



**State Medical Board of Ohio Meeting Minutes  
May 8, 2019**

Andrew P. Schachat, M.D., President, called the meeting to order at in the Administrative Hearing Room, 3<sup>rd</sup> floor of the Rhodes Office Tower, 30 East Broad Street, Columbus, Ohio 43215 with the following members present: Michael Schottenstein, M.D., Vice President; Kim G. Rothermel, M.D., Secretary; Bruce R. Saferin, D.P.M., Supervising Member; Michael L. Gonidakis, Esq., Amol Soin, M.D.; Robert P. Giacalone, R.Ph., J.D.; Richard Edgin, M.D.; Ronan M. Factora, M.D.; Mark A. Bechtel, M.D.; Betty Montgomery; and Sherry Johnson, D.O.

**MINUTES REVIEW**

Dr. Schachat called for a motion to approve the minutes of the May 8, 2019 Board meeting, as drafted.

Motion to approve	Dr. Saferin
2 <sup>nd</sup>	Dr. Bechtel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	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.

**APPLICANTS FOR LICENSURE**

Dr. Schachat asked the board to consider the Licensure items on the agenda. No board member asked to consider any applications separately.

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 handouts provided to Board members.

Motion	Dr. Saferin
2 <sup>nd</sup>	Dr. Schottenstein
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Dr. Schachat	Y

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Mr. Gonidakis	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	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	Dr. Saferin
2 <sup>nd</sup>	Dr. Schottenstein
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Abstain
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

### **REPORTS AND RECOMMENDATIONS**

Dr. Schachat asked the Board to consider the Reports and Recommendations appearing on the agenda. He asked if 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: Kansky Delisma, MD; Tod Hagins, MD; Thomas Hanf, MD; Saad Sakkal, MD (Mason, OH); and Demas Yohannes.

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

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Dr. Schachat further asked if each member of the Board 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. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	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

Dr. Schachat stated that in accordance with the provision in section 4731.22(F)(2), Ohio Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of any disciplinary matters. In the 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 matter of Dr. Hanf.

During these proceedings, no oral motions were allowed by either party. Respondents and their attorneys addressing the Board were allotted five minutes to do so. The assistant attorneys general were subject to the same limitations.

### **Kansky Delisma, M.D.**

Dr. Schachat directed the Board's attention to the matter of Kansky Delisma, M.D. Objections have been filed and were previously made available to Board members. Ms. Lee was the Hearing Examiner. Dr. Schachat stated that a request to address the Board has been filed on behalf of Dr. Delisma.

Dr. Delisma stated that these proceedings could be a violation of his constitutional due process because the Hearing Examiner's Report and Recommendation changed the accusations that were set forth in the Notice of Opportunity for Hearing.

According to the notice:

First accusation: He received a kickback from an agency to whom he referred a patient, which was the only charge the federal government.

Second accusation: the agency fraudulently billed the patient

He cited violation of 4731.22 b (8) ORC and stated he could not accept the accusation of fraudulent billing.

Attorney General, Mr. Wilcox stated that he wished to respond. Mr. Wilcox pointed out that with the applicant's prior fraudulent conduct and unacceptance of responsibility, the board should not grant an Ohio license. Mr. Wilcox supports the Hearing Examiner's recommendation to permanently deny licensure.

Motion to approve and confirm the Proposed Findings of Fact, Conclusions, and Order in the matter of Dr. Delisma.

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Motion	Dr. Schottenstein
2 <sup>nd</sup>	Ms. Montgomery

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

Dr. Schottenstein opined that Dr. Delisma would have benefited from having legal counsel in this matter, noting that he had come across as defensive in his hearing testimony. Dr. Schottenstein stated that Dr. Delisma's behavior was inherently fraudulent and it would have been impossible to have engaged in the behavior without committing fraud. Nevertheless, Dr. Delisma refused to acknowledge that fact, apparently based on the fact that the government chose not to specifically charge him with fraud. Dr. Schottenstein stated that that is irrelevant for the Board's purposes because the Board does not rely on preexisting criminal indictment or judgment before issuing citations.

Regarding Dr. Delisma's claim that his procedural due process rights had been violated, Dr. Schottenstein stated that the citation letter sent to Dr. Delisma included an allegation that he had violated Section 4731.22(B)(8), Ohio Revised Code, and therefore he had received appropriate notification of that allegation. Dr. Schottenstein further commented that discussing a case does not constitute relitigating it, contrary to Dr. Delisma's contention.

Dr. Schottenstein observed that Dr. Delisma had testified that he took responsibility for his actions. However, Dr. Schottenstein stated that one cannot dispute the Board's charges in this way and simultaneously maintain that one is taking responsibility for one's actions. Dr. Schottenstein opined that this is, in fact, the opposite of taking responsibility for one's actions. Dr. Schottenstein commented that this is probably something that a defense counsel could have pointed out to Dr. Delisma. Dr. Schottenstein continued that Dr. Delisma had stated that he had not been familiar with the anti-kickback law. Dr. Schottenstein commented that one does not have to be familiar with the law in order to know that receiving money for referring patients for services that they will not receive is unethical.

Dr. Schottenstein stated that it is mitigating that Dr. Delisma does not have a prior disciplinary record. Dr. Schottenstein also appreciated Dr. Delisma's good works and the nice things said about him by character witnesses. However, aggravating circumstances include the fact that Dr. Delisma had a dishonest motive and that he abused his position of trust to engage in deception. Dr. Schottenstein found Dr. Delisma's behavior to be negligent at the very least because if he did not know that the activity he was engaging in was wrong, he should have known. Dr. Schottenstein opined that that is something an average, reasonable person would have known. Dr. Schottenstein further opined that Dr. Delisma's felony conviction alone is a sufficient concern in terms of granting him a license.

Dr. Schottenstein stated that he also reviewed the 2014 case of Clinton Cornell, P.A., which was mentioned by Dr. Delisma. Mr. Cornell's case, like Dr. Delisma's, involved an allegation of accepting healthcare kickbacks and the Board did not revoke Mr. Cornell's physician assistant license. Dr. Schottenstein stated that Mr. Cornell's case involved a different fact pattern from Dr. Delisma's case. Dr. Schottenstein noted that Mr. Cornell, while exercising bad judgment, had had the sense that the money he received was in lieu of back wages that were owed to him.

Dr. Schottenstein stated the he agrees with the Proposed Order in the matter of Dr. Delisma.

Ms. Montgomery agreed with Dr. Schottenstein's comments. Ms. Montgomery further opined the Mr. Wilcox had skillfully handled Dr. Delisma's hearing with great patience.

Dr. Factora stated that there is no doubt that Dr. Delisma had received healthcare kickbacks in the amount of \$700 and had been sentenced in federal court for the violation. Dr. Factora also noted the Dr. Delisma currently holds medical licenses in Pennsylvania, Montana, New York, and Maryland, and the state medical boards in those states had declined to take action against Dr. Delisma. Dr. Factora noted that the Indiana

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Medical Licensing Board had denied Dr. Delisma's application for license based on his failure to renew his Florida medical license. Dr. Factora further noted that the Florida Board of Medicine had actually reinstated Dr. Delisma's Florida medical license, but he chose not to renew it.

Dr. Factora stated that while Dr. Delisma does not present himself in the best manner, he questioned whether this case warrants the Proposed Order of permanent denial of his application. Dr. Factora opined that a permanent denial may be heavy-handed and would have long-standing consequences. Dr. Factora noted that the actions in question took place in Florida, and the Florida Board of Medicine had declined to permanently revoke his Florida medical license. Dr. Factora suggested that a non-permanent denial would be warranted until Dr. Delisma has fulfilled the terms of his sentencing.

Motion to amend the Proposed Order to a non-permanent denial of Dr. Delisma's application:

Motion	Dr. Factora
2 <sup>nd</sup>	Mr. Giacalone

Ms. Andersen noted that with a non-permanent denial, the Board cannot put binding pre-conditions on a respondent's reapplication should they choose to reapply. However, Dr. Schottenstein asked what Dr. Factora would like to see from Dr. Delisma before any reapplication for licensure. Dr. Factora opined that the Dr. Delisma should complete the five-year period during which he is not allowed to care for Medicare patients, as well as all other requirements of his sentencing. Dr. Factora added that it would be worthwhile for Dr. Delisma to take an ethics course and learn about the responsibilities of ordering home care and related legal aspects.

