



**State Medical Board of Ohio Meeting Minutes
June 12, 2019**

Michael Schottenstein, M.D., Acting President, called the meeting to order at 10:03 am in the Administrative Hearing Room, 3rd floor of the Rhodes Office Tower, 30 East Broad Street, Columbus, Ohio 43215 with the following members present: 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.; Mark A. Bechtel, M.D.; Betty Montgomery; Sherry Johnson, D.O.; and Harish Kakarala, M.D.

MINUTES REVIEW

Motion to approve the minutes of the May 8, 2019 Board meeting, as drafted.

Motion to approve	Dr. Saferin
2 nd	Dr. Edgin
All in favor	All Aye
Opposed	None

The motion carried.

APPLICANTS FOR LICENSURE

Dr. Schottenstein 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 labeled Exhibit A in the agenda materials provided to Board members.

Motion to approve	Dr. Saferin
2 nd	Dr. Edgin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Y

The motion carried.

Dr. Schottenstein 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 and labeled Exhibit B.

State Medical Board of Ohio Meeting Minutes – June 12, 2019

Motion to approve	Dr. Saferin
2 nd	Dr. Edgin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Abstain
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Y

The motion carried.

QUALIFYING CONDITIONS FOR OHIO'S MEDICAL MARIJUANA CONTROL PROGRAM

Dr. Schottenstein stated that House Bill 523 established Ohio's Medical Marijuana Control Program and named 21 qualifying conditions. It tasked the State Medical Board with considering additional qualifying conditions. From November 1, 2018 to December 31, 2018, the Board accepted petitions from anyone wishing to add a condition to the program. Out of the 110 submitted petitions, nine met the requirements outlined in rule and those were moved forward for expert review. Those included Anxiety Disorder, Autism Spectrum Disorder, Depression, Insomnia, and Opioid Use Disorder.

On May 8, the Board's Medical Marijuana Expert Review Committee completed its review of expert reports. After speaking with the experts and discussion, the Committee recommended that the Medical Board approve autism spectrum disorder and anxiety to be added as qualifying conditions, and that depression, insomnia and opioid use disorder be rejected.

Dr. Schottenstein stated that although these are the Committee's recommendations, the Board may discuss all five of the conditions and vote to accept or reject each. Dr. Schottenstein stated that the Board also has the option under Rule 4731-32-05 of tabling this topic. Dr. Schottenstein recommended that the Board table this topic for the following reasons:

- Two new Board members, Dr. Kakarala and Dr. Feibel, have just been appointed by the Governor. These new Board members would like to participate in this discussion, but they have not had a chance to familiarize themselves with the subject matter or the approximately 2,000 pages of reading material.
- Even since the Committee vote last month, the Board has received a substantial amount of information both for and against the proposals. Dr. Schottenstein stated that he will continue to educate himself even as the new Board members are getting up to speed on the issue.

Dr. Schottenstein stated that he is well aware that there are patients and families that are truly suffering from the effects of the conditions that the Board has been asked to approve for treatment with medical marijuana. Dr. Schottenstein acknowledged that many patients have minimal to no improvement with the conventional treatments that are available, and many patients have side-effects from the conventional treatments. Dr. Schottenstein stated that for these reasons, he would never lightly reject a petition for an indication for the use of medical marijuana. However, Dr. Schottenstein also wished to be very careful not to let his concern for those who are suffering sway him into voting to approve the use of medical marijuana for conditions for which there is inadequate evidence of benefit or substantial risk of side-effects. Dr. Schottenstein stated that the

State Medical Board of Ohio Meeting Minutes – June 12, 2019

benefits of medical marijuana for a condition need to outweigh the risks and it needs to be as good or better than conventional therapies.

Dr. Schottenstein continued that he worries about the negative impact that marijuana can have on mental health for individuals and our society. Given his real concerns about this drug, Dr. Schottenstein stated that he is swallowing hard to even consider indications for medical marijuana for these conditions. Dr. Schottenstein stated that if he has more time to educate himself further, to hear from additional experts, to meet about the subject, and to either solidify his opinion or provoke second thoughts in himself, then he is glad for that.

Ms. Montgomery stated that the Medical Marijuana Expert Review Committee has reviewed the petitions for these five conditions and has recommended rejecting all except anxiety and autism spectrum disorder. Ms. Montgomery suggested that the Board table discussion of anxiety and autism spectrum disorder and then proceed to vote on the petitions for depression, insomnia, and opioid use disorder.

Mr. Giacalone agreed, stating that a majority of Board members have reviewed the details of the petitions. Mr. Giacalone opined that the information on depression, insomnia, and opioid use disorder, though not robust, was pretty definitive. Mr. Giacalone felt that those conditions should be rejected and the most the Board should consider are the petitions for anxiety and autism spectrum disorder. Mr. Giacalone stated that he also has concerns about the petitions for anxiety and autism spectrum disorder, but the new information recently received may be persuasive.

Motion to table discussion of the petitions to allow the use of Medical Marijuana for treatment of anxiety and autism spectrum disorder:

Motion to approve	Ms. Montgomery
2 nd	Mr. Giacalone
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Abstain
Ms. Montgomery	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Y

The motion to table carried.

Depression

Mr. Giacalone stated that he will move to accept the petition regarding depression for purposes of discussion. Dr. Bechtel stated that he will second the motion for purposes of discussion.

Motion to accept the petition to add depression as a qualifying condition for Ohio's Medical Marijuana Control Program:

Motion to approve	Mr. Giacalone
2 nd	Dr. Bechtel
Dr. Rothermel	N
Dr. Saferin	N

State Medical Board of Ohio Meeting Minutes – June 12, 2019

Mr. Giacalone	N
Dr. Soin	N
Dr. Edgin	N
Dr. Schottenstein	N
Mr. Gonidakis	Abstain
Ms. Montgomery	N
Dr. Johnson	N
Dr. Kakarala	N
Dr. Bechtel	N

The motion to accept did not carry.

Insomnia

Mr. Giacalone stated that he will move to accept the petition regarding insomnia for purposes of discussion. Dr. Bechtel stated that he will second the motion for purposes of discussion.

Motion to accept the petition to add insomnia as a qualifying condition for Ohio's Medical Marijuana Control Program:

Motion to approve	Mr. Giacalone
2 nd	Dr. Bechtel
Dr. Rothermel	N
Dr. Saferin	N
Mr. Giacalone	N
Dr. Soin	N
Dr. Edgin	N
Dr. Schottenstein	N
Mr. Gonidakis	Abstain
Ms. Montgomery	N
Dr. Johnson	N
Dr. Kakarala	N
Dr. Bechtel	N

The motion to accept did not carry.

Opioid Use Disorder

Mr. Giacalone stated that he will move to accept the petition regarding opioid use disorder for purposes of discussion. Dr. Bechtel stated that he will second the motion for purposes of discussion.

Motion to accept the petition to add opioid use disorder as a qualifying condition for Ohio's Medical Marijuana Control Program:

Motion to approve	Mr. Giacalone
2 nd	Dr. Bechtel

Dr. Bechtel pointed out that the Medical Marijuana Expert Review Committee reviewed hundreds of documents and letters, did extensive review of articles and the literature, and heard from vetted experts in regard to these disorders. The recommendations of the Committee were based on its review of this extensive material.

State Medical Board of Ohio Meeting Minutes – June 12, 2019

Ms. Montgomery stated that all parties are desperate to find a way to help resolve the opioid crisis and she is sympathetic to those who support these petitions. However, Ms. Montgomery stated that the Medical Board is a science-based board. Ms. Montgomery stated that the last thing the Board should do is, in an effort to solve the crisis, grasp at something that may instead exacerbate it because the science is not yet well-understood. Ms. Montgomery added that it is most discouraging that this issue has not been resolved at the national level; in the absence of a national policy, locals are left to develop their own systems in an effort to accommodate needs.

Mr. Giacalone stated that unfortunately there is a history of attempts to improve a situation only making things worse. For example, thalidomide was used to treat pregnant women and was later found to cause birth deformities. Mr. Giacalone commented that unless the science is very sound, it is difficult to argue that one addiction should be treated with another. Mr. Giacalone opined that to do so would be irresponsible.

Dr. Schottenstein emphasized that there was a lack of consensus among the Board's experts about treating opioid use disorder with medical marijuana. Dr. Schottenstein stated that the opioid epidemic is obviously a desperate, catastrophic situation in this country and for Ohio in particular. This raises the question of whether the Board should just make medical marijuana available and hope that it turns out to be helpful. Dr. Schottenstein opined that it would be risky and potentially counterproductive to authorize the use of medical marijuana for opioid use disorder, noting that habit-forming substances, including opioids and marijuana, provoke a surge of dopamine in the brain. Essentially by definition, people with opioid use disorder have an addictive brain that is much more sensitive to the impact of habit-forming substances.

Dr. Schottenstein reiterated the risks of treating opioid use disorder with medical marijuana:

- The patient with an addictive brain is by definition already at increased risk of becoming addicted to the marijuana itself.
- The use of marijuana could be like throwing gasoline on a fire for these patients and additionally increase their craving for the opioids; the marijuana would essentially act like kindling on a fire and make sobriety harder instead of easier.

Dr. Schottenstein also made the point that the law gives the Medical Board the ability to approve indications for the use of medical marijuana, but it does not give the Board the ability to withdraw that approval. If the Board approves the use of medical marijuana for opioid use disorder today and then a year from now there is good data that it has made the opioid epidemic worse, the Board's hands would be tied. Dr. Schottenstein felt that especially for opioid use disorder, the data should be much more substantial to justify the approval.

Dr. Schottenstein further noted that there is good technology for the treatment of opioid use disorder in the form of buprenorphine and methadone, which are highly effective when patients are compliant with their treatment programs.

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

Dr. Rothermel	N
Dr. Saferin	N
Mr. Giacalone	N
Dr. Soin	N
Dr. Edgin	N
Dr. Schottenstein	N
Mr. Gonidakis	Abstain
Ms. Montgomery	N
Dr. Johnson	N
Dr. Kakarala	N

State Medical Board of Ohio Meeting Minutes – June 12, 2019

Dr. Bechtel	N
-------------	---

The motion to accept did not carry.

Minutes of the May 8, 2019 Meeting of the Medical Marijuana Expert Review Committee

Motion to approve the draft minutes of the May 8, 2019 meeting of the Medical Marijuana Expert Review Committee:

Motion to approve	Dr. Bechtel
2 nd	Mr. Giacalone
All in favor	All Aye, except Mr. Gonidakis
Opposed	None
Abstain	Mr. Gonidakis

The motion carried.

Ms. Montgomery exited the meeting at this time.

REPORTS AND RECOMMENDATIONS

Dr. Schottenstein 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: Freeda J. Flynn, M.D.; Edward J.S. Picardi, M.D.; Scott Robert Welden, M.D.

Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Y

Dr. Schottenstein 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. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Y

State Medical Board of Ohio Meeting Minutes – June 12, 2019

Dr. Schottenstein 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 matters of Dr. Flynn and Dr. Welden.

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.

Freeda J. Flynn, M.D.

Dr. Schottenstein directed the Board's attention to the matter of Freeda J. Flynn, M.D. Objections have been filed and were previously made available to Board members. Ms. Shamansky was the Hearing Examiner.

Dr. Schottenstein stated that a request to address the Board has been filed on behalf of Dr. Flynn. Five minutes will be allowed for that address.

Dr. Flynn was represented by her attorney, Heidi Dorn.

Ms. Dorn stated that Dr. Flynn has been under a Board Order for nearly four years. Ms. Dorn stated that, as noted by the Hearing Examiner, Dr. Flynn has otherwise been a very compliant probationer. Pursuant to her Board Order, Dr. Flynn reported her minor misdemeanor based on her having thrown a Styrofoam cup at her ex-husband who had come into her medical practice unexpectedly and began an argument. Ms. Dorn stated that Dr. Flynn deeply regrets her subsequent conduct before the court at her Show Cause hearing. Dr. Flynn served seven days in jail for that conduct, in addition to paying fines to the court. Ms. Dorn stated that Dr. Flynn's conduct did not affect the care of her patients, who really love her. Dr. Flynn wants nothing more than to continue to provide care to her patients for as long as she can.

