

State Medical Board of Ohio Meeting Minutes – March 9, 2022

Mr. Giacalone	- aye
Dr. Schottenstein	- aye
Dr. Soin	- aye
Dr. Johnson	- aye
Mr. Gonidakis	- aye
Dr. Kakarala	- aye
Dr. Feibel	- aye
Dr. Reddy	- aye
Dr. Bechtel	- aye
Ms. Montgomery	- aye

Ms. Montgomery 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.

During these proceedings, no oral motions were allowed by either party.

Roozbeh Badii, M.D.

Ms. Montgomery directed the Board's attention to the matter of Roozbeh Badii, M.D. Objections were previously filed and have been distributed to Board members. Ms. Shamansky was the Hearing Examiner.

A request to address the Board has been filed on behalf of Dr. Badii. Five minutes will be allowed for that address.

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

Ms. Collis stated that she is appearing on behalf of Dr. Badii, who is in California and is unable to travel here today. Ms. Collis stated that Dr. Badii briefly held an Ohio medical license from 2015 to 2017 so that he could provide telemedicine services to residents in Ohio. Dr. Badii's Ohio medical license lapsed in 2019 and remains lapsed/expired today. Dr. Badii holds active medical licenses in other states.

Ms. Collis continued that the Board has proposed to take action against Dr. Badii's Ohio medical license based on three allegations:

- Dr. Badii was excluded from Medicare and Medicaid in 2018.
- Dr. Badii failed to comply with the Board's subpoena request.
- Dr. Badii had been disciplined by the Maryland Board of Physicians.

Regarding the first allegation, Ms. Collis did not contest the fact that Dr. Badii has been excluded as a provider from Medicare and Medicaid.

Regarding the second allegation, Ms. Collis stated that Dr. Badii has, in fact, complied with the Board's investigation. In his efforts to comply with the Board's subpoena request, Dr. Badii traveled to Ohio on two occasions. On the first occasion, Dr. Badii personally appeared before Board staff and provided 11 of the 13 records that had been subpoenaed. Ms. Collis stated that Dr. Badii provided, to the best of his ability, the subpoenaed documents that were under his control. On the second occasion, Dr. Badii fully cooperated with the Board's investigation and attended a deposition with a Board enforcement attorney in which he answered all questions.

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Regarding the third allegation, Ms. Collis stated that the Maryland Board suspended Dr. Badii's Maryland medical license based on the finding that he was unfit to practice due to his mental health and that he had failed to cooperate with their investigation. The Maryland Board had sent Dr. Badii to an evaluation with Brian Zimnitzky, M.D., who opined that Dr. Badii is not fit to practice medicine. However, Dr. Badii also obtained his own assessment with Michael Spodak, M.D., which Ms. Collis has tried to proffer to the Board. Ms. Collis asked that the Board review the report before moving forward.

Ms. Collis stated that the Board has not charged Dr. Badii with impairment in his ability to practice medicine due to mental health. However, Dr. Badii did agree to an Eastway waiver to allow the Board an opportunity to review, and for Dr. Badii to be able to present, evidence related to his mental health. Dr. Badii's psychiatrist testified at hearing and asserted that, in her opinion after working with him, Dr. Badii is fit to practice. Ms. Collis opined that the troubles Dr. Badii has experienced before this Board and the Maryland Board are due to complaints filed as a result of Dr. Badii's contentious divorce and child custody matter. Ms. Collis noted that Dr. Badii's wife has restricted his access to their home and has destroyed many of his records.

Ms. Collis stated that the Hearing Examiner has recommended revocation of Dr. Badii's license based on an assumption that he would not be able to comply with any sanction imposed by the Board. Ms. Collis asserted that Dr. Badii has attempted to comply with the Board's investigation and he would comply with a restriction or limitation imposed by the Board. Ms. Collis stated that the evidence shows that Dr. Badii is fit to practice professionally in Ohio. Ms. Collis requested that the Board not revoke Dr. Badii's license, but instead issue a reprimand and a monetary fine that would allow him to continue to hold a license in Ohio if he chooses to do so.

Ms. Montgomery asked if the Assistant Attorney General wished to respond. Ms. Snyder stated that she wished to respond.

Ms. Snyder stated that this is the second time that a matter involving Dr. Badii has come before the Board, noting that he was the subject of a 2017 bootstrap case based on an action by the Maryland Board for pre-signing prescriptions. Today, Dr. Badii is before the Board for failing to comply with records requests from Medicare, the Maryland Board, and the Ohio Board. Dr. Badii has testified that he could not comply with the investigations because he did not have control of the records and he was not the record keeper for his telemedicine practice. Ms. Snyder stated that she will let the Board, as medical experts, determine whether that is true or not, but it did not seem correct to her. Ms. Snyder opined that if one is treating patients, they one has a medical record and they can either provide the record or the name of the person who can provide it.

