reporting to Treatment Providers/Monitors:** Dr. Lawrence shall promptly provide a copy of this Order to all persons and entities that provide her treatment or monitoring for alcohol or chemical use disorder. Further, within 30 days of the date of each such notification, Dr. Lawrence 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. Lawrence receives from the Board written notification of the successful completion of her probation.

I. **SUPERSEDE PREVIOUS AUGUST 9, 2017 STEP I CONSENT AGREEMENT:** Upon becoming effective, this Order shall supersede the terms and conditions set forth in the August 9, 2017 Step I Consent Agreement between Dr. Lawrence and the Board.

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

A vote was taken on Mr. Giacalone’s motion to amend:

- ROLL CALL: Dr. Rothermel - abstain
- Dr. Saferin - abstain
- Mr. Giacalone - aye
- Dr. Schottenstein - aye
- Dr. Schachat - aye
- Mr. Gonidakis - aye
- Dr. Edgin - 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 Susan Donna Lawrence, D.O. Mr. Gonidakis seconded the motion. A vote was taken:

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

The motion to approve carried.

STEVEN SCOTT MCNUTT, M.D.

Dr. Schottenstein moved to approve and confirm Ms. Lee’s Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Steven Scott McNutt, M.D. Dr. Edgin seconded the motion.

Dr. Schachat stated that he would now entertain discussion in the matter of Dr. McNutt and asked if there was any discussion.

Mr. Gonidakis stated that he would just like to offer for consideration the additional \$1,000 fine. He would make a motion to eliminate that and is not seeing a need for it. There is a \$7,500 fine that is already on the table that Dr. McNutt owes. Mr. Gonidakis feels that the Order is more important than the additional \$1,000 fine. Irrespective of Dr. McNutt’s financial situation which Mr. Gonidakis stated he did not pay any attention to or should we.

Mr. Gonidakis moved to amend the Proposed Order to eliminate the additional \$1,000 fine. Dr. Schottenstein seconded the motion.

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

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

The motion to amend carried.

Mr. Gonidakis moved to approve and confirm Ms. Lee’s Findings of Fact, Conclusions of Law, and Proposed Order, as amended, in the matter of Steven Scott McNutt, M.D. Dr. Schottenstein seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Mr. Giacalone	- abstain
	Dr. Schottenstein	- aye
	Dr. Schachat	- aye
	Mr. Gonidakis	- aye
	Dr. Edgin	- aye
	Dr. Factora	- aye

Ms. Montgomery - aye
Dr. Johnson - aye
Dr. Bechtel - abstain

The motion to approve carried.

JOSE VARGAS, M.D.

Dr. Schottenstein moved to approve and confirm Ms. Lee's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Jose Vargas, M.D. Mr. Gonidakis seconded the motion.

Dr. Schachat stated that he would now entertain discussion in the matter of Dr. Vargas and asked if there was any discussion.

Dr. Schottenstein stated that Dr. Vargas is a very sympathetic figure and that it is with real regret that he is not going to vote to approve the license. This is contrary to the doctor's statements of stipulations that have come before the board. Dr. Schottenstein said that if someone took longer to take the sequence of tests or finished curriculum in the time frame not consistent with rule, then those are situations where we can have equivalency. This is not a situation where we can have equivalency because there is a passing score one needs to achieve on an exam sequence in order to be eligible for a license. Dr. Vargas did not achieve that passing score and the Board is being asked to approve a license for someone who did not pass an exam sequence. The Board will be violating its own rule to do so and he doesn't know that the Board has the authority to do that. Dr. Schottenstein further stated that the minimum passing score in the rule is 75 but what about the next physician? If the Board makes an exception for Dr. Vargas, a door may be opened going forward to make good cause exemptions where the rule would become meaningless and the Board will lose standardization and consistency in our physician licensees. Dr. Schottenstein asked about other licensees, physicians and otherwise, who missed the cut off of a passing score by one point and feels this is a slippery slope. He is sure there are many fine people who barely did not finish this exam a long time ago and if the Board votes to approve this license, he is just not sure where it ends. Dr. Schottenstein stated again that it really is with regret that he is going to vote no on the approval of the license.

Dr. Factora agrees with Dr. Schottenstein in that it is always difficult for this Board to give an exception given the fact that they did not meet the requirements that are currently in the statute. Dr. Factora stated that sometimes these situations allow the opportunity to revisit the statute and reconsider the standards that we have in place and see whether or not those can be adjusted as had been done before with massage therapy in total number of hours. Dr. Factora asked if it would be worthwhile to bring this issue to the licensure committee and to examine whether or not paragraph (C)(2) of Ohio Administrative Code rule 4731-6-16, should be held firm and fast or if there are other considerations that can be made based on the Board's review of the rule. Dr. Factora agrees that there is nothing in the rule that allows at this point for this exception based on the minimal passage.

Dr. Schachat asked that it appears that the Board cannot approve this request and if there was a mechanism for the Board to approve it or does the rule stop the debate? Ms. Anderson stated that she thinks the rule is clear on what is required to be eligible for a license and statute requires an exam sequence. Dr. Schachat inquired to see if the rule has a mechanism for equivalence or make an exception. Ms. Anderson stated that she did not.