Dr. Soin agreed with Dr. Factora's comments about the heavy-handedness of a permanent denial. Dr. Soin observed that the Florida Board of Medicine did not put any restrictions on Dr. Delisma's Florida medical license after he served his suspension and other conditions. Dr. Soin asked how much punishment is enough, stating that Dr. Delisma has paid his debt to society and has done everything that has been asked of him. Dr. Soin stated that the Board's mission is to protect the public. Dr. Soin asked in what specific way, after everything he has done to this point, would Dr. Delisma actually harm the public. Dr. Soin noted that a permanent denial would have a vast impact on Dr. Delisma's career in other states.

Mr. Giacalone commented that Dr. Delisma did not come across as the most sympathetic person and reading the hearing testimony had been painful. However, looking at the case objectively, Mr. Giacalone stated that Dr. Delisma has admitted that he did wrong and accepted a kickback, and Dr. Delisma's main concern is not having a fraud charge associated with him. Mr. Giacalone saw no other instances in the record beside the \$700 kickback. Mr. Giacalone agreed with previous comments that permanent denial is not the appropriate action in this case. Mr. Giacalone felt that Dr. Delisma can provide benefit to society after he has completed the terms of his sentence.

Dr. Schottenstein stated that it is one thing if a respondent comes before the Board and wholeheartedly accepts responsibility for their actions. However, Dr. Schottenstein felt that Dr. Delisma, in Dr. Schottenstein's perception, has trouble fully accepting responsibility for his actions. Dr. Schottenstein expressed concern that those who cannot wholeheartedly take responsibility for their actions could be in denial and the behavior could repeat. Having said that, Dr. Schottenstein agreed that a permanent denial is a heavy sentence and he was open to a non-permanent denial. Dr. Schottenstein agreed with Dr. Factora's comments that if Dr. Delisma completes his term of exclusion from Medicare and had no further infractions, then the Board could consider a future application for licensure.

Dr. Soin opined that, based on some previous comments, it seems as if opinions would be different if a person can string the right sequence of words together. Dr. Soin stated that, given the fact pattern of a single violation in the amount of \$700, he continues to struggle with the idea that Dr. Delisma is the kind of criminal that the Board needs to worry about in the long-term. Dr. Soin stated that he did not support permanent denial or even

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non-permanent denial in this case. Dr. Soin opined that the Board could issue an order to grant Dr. Delisma's license and include requirements for monitoring and courses to ensure that he does not repeat the behavior.

Dr. Schachat observed that several comments have been made that Dr. Delisma received one payment in the amount of \$700. Dr. Schachat pointed out that the \$700 was a trigger for a much larger scheme that involved \$49,000 in inappropriate billing. Dr. Schottenstein added that Dr. Delisma's participation in the scheme led to an eight-month jail sentence, indicating that the courts did not take the matter lightly.

Dr. Schottenstein stated that, speaking for himself and having read through the testimony, his thoughts about the case was not a function of a failure to eloquently string words together. Rather, Dr. Schottenstein stated that he had a strong sense of pushback from Dr. Delisma in terms of his ability to take responsibly for his behavior. Dr. Schottenstein stated that the implication is that Dr. Delisma sees nothing wrong with what he did and he could potentially repeat the behavior.

Vote on Dr. Factora's motion to amend:

Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	N
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 to amend carried.

Motion to approve and confirm the Proposed Findings of Fact, Conclusions, and Order, as amended, in the matter of Dr. Delisma:

Motion	Dr. Schottenstein
2 <sup>nd</sup>	Dr. Johnson
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	N
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.

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## Tod Hagins, M.D.

Dr. Schachat directed the Board's attention to the matter of Tod Hagins, M.D. Objections have been filed and were previously made available to Board members. Ms. Shamansky was the Hearing Examiner. Dr. Schachat stated that a request to address the Board has been filed on behalf of Dr. Hagins.

Dr. Hagins was represented by his attorney, Eric Plinke.

Mr. Plinke read a statement from Dr. Hagins indicating that he was enrolled in counseling and a 12-step program during his incarceration. He would like to practice again in Ohio once he has been rehabilitated. Mr. Plinke argued Dr. Hagins has served his time and taken responsibility for his offense and asked the board to provide reinstatement terms.

Assistant Attorney General, Ms. Pelphrey stated that she wished to respond.

Ms. Pelphrey directed the board's attention to a line in the Discussion of Proposed Order, "Dr. Hagins' convictions resulted from a scheme in which he provided oxycodone prescriptions to three individuals, including two former patients, knowing that those individuals would sell the drug on the street and would then return a portion of the proceeds to him." Ms. Pelphrey asked the board to follow the proposed order.

Motion to approve and confirm the Proposed Findings of Fact, Conclusions, and Order in the matter of Dr. Hagins.

Motion	Mr. Giacalone
2 <sup>nd</sup>	Dr. Bechtel

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

Dr. Schottenstein made a distinction between Dr. Hagin's case and prior impairment cases. He contends Dr. Hagins put the public at risk and should not practice medicine.

Mr. Giacalone agrees.

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

Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	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 exited the meeting at this time.

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## **Thomas Hanf, M.D.**

Dr. Schachat directed the Board's attention to the matter of Thomas Hanf, M.D. No objections have been filed. Mr. Porter was the Hearing Examiner.

Motion to approve and confirm the Proposed Findings of Fact, Conclusions, and Order in the matter of Dr. Hanf.

Motion	Dr. Schottenstein
2 <sup>nd</sup>	Ms. Montgomery

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

Dr. Schottenstein thought it was an appropriate Proposed Order.

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

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

The motion carried.

## **Saad Sakkal, M.D.**

Dr. Schachat directed the Board's attention to the matter of Saad Sakkal, MD. Objections have been filed and were previously made available to Board members. Ms. Lee was the Hearing Examiner.

Dr. Schachat stated that a request to address the Board has been filed on behalf of Dr. Sakkal. However, Dr. Sakkal was not present, nor was an attorney representing Dr. Sakkal present. Since no statement will be made to the Board on Dr. Sakkal's behalf, the Assistant Attorney General also declined to address the Board.

Motion to approve and confirm the Proposed Findings of Fact, Conclusions, and Order in the matter of Dr. Sakkal.

Motion	Dr. Bechtel
2 <sup>nd</sup>	Dr. Edgin

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

Mr. Giacalone noticed the Hearing Examiner provided an indefinite suspension until Dr. Sakkal cleared his Kentucky Board medical license, but the Attorney General asked for non-permanent revocation. Mr. Giacalone hesitated due to the emergency order by the Kentucky Board of Medicine and federal grand jury for alleged distribution of controlled substances. He favored the non-permanent revocation.

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Dr. Soin provided a second for discussion and agreed with Mr. Giacalone.

Motion	Mr. Giacalone
2 <sup>nd</sup>	Dr. Soin

Dr. Schottenstein pointed out that Kentucky did not order a full suspension of his license and the Kentucky Order is temporary until the indictment is resolved. He is in favor of the proposed order as written.

Dr. Schachat agreed with Dr. Schottenstein.

Mr. Giacalone was in favor of the amendment.

Ms. Anderson clarified that the physician's potential conviction was not the matter for the board to evaluate at the present time.

Dr. Soin observed that both options got the board to the same place.

A vote was taken on Mr. Giacalone's motion to amend: non-permanent revocation

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

The motion to amend did not carry.

Ms. Montgomery asked for the practical difference between the two orders to the physician.

Ms. Anderson stated under suspension the physician would have conditions for reinstatement that are defined in the order and required to meet before reinstatement. Under revocation, physician would need to complete the application process again. In either situation, the physician would not be able to practice in Ohio and the board would have to review.

Mr. Giacalone asked if the Dr. Sakkal's reinstatement was based on the Kentucky Medical Board's decision.

Ms. Anderson confirmed his reinstatement conditions could include evidence of an unrestricted license in Kentucky and the board can require taking the SPEX since he had not practiced for longer than two years. If Dr. Sakkal meets the Kentucky requirements, his case will come to the board for reinstatement. Ms. Anderson did state the board typically always approves reinstatements of this nature.

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Ms. Anderson answered Dr. Schachat's question regarding whether or not the reinstatement could require there not have been a federal conviction. With a federal conviction, there would be a new cite and the board would be made aware.