Ms. Snyder stated that Dr. Badii has significant mental health issues and, although he was not charged with a violation of 4731.22(B)(19), Ohio Revised Code, the Board can consider mental health because Dr. Badii provided an Eastway waiver. Ms. Snyder noted that the hearing record is replete with things like conspiracy theories, FBI investigations, and angry wives. Based on the transcript, Ms. Snyder opined that Dr. Badii continues to struggle with these mental health issues and it is interfering with his practice of medicine, specifically his ability to comply with investigations. The Hearing Examiner has proposed revocation of Dr. Badii's Ohio medical license due to concern about his ability to comply with any limitations the Board may impose.

Ms. Snyder stated that no matter what the Board decides with regard to Dr. Badii's lapsed license, it should take seriously the mental health issues that he displayed at his hearing and that were found by the Maryland Board.

Dr. Reddy moved to approve and confirm the Proposed Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Dr. Badii. Dr. Johnson seconded the motion.

Ms. Montgomery stated that she will now entertain discussion in the above matter.

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Dr. Schottenstein stated that the Medical Board has made three allegations in this matter. First, Dr. Badii is alleged to have violated 4731.22(B)(25), Ohio Revised Code (ORC) by having been excluded from Medicare, Medicaid, and all federal health care programs. There is consensus that this allegation has been proven.

Second, Dr. Badii is alleged to have violated 4731.22(B)(34), ORC, by failing to cooperate with a Medical Board investigation and failing to produce requested records. Dr. Schottenstein noted that the statute does not allow for exceptions regarding a licensee's inability to access the requested information; such issues may be mitigating, but they are not exculpatory. Therefore, Dr. Schottenstein perceived that this allegation has also been proven.

Third, Dr. Badii is alleged to have violated 4731.22(B)(22), ORC, by being the subject of action by another medical board, specifically the Maryland Board of Physicians. Dr. Schottenstein stated that it is neither appropriate nor necessary to relitigate the Maryland Board matter; a violation of 4731.22(B)(22) occurs when another board takes action against an Ohio licensee, and that has clearly occurred.

As noted by the defense counsel, the Board has not alleged that Dr. Badii has an inability to practice medicine due to mental or physical illness.

In considering an appropriate consequence for these violations, Dr. Schottenstein first noted that Dr. Badii's Ohio medical license has been lapsed for more than the two-year window in which one can go online and automatically renew by paying a fee. Also, Dr. Schottenstein is unaware of any pending application to restore Dr. Badii's Ohio license. In the closing arguments at Dr. Badii's hearing, the Assistant Attorney General indicated that because Dr. Badii's license is lapsed, there is no license to issue orders on and therefore the only action the Board could take is revocation. The defense counsel disagreed and argued that the Board has the full range of sanctions available to it. Dr. Schottenstein noted that under 4731.22(M)(3), ORC, there is no limitation to the Board's jurisdiction to take any disciplinary action against a license upon failure of a practitioner to renew it. Though Dr. Schottenstein understood the Assistant Attorney General's position and acknowledged that it is a tricky question, he perceived that based on 4731.22(M)(3) the Board has the usual full range of sanctions available to it.

Dr. Schottenstein stated that his initial inclination in bootstrap cases involving out-of-state actions is to be respectful and deferential to the original state board that first looked at the case, and to line up Ohio's order with the sister board's order. Therefore, Dr. Schottenstein proposed to amend the Proposed Order from a revocation of Dr. Badii's license to an indefinite suspension with the following conditions for restoration: An application for restoration of the license; evidence of unrestricted licensure in Maryland in order to address the 4731.22(B)(22) violation; and a medical record keeping course in order to address the 4731.22(B)(25) and 4731.22(B)(34) violations.