Dr. Edgin stated that he seemed to remember or maybe was wrong, that in some cases use the Board exam as some sort of equivalency to competency and that sort of thing and asked if there was any way to change the statute to include a full Board exam or FLEX. Dr. Edgin further stated that Dr. Vargas has been board certified and recertified. Ms. Anderson stated that the Board did do that with a rule in respect to the length of time to take the USMLE. There is a ten-year limit and an attempt limit, so Board certification was added to the rule to allow for discretion on the time period not the minimum passing score.

Mr. Giacalone stated that the rule is clear on the requirements but asked where it says in the statute that those requirements exist? He thought that the statute said the Board makes the rules and the rules are what it is but that also the statute provides for discretion on the part of the Board. Mr. Giacalone paraphrased the statute stating the state shall review all applications submitted under Section 4731.09, Ohio Revised Code; not fewer than six Board members necessary to determine an applicant meets requirements for licensure; the Board determines evidence submitted with application is satisfactory, etc., and where does it say it in the statute those same requirements that are set forth in the rule? In the rule, Mr. Giacalone agrees this exam-related requirement is there but he doesn't see it in statute. He also stated that he understands Dr. Vargas may be coming up short under the provision in the rule, but we should at the countervailing factors favoring Dr. Vargas's licensure in Ohio: 30-32 years of practice in pediatric medicine in New York with a clean record; board certified and recertified; 30 years of continual teaching and instruction to pediatric residents. Mr. Giacalone said that Dr. Vargas has run the gauntlet and proved he is an established credible physician and he is going to provide a service to an underserved population in the community which is probably why Nationwide Children's Hospital wants him. Mr. Giacalone said he is struggling on this technicality in the rule which the Board created and believes that the Board's decision can trump this rule. He also believes the rule needs to be revisited. Dr. Vargas is board certified and recertified and he will provide value to the State of Ohio. Mr. Giacalone again thinks this is a discretionary issue and understands the slippery slope arguments but believes that is why there is a Board to make these kinds of decisions.

Dr. Saferin stated that this Board clearly went against the rules or statutes for the massage therapy situation and he was the one who stood up and said the Board should follow the rules. Clearly that was not the case and the Board voted to approve the license. The Board then changed the rules appropriately to follow what was the decision of the Board but think it would be wrong to deny such a talented physician the ability to practice in Ohio.

Dr. Schottenstein stated again that he thinks Dr. Vargas is very sympathetic figure and also thinks there is an apple and oranges quality to the action taken with the massage therapist. The Board had the ability to grant equivalency because the applicant met the number of clock hours required but what the Board now is being asked to do is grant a license in the absence of a

passing exam sequence. Dr. Schottenstein that the Board has an ability to do that. He believes that Dr. Vargas could potentially take another exam sequence and doesn't think that is foreclosed to him. Dr. Schottenstein stated that he would be glad for Dr. Vargas to do that and certainly would be only happy for him to come to this state and practice, but it just doesn't sit right to grant a license to somebody who hasn't passed his exam.

Mr. Gonidakis stated the he is very sympathetic to the comments of Mr. Giacalone and said that the controlling issue for him at least on the way he will vote is if the Board's Chief Legal Counsel states that the Ohio Revised Code requires it. If the Ohio Revised Code requires it, then the Board is bound. Mr. Gonidakis said can certainly walk across the street and ask legislature to change the law but if it's a rule and we have discretion that is one thing but if the Revised Code requires it, then his vote would be to follow it.

Mr. Giacalone stated that he agrees with Mr. Gonidakis and that is why he is trying to distinguish between statute and rule and he didn't see this prohibition but admitted that maybe he may have missed it. Ms. Anderson stated that she was looking at O.R.C. 4731.09, Qualifications for license to practice medicine and surgery or osteopathic medicine and surgery. Section A reads that an applicant must meet all requirements and Section A5 reads that an applicant must successfully pass the examination prescribed in the rules adopted by the board to determine competency to practice medicine and surgery. Mr. Giacalone stated that it appears that the examination requirement at issue is set forth solely in the rules at O.A.C. 4731-6-16 (C) that the Board created. Dr. Schachat stated then the Board can change the rule. Mr. Giacalone said that maybe it is apples and oranges, but the Board was really outside the confines of those rules when they took liberties in reading those rules when it came to the massage therapist case that was decided. He said he is struggling with this and thinks there needs to be some discretion with the rules.

Dr. Edgin stated if the Board exam is a test of competency, he has taken board exams in Texas, Ohio and the American Board of Internal Medicine and thought the latter was much harder than the other two.

Ms. Montgomery stated that if you are board certified then she would assume that those exams are difficult. She doesn't believe that Nationwide Children's Hospital would seek someone who is not competent and the Board could change the rule but won't happen in a timely fashion and obviously unable to do it now.

Dr. Schachat stated that he has heard enough comments that the Board would like to figure out a way to license Dr. Vargas but not sure if there is a mechanism to do so and propose that the Board table this for now to ask advice on if there is a way to approve this license. Mr. Groeber stated that he believes he has heard what the Board wants to do and to let staff go back during the lunch break and see if there is any way that we can make that work based on the law and rules that we have in place right now. Ms. Montgomery stated we need to determine if there was a way to elevate form over substance.

Dr. Saferin moved to table this topic. Mr. Giacalone seconded the motion. All members voted aye. The motion carried.

Dr. Saferin asked that if it is determined that the Board is unable to license Dr. Vargas, would he be able to withdrawal his application as not be a reportable event? Ms. Anderson stated that it would not be reported anyways since it is a non-disciplinary issue.