Ms. Dorn stated that Dr. Flynn has suffered enough. Based on this and the arguments in the objections, Ms. Dorn requested that the Board issue an order of No Further Action.

Dr. Flynn stated that her patients consult with her because she is an older physician, she is experienced, they know that she will tell them the truth, and because she is an advocate for the impoverished in her community. Dr. Flynn stated that she has a lot of opinions as a result of being in practice for many years, though she realizes that the courtroom is not the place to express those opinions. Dr. Flynn stated that as a person who values truth, she is sometimes caught in a dilemma: Truth vs. acceptance of the rule of law, imperfect though it may be at times. Dr. Flynn understood that the rule of law is predominant in the situation she was in and her actions could impair her advocacy efforts.

Dr. Flynn continued that the biggest thing she thought about while in jail was that what she did was sort of unkind. Dr. Flynn stated that the judge may have made an imperfect decision as an imperfect person, but it did not warrant her being unkind to him. Dr. Flynn stated that she tries at all times in her practice to focus on respect and kindness, and she fell short in both regards in this incident. Dr. Flynn was extremely sorry for her conduct.

Dr. Flynn asked that she be allowed to continue her probation and complete the process successfully in order to continue to provide care to the patients in her community.

Dr. Schottenstein asked if the Assistant Attorney General wished to respond. Mr. Wilcox stated that he wished to respond.

State Medical Board of Ohio Meeting Minutes – June 12, 2019

Mr. Wilcox stated that Ms. Pelphrey was the Assistant Attorney General in this case, but he is addressing this matter while Ms. Pelphrey is on vacation.

Mr. Wilcox opined that Dr. Flynn's objections are essentially frivolous. Mr. Wilcox stated that Dr. Flynn clearly violated the law when she was found in contempt of court by a Belmont County judge and sentenced to seven days in jail. Mr. Wilcox opined that anyone who would go before a judge in a courtroom and create enough of a disturbance that the judge places them in jail for seven days may have issues with control, or at least maturity. Mr. Wilcox stated that such conduct does not directly affect patient care, but the judgment to act in such a manner in that situation is concerning.

Mr. Wilcox stated that Ms. Pelphrey did not have an opinion as to what the Board should do in this case.

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

Motion	Mr. Giacalone
2 nd	Dr. Soin

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

Dr. Schottenstein stated that the Board's purpose today is not to address Dr. Flynn's behavior, but to address the allegation that Dr. Flynn violated 4731.22(B)(15), Ohio Revised Code (ORC), by violating the conditions and limitations that the Board had placed on her Ohio medical license. Specifically, it is alleged that Dr. Flynn failed to obey the law, failed to report a violation of the law, and failed to file a mandated declaration of compliance with the Board. The law that Dr. Flynn is alleged to have violated was direct contempt of court.

Dr. Schottenstein noted that in the Objections to the Report and Recommendation, Dr. Flynn's counsel argued that the direct contempt of court violation is inherently a matter for the court, and thus was not technically reportable to the Board as a violation of the law. The defense counsel further argued that in any event, the contempt violation was subsumed within the disorderly conduct report. Defense counsel also expressed concern that the citation of 2705.02, ORC, which addresses acts of contempt of court, was not specifically mentioned until the closing arguments and had not been mentioned in the Notice of Opportunity for Hearing, and therefore the Hearing Examiner had gone outside the record to make this finding.

Dr. Schottenstein stated that he respectfully disagrees with the defense counsel's points. Dr. Schottenstein stated that there is an inherent ability of the court to punish for direct contempt, but in this case there is an overlap between that inherent court right and the statute because Chapter 2705, ORC, speaks to this matter. Dr. Schottenstein stated that just because a court may have an inherent right to enforce its orders does not make the statute irrelevant to these proceedings. Dr. Schottenstein stated that in this respect, Chapter 2705, ORC, is a law, that law was broken, and the breaking of that law was not reported to the Board as required by the Board Order. Since this law is separate from the law on disorderly conduct, it should have been additionally reported to the Board.

With regard to defense counsel's concern that Chapter 2705, ORC, was not specifically mentioned until closing arguments, Dr. Schottenstein stated that that was when defense counsel made an issue of saying that no law was broken in this case and that this was only an issue of inherent court proceedings. The Assistant Attorney General responded by noting the statute. In response Dr. Schottenstein stated that the Notice of Opportunity for Hearing used plain English to describe the infraction of contempt of court, which violated the edict to obey the law and to declare such violations. Consequently, Dr. Flynn had clear notice of the allegation. Dr. Schottenstein stated that the statute itself is not a piece of evidence that was introduced at the last minute. Rather, the statute is the codified basis of the Notice of Opportunity for Hearing, which was very thorough about the nature of the allegation even if it did not cite the statute itself. Given the thorough nature of the

State Medical Board of Ohio Meeting Minutes – June 12, 2019

Notice of Opportunity for Hearing, Dr. Schottenstein did not think it was reasonable to imply that a last-minute introduction of the statute provoked a due process issue.

Dr. Schottenstein stated that having said the above, he has compassion for Dr. Flynn and he felt badly about the situation she has found herself in. Dr. Schottenstein stated that there are several mitigating circumstances in this case. Dr. Schottenstein felt it was unlikely that Dr. Flynn would report one infraction and intentionally not report another. Dr. Schottenstein further noted that Dr. Flynn has been compliant with her Board Order up to this point.

Dr. Schottenstein opined that the Hearing Examiner's Proposed Order was reasonable and he agreed with the extension of Dr. Flynn's probationary period. However, Dr. Schottenstein recommended removing the \$1,000 fine from the Proposed Order. Mr. Giacalone agreed.

Motion to amend the Proposed Order to remove the provision for a fine:

Motion	Mr. Giacalone
2 nd	Dr. Soin
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Abstain

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. Flynn:

Motion	Mr. Giacalone
2 nd	Dr. Soin
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Abstain

The motion carried.

Edward J.S. Picardi, M.D.

Dr. Schottenstein directed the Board's attention to the matter of Edward J.S. Picardi, M.D. No objections have been filed. Ms. Shamansky was the Hearing Examiner.

State Medical Board of Ohio Meeting Minutes – June 12, 2019

Dr. Schottenstein stated that a request to address the Board has been filed on behalf of Dr. Picardi. Five minutes will be allowed for that address.

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

Ms. Collis stated that Dr. Picardi has had a long and unblemished medical career and that his conviction and board action in South Dakota were unrelated to his work as a physician. Ms. Collis, noting that Dr. Picardi's time is limited and he has traveled here from South Dakota, turned the rest of the time to address the Board over to Dr. Picardi.

Dr. Picardi stated that he has applied to have his Ohio medical license restored so that he can be back home with family and so that he can accept an opportunity to practice in an underserved area in Ohio. Dr. Picardi felt that the Hearing Examiner did an excellent job in meticulously reviewing the evidence, and he was pleased that the Hearing Examiner has recommended the restoration of his Ohio license. Dr. Picardi stated that if he had known the nature of the deferred compensation program that he had been involved in, he would never have attended the initial seminar or entered the program.

Dr. Picardi continued that in 1996 he was invited to attend a seminar offered by a physician from Lima, Ohio, about a deferred compensation program for asset protection for physicians. Dr. Picardi explained that at that time there was a malpractice crisis against physicians and he had known a number of physicians who lost everything due to frivolous lawsuits. After the seminar, Dr. Picardi had his group's attorney vet the program and the attorney approved it. Two accountancy groups also reviewed and approved the program. At about the same time, Dr. Picardi's wife developed breast cancer, so he turned over his practice to the leasing group that he had learned about through the seminar.

Dr. Picardi stated that he discontinued with the deferred compensation program in 2003 because he became concerned about how he did not have control over his funds and assets in the program. Dr. Picardi was first contacted by the government regarding the program about seven years later. In 2010, Dr. Picardi was indicted on felony charges related to the program. Dr. Picardi was convicted, incarcerated, and then released on March 23, 2016. Since that time, Dr. Picardi has paid all court costs, all taxes, and all restitution. Dr. Picardi stated that he has been severely punished for his mistakes and he greatly regrets ever hearing about the program. Dr. Picardi stated that every day of his life he regrets ever attending that seminar.

Dr. Picardi believed that he has many good years left in his career. Dr. Picardi stated that he continues to do medical missionary work, as he has done throughout his career. Since his release, Dr. Picardi has been on five missionary trips to Western Africa and has done hundreds of complex procedures. Dr. Picardi wished to return to Ohio and continue to serve the public as he has done throughout his quarter-century career, working in underserved areas. Dr. Picardi respectfully requested that the Board restore his Ohio medical license.

Ms. Collis wished to highlight that the Nebraska Board of Medicine and Surgery has reviewed Dr. Picardi's restoration application in that state and has granted him licensure there. Ms. Collis added that it is very compelling that the American Board of Surgery (ABS) typically does not certify anyone who has had any type of conviction, regardless of whether it is related to the practice of medicine; nevertheless, in this case the ABS has taken the unprecedented step of restoring Dr. Picardi's certification after reviewing all the evidence.

Ms. Collis stated that Dr. Picardi has been punished, he is a good surgeon, and he wants to return to Ohio to practice in an underserved area. Ms. Collis saw no purpose for a 90-day suspension of the license after it is restored, noting that Dr. Picardi's application has already been pending for almost a year. Ms. Collis noted that Mr. Wilcox made no recommendation regarding this case.

Dr. Schottenstein asked if the Assistant Attorney General wished to respond. Mr. Wilcox stated that he wished to respond.

State Medical Board of Ohio Meeting Minutes – June 12, 2019

Mr. Wilcox noted that this case involves an application for restoration of a license and the Board is under no obligation to grant the restoration. Mr. Wilcox stated that the Board heard a similar case last month, that of Dr. Delisma, an applicant who had also had a conviction. Mr. Wilcox stated that for him, the issue in Dr. Delisma's case was his lack of contrition. Mr. Wilcox stated that Dr. Picardi also has a lack of contrition.

Mr. Wilcox understood that Dr. Picardi has served his time and that he is, by all accounts, a good surgeon. Mr. Wilcox stated that anytime one is participating in a scheme which sends one's income to places such as the Isle of Man, one may be participating in a tax avoidance scheme. Mr. Wilcox was dubious of Dr. Picardi's claim that he had just gotten bad advice, pointing out that Dr. Picardi had a trial in federal court and was convicted on 13 counts.

Mr. Wilcox stated that he does not have a recommendation in this case, but he asked the Board to consider that Dr. Picardi has not acknowledged that he has done anything wrong.

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

Motion	Dr. Soin
2 nd	Dr. Bechtel

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

Mr. Giacalone suggested that the Board amend the Proposed Order so that Dr. Picardi's application for restoration of his license is granted with No Further Action. Mr. Giacalone stated that Dr. Picardi has admitted to the facts of the crime. Mr. Giacalone stated that Dr. Picardi got involved in a complex structure involving taxes and offshore investments, the kind which even attorneys have difficulty navigating. Mr. Giacalone further noted that Dr. Picardi had two certified public accountants review the matter, as well as attorneys. Mr. Giacalone stated that Dr. Picardi is not an attorney or a financial professional, but he did his due diligence by having the appropriate professionals assess the situation.

Mr. Giacalone noted that because of Dr. Picardi's involvement in this matter, he went to jail and his finances were emasculated. Mr. Giacalone gave Dr. Picardi credit because when he was released from jail he went into missionary work instead of trying to recoup his finances. Mr. Giacalone saw no value in adding to the price Dr. Picardi has already paid. Mr. Giacalone did see value, however, in granting Dr. Picardi's license.

Motion to amend the Proposed Order to grant Dr. Picardi's application for restoration of his license to practice medicine and surgery in Ohio, and to take No Further Action:

Motion	Mr. Giacalone
2 nd	Dr. Bechtel

Dr. Soin stated that he appreciates the Assistant Attorney General's comments. Dr. Soin noted that he had favored granting a license in a similar case that the Board heard last month. Dr. Soin hoped that the Board can engage in self-reflection at some point and consider what differences there are between Dr. Picardi's case and the case heard last month. Dr. Soin opined that in cases where the respondent has paid their debt to society, can come back and serve society, and do not materially represent a danger to the public in their particular actions in terms of the practice of medicine, it is appropriate to grant licensure. Dr. Soin supported Mr. Giacalone's motion to amend.