Dr. Schottenstein moved to amend the Proposed Order to read as follows:

It is hereby ORDERED that:

- A. **SUSPENSION OF LICENSE:** The license of Roozbeh Badii, M.D., to practice medicine and surgery in the State of Ohio shall be **SUSPENDED** for an indefinite period of time.
- B. **FINE:** Within thirty days of the effective date of this Order, Dr. Badii shall remit payment in full of a fine of three thousand dollars (\$3,000.00). Such payment shall be made via credit card in the manner specified by the Board through its online portal, or by other manner as specified by the Board.
- C. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Badii's license to practice medicine and surgery until all of the following conditions have been met:

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1. **Application for Reinstatement or Restoration**: Dr. Badii shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
2. **Evidence of Unrestricted Licensure in Maryland**: At the time Dr. Badii submits his application for reinstatement or restoration, Dr. Badii shall provide the Board with acceptable documentation evidencing his full and unrestricted licensure in the State of Maryland. If the sole remaining condition for full and unrestricted licensure in Maryland is that Dr. Badii must demonstrate full and unrestricted licensure in Ohio, then this requirement may be deemed by the Board to be satisfied.
3. **Medical Records Course(s)**: At the time he submits his application for reinstatement or restoration, or as otherwise approved by the Board, Dr. Badii shall provide acceptable documentation of successful completion of a course or courses on maintaining adequate and appropriate medical records. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any course(s) taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Badii submits the documentation of successful completion of the course(s) on maintaining adequate and appropriate medical records, he shall also submit to the Board a written report describing the course(s), setting forth what he learned from the course(s), and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

4. **Payment of Fine**: Dr. Badii shall have fully paid the fine as set forth in Paragraph B of this Order.
 5. **Additional Evidence of Fitness To Resume Practice**: In the event that Dr. Badii has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of his fitness to resume practice.
- D. **VIOLATION OF THE TERMS OF THIS ORDER**: If Dr. Badii violates the terms of this Order in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his license.
- E. **REQUIRED REPORTING TO THIRD PARTIES; VERIFICATION**:

1. **Required Reporting to Employers and Others**: Within 30 days of the effective date of this Order, Dr. Badii shall provide a copy of this Order to all employers or entities with which he is under contract to provide healthcare services (including but not limited to third-party payors), or is receiving training, and the Chief of Staff at each hospital or healthcare center where he has privileges or appointments. Further, Dr. Badii shall promptly provide a copy of this Order to all employers or entities with which he contracts in the future to provide healthcare services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or healthcare center where he applies for or obtains privileges or appointments.

In the event that Dr. Badii provides any healthcare services or healthcare direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, within 30 days of the effective date of this Order, he shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

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

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This requirement shall continue until Dr. Badii receives from the Board written notification of the reinstatement or restoration of his Ohio license to practice osteopathic medicine and surgery.

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

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

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

This requirement shall continue until Dr. Badii receives from the Board written notification of the reinstatement or restoration of his Ohio license to practice osteopathic medicine and surgery.

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

Dr. Bechtel seconded the motion.

Dr. Feibel disagreed with Dr. Schottenstein's proposed motion. Dr. Feibel stated that the Ohio Board does not have to be deferential to another board and it can be its own decision-maker. Dr. Feibel also noted that the allegations against Dr. Badii involve not only a bootstrap action from another state, but also a violation of the Ohio Board's rules regarding cooperation with Board investigations. Dr. Feibel felt that Dr. Badii had been evasive when questioned about his lack of cooperation. Dr. Feibel opined that it is not prudent to rely on another board's action to determine whether someone can practice in Ohio. Dr. Feibel understood that Dr. Badii has a mental health condition, but given his past and current behavior Dr. Feibel stated that he would support a permanent revocation of Dr. Badii's license.

Dr. Soin thanked Dr. Feibel for his comments, stating that he has a similar opinion when he first reviewed the case. However, after further consideration of the statements about Dr. Badii's good-faith efforts to try to be responsive, as well as comments on the mental health issue, Dr. Soin wondered if there could be a pathway forward for Dr. Badii that could be fruitful and beneficial.

Ms. Montgomery noted that this case is partly related to telemedicine, and as such it presents the types of issues that the Board may encounter once the recently-passed telemedicine bill is fully effective.

Dr. Feibel commented that if he had been the subject of a Board investigation, he would have done everything possible to make sure the Board received the requested medical records, including sending certified letters to the telemedicine company directing them to send the records to the Board or asking the Board to subpoena the records directly from the telemedicine company if he had been unsuccessful in obtaining them himself. Dr. Feibel opined that deferring to another state's action in cases in which a licensee violated Ohio's rules is not appropriate. Dr. Feibel noted that under the proposed amendment, the Maryland Board would be able to

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decide when Dr. Badii's Ohio license can be restored. Dr. Feibel stated that this decision should remain with the Ohio Board.

Dr. Schottenstein stated that one's view of this case depends on whether one believes the alleged violation of Ohio's rules was in the context of Dr. Badii's mental health issues. If one believes that is the case and the mental health issues can be treated, then Dr. Schottenstein felt the proposed amendment is appropriate. Dr. Schottenstein stated that permanent revocation in this case seems heavy-handed to him and he speculated that this is why the Hearing Examiner proposed a non-permanent revocation.