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

Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	N
Dr. Soin	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.

### **Demas Yohannes**

Dr. Schachat directed the Board's attention to the matter of Demas Yohannes. No objections have been filed. Mr. Porter was the Hearing Examiner.

Dr. Schachat stated that a request to address the Board has been filed on behalf of Mr. Yohannes.

Mr. Yohannes discussed his hard work to complete his program and pride in holding his license. He emphasized the mistake he made in not replying to the Medical Board's communication to him.

Attorney General, Ms. Pelphrey stated that she did not wish to respond.

Motion to approve and confirm the Proposed Findings of Fact, Conclusions, and Order in the matter of Mr. Yohannes.

Motion	Dr. Schottenstein
2 <sup>nd</sup>	Dr. Bechtel

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

Mr. Gonidakis asked if the denial of Mr. Yohannes' license would prevent him from reapplying for his license in the future.

Ms. Anderson confirmed it would not.

Dr. Schottenstein stated that the board would need to complete the investigatory process before Mr. Yohannes reapplied.

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

Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	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 exited the meeting at this time.

## **FINDINGS, ORDERS, AND JOURNAL ENTRIES**

Dr. Schachat stated that in the following matters, the Board issued Notices of Opportunity for Hearing and documentation of Service was received for each. There were no 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.

### **Susan Sherlock Locke, M.D.**

Dr. Schachat stated that Dr. Locke has applied for restoration of her license to practice medicine and surgery. The Board has proposed to approve her application, provided that she take and pass the Special Purpose Examination (SPEX) or specialty board recertification in General Psychiatry with the American Board of Psychiatry and Neurology Certifying Board, due to the fact that Dr. Locke has not engaged in the active practice of medicine and surgery for more than two years.

Ms. Anderson interjected: there was a typo in the paperwork and confirmed Susan Locke is a physician and not a massage therapist.

Motion to find that the allegations set forth in the February 19, 2019 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. Locke's application for restoration of her license to practice medicine and surgery in the State of Ohio, provided that she takes and passes the SPEX or specialty board recertification in Psychiatry or Neurology within six months of the mailing of the Notice of Opportunity for a Hearing.

Motion	Dr. Schottenstein
2 <sup>nd</sup>	Dr. Bechtel

Dr. Schachat stated that he will now entertain discussion in the above matter. No Board member offered discussion in this matter.

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Vote on Dr. Schottenstein's motion:

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

## **Anna Joy Miller, M.T.**

Dr. Schachat stated that Ms. Miller has applied for restoration of her certificate to practice massage therapy. The Board has notified Ms. Miller that it proposed to approve her application, provided that she take and pass the MBLEx due to the fact that she has not engaged in the active practice of massage therapy for more than two years.

Motion to find that the allegations set forth in the February 19, 2019 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 Ms. Miller's application for restoration of her license to practice massage therapy in the State of Ohio, provided that she takes and passes the MBLEx within six months of the mailing of the Notice of Opportunity for a Hearing.

Motion	Dr. Saferin
2 <sup>nd</sup>	Dr. Johnson

Dr. Schachat stated that he will now entertain discussion in the above matter. No Board member offered discussion in this matter.

Vote on Dr. Saferin's motion:

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

## **Jamie Michelle Mitchell, M.T.**

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Dr. Schachat stated that Ms. Mitchell has applied for restoration of her certificate to practice massage therapy. The Board has proposed to approve her application, provided that she take and pass the Massage and Bodywork Licensing Examination (MBLEx) due to the fact that Ms. Mitchell has not engaged in the active practice of massage therapy for more than two years.

Motion to find that the allegations set forth in the February 19, 2019 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 upon board mailing, approving Ms. Mitchell's application for restoration of her license to practice massage therapy in the State of Ohio, provided that she takes and passes the MBLEx within six months of the mailing of the Notice of Opportunity for a Hearing.

Motion	Dr. Saferin
2 <sup>nd</sup>	Dr. Bechtel

Dr. Schachat stated that he will now entertain discussion in the above matter. No board member offered discussion in this matter.

Vote on Dr. Saferin's motion:

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

### **EXECUTIVE SESSION I**

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	Dr. Saferin
2 <sup>nd</sup>	Dr. Bechtel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y

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Dr. Bechtel	Y
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The motion carried.

The board went into Executive Session at 11:08 am. Mr. Gonidakis returned to the meeting during the Executive Session. Ms. Montgomery exited the meeting at this time. The board recessed for lunch, returned and went into executive session. Executive session ended at 1:41 p.m.

### **NON-DISCIPLINARY LICENSURE APPLICATION WITHDRAWALS**

#### **Madelyn Renee Sartain, D.O.**

Motion to ratify the proposed non-disciplinary withdrawal of an application for a certificate to recommend medical marijuana in the matter of Madelyn Renee Sartain, DO.

Motion	Dr. Saferin
2 <sup>nd</sup>	Dr. Rothermel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Abstain
Dr. Edgin	Y
Dr. Factora	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

#### **Barbara Ellen Berkeley, M.D.**

Motion to ratify the proposed non-disciplinary withdrawal of an application for a certificate to recommend medical marijuana in the matter of Barbara Ellen Berkeley, M.D.

Motion	Dr. Saferin
2 <sup>nd</sup>	Dr. Schottenstein
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Abstain
Dr. Edgin	Y
Dr. Factora	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

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## **Sheila Salome Paul, D.O.**

Motion to ratify the proposed non-disciplinary withdrawal of an application for a certificate to recommend medical marijuana in the matter of Sheila Salome Paul, D.O.

Motion	Dr. Saferin
2 <sup>nd</sup>	Dr. Schottenstein
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Abstain
Dr. Edgin	Y
Dr. Factora	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

## **SETTLEMENT AGREEMENTS**

### **Ronald Bibb, M.D.**

Motion to ratify the proposed Permanent Withdrawal of Application with Ronald Bibb, M.D.

Motion	Dr. Schottenstein
2 <sup>nd</sup>	Dr. Bechtel
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Dr. Factora	Y
Mr. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Y

The motion carried.

Ms. Montgomery returned to the meeting at this time.

### **Robert Frederick Hayman, D.P.M.**

Motion to ratify the proposed Permanent Surrender with Robert Frederick Hayman, D.P.M.

Motion	Dr. Schottenstein
2 <sup>nd</sup>	Dr. Soin

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

The motion carried.

**Mehdi Nikparvarfard, M.D.**

Motion to ratify the proposed Permanent Surrender with Mehdi Nikparvarfard, M.D.

Motion	Dr. Schottenstein
2 <sup>nd</sup>	Dr. Edgin
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	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.

**Vanessa Russell-Thomas, M.D.**

Motion to ratify the proposed Permanent Surrender with Vanessa Russell-Thomas, M.D.

Motion	Dr. Schottenstein
2 <sup>nd</sup>	Dr. Soin
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Dr. Factora	Y

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

The motion carried.

**Michael Herbert, R.C.P.**

Motion to ratify the proposed Consent Agreement with Michael Herbert, R.C.P.

Motion	Dr. Schottenstein
2 <sup>nd</sup>	Dr. Soin
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	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.

**Khaled L. Amr, M.D.**

Motion to ratify the proposed Consent Agreement with Khaled L. Amr, M.D.

Motion	Dr. Schottenstein
2 <sup>nd</sup>	Dr. Edgin
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Abstain

The motion carried.

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

Ms. Marshall presented the following Citations to the Board for consideration:

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1. Julie Mae Alderson, D.O.: Proposed denial of application for licensure based on impairment and mental health issues.
2. Chris Bjarke, M.D.: Based on action by the California Medical Board that placed this physician on probation and prohibited him from solo practice.
3. Eugenio G. Galindo, M.D.: Based on action by the Texas Medical Board.
4. Ronald Grusd, M.D.: Based on federal felony convictions, including healthcare fraud, and actions by the California Medical Board and the Texas Medical Board.
5. David C. Shamblin, M.D.: Proposed denial of application for licensure, based on two prior actions by the West Virginia Board of Medicine related to prescribing.
6. Ashley Rae Strunk, L.M.T.: Based on failure to cooperate in a Board investigation.
7. Lauren Elizabeth Shipman, M.D.: Based on action by the Arkansas Medical Board.