Mr. Gonidakis appreciated that every case is different and has a unique set of facts. Mr. Gonidakis stated that it is the Board's role to judge those facts, but not in a vacuum. Mr. Gonidakis commented that others should

State Medical Board of Ohio Meeting Minutes – June 12, 2019

be able to look at the Board's body of work over the years and see consistency with regard to granting licenses and placing conditions on them. Mr. Gonidakis supported Mr. Giacalone's motion to amend.

Dr. Schottenstein stated that he appreciates Dr. Picardi's testimony and that he had found it compelling. Dr. Schottenstein stated that in cases like this, he tries to be careful not to relitigate the matter. In this case, Dr. Picardi was convicted for multiple felonies and his South Dakota medical license was revoked by that state's medical board. Therefore, the case before the Board today is one of mitigation. Dr. Schottenstein found the mitigating evidence and circumstances in this case compelling:

- Dr. Picardi has no prior disciplinary record.
- This is an isolated incident that is unlikely to recur.
- Dr. Picardi has paid restitution and served his time.

Dr. Schottenstein stated that he had initially intended to ask for an amendment to the Proposed Order that would grant the license, forego the suspension, and leave the other conditions intact. However, Dr. Schottenstein was agreeable to Mr. Giacalone's proposed amendment.

Dr. Schottenstein noted the following passage from the Galen Company document that had been entered into evidence:

How long did your bank resist a court ruling or an IRS inquiry? Maybe enough time to copy your account and turn it over! Remember, in the U.S. banks have no secrecy laws or means to withstand a government inquiry or court ruling.

Dr. Schottenstein stated that if a company's selling point is that it can keep one's finances secret from the IRS or the courts, then he presumes that the company is not ethical. Dr. Schottenstein did not feel that one has to be an accountant or an attorney to come to such a conclusion, and that an average, reasonable person would presume that.

Mr. Giacalone agreed with Dr. Schottenstein's point about the company's language. However, Mr. Giacalone pointed out that Dr. Picardi had brought these matters to multiple independent parties for an assessment and had been told that it was legal and appropriate. Mr. Giacalone pointed out that other physicians were also encouraging Dr. Picardi to become involved, lending further perceived legitimacy to the matter and it would not be unusual to see a bit of puffery present in materials used to sell programs.

Vote on Mr. Giacalone's motion to amend:

Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Y

The motion carried.

State Medical Board of Ohio Meeting Minutes – June 12, 2019

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

Motion	Mr. Giacalone
2 nd	Dr. Edgin
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Y

The motion carried.

Scott Robert Welden, M.D.

Dr. Schottenstein directed the Board's attention to the matter of Scott Robert Welden, M.D. No objections have been filed. Ms. Lee was the Hearing Examiner.

Dr. Schottenstein stated that a request to address the Board has been filed on behalf of Dr. Welden. Five minutes will be allowed for that address.

Dr. Welden was represented by his attorney, Dan Zinsmaster.

Mr. Zinsmaster noted that neither he nor the Assistant Attorney General have filed objections to the Hearing Examiner's Report and Recommendation. Mr. Zinsmaster stated that Dr. Welden appears before the Board today to atone for his past mistakes and to demonstrate that he presently has the fitness and moral character necessary for licensure. Mr. Zinsmaster stated that Dr. Welden has received all necessary treatment and experts have opined that he is fit to return to practice. The Hearing Examiner, weighing the evidence and testimony, has agreed that Dr. Welden deserves an opportunity for re-licensure, that he accepts his addiction, and that his addiction is now well-managed. Mr. Zinsmaster supported the Report and Recommendation.

Dr. Welden stated that he will not make any excuses for his past behavior. Dr. Welden stated that addiction and the choices he made while under its grip took him down a very dark road, leading to the destruction of his marriage, the loss of custody of his son, the loss of his ability to practice medicine, the loss of his health, and ultimately the loss of his freedom. Dr. Welden added that it almost cost him his life. Dr. Welden stated that he is profoundly sorry for his actions and would do almost anything to go back and do it differently. Dr. Welden realized that the only healthy path forward is to take full responsibility for his actions and bad decisions and to use that energy to make positive choices for himself, stay sober, make amends, repair damaged relationships when he can, and use his story to help others.

Dr. Welden continued that he had to hit rock bottom in 2012 before he was able to fully commit to recovery. Dr. Welden knew at that time that he had to take action to turn his life around or lose it altogether. Dr. Welden stated that the following three years would be the most difficult in his life as he worked to overcome addiction in the harsh environment of prison. While in prison, Dr. Welden participated in two long-term drug treatment programs and fought off feelings of regret daily. Dr. Welden eventually founded a baking club, tutored other inmates, organized some father-child days, and did the best he could to make a positive impact.

State Medical Board of Ohio Meeting Minutes – June 12, 2019

Dr. Welden stated that since that time he has continued a life of recovery and has made profound changes in his life. Dr. Welden stated that his relationship with his son and family is better than ever and he has married an amazing woman. Dr. Welden was fortunate to be able to use his medical training and stay current with clinical medicine in his full-time job as a medical legal consultant. Dr. Welden has been monitored by the Ohio Physicians Health Program (OPHP) for over a year and he has remained in 100% compliance with all alcohol and drug screenings, as well as other terms of his agreement. Dr. Welden stated that he is committed to following any condition that the Board deems appropriate for him.

Dr. Welden stated that facing the consequences of his addiction has been both painful and arduous. Dr. Welden stated that he can say with full transparency and honesty that he is not the same person who stood before the Board almost eight years ago. Dr. Welden stated that he has been fully sober for almost seven years, he is involved with the recovery community, he has a connection with God, he does service work, and he stays healthy in body, mind, and spirit. Dr. Welden stated that by following the suggestions of Alcoholics Anonymous and working a rigorous program of recovery, he has become a more honest, responsible, humble, and compassionate man.

Dr. Welden loved practicing medicine and believed that he was a good physician prior to his struggles with addiction. Dr. Welden was a medical director of three different emergency departments and he thrived in his work. Dr. Welden believed that he can be an even better physician now because his experience has made him more understanding of other people's struggles. Dr. Welden hoped that the Board would grant him the opportunity to demonstrate that he can be a responsible, sober, and competent physician. Dr. Welden stated that he is up to the task of earning the Board's trust, and if he is granted the privilege of having a path forward to practicing medicine again he would cherish that opportunity and be very grateful. Dr. Welden stated that he would not let the Board down and he would not let himself down.

Dr. Schottenstein asked if the Assistant Attorney General wished to respond. Ms. Snyder 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 Dr. Welden:

Motion	Dr. Johnson
2 nd	Dr. Kakarala

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

Mr. Giacalone expressed concern about Dr. Welden's history of ongoing events going back to 2007. Mr. Giacalone noted a past statement from former Medical Board member Anita M. Steinbergh, D.O., indicating that the Board had once considered permanently revoking Dr. Welden's medical license. Mr. Giacalone stated that even though Dr. Welden pleaded for mercy at that time, he has come before the Board once again. Mr. Giacalone stated that he understands the defense's position that these are two events and that this was a relapse, but he questioned why the Board should believe Dr. Welden when he has such an extensive history.

Dr. Schottenstein stated that he had also struggled with this case. Dr. Schottenstein stated that Dr. Welden has one year of documented sobriety, so statistically there is about a 50/50 chance of relapse. Given this fact pattern, Dr. Schottenstein felt that it was a bridge too far to him to vote to grant Dr. Welden's license. Dr. Schottenstein suggested that the Proposed Order be amended to a non-permanent denial of Dr. Welden's application. Dr. Schottenstein, noting that a longer period of sobriety means a lower risk of relapse, stated that he would have a greater comfort level for granting Dr. Welden's application if he could document at least two, if not three, years of sobriety. Dr. Schottenstein felt that this was more than justified given the severity of Dr. Welden's past behavior.

State Medical Board of Ohio Meeting Minutes – June 12, 2019

Dr. Schottenstein stated the he had contemplated suggesting a permanent denial of Dr. Welden’s application. However, Dr. Schottenstein was swayed to suggest a non-permanent denial due to the following factors:

- Though the Board cannot document sobriety since 2012, there have been no incidents of worrisome behavior since that time that the Board is aware of.
- Dr. Welden has been working a steady job as a medical legal consultant.
- Dr. Welden has good character references.
- Dr. Welden repeated his 28-day inpatient treatment program.
- Dr. Welden has a year of documented sobriety.
- Dr. Welden has been working a program through the Ohio Physicians Health Program (OPHP) and seeing an addiction counselor.

Dr. Schottenstein stated that he is suggesting a non-permanent denial instead of a one-year or two-year suspension because of Dr. Welden’s history of violating multiple Board Orders. Dr. Schottenstein stated that under a non-permanent denial, it will be Dr. Welden’s responsibility to show that he can maintain sobriety and show additional evidence of his ability to be compliant with a Board Order. On the other hand, an order of suspension would require the Board to use its resources to monitor Dr. Welden.

Motion to amend the Proposed Order to a non-permanent denial of Dr. Welden’s application for licensure:

Motion	Mr. Giacalone
2 nd	Dr. Soin

Mr. Gonidakis stated that he struggles with the proposed amendment because it is open-ended and has too much uncertainty. Mr. Gonidakis stated that the membership of the Board can change and a new Board can have different ideas on how much time Dr. Welden needs to wait before reapplying. Mr. Gonidakis felt that the Board should give Dr. Welden some certainty about the Board’s expectations. Dr. Schottenstein stated that under a non-permanent revocation, the Board cannot include conditions to be met prior to reapplication; however, the Board can memorialize in the minutes what it would like Dr. Welden to do prior to any reapplication. Dr. Schottenstein stated that since Dr. Welden already has one year of documented sobriety, he personally would like to see an additional year of sobriety for a total of two years of documented sobriety before Dr. Welden reapplies for licensure. Mr. Gonidakis opined that granting the license and then suspending it with conditions for reinstatement would be a cleaner approach. Dr. Schottenstein stated that Mr. Gonidakis’ suggestion is legitimate, but he felt that Dr. Welden needs to demonstrate his commitment to sobriety and then reapply for licensure.

Mr. Giacalone asked how long Mr. Gonidakis felt that Dr. Welden’s license, if it is granted, should be suspended. Mr. Gonidakis replied that based on Dr. Schottenstein’s commentary, a one-year suspension would be appropriate because it would increase Dr. Welden’s chances of continuing his sobriety, statistically speaking. Mr. Giacalone appreciated Mr. Gonidakis’ suggestion, even though it is more of a burden on the Board, because under a suspension the Board can make certain that Dr. Welden meets all of the requirements that the Board feels should be in place.

Mr. Giacalone stated that he will abstain on the vote on the proposed amendment because he finds both Dr. Schottenstein’s suggestion and Mr. Gonidakis’ suggestion acceptable.

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

Dr. Rothermel	Abstain
Dr. Saferin	Abstain

State Medical Board of Ohio Meeting Minutes – June 12, 2019

Mr. Giacalone	Abstain
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	N
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Abstain

The motion carried.

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

Motion	Dr. Johnson
2 nd	Dr. Kakarala

Mr. Gonidakis expressed his opinion that it is the Board's responsibility to monitor Dr. Welden to ensure compliance, stating that this is why the Board exists and why it has about 80 staff members. Mr. Gonidakis added that the Board charges its licensees money so that it can do these things. Dr. Schottenstein stated that Mr. Gonidakis has made good points.

Vote to approve and confirm the amended Order:

Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	N
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	N
Dr. Johnson	Y
Dr. Kakarala	N
Dr. Bechtel	Abstain

Having failed to achieve six affirmative votes, the motion to approve and confirm did not carry.

Dr. Schottenstein suggested amending the original Proposed Order to make the indefinite suspension for one year, leaving all other terms and conditions intact. Mr. Giacalone questioned if a one-year suspension is sufficient given Dr. Welden's long disciplinary history. Mr. Gonidakis recommended a suspension of at least 18 months. Mr. Giacalone agreed.