Mr. Giacalone stated that he is aware that Ms. Anderson is leaning toward the view that the Board is unable to grant the license and he is leaning to toward that the view that the Board can grant it because the Board is the creator and decider of the rules as opposed to statute which has its genesis with state legislature. That being said, if the Board were to issue an order and granting Dr. Vargas’s medical license, Mr. Giacalone asked what is the exposure for doing so? Is Dr. Vargas going to sue the Board for granting him a license? Mr. Groeber stated that Dr. Vargas may not be the only person to whom the Board may have denied a license. Ms. Anderson stated that we may have issues later on with other potential licensees. If so, Mr. Giacalone said then the Board needs to change the existing rule to allow for similar events in the future but have this decision concerning Dr. Vargas decided in his favor. Mr. Groeber said that the lawyers give the best advice to the Board and the Board makes it decision. Mr. Giacalone said he while he understands that and he may, at times, love the word “can’t”, he’s not sure that “can’t” is where he wants to go here.

Dr. Bechtel moved to remove the topic of Jose Vargas, M.D., from the table. Mr. Giacalone seconded the motion. A vote was taken:

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

The motion carried.

Mr. Groeber stated that he had asked, Joe Turek, Chief of Licensure, to look at Dr. Vargas’s application and if there may have been other types of licenses that Dr. Vargas could have potentially be eligible for. Mr. Turek stated that Dr. Vargas could be eligible for the Clinical Research Faculty Certificate and the Certificate of Conceded Eminence. He further commented that Dr. Vargas would have to get the right appointments for those types of certificates, but his core eligibility would be acceptable being that he is a foreign medical graduate which met the requirements. Ms. Montgomery asked what was meant by getting the right type of appointments

Dr. Schottenstein - aye
Dr. Schachat - aye
Mr. Gonidakis - aye
Dr. Edgin - aye
Dr. Factora - aye
Ms. Montgomery - aye
Dr. Johnson - aye
Dr. Bechtel - aye

The motion carried.

Dr. Schachat asked if there was any further advice from our inhouse group regarding Dr. Vargas' application.

Mr. Groeber stated that they looked through all of the statute and rule around the application in front of the Board and is struggling to find an avenue where the application satisfies the criteria. The Board staff also looked at faculty research certificate but stated that this approve has specific criteria. The Conceded Eminence appears to have the best opportunity but there are some criteria involved with that also and Mr. Groeber was not sure that the applicant meets those criteria. In terms of the legal analysis that the Board legal staff did, he was not sure how much flexibility there is. So the legal take away from Board staff is that based upon the existing rule and the statute that Dr. Vargas does not meet the requirement for licensure. However, as was stated beforehand, we, Board staff, give the Board members advice and the Board members act accordingly. If the Board does deny this application, Mr. Turek will reach out to the applicant to try and find another path to make this work. Also, this rule as it stands right now with the licensure exam, is the CSI right now and we should start to give thought to how to apply more flexibility or waiver to the rule to avoid circumstances like this in the future.

Mr. Gonidakis asked about ramifications if the Board approves this application as to the rule and Mr. Groeber stated that the Board would be establishing a precedent that we make exceptions. The question was asked about the legal ramifications and Ms. Anderson answered that you have legal ramifications when you have something in front of you that doesn't meet the exam sequence and will probably refer to this case. It may be unlikely that there will be someone who has exactly the same circumstances but if someone in this same situation does come up, the Board may have to treat the same way.

Dr. Schachat also agrees that it is a slippery slope that if you say 74 is almost 75 and 73 is almost 74, like where do you draw the line.

Mr. Giacalone stated that the key word is interpretation. He read the statute again as previously stated and said the key there too is the word "rule". The Board makes the rules and if the Board chooses to deviate from a rule, then there is "no harm no foul." If someone else would happen to come in with the exact same circumstances, then Mr. Giacalone believes that the Board should grant them an Ohio license because they deserve it and this would be a benefit to the citizens of Ohio. Mr. Giacalone feels that it is just wrong not to allow this physician to have an Ohio license. Dr. Vargas more than meets the criteria for being a valuable physician and he is going to provide

a benefit to Ohio by serving an underprivileged population. Mr. Giacalone agrees that the Board should go back and revisit the rule but the Board can do this later after granting Dr. Vargas' request for a license today.

Dr. Schottenstein stated that he would say that maybe there is a right way to do this. Dr. Vargas has waited 34 years to get a license in Ohio that maybe we keep it tabled to work on the rule with CSI to modify language in a way to make it palatable and bring it back.

Dr. Factora said the Board has stated frequently that the primary goal is the safety of the patients in terms of medical care. He is keeping in mind that the Board can change the rule, but the delay it will only delay Dr. Vargas from providing high quality care to the children of Ohio. By discovering a hole in the rule, the Board is able to correct it, but and at the same time, granting licensure benefits the people of Ohio with the Dr. Vargas's achievements.

Dr. Rothermel stated that the Board does make exceptions to the rules. In the past, the Board has made exceptions to the 10-year rule for completing an exam sequence and this is done not infrequently. Dr. Schachat asked if that was allowed in the statute and Ms. Anderson answered that it was in that rule. Dr. Schachat commented that is was in that rule but not in the rule that is being discussed now. Dr. Rothermel said the statute states that the Board has to follow the rules that the Board creates and if the Board chooses to make an exception to the rule for a significant list of reasons why, doesn't that still fill the requirement of the statute? Dr. Schachat said that he thinks that the rule still has to be changed or that the Board can add to the end of every rule that the Board can make exceptions at their discretion.