Motion to approve and issue proposed citations #1-5 and #7:

Motion	Dr. Schottenstein
2 <sup>nd</sup>	Dr. Bechtel
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	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 approve and issue proposed Citation #6:

Motion	Dr. Schottenstein
2 <sup>nd</sup>	Dr. Edgin
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Schottenstein	Y
Dr. Schachat	Y
Mr. Gonidakis	Y
Dr. Edgin	Y
Dr. Factora	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Bechtel	Abstain

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The motion carried.

## **RULES & POLICES**

Motion that amended Rules 4731-1-1, 4731-27-02, and 4731-27-03 be adopted and Rule 4761-11-03 be rescinded, with an effective date of May 31, 2019.

Motion	Dr. Saferin
2 <sup>nd</sup>	Dr. Bechtel
Voice Vote in favor	All in favor
Opposed	None

The motion carried.

## **OPERATIONS REPORT**

Presented by Mr. Groeber.

**Human Resources:** The Medical Board has a number of open positions to fill. Three investigator candidates have been selected for the western edge of Ohio; one has been extended an offer, one will be extended an offer, and one is being interviewed.

**Agency Operations:** There is a minor uptick in the number of open complaints, the majority is in standards review and with the Secretary and Supervising Member. There is a seven percent increase in licenses over the last year. Licenses are being processed faster.

**Financial Disclosure Forms:** All 12 board members have filed their Financial Disclosure Forms and only a few members of the staff are outstanding.

**Board Retreat:** Staff will start planning retreat next week. The board agreed to a 10 am start time.

**Parking:** Mr. Groeber emailed the board members regarding the limitations with parking as the tunnel that connects the green area of the parking garage is closing. For the next month's meeting, Mr. Groeber instructed the board to walk through the Huntington building or Statehouse to arrive at the Rhodes Tower.

## **REPORTS BY ASSIGNED COMMITTEES**

### **Finance Committee Report**

#### **Fiscal Report**

Dr. Schottenstein presented:

Fiscal update for March 2019, revenue was \$1,180,522, that is a very significant increase from FY February 2019 (approximately \$678,000). We had an April 1 license renewal deadline for some licensees which resulted in increase. Overall seven percent increase in YTD in revenue. Net fiscal year 2019 revenue is now back in positive territory at \$157,607. Net revenue for March 2019 is \$467,443. Cash balance improved to \$4,675,849. March was a good month for us. As a preview, April numbers are projected at over \$900,000 so far.

We have an 11.4 percent increase YTD in expenditures, substantially a function of the two large invoices regarding the eLicense expenses of over \$500,000. Routine spending and payroll are fairly consistent. We've brought in about \$115,000 YTD in fine collections. We had estimated about \$150,000 per fiscal year and it

## State Medical Board of Ohio Meeting Minutes – May 8, 2019

looks as though we will approximate that. Since the last report, we've received a CME payment of \$5,000 and moved a couple of cases to collections.

The communications team was very productive in terms of outreach to partners and stakeholders and licensees over the last month. We have new staff, Jerica Stewart, the communications and outreach administrator, this allowed staff to attend and present at more events than ever. This included the College of Physicians and Surgeons of British Columbia, who will be sharing their sexual boundaries patient education campaign. The Ohio Bureau of Workers Compensation and NBC4, who want to partner with us for the drug disposal patch distribution. And OSMA's Manager of Data Integration and Communication, who will be utilizing our resources on the medical marijuana program to help clarify questions for their members. And, even though I don't think it came up this morning in Finance Committee, I'm thinking that the board magazine is on its way also because I looked at a couple of articles for that.

The chronic and Sub-acute prescribing video is complete, and it's been developed in such a way that it can be easily updated, there is also a one-page overview guide that is being revised, and these resources should be available for public distribution in the near future.

### **Policy Committee Report**

Dr. Soin began then introduced Ms. Anderson.

#### **Pharmacy Board Rules on Dispensing Epinephrine without a Prescription**

The board received information from the Board of Pharmacy on their rules for epinephrine auto injector dispensing without a prescription. There is a new law that has gone into effect recently. The Pharmacy board has 90 days from the effective date of the law (early April) to complete their rules. They are required to consult with the Medical Board. The Policy Committee felt that education aspect of the rules should be amended to include information to the patient that insurance may not cover the treatment.

Ms. Anderson spoke with Mr. McNamee (Pharmacy). He informed her the law does allow the pharmacist or intern to create a prescription to bill against insurance forms. He also referenced 4729.361 of the ORC which requires the pharmacist to disclose the price to patients at the time they receive the prescription. He also indicated, Pharmacy Board members thought most pharmacists would continue to call the physician if it was for a refill before dispensing.

Voice Vote in favor	All in favor
Opposed	None

The Cosmetology Board reached out to discuss the cosmetologists and esthetician scope of practice. Non-invasive procedures: not providing services that ablate, damage or alter any living cells including cool sculpting, removal of skin tags, moles, micro-needling and fibroblast skin typing. Dr. Bechtel reviewed the language and approved.

Voice Vote in favor	All in favor
Opposed	None

CSI did provide input and a decision regarding the anti-trust rule in the Massage therapy scope of practice rule. The changes made last year satisfy their concern.

### **Licensure Committee Report**

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Presented by Dr. Saferin;

## Licensure Application Reviews

Khalid Hasan, M.D. – Motion to approve request to deem training and experience in Pakistan, Qatar and the United States to be equivalent to 24 months GME to be granted a license.

Motion	Dr. Saferin
2 <sup>nd</sup>	Dr. Schottenstein
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	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

Chun Hin Angus Lee, M.D. - Motion to approve the good cause exemption of the 10-year rule and accept the examination sequence for the graduate medical education equivalence to be granted a license.

Motion	Dr. Saferin
2 <sup>nd</sup>	Dr. Schottenstein
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	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

Kevin Makino, MD. – Motion to approve the good cause exemption of the 10-year rule and accept the exam sequence to be granted a license.

Motion	Dr. Saferin
2 <sup>nd</sup>	Dr. Schottenstein
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y

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

Jada Ransome, M.T. – Motion to approve request, pending passage of the MBLEX within 6 months.

Motion	Dr. Saferin
2 <sup>nd</sup>	Dr. Edgin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	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

Darin Stahl, M.T. – Motion to approve application for restoration.

Motion	Dr. Saferin
2 <sup>nd</sup>	Dr. Schottenstein
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	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

### Statutory Change Discussion -

The Licensure Committee believes statutory change should be pursued concerning the loss of NCCPA certification. Mr. Turek explained the statute permits the board to discipline the PA for loss of certification but does not state whether the PA could continue working. Staff suggested dividing PAs into two groups: one group for PAs receiving disciplinary action (cease practice immediately) and one group with failure to renew or failing the examination (cease practice after 120 days).

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The Committee will draft legislation for the board to consider.

### **Compliance Committee Report**

Dr. Schottenstein stated that the Compliance Committee met on April 10, 2019 and entertained the following probationary appearances: Pradeep Mathur, M.D.; and James E. Prommersberger, D.P.M. The Compliance Committee voted to continue the licensees under the terms of their respective Board actions. The Committee also approved the Compliance staff's Reports of Conferences from March 11 and 12, 2019.

Motion to approve the applications for Certificate of Good Standing as a Treatment Provider for Impaired Practitioners for the following facilities: Lake Geauga Recovery Centers; Talbot Recovery Center; and the Woods at Parkside.

Motion	Dr. Schottenstein
2 <sup>nd</sup>	Saferin
Voice Vote in favor	All in favor
Opposed	None

The motion carried.

### **Respiratory Care Advisory Council Report**

Dr. Factora stated the council met on May 7, 2019. They discussed recommended military rules for respiratory rules licenses, supervision of limited permit holders rules, continued education and providing information to the medical board, and licensee disciplinary statistics related to complaints and formal actions.

Council will next meet on August 13, 2019.