Motion to accept the Proposed Order, with the amendment that Dr. Welden's medical license be granted and then suspended for an indefinite period but not less than 18 months, with all other terms and conditions of the Proposed Order unaltered:

Motion	Mr. Gonidakis
2 nd	Dr. Kakarala
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y

State Medical Board of Ohio Meeting Minutes – June 12, 2019

Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Abstain

The motion carried.

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

Motion	Dr. Edgin
2 nd	Dr. Kakarala
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Abstain

The motion carried.

FINDINGS, ORDERS, AND JOURNAL ENTRIES

Dr. Schottenstein 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, except for the matter of Dr. Fishel, are non-disciplinary in nature; all Board members may vote on non-disciplinary matters.

Dawn Janelle Allen, R.C.P.

Dr. Schottenstein stated that Ms. Allen has applied for restoration of her license to practice as a respiratory care professional. The Board has proposed to approve her application, provided that she take and pass the Therapist Multiple Choice (TMC) examination, due to the fact that Ms. Allen has not engaged in active practice as a respiratory care professional more than two years.

Motion to find that the allegations set forth in the April 10, 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. Allen's application for restoration of her license to practice as a respiratory care professional in the State of Ohio, provided that she takes and passes the Therapist Multiple Choice (TMC) examination within six months of the mailing of the Notice of Opportunity for a Hearing:

Motion	Dr. Bechtel
2 nd	Dr. Saferin
Dr. Rothermel	Y
Dr. Saferin	Y

State Medical Board of Ohio Meeting Minutes – June 12, 2019

Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Y

The motion carried.

Nichole Ann Brennan, M.T.

Dr. Schottenstein stated that Ms. Brennan has applied for restoration of her certificate to practice massage therapy. The Board has notified Ms. Brennan that it proposed to approve her application, provided that she take and pass the Massage and Bodywork Licensing Examination (MBLEx) due to the fact that Ms. Brennan 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 March 13, 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. Brennan'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 nd	Dr. Bechtel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Y

The motion carried.

Robert Allen Fiorentini, R.C.P.

Dr. Schottenstein stated that Mr. Fiorentini has applied for restoration of his certificate to practice as a respiratory care professional. The Board has proposed to approve his application, provided that he take and pass the Therapist Multiple Choice (TMC) examination due to the fact that Mr. Fiorentini has not engaged in active practice as a respiratory care professional for more than two years.

Motion to find that the allegations set forth in the April 10, 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 Mr. Fiorentini's application for restoration of his certificate to practice as a respiratory care professional in the State of Ohio, provided that he takes and passes the TMC examination within six months of the mailing of the Notice of Opportunity for a Hearing:

State Medical Board of Ohio Meeting Minutes – June 12, 2019

Motion	Dr. Saferin
2 nd	Dr. Edgin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Y

The motion carried.

Gregory Lee Long, M.D.

Dr. Schottenstein stated that Dr. Long has applied for a license to practice medicine and surgery. The Board has proposed to approve his application, provided that he take and pass the Special Purpose Examination (SPEX) due to the fact that Dr. Long has not engaged in active practice of medicine for more than two years.

Motion to find that the allegations set forth in the April 10, 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 Dr. Long’s application for a license to practice medicine and surgery in the State of Ohio, provided that he takes and passes the SPEX within six months of the mailing of the Notice of Opportunity for a Hearing:

Motion	Dr. Saferin
2 nd	Dr. Bechtel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Y

The motion carried.

Kaitlynn Comer Osberg, M.T.

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

State Medical Board of Ohio Meeting Minutes – June 12, 2019

Motion to find that the allegations set forth in the March 18, 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, denying Ms. Osberg's application for a certificate to practice massage therapy in the State of Ohio:

Motion	Dr. Kakarala
2 nd	Dr. Bechtel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Y

The motion carried.

Julie Marie Uhrman-Samiec, M.T.

Dr. Schottenstein stated that Ms. Uhrman-Samiec has applied for restoration of her certificate to practice massage therapy. The Board has notified Ms. Uhrman-Samiec that it proposed to approve her application, provided that she take and pass the Massage and Bodywork Licensing Examination (MBLEx) due to the fact that Ms. Uhrman-Samiec 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 April 10, 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. Uhrman-Samiec'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 nd	Dr. Bechtel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Y

The motion carried.

Hazel Thornton Fishel, M.D.

Dr. Schottenstein stated that the matter of Dr. Fishel is disciplinary in nature, and therefore the Secretary and Supervising Member may not vote. In the matter of Dr. Fishel, Dr. Rothermel served as Secretary and Dr. Saferin served as Supervising Member.

State Medical Board of Ohio Meeting Minutes – June 12, 2019

Dr. Schottenstein stated that on March 13, 2019, the Board issued a Notice of Opportunity for Hearing to Dr. Fishel stating that the Medical Board intended to consider disciplinary action regarding her license to practice medicine in Ohio. The allegations contained in the Notice of Opportunity for Hearing are based upon a December 11, 2018 Consent Order with the North Carolina Medical Board that suspended the doctor's license, and wherein the doctor admitted to (1) having engaged in a romantic relationship with a former patient, and (2) having consumed alcoholic beverages with the patient despite the doctor being responsible for the patient's care while the patient attended inpatient detoxification for alcohol use disorder.

Dr. Schottenstein suggested that the Board enter an Order to non-permanently revoke Dr. Fishel's license to practice medicine and surgery in Ohio, and to levy a fine of \$6,000. Dr. Kakarala agreed.

Motion to find that the allegations set forth in the March 13, 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, revoking the license of Hazel Thornton Fishel, M.D., to practice medicine and surgery in the state of Ohio, and that a \$6,000 fine shall be levied:

Motion	Dr. Kakarala
2 nd	Dr. Johnson

Dr. Schottenstein stated that he did not see a way around his suggested Order since the Board has not been contacted by Dr. Fishel.

Vote on Dr. Kakarala's motion:

Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	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 nd	Dr. Edgin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y

State Medical Board of Ohio Meeting Minutes – June 12, 2019

Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Y

The motion carried.

The Board went into Executive Session at 11:19 a.m. and returned to public session at 11:33 a.m.

NON-DISCIPLINARY LICENSURE APPLICATION WITHDRAWAL

Crystal Ashley Burgess, L.M.T.

Motion to ratify the proposed non-disciplinary withdrawal of an application for a certificate to practice massage therapy in the matter of Crystal Ashley Burgess, L.M.T.:

Motion	Dr. Saferin
2 nd	Dr. Bechtel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Y

The motion carried.

SETTLEMENT AGREEMENTS

Marek Antoni Buzcek, M.D.

Motion to ratify the proposed Consent Agreement with Marek Antoni Buzcek, M.D.:

Motion	Mr. Giacalone
2 nd	Dr. Edgin
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Abstain

The motion carried.

State Medical Board of Ohio Meeting Minutes – June 12, 2019

Yamini Jadcherla, M.D.

Motion to ratify the proposed Probationary Consent Agreement with Yamini Jadcherla, M.D.:

Motion	Dr. Johnson
2 nd	Dr. Kakarala
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Y

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:

1. Lee P. Bee, D.O.: Based on action by the State of Illinois Department of Financial and Professional Regulation for unprofessional conduct.
2. Robert James Bauer, D.O.: Based on a misdemeanor conviction regarding the Ohio Automated Rx Reporting System (OARRS) and an allegation of acts constituting tampering with evidence.
3. Vinson M. DiSanto, D.O.: Based on a March 2019 Order by the Kentucky Board of Medical Licensure.
4. John Joseph Kelemen, M.D.: Based on action by the Wisconsin Board related to minimal standards of care involving one surgical patient.
5. Richard E. Paulus, M.D.: Based on May 2019 convictions for multiple felonies related to practice.
6. David N. Ringel, D.O.: Based on April 2019 action by the Kentucky Board of Medical Licensure.
7. Gary Nicholas Spirtos, M.D.: Based on actions by the Arizona Medical Board and the Medical Board of California related to malpractice and boundary violations.
8. Miguel Antonio Ordonez, P.A.: Based on action by the Kentucky Board of Medical Licensure.
9. Kelly N. Roan, D.O.: This is an Automatic Suspension Notice to be issued to a physician who was recently found guilty by a jury on three counts of rape.
10. George Robert Butler, M.D.: Based on the physician's failure to respond to the Board's interrogatory requests.
11. George Robert Butler, M.D.: A companion case to proposed Citation #10, a Summary Suspension based on failure of the physician to report to his chemical dependency examination.

In response to a question from Mr. Giacalone regarding proposed Citation #3, Ms. Marshall stated that when a physician's authority to prescribe controlled substances is restricted by a state's medical board, the physician's ability to prescribe controlled substances outside of that state is dependent on the physician's Drug Enforcement Administration (DEA) certificate; if the physician has DEA certificates for locations outside of the state in question, then the physician could still prescribe controlled substances in those out-of-state locations.

State Medical Board of Ohio Meeting Minutes – June 12, 2019

Dr. Schottenstein stated that for voting purposes, the Board will vote on proposed Citations #'s 1, 4, 7, and 10 separately.

Motion to approve and issue proposed citations #1, #4, #7, and #10:

Motion	Dr. Kakarala
2 nd	Dr. Soin
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Y

The motion carried.

Motion to approve and issue proposed Citation #'s 2, 3, 5, 6, and 8:

Motion	Dr. Kakarala
2 nd	Dr. Soin
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Abstain

The motion carried.

Motion to approve and issue proposed Citation #9, an Automatic Suspension:

Motion	Dr. Johnson
2 nd	Dr. Soin
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	Y

State Medical Board of Ohio Meeting Minutes – June 12, 2019

Dr. Bechtel	Abstain
-------------	---------

The motion carried.

Motion to approve and issue Citation #11, a Summary Suspension:

Motion	Dr. Bechtel
2 nd	Dr. Edgin
Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Y

The motion carried.

RULES & POLICES

May 13, 2019 Rules Hearing Report

Motion to amend the language in proposed Rules 4731-25-08 and 4731-31-01 as proposed in the staff memo, based on comments from the Ohio Association of Physician Assistants:

Motion	Dr. Saferin
2 nd	Dr. Edgin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	N
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Y

The motion carried.

Statement on Disqualifying Criminal Convictions

Motion to approve the statement in the staff memo regarding disqualifying criminal convictions:

Motion to approve	Dr. Saferin
2 nd	Dr. Kakarala
All in favor	All Aye
Opposed	None

State Medical Board of Ohio Meeting Minutes – June 12, 2019

The motion carried.

Rule 4731-6-14

Dr. Schottenstein recalled that the Board had once asked that Rule 4731-6-14, which requires physicians who take the Federation Licensing Examination (FLEX) to have a passing score of 75 in order to be licensed in Ohio, be reviewed and possibly amended. The Board had questions about the rule after hearing a case of a very sympathetic applicant who had barely missed the minimum score for licensure. Ms. Debolt stated that there have not been any proposed amendments to Rule 4731-6-14.

Dr. Schottenstein stated that he had previously discussed this matter with Ms. Anderson. Ms. Anderson stated that the legal staff will research other states to see if there are rules that allow other states to waive the minimum FLEX score requirements in certain cases. Ms. Anderson recalled that the case Dr. Schottenstein had referenced involved a physician who was already licensed in two other states, had had a long medical career, and possibly had specialty board certification as well. Ms. Anderson stated that a proposed amendment to Rule 4731-6-14 could be crafted to allow a waiver of the minimum FLEX score if certain other conditions are met, such as out-of-state licensure or specialty board certification. Ms. Anderson stated that she will inform the Board once the research into other states' rules is complete.

OPERATIONS REPORT

Human Resources: Mr. Groeber stated that the Board has many vacant positions and staff is working on the ones they can. The Office of Budget and Management has asked the Board to slow down on filling some spots, possibly pending the budget approval process. Raises for bargaining unit employees are already set by contract, but Mr. Groeber is still waiting for guidance regarding non-bargaining unit employees.