Dr. Saferin stated that he wanted to revisit one more time the fact that the Board put the cart before the horse with the massage therapist applicant a reviewed. The Board found someone that needed a change and the Board changed it against his recommendation, but the Board changed it and then went back and changed the hole that was found in the rule to correct the issue. Dr. Saferin feels that the Board has already made a precedent for doing that. The Board already found an exception that wasn't known before and didn't want to harm the public or that person or issue by putting the horse again before the cart, so the Board overrode the rule and gave that person their license and went back and fixed the hole. Not sure if it's a slippery slope because the Board did it before; there was no harm no foul; no one complained and did the right thing on both ends. Dr. Saferin believes that in this case it is an exact parallel. There is an exceptional doctor who is going to give exceptional care to the people of Ohio and he doesn't see the issue.

Ms. Pelphrey reiterated that the Board still has the option of remanding the case back to the hearing examiner.

Dr. Schottenstein stated since the existing language in the rule is currently at CSI, if the Board was going to modify it so that it would benefit Dr. Vargas, what would be the estimated time frame for this to be done? Ms. Anderson stated that for such a rule change it would take about 6 months to a year at best.

Mr. Giacalone moved to amend the Proposed Order to grant the licensure application and amend the Conclusion of Law to add that the Board’s discretion was to grant licensure. Dr. Saferin seconded the motion.

A vote was taken on Mr. Giacalone’s motion to amend:

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

The motion to amend carried.

Mr. Giacalone moved to approve and confirm Ms. Lee’s Findings of Fact, Conclusions of Law, and Proposed Order, as amended, in the matter of Jose Vargas, M.D. Dr. Saferin seconded the motion. A vote was taken:

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

The motion to approve carried.

V. PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Schachat stated: In the following matters the Board issued Notices 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 they are now before the Board for final disposition. These

matters are disciplinary in nature, and therefore the Secretary and Supervising Member cannot vote. In these matters, 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 Drs. Anyadike and Craig.

Chukwuma P. Anyadike, M.D. (Hayes, VA)

Motion to find that the allegations as set forth in the July 11, 2018 Notice of Opportunity for Hearing in the matter of Dr. Anyadike have been proven to be true by a preponderance of the evidence and to adopt Ms. Lee’s Proposed Findings and Proposed Order:

Motion	Schottenstein
2nd	Giacalone

Mr. Gonidakis asked his fellow board members if they felt comfortable voting even though the hearing officer questioned the timeline of events as his license was suspended in 2013 but issued in 2014. Dr. Schottenstein said this also caught his attention but did not feel like sacrificed the case.

Dr. Schachat conducted a roll call vote:

Dr. Rothermel	A
Dr. Saferin	A
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	A

The motion carried.

Felix Brizuela, Jr., D.O. (Harrison City, PA)

Motion to find that the allegations as set forth in the August 8, 2018 Notice of Opportunity for Hearing in the matter of Dr. Brizuela have been proven to be true by a preponderance of the evidence and to adopt Ms. Lee’s Proposed Findings and Proposed Order:

Motion	Schottenstein
2nd	Factora

There was no discussion. Dr. Schachat asked for a roll call vote on the original motion:

Dr. Rothermel	A
Dr. Saferin	A
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y

Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Thomas L. Craig, III, M.D. (Cleveland Heights, OH)

Motion to find that the allegations as set forth in the July 11, 2018 Notice of Opportunity for Hearing in the matter of Dr. Craig have been proven to be true by a preponderance of the evidence and to adopt Ms. Lee's Proposed Findings and Proposed Order:

Motion	Schottenstein
2nd	Gonidakis

There was no discussion. Dr. Schachat asked for a roll call vote on the original motion:

Dr. Rothermel	A
Dr. Saferin	A
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	A

The motion carried.

Mory Summer, M.D. (Clayton, OH)

Motion to find that the allegations as set forth in the January 10, 2018 Notice of Opportunity for Hearing in the matter of Dr. Summer have been proven to be true by a preponderance of the evidence and to adopt Ms. Shamansky's Proposed Findings and Proposed Order:

Motion	Schottenstein
2nd	Giacalone

There was no discussion. Dr. Schachat asked for a roll call vote on the original motion:

Dr. Rothermel	A
Dr. Saferin	A
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y

Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Johnny Ray Trotter, II, M.D. (Bloomfield Heights, MI)

Motion to find that the allegations as set forth in the May 9, 2018 Notice of Opportunity for Hearing in the matter of Dr. Trotter have been proven to be true by a preponderance of the evidence and to adopt Ms. Lee’s Proposed Findings and Proposed Order:

Motion	Schottenstein
2nd	Gonidakis

There was no discussion. Dr. Schachat asked for a roll call vote on the original motion:

Dr. Rothermel	A
Dr. Saferin	A
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

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.

Olivia Kalu, M.D.

Dr. Schachat stated that Dr. Kalu has applied for a license to practice medicine and surgery in Ohio. The Board notified Dr. Kalu that it proposed to approve her application, provided that she take the Special Purpose Examination (SPEX) due to the fact that Dr. Kalu has not engaged in the active practice of medicine and surgery for more than two years.