### **PROBATIONARY REQUESTS**

Motion to approve the Secretary and Supervising Member's recommendations for the following probationary requests:

- a) Marvin M. Baula, M.D.: Approval of Alfred D. Belen, III, M.D. to serve as the monitoring physician; and determination of the frequency and number of charts to be reviewed at ten charts per week.
- b) Daniel I. Borison, M.D.: Approval of *Intensive Course in Controlled Substance Prescribing: Pain, Anxiety, Insomnia*, offered by Case Western Reserve University, to fulfill the controlled substance prescribing course requirement; and approval of *Intensive Course in Medical Documentation: Clinical, Legal and Economic Implications for Healthcare Providers*, offered by Case Western Reserve University, to fulfill the medical records course requirement.
- c) Joseph C. Carver, M.D.: Discontinuance of the practice plan requirement; discontinuance of the monitor requirement; and discontinuance of the chart review requirement.
- d) Rebecca T. Cirino, D.O.: Approval of a time extension to complete the required CME courses, extended to July 1, 2019.
- e) Gary Allan Dunlap, D.O.: Release from the terms of the May 8, 2013 Board Order.
- f) James C. English, M.D.: Release from the terms of the May 11, 2016 Consent Agreement.
- g) Anshuli Gupta, M.D.: Reduction in appearances to every six months.
- h) James George Lamphear, M.D.: Approval of request to reduce drug and alcohol rehabilitation meeting attendance to two per week with a minimum of ten meetings per month; and approval of request to reduce personal appearances to every six months.

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- i) Susan Donna Lawrence, D.O.: Approval of Max H. Haque, M.D., to serve as the psychiatric assessor and treating psychiatrist.
- j) Pradeep Mathur, M.D.: Release from the terms of the January 9, 2019 Consent Agreement.
- k) Sreelatha Pulakhandam, M.D.: Approval of *PBI Medical Record Keeping Course*, offered by University of California, Irvine School of Medicine, to fulfill the medical records course requirement; and approval of *PBI Medical Ethics and Professionalism*, offered by University of California, Irvine School of Medicine, to fulfill the professional ethics course requirement.
- l) Elizabeth R. Stipe, M.T.: Release from the terms of the December 14, 2016 Consent Agreement.

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

The motion carried.

### **FINAL PROBATIONARY APPEARANCES**

#### **Michael J. Palma, M.D.**

Responding to Dr. Schachat, Dr. Palma stated he works remotely in the industry field and has no definite plans to practice in Ohio. He oversees phase-three clinical studies in oncology. He stated he is continuing everything in the consent agreement. He attends structured meetings with therapists and is not on any medications. He is planning to continue seeing a therapist.

Motion to release Dr. Palma from the terms of his May 14, 2014 Consent Agreement, effective May 14, 2019.

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

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Dr. Bechtel	Abstain
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The motion carried.

**ADJOURN**

Motion to adjourn

Motion	Dr. Saferin
2nd	Dr. Schottenstein
All in favor	All aye
Opposed	None

Dr. Schachat stated he and Dr. Factora’s terms will be ending the following week. They both expressed their appreciation to serve on the board.

Meeting adjourned at 2:22 p.m.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio meeting on May 8, 2019, as approved on June 12, 2019.



Michael Schottenstein, M.D., President



Kim G. Rothermel, M.D., Secretary





**LICENSURE COMMITTEE MEETING  
May 8, 2019 - Room 336**

<p><b>Committee Members Present:</b> Bruce R. Saferin, D.P.M, Chair Ronan M. Factora, M.D. Kim G. Rothermel, M.D. Richard Edgin, M.D.</p> <p><b>Other Board Members Present:</b> Michael Schottenstein, M.D. Mark A. Bechtel, M.D. Andrew Schachat, M.D. Amol Soin, MD, MBA</p>	<p><b>Staff Present:</b> Joseph Turek, Deputy Director of Licensure &amp; Licensee Services Mitchell Alderson, Chief of Licensure Colin Depew, Assistant Attorney</p>
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Dr. Saferin called the meeting to order at 8:01 a.m.

**MINUTES REVIEW**

**Dr. Edgin moved to approve the draft minutes of April 2019. Dr. Rothermel seconded the motion. All members voted aye. The motion carried.**

**LICENSURE APPLICATION REVIEWS**

Khalid Hasan, MD – Physician Licensure Application

In the February 13, 2019 monthly meeting, the committee tabled Dr. Hasan’s request for GME equivalency until the May 8 Committee meeting. Previously discussed the GME equivalency and determined to wait until applicant was closer to completing his 24 months of GME.

Dr. Rothermel mentioned he’s a physician doing a fellowship out of state that ends at the end of June. He is due to begin a new fellowship at the beginning of July.

**Dr. Edgin moved to approve Dr. Hasan’s request that the Board deem his training and experience in Pakistan, Qatar and the United States be equivalent to the twenty-four months of graduate medical education through the second-year level of GME so that he may be granted a license. Dr. Factora seconded the motion. Voice vote with all members aye. Motion carried.**

Chun Hin Angus Lee, MD - Physician Licensure Application

Dr. Lee is applying for a license and has requested a waiver of the USMLE ten-year rule based on OAC 4731-6-14(C)(3)(b)(ii), which states the board may grant a good cause waiver to any applicant that “[d]emonstrates good cause, as determined by the board, for not having passed all three steps or levels within the ten year period, and otherwise meets the requirements set

forth in paragraph (C)(3)(a) of this rule”. In addition, Dr. Lee has had twelve months of graduate medical education in the United States, but is requesting that his experience and training in Australia and the United States be deemed equivalent to twenty-four months of graduate medical education through the second-year level of graduate medical education, pursuant to Section 4731.09(A)(4)(b) of the Revised Code. Dr. Lee is applying for a full medical license because he has been offered a clinical associate position at the Cleveland Clinic, pending that Ohio license.

Dr. Schottenstein mentioned the GME equivalency and similarity to Dr. Hasan’s case. Previously, the committee found that ACGME-I was not an equivalent to his ACGME. To him, request sounded reasonable, but he wanted to better understand the decision-making. He made a case for consistency. Dr. Schottenstein stated that Dr. Hasan and Dr. Lee have both completed a year. He wanted to make sure that the committee avoided bias and made decisions based on facts.

Dr. Saferin clarified that Dr. Lee had 12 months in the U.S. and all of his education in Australia was equivalent to 12 months and that the determination is based on the country in which the training was received. The committee has made an exception before for Australia.

Dr. Factora pointed out that it would be better to look for ACGME instead of ACGME-I. Dr. Lee’s training in the approved U.S. program indicates he probably has the qualifications needed, or he would not be up for a fellowship of its caliber.

Dr. Schachat agreed with Dr. Schottenstein and confirmed with Mr. Alderson that the rule requires a 2 year of GME requirement. He questioned making exceptions and referred to the previous case with Dr. Hasan. He suggested creating a list of countries considered of equivalency to the U.S.

Dr. Betchel stated that in the past, the board has looked at training programs in Canada, Australia and England as comparable to the U.S. in the quality of education and consistency. He mentioned the FSMB has insight into different training programs (education and quality) throughout the world and may be a good guide. He was on an editorial board with the FSMB for six years and will reach out to his contacts.

Dr. Rothermel commented that the board could create a more rigid rule but then would need to edit the rule to discontinue the ability to apply for exceptions. It is difficult to make a comprehensive list.

Mr. Turek stated that the committee may get hung up on the amount of U.S. training instead of considering the whole picture of the applicant. As the physician has been licensed for 13 years, it would seem it may be more than 1 year of U.S. training. He did confirm there were no additional details about Dr. Lee’s 13 years on practice, but any issues should be disclosed on the application. He proposed maybe presenting a resume in the future for the committee.

**Dr. Edgin moved to approve the good cause exception of the 10-year rule as outlined in 4731-6-14(C)(3)(b)(ii), and accept the examination sequence, and grant the graduate medical education equivalence, as outlined in 4731.09(A)(4)(b), to be granted a license. Dr. Factora seconded. All voted aye- motion carried.**

Dr. Makino is applying for a medical license and he has requested a waiver of the USMLE ten-year rule. Dr. Makino passed USMLE Step 1 in 2005, Step 2 (CS) and (CK) in 2015, and Step 3 in 2017, each on his first attempt.

Dr. Makino received his medical degree from the University of Rochester School of Medicine and Dentistry (New York) in 2016. Dr. Makino participated in an approved MD/PhD joint degree program, from 2005 to 2013 to obtain a PhD in Health Services Research, in addition his medical degree.