Agency Operations: Mr. Groeber stated that there has been a significant decrease in the overall number of open cases. The number of cases has increased in the Standards Review and Intervention section, but the supervisor and one of the nurses are back from leave so those numbers should start trending down quickly. The Licensure section also saw a small increase, probably related to the glut of applications being received right now.

Mr. Groeber stated that Licensure statistics show that the Board is still benefiting from the addition of two new license types last year. The Board is issuing 77% more licenses than last year with an average of only one additional day needed to issue. Expedited licensure has had an 11% increase from last year and new physician licenses are up by 4% year over year.

Governor's Working Group in the case of Dr. Richard Strauss: Mr. Groeber stated that the Board continues to work with the entities reviewing the matter of Dr. Richard Strauss and the Board's efforts have been appreciated so far. Mr. Groeber will continue to keep the Board members updated.

Medical Board Committee Assignments: Mr. Groeber stated that since Dr. Schachat and Dr. Factora have left the Board due to the expiration of their terms, there are open seats among the Board's committees. Dr. Schottenstein stated that, based on conversations he has had with the new Board members, he will assign Dr. Kakarala to the Compliance Committee and the Respiratory Care Advisory Committee, and he will assign Dr. Feibel to the Licensure Committee. Dr. Schottenstein stated that the Policy Committee will continue with its current four members.

The Board briefly discussed the Physician Assistant Policy Committee. Mr. Groeber stated that the Board staff will explore the possibility of sunseting that committee.

State Medical Board of Ohio Meeting Minutes – June 12, 2019

Dr. Schottenstein appointed Dr. Edgin to the ICD-10 Data Review Committee, joining current members Dr. Soin, Dr. Johnson, and Dr. Schottenstein. The ICE-10 Data Review Committee is expected to meet next on July 10 to review newly-available data to be provided by the Board of Pharmacy.

Dr. Schottenstein appointed himself, Dr. Rothermel, Mr. Giacalone, and Dr. Edgin to the Executive Director Performance Evaluation Committee, which will meet on July 10.

Andrew Schachat, M.D., and Ronan M. Factora, M.D.: Mr. Groeber stated that the Board has commendations for Dr. Schachat and Dr. Factora, who each served several years on the Board and recently left the Board due to the expiration of their terms. Mr. Groeber thanked both for their service. As neither Dr. Schachat nor Dr. Factora were able to be present, the commendations will be sent to them.

ELECTION OF BOARD PRESIDENT AND VICE PRESIDENT

Motion to elect Michael Schottenstein, M.D., as President of the Board for a term beginning immediately and ending on December 31, 2019:

Motion	Dr. Saferin
2 nd	Mr. Gonidakis
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Abstain
Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Y

The motion carried.

Motion to elect Richard Edgin, M.D., as Vice President of the Board for a term beginning immediately and ending on December 31, 2019:

Motion	Dr. Saferin
2 nd	Mr. Gonidakis
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Abstain
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Y

The motion carried.

REPORTS BY ASSIGNED COMMITTEES

State Medical Board of Ohio Meeting Minutes – June 12, 2019

Compliance Committee Report

Dr. Schottenstein stated that the Compliance Committee met on May 8, 2019. The following licensees made their initial probationary appearances before the Committee: Michael Anikeev, M.D.; Daniel Borison, M.D.; David Crawford, M.D.; Susan Lawrence, D.O.; and Matthew Schoen, M.D. The Committee voted to continue the licensees under the terms of their agreements.

The Compliance Committee also approved the Compliance Staff's Reports of Conferences for office conferences held April 8 and April 9, 2019, and approved the draft minutes from the April 10, 2019 Compliance Committee. There were no treatment provider applications to review during May's meeting.

Mr. Gonidakis exited the meeting at this time.

Licensure Committee Report

Licensure Application Reviews

Desiraa Cramblett, RCP

Dr. Saferin stated that Ms. Cramblett is applying for restoration of her Ohio Respiratory Care Professional (RCP) license. The Committee recommends approving Ms. Cramblett's application, contingent upon her successful completion of the Therapist Multiple-Choice Examination (TMC).

Motion to approve Ms. Cramblett's application for restoration of her Ohio RCP license, contingent on successful completion of the TMC within six months from the date of mailing of the Notice of Opportunity for Hearing:

Motion	Dr. Johnson
2 nd	Dr. Rothermel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Sojn	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Y

The motion carried.

Laura Fox, L.D.

Dr. Saferin stated that Ms. Fox is applying for restoration of her Ohio license to practice dietetics. Ms. Fox's dietetic registration with the Commission on Dietetic Registration (CDR) is current. Ms. Fox has also completed her Ohio Dietetics Jurisprudence Course, which is good through 2020. The Committee recommends approving Ms. Fox's application as presented.

Motion to approve Ms. Fox's application for restoration of her Ohio dietetics license as presented:

Motion	Dr. Saferin
2 nd	Dr. Rothermel

State Medical Board of Ohio Meeting Minutes – June 12, 2019

Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Y

The motion carried.

Harold Ickes, II, MD

Dr. Saferin stated that Dr. Ickes is applying for a medical license and has requested a waiver of the United States Medical Licensing Examination (USMLE) ten-year rule. The Committee recommends approving Dr. Ickes' request.

Motion to approve the good cause exception of the 10-year rule as outlined in 4731-6-14(C)(3)(b)(ii), Ohio Administrative Code, and accepting Dr. Ickes' examination sequence so that he may be granted a license:

Motion	Dr. Saferin
2 nd	Dr. Soin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Y

The motion carried.

Beth Longenecker, D.O.

Dr. Saferin stated that Dr. Longenecker has applied for restoration of her Ohio medical license, but has not practiced clinical medicine in the last two years. Dr. Longenecker is certified by the American Osteopathic Board of Emergency Medicine. Dr. Longenecker is current with Osteopathic Continuous Certification (OCC) and continuing medical education (CME) requirements. The Committee recommends approving Dr. Longenecker's application as presented.

Motion to approve Dr. Longenecker's request for Ohio licensure as presented:

Motion	Dr. Saferin
2 nd	Dr. Rothermel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y

State Medical Board of Ohio Meeting Minutes – June 12, 2019

Dr. Edgin	Y
Dr. Schottenstein	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Y

The motion carried.

Rebecca Thornburg, RCP

Dr. Saferin stated that Ms. Thornburg is applying for restoration of her Ohio Respiratory Care Professional (RCP) license. The Committee recommends approving Ms. Thornburg’s application, contingent on successful completion of the Therapist Multiple-Choice Examination (TMC).

Motion to approve Ms. Thornburg’s application for restoration of her Ohio license, contingent on successful completion of the TMC within six months from the date of mailing of the Notice of Opportunity for a Hearing:

Motion	Dr. Saferin
2 nd	Dr. Kakarala
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Y

The motion carried.

Mr. Gonidakis returned to the meeting at this time.

Podiatric Scope of Practice Inquiry

Dr. Saferin stated that Daniel Logan, D.P.M., submitted a letter seeking guidance on whether the performance of five procedures or surgeries are within the scope of practice of a podiatric physician. A draft response has been provided to Board members,

Motion to approve and send the draft response to Dr. Logan’s inquiry:

Motion	Dr. Saferin
2 nd	Dr. Edgin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	Y

State Medical Board of Ohio Meeting Minutes – June 12, 2019

Dr. Bechtel	Y
-------------	---

The motion carried.

Dr. Saferin stated that the Legal department has suggested that the Board commence with the rule-making process to incorporate the approved procedures, as discussed.

Motion to approve commencement of rule-making to incorporate the approved procedures as listed in the draft response to Dr. Logan’s inquiry:

Motion	Dr. Saferin
2 nd	Dr. Soin

Mr. Giacalone noted that engaging in the rule-making process in response to such an inquiry is a departure from the Board’s usual processes, which is to simply issue a guidance document. Ms. Anderson explained that a new statute that takes effect at the end of August grants the Joint Commission on Agency Rule Review (JCARR) jurisdiction to order agencies to create rules if there are complaints that the agency is doing things that essentially affect the entire population of practitioners through policy and not through rule. Consequently, the Board can expect more oversight in that area.

The Board discussed this matter thoroughly. Mr. Giacalone, noting that the rule-making process is long and arduous, expressed concern that the Board will spend a great deal of time and effort if it tries to put everything that is interpretive into a rule. Mr. Giacalone worried about the precedent of trying to put everything into a rule and predicted that the Board will be taken to task whenever something interpretive is not in a rule. Mr. Giacalone stated that the Board can engage in rule-making in particular instances if directed to do so by JCARR.

Following thorough discussion, Dr. Saferin agreed with Mr. Giacalone and wished to withdraw his motion.

Dr. Saferin withdrew his motion regarding the rule-making process. No Board member objected to withdrawing the motion. The motion was withdrawn.

Motion to continue with the Board’s previous processes and to not engage in the rule-making process with regard to Dr. Logan’s inquiries:

Motion	Mr. Giacalone
2 nd	Dr. Bechtel

Dr. Rothermel asked if the letter outlining the Board’s position will be posted to the Board’s website. Ms. Debolt stated that the Ohio Foot and Ankle Physicians Association will put it on their website and podiatrists will look for it there.

Vote on Mr. Giacalone’s motion:

Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y

State Medical Board of Ohio Meeting Minutes – June 12, 2019

Dr. Kakarala	Y
Dr. Bechtel	Y

The motion carried.

Allied Application Questions

Motion to amend the background questions on allied licensure applications, as outlined in the staff memo.

Motion	Dr. Saferin
2 nd	Dr. Bechtel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Y

The motion carried.

Finance Committee Report

Fiscal Report

Dr. Schottenstein stated that revenue in April 2019 was \$942,906, slightly down from March 2019. Dr. Schottenstein noted that license renewals had been due in March, but no such renewals were due in April, and therefore the April numbers are surprisingly good, probably due in part to an influx of training certificates totaling approximately \$100,000.

Dr. Schottenstein stated that revenue is up 5% year-to-date and noted that anything in the 2% to 4% range is considered good. Net positive revenue in April 2019 was \$234,143 and the fiscal year-to-date net revenue was \$391,752. The Board's cash balance is very substantial at \$4,982,348, which is close to a record. Expenditures are up 10.5% year-to-date, which is substantially a function of large invoices that the Board recently paid for the e-License system. Routine spending is unremarkable and the Board remains well under its spending authority.

Dr. Schottenstein stated that the Board had projected revenue of \$9,500,000 for the fiscal year; that number should be reached in May, well before the end of the fiscal year on June 30. Dr. Schottenstein stated that there will be a net positive revenue for this fiscal year, which is especially compelling because odd-numbered fiscal years tend to have lower revenue.

The Medical Board collected \$5,000 in disciplinary fines and \$4,500 in Continuing Medical Education (CME) fines since the last report.

Communications Update

Dr. Schottenstein stated that the communications team is developing a campaign to educate patients and licensees about appropriate sexual boundaries. Videos and fact sheets will be produced to educate patients

State Medical Board of Ohio Meeting Minutes – June 12, 2019

and providers. The Board is also working on translating Ohio's human trafficking awareness videos into Spanish and Mandarin.

The chronic and subacute pain prescribing videos and handouts are complete and the Board will be reaching out to licensees to inform them of these resources.

Regarding the Board magazine, a draft version with advertisements is pending and should publish in the next few weeks.

Dr. Schottenstein stated there have been several educational presentations by Board staff and members.

Physician Assistant Initial Licensure Fee

Motion to direct staff to work on legislative changes in order to reduce the initial physician assistant licensure fee from \$500 to \$400:

Motion	Dr. Bechtel
2 nd	Dr. Saferin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Y

The motion carried.

Dr. Rothermel, noting that the Board may have a cash balance of over \$4,000,000 at the end of the fiscal year, asked if there is a risk that the State will take some of those funds. Dr. Schottenstein replied that that is always a risk. Dr. Rothermel asked if there are plans to use those funds to do something beneficial. Dr. Schottenstein stated that there are no plans at this time and that the Board is sometimes hit with large charges that lower its cash balance. Dr. Schottenstein commented that he would like to spend the Board's assets, so to speak, by continuing to reduce licensure fees. Dr. Schottenstein stated that if the Board can absorb the physician assistant initial licensure fee decrease, he would like to explore further decreases in fees if it can be done in a financially prudent way.