Dr. Schachat called for Do I hear a motion to find that the allegations set forth in the December 12, 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 Dr. Kalu’s application for a license to practice medicine and surgery in Ohio, provided that she successfully complete the SPEX examination within six months of the date of mailing of the Notice of Opportunity for Hearing, or upon successful recertification by the American Board of Internal Medicine at the first available certificate date.

Motion	Bechtel
2nd	Schottenstein

There was no discussion. Dr. Schachat asked for a roll call vote on the original motion:

Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Scott Edward Malachin, M.T.

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

Dr. Schachat called for a motion to find that the allegations set forth in the December 12, 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. Malachin’s application for a license to practice massage therapy in Ohio, provided that he successfully complete the MBLEx examination within six months of the date of mailing of the Notice of Opportunity for Hearing.

Motion	Saferin
2nd	Bechtel

There was no discussion. Dr. Schachat asked for a roll call vote on the original motion:

Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Dr. Schachat asked for 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.

Motion	Saferin
2nd	Schottenstein
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Board went into executive session at 11:22 am and came out of executive session at 11:43 am.

IX. SETTLEMENT AGREEMENTS

Motion to ratify the proposed Permanent Surrender with Joshua Payne, LMT

Motion	Johnson
2nd	Gonidakis
Dr. Rothermel	A
Dr. Saferin	A
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Motion to ratify the proposed Consent Agreement with Daniel Borison, M.D.

Motion	Schottenstein
2nd	Edgin
Dr. Rothermel	A
Dr. Saferin	A
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y

Mr. Gonidakis	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	A

The motion carried.

Motion to ratify the proposed Consent Agreement with Matthew Schoen, M.D.

Motion	Schottenstein
2nd	Edgin
Dr. Rothermel	A
Dr. Saferin	A
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Motion to ratify the proposed Permanent Surrender with William Castillo, M.D.

Motion	Schottenstein
2nd	Edgin
Dr. Rothermel	A
Dr. Saferin	A
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Motion to ratify the proposed Consent Agreement with David Crawford, M.D.

Motion	Schottenstein
2nd	Johnson
Dr. Rothermel	A
Dr. Saferin	A
Mr. Giacalone	Y

Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Motion to ratify the proposed Consent Agreement with Elizabeth V. Bates, M.D.

Motion	Bechtel
2nd	Johnson
Dr. Rothermel	A
Dr. Saferin	A
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	No
Mr. Gonidakis	Y
Dr. Edgin	Y
Dr. Factora	No
Ms. Montgomery	No
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Motion to ratify the proposed Voluntary Permanent Retirement with Michele Kaleta, M.D.

Motion	Schottenstein
2nd	Factora
Dr. Rothermel	A
Dr. Saferin	A
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Motion to ratify the proposed Permanent Surrender with David Daesung Kim, M.D.

Motion	Schottenstein
2nd	Edgin
Dr. Rothermel	A

Dr. Saferin	A
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	A

The motion carried.

Motion to ratify the proposed Consent Agreement with Steven Folkerth, M.D.

Motion	Schottenstein
2nd	Johnson
Dr. Rothermel	A
Dr. Saferin	A
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

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

Ms. Marshall stated there were three cites to consider. Cite #1 was legally challenging as the individual had a permanent revocation but the previous board did not have anything in its rules that actually made the action permanent and now the individual has reapplied. Citation #2 is based on sexual misconduct with one patients. Citation #3 is to be issued to a DO who has already been summarily suspended; this is a supplemental cite for care provided to six additional patients.

Motion to approve Notices of Opportunity for Hearing # 3, William Husel, D.O.

Motion	Schottenstein
2nd	Giacalone
Dr. Rothermel	A
Dr. Saferin	A
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y

Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	A

The motion carried.

Motion to approve Notices of Opportunity for Hearing #1 Summer Peplow, R.C.P. and #2, Roman Dale, M.D.

Motion	Factora
2nd	Schottenstein
Dr. Rothermel	A
Dr. Saferin	A
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Board recessed at 12:04 p.m. and returned at 1:00 p.m.

VII. EXECUTIVE SESSION II

Dr. Schachat called for a motion to go into Executive Session to confer with the Medical Board’s attorneys on matters of pending or imminent court action.

Motion	Saferin
2nd	Schottenstein
Voice Vote	All Aye

The motion carried.

Board went into executive session at 1:01 pm and came out of executive session at

XI. RULES & POLICIES

Ms. Debolt presented the board with proposed revisions to the Medication Assisted Treatment (MAT) for opioid misuse disorder rules. In addition to the memo and draft rules, Ms. Debolt provided the board with comments from Cleveland Clinic, University Hospital and Dr. Shawn Ryan concerning a matter that was raised about the cost of a combination buprenorphine product and insurance. Ms. Debolt recognized the important role Dr. Rothermel and Dr. Schottenstein plaid on coming up with the revisions based on the testimony they received at the hearing; the goal was to clarify and have rules that will work well in practice. In the Feb. 11 memo, we are

changing the language of paragraph E of 4731-33-03 so that it says psycho-social treatment SHALL include at least one of the following interventions UNLESS reasons for exception are documented in the patient record. The change was made to clarify the importance of having psycho-social treatment but acknowledges there may be reasons it cannot be required.

Motion to approve as amended for refiling with JCARR:

Motion	Saferin
2nd	Edgin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Mr. Smith asked for a motion to approve, rescind and amend the Respiratory Care Rules as described in the January 29, 2019 memo the rules would become effective February 28, 2019. The changes make the respiratory care rules consistent with the other medical board rules as well as medical board processes and procedures.