**Dr. Factora moved to approve the good cause exception of the 10-year rule as outlined in 4731-6-14(C)(3)(b)(ii), and accepting the examination sequence to be granted a license. Dr. Edgin seconded the motion. All voted aye- motion carried.**

Jada Ransome, MT – Allied Licensure Restoration Application

Ms. Ransome is applying for restoration of her Ohio massage therapy license. Ms. Ransome's license was originally issued on January 13, 2006, and expired on April 1, 2012. Ms. Ransome indicates in her application she has been a recreation specialist at the City of Akron since 2011, and a home care giver from 2013 through 2018. Her application does not indicate any massage therapy practice within the last two years.

**Dr. Factora moved to approve Ms. Ransome's application for restoration of her Ohio license pending successful completion of the MBLEx within six months from the date of mailing of the Notice of Opportunity for a Hearing. Dr. Rothermel seconded the motion. All voted aye- motion carried.**

Darin Stahl, MT – Allied Licensure Restoration Application

Mr. Stahl is applying for restoration of his massage therapy license in Ohio. Mr. Stahl's license was originally issued on January 12, 2007 and expired on January 1, 2014. Mr. Stahl indicates in his application that he is employed as a title processor. His application does not indicate any massage therapy practice within the last two years. Mr. Stahl passed the MBLEx on March 16, 2019.

**Dr. Factora moved to approve Mr. Stahl's application for restoration of his Ohio license. Dr. Edgin seconded the motion. All voted aye- motion carried.**

**OTHER ITEMS**

Dr. Saferin informed the committee that Staff would like to discuss the current law surrounding loss of NCCPA certification and whether the Board believes statutory changes should be pursued.

Mr. Turek stated that board staff believes that the protocol for PA certification should be eliminated and isn't consistent with the statute; solution is a statutory fix. The statute does not state whether a PA can work after loss of certification, although they cannot renew their license without being certified. The law permits discipline solely on the loss of certification, for any reason. The new idea is to treat PAs who lose certification as a result of being suspended or revoked by the NCCPA different from someone who fails to renew or fails the exam. He made a change in the draft to paragraph B that says "if a physician assistant whose certification lapses due to failure to renew, (added) failure to *recertify* or failure to renew... Failing the exam may be more similar to failing to recertify instead of a failure to renew and pay the licensing fee. Also,

the ninety day provision should be changed to 120 days as the exam can only be taken once every 90 days.

Currently if a PA does not pass the exam, they must stop practicing and if they do not, they can be disciplined. This change would allow them to practice for 120 days while they attempt to recertify. If the exam was failed again, they would have to stop practicing until they become recertified.

Mr. Turek confirmed although there is a 14-day window of time that PAs are supposed to report loss of certification., Dr. Factora questioned whether that window provided too much time.

Mr. Turek answered Dr. Schottenstein's question regarding the requirement to pass the PA exam being built into law and meeting NCCPA requirements for certifications. However, there is no statute that mandates that a PA must stop practicing if certification is lost. Further, under the current protocol a licensee that lost certification was given time to get recertified and there was no action being taken by the board.

The committee supports a repair in the PA statute. No vote needed as it will go to Policy Committee as well.

## **ADJOURN**

**Dr. Edgin moved to adjourn meeting. Dr. Rothermel seconded the motion. All members voted aye. The motion carried.**

The meeting adjourned at 8:34 a.m.

Bruce R. Saferin, D.P.M.  
Chair

js



**FINANCE COMMITTEE MEETING MINUTES  
May 8, 2019 - Room 335**

**Members in attendance:**

Michael Schottenstein, MD, Chair  
Bruce R. Saferin, DPM  
Richard A. Edgin, MD  
Michael Gonidakis, Esq.

**Staff in attendance:**

A.J. Groeber, Executive Director  
Susan Loe, Director of Fiscal & Human Resources  
Tessie Pollock, Director of Communications  
Jerica Stewart, Communication & Outreach Administrator

Dr. Schottenstein called the meeting to order at 8:37 a.m.

**MINUTES REVIEW**

**Dr. Edgin moved to approve the draft minutes of April 10, 2019. Dr. Saferin seconded the motion. All members voted aye. The motion carried.**

**FISCAL UPDATE**

Dr. Schottenstein provided the following update: Fiscal update from FY March 2019, revenue was \$1,180,522 a significant increase from FY February 2019 (approximately \$678,000). The April 1 license deadline resulted in increase. Overall 7 percent increase in YTD revenue. Net fiscal year 2019 revenue is positive at \$157,607. Net revenue for March 2019 is \$467,443. Cash balance improved to \$4,675,849. March improved fiscal picture and April numbers are projected at over \$900,000. April and May have heavy training certificate numbers due to residency programs starting soon.

Dr. Schottenstein continued: We have an 11.4 percent increase YTD in expenditures, substantially a function of the two large invoices regarding the eLicense expenses of over \$500,000. Routine spending and payroll are consistent. Part of the increase in expenditure is due to an employee now dedicated to getting expert witnesses for cases and they are billing earlier, which is desirable for the board. We've brought in about \$115,000 YTD in fine collections. We had estimated about \$150,000 per fiscal year and it looks as though we will approximate that. Since the last report, we've received a CME payment of \$5,000 and moved a couple of cases to collections. We received about \$310 in collections. We are underspending our allocated budget substantially.

Mr. Groeber inquired about the \$310 and was informed by Ms. Loe it included items such as state tax returns.

**COMMUNICATIONS UPDATE**

Ms. Pollock informed the committee that right now is the busy season for presentations. Following up on last month's conversation regarding the drug disposal packs, we connected with the Bureau of Workers' Compensation during an event and will be partnering with them to provide the pouches. Ms. Pollock spoke with NBC 4 to look for opportunities to donate and will continue to stay in contact with the Special Events Producer. When the plan is determined, the communications team will need to order more pouches and will present the expense to the Finance Committee.

The chronic and Sub-acute prescribing video is complete, and the one-page handout and guidelines are in revision with Origo. Ms. Pollock shared the social media stats and a list of the presentations that occurred in the last month, including the FSMB poster session, which was very successful. Since the medical marijuana

portion was removed from the presentation, many visitors seemed to be looking for best practices and guidance on a program.

Mr. Gonidakis asked about the social media statistics. Ms. Pollock shared the interactions are often in the thousands.

Mr. Groeber informed the committee of the intent to redub the ethics and human trafficking videos in Mandarin and Spanish.

## **NEW BUSINESS**

No new business.

Mr. Gonidakis commended Mr. Groeber on his Senate testimony and Dr. Edgin added accolades for Mr. Groeber's delivery at the FSMB conference.

## **ADJOURN**

**Dr. Saferin moved to adjourn meeting. Mr. Gonidakis seconded the motion. Voice vote- all aye. The motion carried.**

The meeting adjourned at 9:45 am.

Michael Schottenstein, M.D.  
Chair

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**POLICY COMMITTEE MEETING**  
**May 8, 2019**  
**30 East Broad Street, Columbus, OH 43215, Room 336**

<p><b>Members:</b> Andrew P. Schachat, MD Robert Giacalone Mark Bechtel, MD Amol Soin, MD</p> <p><b>Other Board Members present:</b> Michael Schottenstein, MD Sherry Johnson, DO Bruce Saferin, DPM Richard Edgin, MD Kim Rothermel, MD Ronan Factora, MD</p>	<p><b>Staff:</b> A.J. Groeber, Executive Director Kimberly Anderson, Chief Legal Counsel Sallie J. Debolt, Senior Counsel Nathan Smith, Senior Legal and Policy Counsel Joan Wehrle, Education &amp; Outreach Program Manager Rebecca Marshall, Chief Enforcement Attorney James Roach, Chief of Investigations Joe Turek, Deputy Director David Fais, Deputy Director Jerica Stewart, Communications and Outreach Administrator</p>
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Dr. Soin called the meeting to order at 9:15 a.m.

### Meeting Minutes Review

Dr. Soin reported that the draft minutes of the April 10, 2019 meeting had been distributed to the committee and were included in the agenda materials.

**Dr. Bechtel moved to approve the draft minutes of the April 10, 2019 Policy Committee meeting. Mr. Giacalone seconded the motion. Motion carried.**

### Legislative Update

Mr. Groeber reported that Mr. LaCross was attending a legislative committee meeting this morning. He said that the primary focus is on the budget bill. The comparison document regarding the budget bill is included in the agenda materials. He noted that other legislation is waiting for the budget bill to get resolved.