Policy Committee Report

Dr. Soin stated that the Policy Committee approved the draft minutes of the Committee's May meeting, Ms. Anderson provided a rules update, Mr. LaCross provided a legislative update, and Mr. Turek discussed the proposed legislative changes related to licensed physician assistants losing NCCPA certification.

The Committee reviewed four rules with requests to file with the Common Sense Initiative (CSI). There were no major comments or controversies with these rules and there will be another comment period in the future. Specifically, Ms. Anderson reviewed 4731-13-13, Ohio Administrative Code (OAC), regarding hearing subpoenas; Ms. Debolt reviewed changes to chapters 4730-1, 4730-2, and 4730-3, OAC, regarding physician assistants; and Mr. Smith reviewed changes to respiratory care rule in chapter 4761, OAC, as well as rules related to military service provisions.

State Medical Board of Ohio Meeting Minutes – June 12, 2019

Motion to file the proposed rules and amendments with CSI as discussed by the Policy Committee:

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

The motion carried.

PROBATIONARY REQUESTS

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

- a) Christopher G. Alsager Lee, M.D.: Approval of request for reduction in required recovery meeting attendance to two per week with a minimum of ten per month.
- b) Hollie Aneshansley, M.T.: Approval of Robert A. Campbell, II, M.D. to conduct a return to work assessment.
- c) Marvin M. Baula, M.D.: Approval of the submitted practice plan.
- d) Thomas G. Bering, M.D.: Approval of Jason A. Williams, M.D. to serve as the monitoring physician; and determination of the frequency and number of charts to be reviewed at ten charts per month.
- e) Deborah L. Cook, D.P.M.: Approval for release from the terms of the November 4, 2015 Consent Agreement.
- f) Tina Davis, M.T.: Approval of the ethics course tailored by Donna Homenko, Ph.D., to fulfill the personal ethics course requirement.
- g) Philicia S. Duncan, M.D.: Approval of reduction in psychiatric sessions from every two months to every three months.
- h) Gerry V. Hsu, P.A.: Approval of Mark Toennis, Psy.D. to serve as the treating psychologist.
- i) John K. Krebs, M.D.: Approval of request to discontinue the chart review requirement.
- j) Richard Ray Mason, D.O.: Approval of request to reduce drug and alcohol rehabilitation meeting attendance requirement to two per week with a minimum of ten per month; and approval of request to discontinue the chart review requirement.
- k) David O'Connell, M.D.: Approval of request to reduce the drug and alcohol drug rehabilitation meeting requirement to two per week with a minimum of ten per month.
- l) John M. Smilo, D.P.M.: Approval of *Intensive Course in Medical Documentation: Clinical, Legal and Economic Implications for Healthcare*, administered by Case Western Reserve University, to fulfill the medical records course requirement.
- m) Randy M. Smith, D.O.: Approval of Douglas A. Songer, M.D., to serve as the treating psychiatrist.
- n) Peter G. Striegel, M.D.: Approval of *Intensive Course in Medical Ethics, Boundaries and Professionalism*, administered by Case Western Reserve University, to fulfill the ethics and boundaries course requirement.
- o) Rajive Tandon, M.D.: Approval of request to reduce personal appearances to every six months; and approval of request to discontinue the drug log requirement.

Motion	Dr. Soin
2 nd	Mr. Giacalone

State Medical Board of Ohio Meeting Minutes – June 12, 2019

Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Abstain

The motion carried.

EXECUTIVE SESSION II

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

Motion	Dr. Saferin
2 nd	Dr. Edgin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Dr. Bechtel	Y

The motion carried.

The Board went into Executive Session.

The Board returned to public session.

State Medical Board of Ohio Meeting Minutes – June 12, 2019

ADJOURN

Dr. Schottenstein adjourned the meeting at 12:45 p.m.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio meeting on June 12, 2019, as approved on July 10, 2019.



Michael Schottenstein, M.D., President



Kim G. Rothermel, M.D., Secretary



(SEAL)



LICENSURE COMMITTEE MEETING
June 12, 2019 - Room 336

Committee Members Present: Bruce R. Saferin, D.P.M, Chair Kim G. Rothermel, M.D. Richard Edgin, M.D.	Staff Present: Joseph Turek, Director of Licensure & Licensee Services Colin Depew, Assistant Attorney Kim Anderson, Legal Director Sallie Debolt, Assistant Attorney Don Davis, Program Administrator Jerica Stewart, Communication & Outreach Administrator Jonithon Lacross, Director, Public Policy & Government Affairs
Other Board Members Present: Michael Schottenstein, M.D. Mark A. Bechtel, M.D. Harish Kakarala, M.D	

Dr. Saferin called the meeting to order at **8:00 am**.

MINUTES REVIEW

Dr. Rothermel moved to approve the draft minutes of May 8, 2019. Dr. Edgin seconded the motion. All members voted aye. The motion carried.

LICENSURE APPLICATION REVIEWS

Desiraa Cramblett – Allied Licensure Restoration Application

Ms. Cramblett is applying for restoration of her Ohio Respiratory Care Professional (RCP) license. Ms. Cramblett's license was originally issued on June 27, 2013 and expired on June 30, 2016. Ms. Cramblett has been the caregiver for a terminally ill parent and a stay at home mom since April of 2015. She completed the Law and Ethics course on April 13, 2019 and has submitted documentation of thirty-nine hours of respiratory care continuing education (RCCE).

Ms. Cramblett's CRT/RRT lapsed on July 31, 2018. In a telephone conversation with staff, she advised she has not yet contacted the National Board for Respiratory Care regarding reinstatement and has not taken the TMC examination.

Dr. Edgin moved to approve Ms. Cramblett's application for restoration of her Ohio license contingent on successful completion of the Therapist Multiple-Choice Examination (TMC) 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.

Laura Fox – Allied Licensure Restoration Application

Ms. Fox is applying for restoration of her Ohio license to practice dietetics. Ms. Fox's license was originally issued on October 21, 2005 and expired on June 30, 2011. Ms. Fox shares in her application that she allowed her license to lapse in 2011, when her family moved out of the state, and that she has been a stay-at-home parent since that time. Considering that Ms. Fox's dietetic registration is current, staff recommends that her license be restored.

Dr. Edgin moved to approve Ms. Fox's application for restoration of her Ohio license as presented. Dr. Rothermel seconded the motion. All voted aye. Motion carried.

Dr. Rothermel asked if there was a re-licensure exam for dietitians.

Mr. Turek confirmed his team has previously reached out to CDR and was told there is not an exam offered for that purpose.

Mr. Davis stated that in his 10-year experience, he had never seen the former Dietetics Board require an applicant to take a re-licensure exam to ensure their competency in license restoration.

Dr. Rothermel pointed out that the Board requires applicants of every other license type to have their clinical competency updated.

Mr. Davis stated he thought the previous board considered the applicant's continued education maintenance as the indication of clinical competency to return to practice.

Harold Ickes, MD – Physician Licensure Application

Dr. Ickes is applying for a license and has requested a waiver of the USMLE ten-year rule.

Dr. Ickes passed Step 1 in 2006, Step 2 (CS) and (CK) in 2008, and Step 3 in 2018, each on his first attempt.

Dr. Ickes received his medical degree from the Case Western Reserve University School of Medicine (August of 2008). He took an authorized leave from March to August 2003, pursuing math credits he would need to enter a PhD program in physics. He took an authorized one-year leave following his second year, intending to further pursue his PhD, as Case Western does not offer a dual degree program in medicine and physics. His parent's ill health distracted him from that goal during the year.

Following graduation from medical school, Dr. Ickes entered a PhD program in physics at Clemson University. Unfortunately, his parents' declining health forced him to leave that program in March of 2010. From then until shortly before the beginning of his residency in 2016, he served as their primary caregiver.

Dr. Rothermel move 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. All voted aye. Motion carried.

Beth Longenecker, DO – Physician Licensure Restoration Application

Dr. Longenecker is applying for restoration of her license but has not practiced clinical medicine in the last two years. Dr. Longenecker obtained Board Certification from the American Osteopathic Board of Emergency Medicine in 2000 and is current with Osteopathic Continuous Certification (OCC). Her AOA CME Summary shows 316 hours of Category 1A credit applied during the 2016-2018 triennial cycle, along with a combined 153 hours of Category 1B, 2A and 2B credit.

Dr. Longenecker has been in academic medicine since 2002. Since 2015, Dr. Longenecker has served as associate dean for clinical education and assistant professor of emergency medicine at Midwestern University/Chicago College of Osteopathic Medicine.

Dr. Longenecker is scheduled to become Dean of Ohio University, Heritage College of Osteopathic Medicine (Athens Campus) on June 1, 2019. In that role, she intends to become medical director of the college's free clinic and medical outreach to the underserved.

Dr. Edgin moved to approve Dr. Longenecker's request for Ohio licensure as presented. Dr. Rothermel seconded. All voted aye. Motion carried.

Dr. Schottenstein mentioned the physician answered several questions "yes" regarding legal concerns and asked if the Licensure team had any concerns with the applicant.

Mr. Turek confirmed the application was vetted and there were no concerns.

Dr. Saferin asked if there were any question of Ms. Longenecker taking the COMLEX since she had not practiced for an extended period.

Dr. Rothermel stated it is a difficult situation because of her position. Dr. Longenecker has kept up with her CME and board certification but has not had recent clinical experience and does plan to practice clinical medicine. Instead she is teaching with standardized patients. She proposed the board grant her a license.

Rebecca Thornburg – Allied Licensure Restoration Application

Ms. Thornburg is applying for restoration of her Ohio Respiratory Care Professional (RCP) license. Ms. Thornburg's license was originally issued on October 14, 1994 and expired on June 30, 2014. Ms. Thornburg was employed as a hospice consultant in sales and marketing, for an Indiana hospice company beginning in 2014, and has not practiced as an RCP since then. She is currently employed by an oxygen supply company. She has submitted documentation of sixty hours of respiratory care continuing education (RCCE), exceeding requirements by twenty hours.

Dr. Edgin moved to approve Ms. Thornburg's application for restoration of her Ohio license contingent on successful completion of the Therapist Multiple-Choice Examination (TMC) within six months from the date of mailing of the Notice of Opportunity for a Hearing. Dr. Rothermel seconded. All voted aye. Motion carried.

OTHER ITEMS

DPM Scope of Practice Inquiry

Daniel Logan, D.P.M., submitted a letter seeking guidance on whether the performance of five procedures or surgeries are within the scope of practice of a podiatric physician.

Ms. Debolt stated the five procedures were listed in the materials with a draft response. She asked the committee to decide if they agree with the responses to the inquiries and then direct a rule to be created. Supreme Court case law and soon-to-be laws establish whether a rule is issued in a rule form or letter, it is still a rule because it has an application and clarification. The new rule would allow podiatrists to perform procedures without the risk of being outside of their scope of practice. Ms. Debolt suggested the board review the five procedures individually

Procedures:

1. *Supramalleolar osteotomy*

Dr. Saferin stated the supramalleolar osteotomy is a part of the ankle and that podiatrists have ankle privileges; therefore, it is a part of ankle surgery.

2. *To harvest bone graft from the proximal tibia*

Dr. Saferin stated the board previously determined it was not within the scope because it is high on the tibia.

3. To aspirate bone marrow from the proximal tibia

Dr. Saferin stated it was not surgery, just aspirating. He emphasized podiatrists already put frames on legs where they are required to drill into the tibia and that taking an aspirate is not an increased privilege.

4. Remove ingrown nails from hands

Dr. Saferin mentioned the board discussed this point in the past. They decided podiatrists can perform laser surgery of nails, which is the same kind of procedure.

5. Remove warts form the hands

Dr. Saferin stated it is a superficial lesion which qualifies under what is currently in the law.

Dr. Saferin stated the legal team believes each procedure needs to be individually included in the law.

Dr. Schottenstein asked why aspirating bone marrow from the proximal tibia is within the scope of practice but harvesting bone graft from the proximal from the tibia is not.

Dr. Saferin stated in the past, people have worried about going very proximal. He and Ms. Debolt agree it is not within the scope. He felt it was consistent.