Motion	Saferin
2nd	Factora
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Mr. Gonidakis left the meeting at 1:29 p.m.

XII. OPERATIONS REPORT 2:08 p.m.

Mr. Groeber presented the operations report to the board. He stated that there continues to be a number of unfilled staff positions, but he is working with the new administration and will try and get those backfilled as

soon as possible. There was a significant decrease in the number of complaints from last month to this month. Licensure is up 26% over the same time last year; licenses on average are being completed in 31 days. PAPC did not meet this month because of a quorum issue. Mr. Groeber stated that Ms. Debolt will reach out to committee members the next time they need to meet.

Following discussion, the board decided on June 11 or 13, 2019 as the tentative date for the annual retreat. Mr. Giacalone suggested that we have a subcommittee to discuss what is legally needed to proceed on summary suspensions and explore other ways to quickly remove a licensee from practice in unique, urgent situations; the key discussion points could then be an agenda item at the retreat. Dr. Schachat appointed Mr. Gonidakis, Dr. Rothermel, Dr. Saferin, Mr. Giacalone and Ms. Montgomery, along with any appropriate staff, to the ad-hoc committee. Dr. Schachat then asked the ad-hoc committee to provide a report at the retreat. Dr. Schachat also that we discuss the fining philosophy at the retreat. Mr. Groeber and Ms. Murry stated that they rarely encountered a licensee who expressed concern about not being able to pay their fines. Ms. Montgomery supported the need to discuss fines. Mr. Giacalone said that while he could sympathize, the board fought for fining authority; he is supportive of the fines and thinks they are on point. Mr. Groeber will circulate the fining guidelines and board members can review and discuss at the retreat if needed.

XIII.RESPIRATORY CARE ADVISORY COUNCIL REPORT

Dr. Bechtel presented an update from the February Respiratory Care Advisory Council to the board. He stated that the council approved the November 13, 2018 meeting minutes and also 4761 rules that have been approved and adopted by the board today; the Ohio Respiratory Care Ethics and Law educational video and quiz are posted on the website which can be utilized by respiratory care professionals to fulfill the continuing education requirement for renewal. Finally, the council was updated on the process to select or reappoint council members who are approaching the end of their one-year term: moving forward, members will be appointed for the full three-year term and the application will be open on med.ohio.gov until February 25, 2019. Board staff has sent a letter to Ohio Society of Respiratory Care seeking nominations as is required by Ohio regulation. Next meeting is May 7, 2019.

XIV.REPORTS BY ASSIGNED COMMITTEES

Finance Committee Report

Dr. Schottenstein reported that in December 2018, revenue was \$821,581. That is comparable to the December 2016 amount. Overall we have a 15% increase year-to-date in revenue. Net revenue was a \$-137,470 for December 2018, but that is substantially a function of the fact that we had 3 pay periods in December. But we still are up 15 % year-to-date with regard to revenue overall. The cash balance is still substantial, at \$5,013,270. With regard to expenditures, we have a 5.3% increase year-to-date. Again, that's inflated because of the 3-pay periods in December. Since last report we have received one fine payment for \$18,000, and another payment which is a CME violation for \$3000.

Dr. Schottenstein then gave an Outreach and Education update: Publishing concepts company provided the lowest bid for publication of the board's magazine. The new magazine will be titled Health Beat Ohio. It is anticipated to go to print on May 15. In addition, the communications team is preparing for more than 2 dozen events and presentations the next few months. Also, the cultural competencies guide for healthcare providers is complete, we will have a chance to review it, and it will be posted electronically and sent to state printing. Cost of printing will become below \$10,000.

Dr. Schottenstein then asked for the following motions which had been approved by the Finance Committee earlier that day:

Move to approve travel expenses in accordance with state travel policy for Dr. Mark Bechtel to attend the 2019 annual meeting of the FSMB as their attendance at the meeting is in connection with their responsibilities as, and is related to their position as, members of the State Medical Board of Ohio.

Motion	Saferin
2nd	Johnson
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	A

The motion carried.

Move to approve travel expenses in accordance with state travel policy for Dr. Richard Edgin to attend the 2019 annual meeting of the FSMB as their attendance at the meeting is in connection with their responsibilities as, and is related to their position as, members of the State Medical Board of Ohio.

Motion	Saferin
2nd	Johnson
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Dr. Edgin	A
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Move to approve travel expenses in accordance with state travel policy for Dr. Michael Schottenstein to attend the 2019 annual meeting of the FSMB as their attendance at the meeting is in connection with their responsibilities as, and is related to their position as, members of the State Medical Board of Ohio.

Motion	Saferin
2nd	Johnson
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Schottenstein	A
Dr. Schachat	Y
Dr. Edgin	Y

Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Move to approve travel expenses in accordance with state travel policy for Tessie Pollock, James Roach and Joe Turek to attend the 2019 annual meeting of the FSMB. He further stated that: Ms. Pollock’s attendance at the conference is in connection with her duties as, and is related to her position as, Director of Communication of the State Medical Board of Ohio; Mr. Roach’s attendance at the conference is in connection with his duties as, and is related to his position as, Acting Chief of Investigations of the State Medical Board of Ohio; and Mr. Turek’s attendance at the conference is in connection with his duties as, and is related to his position as, Deputy Director of Licensure of the State Medical Board of Ohio.