Mr. Groeber reported that he provided testimony last week to the Senate Committee regarding the agency budget. There were no problems regarding the agency's allotment or the amendments proposed by the board. Final language from LSC regarding the amendments is pending.

Dr. Soin also noted that Mr. LaCross had provided the board members with the legislative update regarding pending legislation including:

HB63 Pharmacy Benefit Managers - Regarding pharmacy benefit managers, pharmacists, and the disclosure to patients of drug price information. House Health, third hearing

- HB 133 Temporary State Occupational License Military - House Health State and Local Government, first hearing
- SB7 Temporary State Occupational License Military - Referred to House Armed Services and Veterans Affairs
- SB61 Nurse Anesthetists - Regarding the authority of certified registered nurse anesthetists to select, order, and administer certain drugs. Senate General Government and Agency Review, second hearing
- SB105 Massage Therapy Licensing - Standardizes, for purposes of regulation by the State Medical Board, townships, and municipal corporations, terminology regarding massage therapy and individuals authorized to perform massage therapy. Senate Health, Human Services and Medicaid, first hearing.

### Rules Review Update

Ms. Anderson referred to the report included in the agenda materials. She noted that several rules are now moving out of CSI. She also reported that we are on track for the anticipated schedule of rules to be brought to the committee for review and initial circulation to interested parties.

### Medication Assisted Treatment Detoxification Rule and Definitions: 4731-33-01 and 4731-33-02

Ms. Debolt referred to memo and draft rules included in the agenda materials. She said we are seeking authority to send the draft rules to interested parties. Ms. Debolt noted that we anticipate receiving many comments. Dr. Bechtel commented that the document was well outlined and straightforward.

**Dr. Bechtel moved that the proposed MAT detox rules be sent to interested parties for review and comment. Mr. Giacalone seconded the motion. Motion carried.**

### Hearing Subpoena Rule 4731-13-13

Ms. Anderson said that the board had amended the rule in 2015 and 2016 and those amendments were outlined in the memo included in the agenda materials. She said that our Assistant Attorney's General have reported that there have been some unintended consequences because of the rule change in 2016.

She explained changes to the timeframe for the date of compliance for the *subpoena duces tecum*, which is records. Previously, we said that the request may specify a date of compliance not more than seven days prior to hearing. Consequently, we were concerned that people were asking for continuances because they were not receiving the records until such a close time to the hearing.

So, in 2016, the language was changed to state that such request may not specify a date of compliance **less than** fourteen days prior to hearing. But this puts the production of the documents early in the process, so it is like a discovery process and ORC Chapter 119 doesn't address discovery issues. Ms. Anderson said that our AAGs brought their concerns about the rule to our attention.

The proposed amendment to the rule:

(B) . . . With respect to the production of books, records and papers, such request may specify a date of compliance not more than fourteen days prior to hearing.

Ms. Anderson said that the proposed rule change would extend the time frame for receipt of the records from seven days to 14 days, which will help address the continuance issue. We are taking out the language that makes the production of documents earlier in the process to address the other concern.

Ms. Anderson said we are seeking approval to send the proposed amended rule to interested parties for comment.

Dr. Soin said that it seems a little confusing. Ms. Anderson explained that as the rule is currently written the records must be received at least 14 days before the hearing. However, in practice, the records are being requested months before the hearing, rather than a few weeks before the hearing which was the intent of the rule.

Dr. Schottenstein asked why there is a problem in getting the records early. Ms. Anderson said that ORC Chapter 119 does not allow a discovery period, and the current rule is being interpreted as allowing something that was not contemplated.

Dr. Schachat asked if we can we write it in a non-confusing way. Ms. Anderson said that comparing the past changes to the rule makes it confusing. We are trying to say that the documents need to be received within two weeks of the hearing. She said that feedback from interested parties will be helpful.

**Dr. Schachat moved that the proposed Rule 4731-13-13 be sent to interested parties for review and comment. Dr. Bechtel seconded the motion. Motion carried.**

#### **CSI Decision on Rule 4731-1-05 Anti-Trust Review**

Ms. Debolt referred to the memo included in the agenda materials. She reported that CSI said that the matter is resolved by the board's proposed change to Rule 4731-1-05, which will allow massage therapists to perform ultrasound, diathermy, and electrical muscle stimulation under the on-site supervision of specified licensed health professionals, including chiropractors, acting within the scope of their professional licenses.

No action is required by the board. The report is for information only.

#### **Consultation on Pharmacy Board Rules Regarding Dispensing Epinephrine Without Prescription**

Ms. Anderson said that a law recently passed that allows a pharmacist or pharmacy intern to dispense epinephrine without a prescription to adult patients under a protocol developed by a physician. The statute requires the Board of Pharmacy to adopt rules to implement this section not later than 90 days after the effective date and they are required to consult with the Medical Board about the rules.

Comments from the Medical Board are needed by the Pharmacy Board no later than 5-28-19. She said that she provided a copy of the statute and a copy of the proposed rules highlighting the portions required by the new law. Ms. Anderson said she did not have any concerns with the rules. We are bringing the matter to the Policy Committee and the full board today to see if there are any comments to be forward to the Pharmacy Board.

Dr. Schachat asked if the rule referred to the autoinjector of epinephrine. Ms. Anderson clarified that it is the autoinjector.

Dr. Bechtel asked if the intent was to allow the pharmacist to give epinephrine if a patient had an anaphylactic type reaction while in the pharmacy. Ms. Anderson agreed. Dr. Schottenstein said it may also address a situation where a person needs to have it with them, but the physician is unavailable, so they could get it at the pharmacy.

Ms. Anderson said that the rule also references dispensing the medication per a physician protocol.

Dr. Schachat raised the question of cost of the medicine. Ms. Anderson said that the rule requires that educational information be provided to the patient. Dr. Schachat also asked if the medication would be dispensed per a prescription or are they getting it without prescription. He suggested that the educational information include cost or potential financial liability if they don't have a prescription for the medicine as the medication is expensive. Mr. Giacalone said it may be as simple as noting in the materials that insurance may not cover the cost of the medication.

Ms. Anderson said that she will try to contact the Pharmacy Board before the full board discusses the issue later today to see if they have any information about insurance payment if the medication is provided without a prescription.

**Dr. Schachat moved to refer the proposed Pharmacy Board rules regarding dispensing Epinephrine without a prescription to the full board. Motion seconded by Mr. Giacalone. Motion carried.**

### **Cosmetology Board Rules on Standards of Practice for Estheticians and Cosmetologists**

Ms. Debolt reported that the Cosmetology Board proposes to amend the rules for the scopes of practice for cosmetologists and estheticians to clarify the types of esthetic procedures that are "medical" and, therefore, may not be provided by a cosmetologist or esthetician. They are seeking board input regarding the rules. She said that Dr. Bechtel had reviewed the proposed rules.

**Dr. Bechtel moved to refer the proposed Cosmetology Board rules on standards of practice for estheticians and cosmetologists to the full board. Motion seconded by Dr. Schachat. Motion carried.**

### **Adjourn**

**Dr. Bechtel moved to adjourn the meeting. Motion seconded by Mr. Giacalone. Motion carried.**

The meeting adjourned at 9:34 a.m.

jkw



**COMPLIANCE COMMITTEE MEETING**

**May 8, 2019**

**30 E. Broad St., Columbus, OH Administrative Hearing Room**

<p><b>Members:</b> Michael Schottenstein, MD, Chair Robert Giacalone Amol Soin, MD Ronan Factora, MD</p> <p><b>Also attending:</b> Kim G. Rothermel, MD</p>	<p><b>Staff:</b> Annette Jones, Compliance Officer Angela Moore, Compliance Officer Rebecca Marshall, Chief Enforcement Attorney Kimberly Anderson, Chief Legal Counsel</p> <p>AJ Groeber, Executive Director</p>
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Dr. Schottenstein called the meeting to order at 2:26 p.m.

**INITIAL PROBATIONARY APPEARANCES**

**Michael H. Anikeev, M.D. (Canal Winchester, OH)**

Dr. Anikeev is making his initial appearance before the committee pursuant to the terms of his January 9, 2019 Board Order. Unless otherwise determined, the doctor's next appearance will be scheduled in three months before the Board Secretary or designee.