Dr. Rothermel agreed.

Dr. Bechtel added that over the years, podiatrists have done a lot of work on nails and superficial lesions of the hands with lasers and so the request is consistent with previous policy. He informed the committee that podiatry is actively involved in wound centers across Ohio and often deal with ulcerations on legs. He stated sometimes a biopsy is necessary to preclude aggressive malignancy.

First motion: Dr. Rothermel moved to approve the draft response to Dr. Logan's inquiry. Dr. Edgin seconded the motion. All in favor. Motion carried.

Ms. Debolt stated the proposed rule will go out for interested party comment, then the comments will be reviewed. At that point, the proposed language will go to the Common Sense Initiative Office for another comment period, then finally to the Joint Committee on Agency Rule Review (JCARR).

Second motion: Dr. Edgin approved the four draft responses (excluding harvesting bone graft from the proximal tibia) for the rule making process. Dr. Rothermel seconded. All in favor. Motion carried.

Dr. Edgin proposed Dr. Bechtel provide the definition of a *superficial lesion* and Dr. Saferin provide the definition of the *ankle*.

Dr. Rothermel asked if Dr. Logan will get a response from the board before the rule process is initiated. Ms. Debolt confirmed.

Dr. Schottenstein asked if Dr. Logan would have to wait for the rule to be established in order to practice the four procedures. Ms. Debolt confirmed.

Ms. Debolt stated the rule making process is estimated at a minimum of six months but sometimes takes longer.

Allied Application Question Alignment

Staff proposes to develop one set of background questions for all Allied licensure applications.

Dr. Rothermel moved to approve that the background questions on the Allied licensure applications be amended. Dr. Edgin seconded. All in favor. Motion carried.

Dr. Schottenstein asked if the first question included schools as “institutions”.

Mr. Turek responded that it was not included in the first one. He mentioned he was trying to not change the actual questions in the background section. The revised question is from the current physician licensure application and he would like to align them as best as possible.

Dr. Schottenstein questioned why the phrase “certificate of registration” was removed in several questions but remained in the third question. He also questioned why the second page regarding legal action and case of claim history was removed.

Mr. Turek responded that his team used the physician licensure application questions for consistency. The licensure team gets an NPDB with the license applications for physicians. The licensure team does not see a lot of malpractice with other license types and does not ask for claims history from carriers.

ADJOURN

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

The meeting adjourned at 8:29 a.m.

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

js/jt



FINANCE COMMITTEE MEETING MINUTES
June 12, 2019 - Room 318

Members in attendance:

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

Other Board Member present:

Harish Kakarala, M.D

Staff in attendance:

A.J. Groeber, Executive Director
Susan Loe, Director of Fiscal & Human Resources
Tessie Pollock, Director of Communications
Joseph Turek, Director of Licensure & Licensee Services
Jonithon Lacross, Director, Public Policy & Government Affairs
Jerica Stewart, Communication & Outreach Administrator

Dr. Schottenstein called the meeting to order at 8:34 a.m.

MINUTES REVIEW

Dr. Saferin moved to approve the draft minutes of May 8, 2019. Dr. Edgin seconded the motion. All members voted aye. The motion carried.

FISCAL UPDATE

Dr. Schottenstein provided the following update: For April 2019, revenue was \$942,906, a little down from March 2019. But March was a month when license renewals were due, and nothing was due in April. So, April is actually a surprisingly good month. It was partly due to an influx of training certificates totaling approximately \$100,000 and the influx should continue into the May numbers. Another part of that increased revenue is because training certificates are three-year certificates instead of 2-year certificates and so the price is \$130 fee paid upfront.

Revenue is up 5% year-to-date. Anything in the 2 to 4% range is good. We had net positive revenue of \$234,143 for April 2019, and our fiscal year-to-date net revenue is \$391,752. Those are healthy numbers. The cash balance is very substantial, \$4,982,348, which is close to a record.

Expenditures are up 10.5% year-to-date, which is substantially a function of those large invoices that the board recently paid for e-License work. In addition, there is an expense being paid to expert witnesses on a monthly basis, but not substantially more on a yearly basis. There is now a staff member, Don, dedicated to making sure there is an adequate number of expert witnesses on the panels so that they can be used more quickly. And staff ensures they bill the team in a timelier manner. This is good for the board; cases are not waiting because of a lack of experts and the money spent on experts is more averaged out throughout the year. The agency is well under its spending authority.

Dr. Schottenstein continued: There was a projected revenue of about \$9.5 million for the fiscal year, which will likely be hit in May even with the end of the fiscal year not until June 30. There will be net positive revenue for this fiscal year, which is especially compelling because the odd numbered fiscal years tend to be down years. This is a surprisingly good fiscal year.

The Medical Board collected \$5,000 in disciplinary fines and \$4,500 in CME fines since the last report.

We are under-spending the allocated budget substantially and will probably end up with roughly \$9.7 million in spending for the fiscal year and allocated spending is around \$11 million.

COMMUNICATIONS UPDATE

Ms. Pollock informed the committee: The team is working on the sexual boundaries education campaign. She saw good material at the FSMB conference from Canada which Jerica is working to duplicate in an Ohio version. There will be a video and handout for patients to educate them on appropriate physician-patient relationships and what they should expect. There will also be a companion set for the providers talking about sexual boundaries and awareness and also be protected from false patient accusations. Topics include how to talk to patients better, education about physical exams and what should and should not be done.

Regarding the anti-human trafficking video translations - Jerica has put together a request for proposal (RFP) to get the videos translated into Spanish and Mandarin. The RFPs have been finalized and put out. Once the bids come in, they will be brought to the Finance Committee.

The chronic and subacute pain prescribing campaign is complete. The Communications team is working with all the partners in the health and human services agencies in Ohio to let prescribers know it's available. The team is sending it out to Medical Board licensees in the e-newsletter. Origo, the contracted vendor for the Department of Health, is sending stand-alone emails to prescribers as well.

DAS updated the host to the website; there is no cost. It makes the website more secure but sometimes may cause it to display incorrectly. Also, the board President and Vice President need to be updated. Ms. Pollock recommending refreshing the browser to resolve any issues.

The Communications team received the proof of the magazine. It did not yet have ads included. The team sent edits and the publisher is supposed to send another proof with the ads included. The ads should be similar to the Board of Nursing magazine. The team will bring it back to the committee since this is the first time with a new publisher.

Presentations have slowed down. FSMB picked up a couple of the Medical Board's issues and put it in their Journal of Medical Regulations.

Any questions about the social media or website should be directed to Ms. Pollock.

Mr. Gonidakis commended the outreach efforts. He recalled that the board presented to medical students a few years ago and wanted to know if the board was still engaged with the medical schools.

Mr. Groeber stated that Joan still goes out to OU HCOMM students.

Ms. Pollock added that OU now broadcasts the meeting from the Dublin campus to the other campuses. The team has also included additional schools, including being a regular for OSU's school of medicine. Every fall they invite a board employee to speak to their students.

Mr. Groeber asked if a board employee was still doing residency orientation. Ms. Pollock confirmed and mentioned it happens at the beginning and the end of their residency programs.

Ms. Pollock referred to Mitch meeting with the credentialing offices and those working on training certificates. In a round of meetings, OSU expressed they did not need to meet every year for this purpose but now the relationship is established.

Mr. Groeber asked if that meeting happened last year and mentioned that it may be time to start the conversation again.

Dr. Schottenstein asked if any recordings of the of the board are going to the schools.

Ms. Pollock reported that final appearances are not recorded, but there have been licensees who as part of their probations have been encouraged to talk to schools. Those interviews can be reduced and edited and put into presentations to the schools.

Mr. Groeber mentioned some of those videos should be included in the e-newsletter.

NEW BUSINESS

PA License Fee

Dr. Schottenstein shared: There was an ad hoc item of new business. In the past, the board talked about the PA initial license fee being substantial, at \$500. Their renewal fee is \$200. That compares to the initial license and renewal fees of \$305 for physicians. He suspected there are a lot of PAs that do not apply for licensure in Ohio because of the prohibitive initial fee and proposed a question of fairness. Dr. Schottenstein has been talking to Susan (Fiscal) about it over time. She has wanted to keep an eye on the finances to see if the board could absorb a fee reduction. She feels comfortable decreasing the initial PA licensure fee to \$400. There are approximately 450 initial PA licensees each year. If there is a \$100 discount per licensee, it is 450×100 , which equals \$45,000 per year. Susan indicates the board can absorb that.

The board presumes there will be some fines for PA supervision audit program violations, which will shift the costs to violators. The board may also see an increase in the number of initial licensure applications which may help to offset some of that revenue loss.

Dr. Saferin recommended a license fee of \$425 which would return the fee to the previous cost. A \$75 fee was added for prescribing privileges.

Mr. Groeber stated PAs used to have two separate fees that included an RX add-on to the license.

Dr. Saferin restated his support of \$425, the original fee, which would now be included.

Ms. Loe mentioned there was a pre-RX fee and an RX fee which ended up at \$500. The board got rid of the supervision agreement fees, which were not usually paid for by the PA.

Mr. Groeber mentioned the board did a poll at some point to find out if PAs or their employer paid for their license fees and asked what the results were.

The committee speculated.

Mr. Lacross reminded the board that PAs asked for a \$425 license fee, so \$400 would be lower.

Mr. Gonidakis stated that he supports reducing regulations and overhead of licensees. He asked about the motivation of the change.

Mr. Groeber mentioned there may be incentives for the change, including items desired in the budget.

Dr. Edgin asked why the license fee was so high.

Ms. Loe stated the license fee used to be \$300, then an extra fee for pre-prescribing for 2 years and then a final certificate to prescribe. All fees were combined into one but in comparison to other fees, it does stand out.

Dr. Saferin pointed out their renewal fee is \$200 in comparison to physician's, which is \$305.

Dr. Schottenstein stated the board would like to get PAs over the hump of the initial license fee. He suggested there could be many people who won't apply for a license in Ohio because of the cost.

Dr. Saferin questioned if the cost was a deterrent.

Mr. Groeber emphasized they are physician extenders, providing faster access to care. He mentioned the lowering of physician initial license fees. With the large number of physicians, smaller dollar reductions still have the same impact. After the fee dropped, revenue still increased, and more licenses were granted.

Dr. Kakarala asked about PA license fees for the border states.

Mr. Lacross stated it would be a nice catalyst in the Senate. Most of the board's action items for the budget would reduce regulation for the board.

Ms. Loe stated that the previous surveys showed that the \$305 physician licensee fee is one of the lowest in the country.

Mr. Groeber did a short calculation and asked the committee if there's a benefit of lowering the fees for PAs and physicians at the same time.

Dr. Schottenstein responded that he doesn't want to have a financial challenge by moving quickly. He proposed evaluating the financial impact after the first fee is lowered before lowering additional fees.

Dr. Saferin moved to approve statutory change for \$400 PA license fee. Mr. Gonidakis seconded the motion. All voted aye. Motion carried.

Ms. Loe stated that the June numbers will be ready in August.

Mr. Turek noted nothing remarkable has happened in June for licensing.

Executive Order Work Group

Mr. Gonidakis asked if Mr. Groeber anticipated any recommendations from the committee to change the operations that would require additional funds. He encouraged the committee to start thinking about the potential financial results of the committee's review.

Mr. Groeber stated as part of the work group, the Attorney General's office informed him that they would be assigning general counsel from Isaac Wiles. They are charging \$200 an hour. They are still waiting to hear how the expense will be paid.

He mentioned as the board begins to actively engage in training and resources around victim advocacy (sexual boundaries issues investigations), it will be contracting more with advocates or experts on those cases. Trainings may have a high price tag but will be brought before the committee.

Most of the changes will be internal management pieces. He does not expect to add additional staff. He would like to repurpose one of the eight vacancies to additional enforcement attorney to help with the case load, which would cost the difference between the original salary of the position and the increase for an attorney.

Dr. Schottenstein asked if we would ever consider hiring an internal staff member for victim advocacy instead of contracting with an agency.