Motion	Saferin
2nd	Johnson
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Finally, Dr. Saferin moved to approve the purchase of tickets to attend the FSMB Foundation luncheon for the Board members and staff listed above as the luncheon is a separate ticketed event that is not included in the conference registration fee.

Motion	Saferin
2nd	Johnson
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Dr. Saferin moved to approve Mr. Groeber to attend the meeting of the Finance Committee of the Federation of State Massage Therapy Boards (FSMTB) on Monday, February 18th, 2019, in Kansas City, Missouri; and that 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 the FSMTB will be paid by the Medical Board in accordance with state travel policy.

Motion	Saferin
2nd	Rothermel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Licensure Committee Report

Limited Branch School Application: Dr. Saferin presented the board with a Certificate of Good Standing application from Columbus School of Medical Massage. He moved to issue a Certificate of Good Standing to the Columbus School of Medical Massage.

Motion	Saferin
2nd	Schottenstein
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Dr. Saferin reported that the matter of Khalid Hasan, MD's Physician Licensure Application was tabled by the Licensure Committee until May 2019.

Ahmad Sedaghat, MD – Physician Licensure Application

Dr. Saferin stated: Dr. Sedaghat has requested a waiver of the USMLE ten-year rule. Dr. Sedaghat has held ABMS certification (American Board of Otolaryngology - Head and Neck Surgery) since 2015. He moved to approve the good cause exception of the 10-year rule as outlined in 4731-6-14(C)(3)(b)(i) and accept the examination sequence to be granted a license.

Motion	Saferin
2nd	Giacalone
Dr. Rothermel	Y

Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Susan Locke, MD – Physician Restoration Application

Dr. Saferin stated: Dr. Locke is applying for restoration of her Ohio medical license. Dr. Locke advises she has not clinically practiced medicine since 2008. He moved to approve Dr. Locke’s application for restoration of her Ohio license pending successful completion of the Special Purpose Examination (SPEX) or specialty board recertification in General Psychiatry with the American Board of Psychiatry and Neurology Certifying Board within six months from the date of mailing of the Notice of Opportunity for a Hearing.

Motion	Saferin
2nd	Schottenstein
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Lisa McCormack – Physician Assistant Restoration Application

Dr. Saferin stated: Ms. McCormack is applying for restoration of her Ohio physician assistant license. Ms. McCormack has not clinically practiced since February 2014 but passed the Physician Assistant National Recertifying Examination (PANRE) within the past year. He moved to approve Ms. McCormack’s application for restoration of her Ohio license as presented.

Motion	Saferin
2nd	Schottenstein
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y

Dr. Bechtel	Y
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The motion carried.

Meghan McNeill – Dietitian Restoration Application

Dr. Saferin stated: Ms. McNeill is applying for restoration of her Ohio license to practice dietetics. Ms. McNeill indicates in her application that she has worked as a Clinical Research Coordinator at Cincinnati Children’s Hospital, providing ‘no dietetics practice’ in that role, since 2014. Ms. McNeill has maintained her Registered Dietitian credential and has completed the Board’s jurisprudence continuing education module. He moved to approve Ms. McNeill’s application for restoration of her Ohio license as presented.

Motion	Saferin
2nd	Schottenstein
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Massage Therapy Restoration Applications

Dr. Saferin stated: Applicants Alisha Lifka, Amy Ohlinger, Anna Miller, Jamie Mitchell and Monica Waldorf are all applying for restoration of their Ohio massage therapy licenses. Their applications do not indicate any massage therapy practice within the last two years. He moved to approve Ms. Lifka’s, Ms. Ohlinger’s, Ms. Miller’s, Ms. Mitchell’s, and Ms. Waldorf’s applications for restoration of their Ohio licenses pending successful completion of the MBLEx within six months from the date of mailing of the Notice of Opportunity for a Hearing.

Motion	Saferin
2nd	Schottenstein
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Physician Assistant Policy Committee

Ms. Debolt presented a handout with all the drugs that were approved by PAPC in January 2019.

Motion to approve the PA formulary changes that were approved by the PAPC committee January 14, 2019.

Motion	Schottenstein
2nd	Giacalone
Voice Vote	All Aye

The motion carried.

Compliance Committee Report

Dr. Schottenstein provided an update: On January 9, 2019, the Compliance Committee met with Thomas Bering, M.D. and James C. Johnson, D.O. and moved to continue them under the terms of their respective Board actions. The Compliance Committee accepted Compliance staff's report of conferences on December 10 and 11, 2018.

XV. PROBATIONARY REQUESTS

Ms. Murry approached the board and asked them to withdraw the request from Frank G. Stoddard, D.P.M. from consideration during today's meeting. The request will come back before the board at the March 2019 board meeting.

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

- a) Nabila S. Babar, M.D. (Mason, OH)
- b) David M. Burkons, M.D. (South Euclid, OH)
- c) Anshuli Gupta, M.D. (Columbus, OH)
- d) Timothy M. Hickey, M.D. (Toledo, OH)
- e) James C. Johnson, D.O. (Grove City, OH)
- f) John K. Krebs, M.D. (Elyria, OH)
- g) Steve M. Leung, M.D. (Bedford, OH)
- h) M. Salim Ratnani, M.D. (Charleston WV)
- i) ~~Frank G. Stoddard, D.P.M.~~
- j) Rajive Tandon, M.D. (Columbus, OH)
- k) Aly M. A. Zewail, M.D. (Doylestown, OH)

He asked if any board member wished to consider a Probationary Request separately.