Dr. Anikeev reported that he is working on reinstatement requirements and going to meetings. His random drug screens have been negative. He also reported that he will begin 28-day treatment at an approved treatment provider at any time.

Dr. Schottenstein asked how he is spending his days. Dr. Anikeev replied that he also works with Jewish family services helping with paperwork and Russian translations. He is bilingual, and he helps any way that he can.

Dr. Schottenstein noted that Dr. Anikeev had struggled with mental health issues and addiction. There had been a lot of drama going on in the doctor's life and it was a very difficult time for him. Dr. Schottenstein asked him how his mental health was holding up at this point. Dr. Anikeev said he now realizes that he probably needed treatment for his depression at least three years ago. He started working with a psychiatrist, but the medications were not working for him. He was hospitalized at Columbus Dublin Springs and his treatment there helped him as the medications he is now on are really helping him. Dr. Anikeev shared his experience with depression, especially as it became severe. Dr. Anikeev said that he eliminated several stressors in his home situation and that has helped. He said in the past he took on more than he could do, and it was too much for him and he neglected his well-being and it spiraled down from there.

Dr. Schottenstein commented that he is glad the doctor is in a better place and he encouraged him to keep his mental health in a good place to avoid triggers for relapse and depression.

**Dr. Schottenstein made a motion to continue Michael H. Anikeev, M.D. under the terms of the January 9, 2019 Board Order, with future appearances before the Board Secretary or designee. Motion seconded by Mr. Giacalone. Motion carried.**

**Daniel I. Borison, M.D. (Beachwood, OH)**

Dr. Borison is making his initial appearance before the committee pursuant to the terms of the February 13, 2019 Consent Agreement. Unless otherwise determined, future appearances will be determined by the Secretary and Supervising Member.

Dr. Soin asked Dr. Borison if he had taken the controlled substance prescribing course. He replied that he is scheduled to take the Case Western prescribing course in June.

Dr. Soin asked his current practice situation. Dr. Borison replied that he had been working as a general surgeon for about 22 years, but he migrated over to doing wound care and nursing home care on a part-time basis as a Chief Medical Officer for a company. About three years ago, he began wound care/nursing home care full time. About two years ago he formed his own company to provide those services. He has a couple of doctors and nurse practitioners that work for his company and they provide services to 46 nursing homes in northeast Ohio.

Dr. Soin asked if he was using OARRS. He doesn't routinely prescribe narcotics as his practice is limited to nursing home patients only. He rarely prescribes a narcotic or controlled substance, but if there were a painful debridement, there may be a single dose in the facility.

**Dr. Soin made a motion to continue Daniel I. Borison, M.D. under the terms of the February 13, 2019 Consent Agreement, with future appearances before the Board Secretary or designee. Motion seconded by Mr. Giacalone. Motion carried.**

**David Crawford, M.D. (Upper Arlington, OH)**

Dr. Crawford is making his initial appearance before the committee based on his February 13, 2019 Consent Agreement. Unless otherwise determined, future appearances will be determined by the Secretary and Supervising Member.

Dr. Factora asked how work was going for him at this time. Dr. Crawford said he works full time researching reconstructive hip/knee surgery outcomes. Dr. Factora said that he had a unique situation that brought him before the board. He asked Dr. Crawford what he had learned from this experience. Dr. Crawford replied that one split second decision can change your life significantly. He said life had been going pretty well up until one split second. He also learned about drinking and driving, but it was bigger than that -- it is about overall decision making and not putting yourself in a situation where that could happen. Most individuals who drink and drive do not intend to, and hopefully they don't, but it is one of those things that you think it never going to happen to you, but you hop in the car and drive a couple miles, and he didn't make it a mile.

Dr. Factora asked him was he does for transportation if he has been offered a drink. Dr. Crawford replied that he uses Uber.

Dr. Schottenstein noted that he had been assessed for substance abuse disorder and found not to be impaired. He recalled that passengers had been in the car with him and he asked if they were doing okay. Dr. Crawford said that they were okay, and his buddy is now back on the tour.

**Dr. Factora moved to continue David A. Crawford, M.D. under the terms of the February 13, 2019 Consent Agreement, with future appearances before the Board Secretary or designee. Motion seconded by Mr. Giacalone. Motion carried.**

**Susan D. Lawrence, D.O. (Athens, OH)**

Dr. Lawrence is making her initial appearance before the committee based on her February 13, 2019 Board Order. Unless otherwise determined, the doctor's next appearance will be scheduled in three months before the Board Secretary or designee.

Dr. Schottenstein asked Dr. Lawrence how she is doing today, and she replied that she is doing very well. She has been active in volunteer work. He asked her how she feels her program is going. She has been in aftercare and she is working with her counselor. She has a good rapport with her counselor.

Dr. Schottenstein asked her how her recovery is going this time and why is this time better. She said that her recovery is better this time as she pays more attention. She also knew what to expect. She also participated more with others in the program. Dr. Schottenstein said that the board had some concerns with denial on her part about her alcohol issue. He asked if she was clear that this is an illness that she has. Dr. Lawrence replied that she definitely is aware now.

Dr. Schottenstein asked how things were going for her with her mental health. Dr. Lawrence responded that she sees a psychiatric nurse practitioner and she requested board approval of a psychiatrist per the board order. He asked if she was taking medication. Dr. Lawrence replied that she takes naltrexone and Wellbutrin daily. He asked if the Wellbutrin was helping with her depression. Dr. Lawrence said that the dosage was increased last summer, and it is now working very well. He cautioned her about avoiding drinking while on the medication. She said she has not. He asked if naltrexone has reduced her desire to drink. She said that it has.

**Dr. Factora moved to continue Susan D. Lawrence, D.O., under the terms of the February 13, 2019 Board Order, with future appearances before the Board Secretary or designee. Mr. Giacalone seconded the motion. Motion carried.**

**Matthew S. Schoen, M.D. (Carrollton, TX)**

Dr. Schoen is making his initial appearance before the committee under the terms of his February 13, 2019 Consent Agreement. Unless otherwise determined, the doctor's next appearance will be scheduled in six months before the Board Secretary or designee.

Dr. Factora asked Dr. Schoen if he has a practice in Ohio. Dr. Schoen indicated he does not.

Dr. Factora asked if he was practicing in Texas and Dr. Schoen reported that he moved to Louisville, Kentucky and he is currently looking for work.

Dr. Schoen reported that he had been in a car accident in 1997 and he had to go through cognitive rehab. The Texas Medical Board order in 2000 placed limits on his surgical practice. He transitioned to office-based work. For the last eight years he has practiced hormone therapy for men and women in addition to serving as medical director for a men's clinic addressing testosterone and erectile dysfunction issues. He moved to Kentucky to be closer to family, had a job in a men's health clinic, but that did not work out. He had a job offer in Cincinnati, but that did not work out either— these things are what he would like to do.

He indicated that he is working in his bicycle shop, as he is a cyclist. Dr. Factora asked how he was handling these changes. Dr. Schoen said that it is hard, as he misses medicine and seeing patients.

Dr. Factora asked if he had considered teaching. He said he had, but he really misses treating patients. He said they had moved to be closer to family. Dr. Schoen said he holds licenses in Indiana, Ohio, Kentucky and Texas.

Dr. Schoen asked if it would be necessary for him to have to make appearances, since he does not have any work in Ohio. Dr. Schottenstein directed him to talk with Compliance staff about that matter.

**Dr. Factora moved to continue Matthew S. Schoen, M.D. under the terms of the February 13, 2019 Consent Agreement, with future appearances before the Board Secretary or designee. Mr. Giacalone seconded the motion. Motion carried.**

#### **APPROVAL OF REPORTS OF CONFERENCES**

**Dr. Factora moved to approve the Compliance staff's reports of office conferences held April 8 and April 9, 2019. Mr. Giacalone seconded the motion. Motion carried.**

#### **MINUTES REVIEW**

**Mr. Giacalone moved to approve the draft minutes from April 10, 2019 Compliance Committee meeting. Dr. Soin seconded the motion. Motion carried.**

#### **Adjourn**

**Dr. Soin moved to adjourn. Dr. Factora seconded the motion. Motion carried.**

The meeting adjourned at 2:45 p.m.

jkw