Mr. Groeber responded that due to the nature of the situations needing local interaction, he does not think it makes sense to hire a single resource considering volume and logistics. The Attorney General's office has many contacts to work with. He would like to start with contractors and then evaluate.

ADJOURN

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

The meeting adjourned at 8:59 a.m.

Michael Schottenstein, M.D.
Chair

js

State Medical Board of Ohio

POLICY COMMITTEE MEETING

June 12, 2019

30 East Broad Street, Columbus, OH 43215, Room 336

<p>Members: Robert Giacalone Mark Bechtel, MD Amol Soin, MD</p> <p>Other Board Members present: Michael Schottenstein, MD Bruce Saferin, DPM Richard Edgin, MD Kim Rothermel, MD Harish Kakarala, MD Sherry Johnson, DO</p>	<p>Staff: 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 & Outreach Program Manager Rebecca Marshall, Chief Enforcement Attorney Joe Turek, Deputy Director David Fais, Deputy Director Jonithon LaCross, Director Public Policy and Government Affairs</p>
---	--

Dr. Soin called the meeting to order at 9:15 a.m.

Meeting Minutes Review

Dr. Soin reported that the draft minutes of the May 8, 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 May 8, 2019 Policy Committee meeting. Mr. Giacalone seconded the motion. Motion carried.

Rules Review Update

Ms. Anderson referred to the report included in the agenda materials. She noted that the dietetics rules are scheduled for committee review in July or possibly August. The controlled substance rules, which include the OARRS rule, are slated for committee review in July.

She said we are making good progress with the rules under review by Common Sense Initiative Office (CSI). The light-based medical device rules remain pending in antitrust review. Ms. Anderson reported that she, Ms. Debolt and Mr. Smith recently met with a representative from CSI about the rules. We are waiting on CSI response.

Legislative Update

Mr. LaCross reported that the Senate Substitute Budget bill was released yesterday afternoon. Three issues were removed in the Senate version: the telemedicine certificate removal, CME change, and limited certificate removal issue. We are working with Senate Policy staff to see if we can get those items restored. We had three other issues prepped addressing PAs, podiatric hyperbaric training, and teleconferencing committee meetings and these did not make it in the Senate bill either, but we are redrafting these issues and working with Senator Burke's office.

He reported that the Finance Committee just discussed lowering PA initial licensing fees at its meeting this morning, so that topic may help us with the other issues. Mr. LaCross was optimistic about getting the items inserted in the bill.

Dr. Bechtel for an update on rules/regulations for telemedicine. Mr. LaCross reported that we were trying to eliminate the telemedicine certificate because of the CME change. Telemedicine license holders were required to obtain 50 category 1 hours while other physician licensees were required to obtain a minimum of 40 hours category 1 hours. With changing the CME hours to 50 hours of Category 1 credit for all physicians, there was no need for a separate telemedicine license. If the changes are approved in the budget all telemedicine licensees will be converted to a full license.

Dr. Johnson asked what the objections were regarding the CME change. Mr. LaCross said we don't know as it seemed as if all were on board for the change.

Proposed legislative change related to loss of NCCPA certification

Mr. Turek said the licensure committee discussed this matter in May and considered legislative language that, conceptually, would differentiate between PAs who lost NCCPA certification due to discipline and those who lost certification due to failure to recertify or renew.

Licensure committee was in favor of pursuing a statutory amendment to further clarify the law. He said those who failed to recertify or renew would have 120 takes to obtain NCCPA certification or they would have to cease practice until certification was regained. A PA who had certification suspended or revoked by the NCCPA would have to immediately cease practice and inform the medical board within 14 days after the PA received the notice of change in certification status.

Mr. LaCross said that licensure committee supported the changes, so he had statutory language drafted. It is now waiting to see if he can get it in the budget bill.

Mr. Giacalone moved to approve that the board staff pursue legislative amendments to Ohio law related to loss of certification by physician assistants. Dr. Bechtel seconded the motion. Motion carried.

Changes to rule 4731-13-13, OAC Hearing Subpoenas

Ms. Anderson said that the committee reviewed the proposed amended rule last month. Rule 4731-13-13, Ohio Administrative Code, sets the timeframe for filing a subpoena requesting the production of books, records and papers (subpoenas duces tecum) for an administrative hearing. The rule is proposed to be amended at paragraph (B) to clarify the filing deadline.

No comments were received when document sent to interested parties.

Dr. Bechtel moved to recommend that the Medical Board approve the proposed amended rule to be filed with the Common Sense Initiative Office. Mr. Giacalone seconded the motion. Motion carried.

Changes to Chapters 4730-1, 4730-2 and 4730-3, OAC regarding Physician Assistants

Ms. Debolt reported that the proposed changes to the physician assistant rules reflect statutory changes enacted in Senate Bill 259. The proposed rules were circulated to interested parties and only one comment was received, which was in support of the changes.

Dr. Bechtel moved to recommend that the Medical Board approve the proposed rules to be filed with the Common Sense Initiative Office. Mr. Giacalone seconded the motion. Motion carried.

Changes to Chapter 4761, OAC regarding Respiratory Therapists

Mr. Smith said that this is the second round of respiratory care rules updated to comply with statutes and medical board processes. He referred to the memorandum in the committee agenda materials that summarized the proposed changes. He noted that Rules 4761-9-01, 4761-9-04 and 4761-9-05 take the board out of the business of approving the respiratory care and professional ethics courses.

Five comments were received following initial circulation of the proposed rules. Additionally, the Respiratory Care Advisory Committee (RCAC) reviewed the draft and recommended approval to the board to file with CSI with one potential change which was also advocated for by the Ohio Society of Respiratory Care (OSRC). Most comments were positive, and a few were not related to the substance of the rules.

He said the OSRC suggested further defining “relevant college credit” so that it would be limited to respiratory care related classes. The following change is proposed to Rule 4761-9-05 Approved Sources of Respiratory Care Continuing Education (RCCE):

- (A) Applicants for renewal shall successfully complete the required number of RCCE contact hours according to rule 4761-9-02 of the Administrative Code. RCCE earned from any combination of the following sources may be applicable towards meeting RCCE requirements:
- (1) Relevant college credit awarded by an academic institution accredited by its regional accrediting association. **This is limited to respiratory care related classes.**

Dr. Bechtel moved to recommend that the Medical Board approve the amendment to the proposed rule and send the amended proposed rules to the full board for approval to be filed with the Common Sense Initiative Office. Mr. Giacalone seconded the motion. Motion carried.

Changes to Rules with Military Service Provisions

Mr. Smith said these rules are carrying out the board’s requirement to comply with several statutes in Chapter 5903, ORC, which relates to occupational licensure, renewal of licensure, and expedited processing of licensing applications and continuing education for military members. He said we combined 14 rules in seven different OAC chapters into three rules into new chapter 4731.36 as 4731.36.01, 4731.36.02, and 4731.36.03. He reported that the Respiratory Care Advisory Council and the Dietetics Advisory Council reviewed the proposed rules and both Council’s recommended board approval of filing the proposed rules with CSI.

Mr. Smith said we received 25 comments about the rules: eight were in support of the rules; several did not address the rules substantively, and two comments did not favor any changes to the rules.

The remaining relevant comments included five (5) comments that suggested explicitly recognizing the military medical school and/or military graduate medical education programs in proposed rule 4731-36-02(B)(3) for doctors. The rule as currently proposed states:

(3) For purposes of section 5903.03 of the Revised Code, the board has determined that there are no military programs of training, military primary specialties, or lengths of service that are substantially equivalent to or that exceed the educational and experience requirements for licensure to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.

The comments suggested that the wording was confusing and that a more explicit inclusion of accredited military medical schools and accredited military graduate medical education is necessary for clarification. **The following change is proposed for rule 4731-36-02(B)(3), (4):**

(3) For purposes of section 5903.03 of the Revised Code, the board has determined that:

(a) A diploma from a military medical school or military osteopathic medical school that at the time the diploma was issued was a medical school accredited by the liaison committee on medical education or an osteopathic medical school accredited by the American osteopathic association are substantially equivalent to the medical educational requirement for licensure to practice medicine and surgery or osteopathic medicine and surgery;

(b) Military graduate medical education that is accredited by the Accreditation Council for Graduate Medical Education is substantially equivalent to the graduate medical educational requirement for licensure to practice medicine and surgery or osteopathic medicine and surgery; and

(c) There are no military primary specialties or lengths of service that are substantially equivalent to or that exceed the educational and experience requirements for licensure to practice medicine and surgery or osteopathic medicine and surgery.

(4) For purposes of section 5903.03 of the Revised Code, the board has determined that:

(a) A degree from a military college of podiatric medicine and surgery that at the time the degree was granted was a college of podiatric medicine and surgery accredited by the Council on Podiatric Medical Education is substantially equivalent to the medical educational requirement for licensure to practice podiatric medicine and surgery;

(b) Military postgraduate training in a podiatric internship, residency, or clinical fellowship program accredited by the Council on Podiatric Medicine is substantially equivalent to the graduate medical educational requirement for licensure to practice podiatric medicine and surgery; and

(c) There are no military primary specialties or lengths of service that are substantially equivalent to or that exceed the educational and experience requirements for licensure to practice podiatric medicine and surgery.

One additional comment expressed the need for a clear definition of veteran. In response, the following change incorporating the definitions of “service member” and “veteran” from R.C. 5903.01 is

proposed to be added to the definitions in rule 4731-36-01(A):

(3) “Service member” means any person who is serving in the armed forces.

4) “Veteran” means any person who has completed service in the armed forces, including the national guard of any state, or a reserve component of the armed forces, who has been discharged under honorable conditions from the armed forces or who has been transferred to the reserve with evidence of satisfactory service.

Lastly, two comments pointed out a typographical error, and the word “free” was changed to “fee” in proposed rule 4731-36-02(A) as stated below:

(A) Renewal of an expired license or certificate to practice without a late fee or re-examination.

Dr. Bechtel moved recommend that the Medical Board approve the amendment to the proposed rule and send the amended proposed rules to the full board for approval to be filed with the Common Sense Initiative Office. Mr. Giacalone seconded the motion. Motion carried.

Adjourn

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

The meeting adjourned at 9:31 a.m.

jkw



AD HOC ICD-10 DATA REVIEW COMMITTEE

November 13, 2018 - Conference Room #336

Committee Members	In Attendance
Dr. Michael Schottenstein Dr. Sherry Johnson Dr. Amol Soin Mr. Robert Giacalone	Dr. Mary Applegate - Medicaid Dr. Mark Hurst – Mental Health & Addiction Services Dr. Clint Koenig - Health Chad Garner- Board of Pharmacy Steve Schierholt – Board of Pharmacy A.J. Groeber – Medical Board Stuart Nealis – Medical Board Tessie Pollock – Medical Board Cindy Erwin – Medical Board

The State Medical Board of Ohio's ICD-10 Code Data Review Committee was called to order at 2:09 p.m.

Mr. Groeber asked the committee members to review the minutes from the September 12, 2018 meeting. A motion to approve the minutes as drafted was made by Dr. Johnson with a second by Dr. Schottenstein. The motion passed unanimously, and the minutes were approved.

Mr. Garner presented his report of the diagnosis codes broken down into "buckets." This reduced the number of conditions from 7500 to several hundred condition categories. Mr. Groeber stated that this could provide an opportunity to issue expanded guidance for prescribers. Dr. Applegate joined the meeting at 2:18 p.m.

Following discussion of the data presented, the committee agreed upon the following action items:

- Mr. Nealis and Ms. Irwin will review the current "bucketed" data set to strip out purely acute conditions. They will then resort the raw data (to be provided by Mr. Garner by Nov. 20) to expose those conditions with 25th / median / 75th percentile days' supply and MED data. Mr. Nealis will then start work on a searchable database to expose this same information in an easy-to-use format.
- Once the initial acute condition sort is done, Mr. Groeber will send out for review a list of the most common conditions for which we may want to promote the <7 / <30 MED message.
- Mr. Garner and Dr. Applegate will work to refine new "buckets" by sub-specialty and split future buckets in to adult and minor categories.

Dr. Schottenstein mad a motion to adjourn. Dr. Johnson provided the second. The committee adjourned at 2:46 p.m.