Dr. Schottenstein asked to discuss Dr. Ratnani's request. Dr. Schottenstein reminded the board that the physician had a board order and went to work in Pakistan. He appeared last month because he was not compliant with his board order. Ms. Murry confirmed that Dr. Ratnani's intentions are to join office conferences electronically and eventually return to the country and so far he is in compliance.

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

- a) Nabila S. Babar, M.D.: Release from the terms of the February 10, 2016 Consent Agreement; The Secretary and Supervising Member are in support of the request.
- b) David M. Burkons, M.D.: Reduction in the chart review requirement to ten charts per month; The Secretary and Supervising Member are in support of the request.

- c) Anshuli Gupta, M.D.: Acceptance of Compliance Staff’s report of conference on January 8, 2019. Approval of Robert C. Polite, D.O. to serve as an additional monitoring physician. The Secretary and Supervising Member are in support of the requests
- d) Timothy M. Hickey, M.D.: Release from the terms of the January 14, 2015 Board Order. The Secretary and Supervising Member are in support of the request.
- e) James C. Johnson, D.O.: Approval of Yvette Casey-Hunter, 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 request; 10 charts per month.
- f) John K. Krebs, M.D.: Approval of request to reduce psychiatric treatment sessions from every two months to every three months. The Secretary and Supervising Member are in support of the request.
- g) Steve M. Leung, M.D.: Approval of request for a reduction in drug and alcohol rehabilitation meetings from three per week to two per week with a minimum of ten per month. The Secretary and Supervising Member are in support of the request.
- h) M. Salim Ratnani, M.D.: Approval of request to conduct behavioral counseling via electronic means while the doctor resides in Pakistan; The Secretary and Supervising Member are in support of the request.
- ~~i) Frank G. Stoddard, D.P.M.~~
- j) Rajive Tandon, M.D.: Acceptance of compliance staff report of conference from January 7, 2019; Approval of request to discontinue the chart review requirement.
- k) Aly M. A. Zewail, M.D.: Approval of request to discontinue the chart review requirement; The Secretary and Supervising Member are in support of the request.

Motion	Schottenstein
2nd	Giacalone
Dr. Rothermel	A
Dr. Saferin	A
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	A

The motion carried.

XVIII. REINSTATEMENT REQUEST

Dr. Schachat called for a motion to approve the request for the reinstatement of the license of Muyuan Ma, M.D. subject to the probationary terms and conditions as outlined in the June 13, 2018 Board Order for a

minimum of three years, to include the permanent limitation and restriction that Doctor Ma's practice of medicine shall not involve direct patient care in an inpatient setting.

Motion	Schottenstein
2nd	Giacalone
Dr. Rothermel	A
Dr. Saferin	A
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	A

The motion carried.

XIX. FINAL PROBATIONARY APPEARANCES

Dustin M. Clark, M.D. (Johnson City, TN)

Dr. Schachat stated that Dr. Clark is appearing before the Board pursuant to his request for release from the terms of the Board's Order of September 12, 2013. The Board's action was based on the doctor's diagnosis of opiate dependence and alcohol dependence. If approved, Dr. Clark's request for release will become effective immediately but Dr. Clark will remain subject to the permanent restrictions set forth in the September 2013 Board Order related to anesthesia.

Motion to release Dr. Clark from the terms of his September 12, 2013 Board Order, effective immediately:

Motion	Edgin
2nd	Schottenstein
Dr. Rothermel	A
Dr. Saferin	A
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	A

The motion carried.

Nicholas C. Diamantis, M.D. (Bratenahl Village, OH)

Dr. Schachat stated: Dr. Diamantis is appearing before the Board pursuant to his request for release from the terms of his November 4, 2015 Consent Agreement. The Board's action was based on the doctor's admission that he fabricated certain medical records, failed to cooperate in an investigation conducted by the Board, and made fraudulent misrepresentations regarding the fabricated records related to the doctor seeking

accreditation by the Accreditation Association for Ambulatory Healthcare. If approved, Dr. Diamantis' request for release will become effective February 16, 2019.

Motion to release Dr. Diamantis from the terms of his November 4, 2015 Consent Agreement, effective February 16, 2019:

Motion	Schottenstein
2nd	Edgin
Dr. Rothermel	A
Dr. Saferin	A
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	A

The motion carried.

Bernard J. Rose, M.D. (Bratenahl Village, OH)

Dr. Schachat stated that Dr. Rose is appearing before the Board pursuant to his request for release from the terms of his September 12, 2013 Step II Consent Agreement. The Board's action was based on the doctor's admission that he had been diagnosed with alcohol dependence, submitted false answers on his November 2011 renewal application, and obtained controlled substances from a family member and the family member of a deceased patient. If approved, Dr. Rose's request for release will become effective immediately.

Dr. Schottenstein encouraged Dr. Rose to not dramatically cut down on the number of meetings to support recovery.

Motion to release Dr. Rose from the terms of his September 12, 2013 Step II Consent Agreement, effective immediately:

Motion	Edgin
2nd	Schottenstein
Dr. Rothermel	A
Dr. Saferin	A
Mr. Giacalone	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	A

The motion carried.

Dr. Rose asked if he should still report for his screening that afternoon. Ms. Murry confirmed that he should still report for that final screening.

Motion to adjourn made by Dr. Saferin, seconded by Dr. Bechtel. All in favor and the motion carried. Meeting adjourned at 2:25 p.m.