Dr. Schottenstein continued that the Maryland Board suspended Dr. Badii's Maryland medical license for at least one year because they found him to be mentally incompetent to practice medicine. The terms for reinstatement in Maryland include a contract with the Maryland Professional Rehabilitation Program to address Dr. Badii's mental health issues. Dr. Schottenstein acknowledged that the Ohio Board could levy its own order, but he felt that the proposed amendment would be a reasonable order in addition to lining up with the Maryland Board's order.

Dr. Schottenstein observed the Hearing Examiner's concern about Dr. Badii's willingness to comply with a Board order, and this was part of the rationale for the Proposed Order of non-permanent revocation. Dr. Schottenstein respectfully disagreed with the Hearing Examiner on that point, but he did consider the fact that under a non-permanent revocation Dr. Badii could apply for another license, potentially even tomorrow, and at that point there would be an actual license on which the Board could take action. If that were to occur, Dr. Schottenstein felt that in the subsequent case he would recommend the same thing that he is recommending now in his proposed amendment.

Dr. Schottenstein stated that he is respectful of the thought of a non-permanent revocation and is not necessarily opposed to it, but reiterated his opinion that it seems somewhat heavy-handed in this case. Dr. Schottenstein opined that Dr. Badii would be able to practice medicine again if his mental health issues are addressed.

Dr. Feibel commented that he would also support the Proposed Order of a non-permanent revocation if the other Board members felt it was more appropriate than a permanent revocation.

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

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Mr. Giacalone	- abstain
	Dr. Schottenstein	- aye
	Dr. Soin	- nay
	Dr. Johnson	- aye
	Mr. Gonidakis	- aye
	Dr. Kakarala	- aye
	Dr. Feibel	- nay
	Dr. Reddy	- nay
	Dr. Bechtel	- aye
	Ms. Montgomery	- nay

The motion to amend carried.

Dr. Schottenstein moved to approve and confirm the Proposed Findings of Fact, Conclusions of Law, and Proposed Order, as amended, in the matter of Dr. Badii. Dr. Johnson seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
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Dr. Saferin	- abstain
Mr. Giacalone	- aye
Dr. Schottenstein	- aye
Dr. Soin	- nay
Dr. Johnson	- aye
Mr. Gonidakis	- aye
Dr. Kakarala	- aye
Dr. Feibel	- nay
Dr. Reddy	- nay
Dr. Bechtel	- aye
Ms. Montgomery	- nay

The motion to approve carried.

Aaron Goldfein, M.D.

Ms. Montgomery directed the Board's attention to the matter of Aaron Goldfein, M.D. Objections have been filed and were previously distributed to Board members. Ms. Lee was the Hearing Examiner.

A request to address the Board has been filed on behalf of Dr. Goldfein. Five minutes will be allowed for that address.

Dr. Goldfein was represented by his attorney, Levi Tkach.

Mr. Tkach stated that he has filed objections to the Hearing Examiner's Report and Recommendation, and he also has a pending motion regarding the continuing education that Dr. Goldfein had submitted with his application. Mr. Tkach stated that Dr. Goldfein demonstrated throughout his hearing that he is capable of providing medical services to Ohio's patients because of his great education, excellent training, and his passion and desire to serve patients. Mr. Tkach asked the Board to reject the Hearing Examiner's Proposed Order.

Dr. Goldfein stated that he is very ashamed of the crime he committed. Specifically, Dr. Goldfein utilized an experienced but unlicensed physician with no Drug Enforcement Administration registration to see patients without his direct supervision. After hiring a physician recruiter and failing to find physicians willing to perform home visits, Dr. Goldfein committed this illegal act to meet what he saw as a community need. Before having the physicians work, Dr. Goldfein searched to find a Michigan law that might permit the use of these physicians, but he did not think to consult an expert attorney on this subject. Dr. Goldfein stated that he reviewed all patient charts before signing for any care; there were occasions when Dr. Goldfein did not agree with the plans of care and he made appropriate changes in the plans for those patients.

Dr. Goldfein wanted to make it clear that he never ordered any unnecessary care, although he was aware that kickbacks can induce physicians toward excessive or unnecessary care and this is why kickbacks are illegal. Dr. Goldfein realized that through his actions he brought harm to the community as a whole, and this resulted in the suspension of his Michigan medical license. Dr. Goldfein's employees lost their jobs and his patients lost their care. Dr. Goldfein's family and friends suffered humiliation and sadness for his actions.

Dr. Goldfein wished to tell the Board about himself other than his criminal acts. Dr. Goldfein was raised in a loving home with two half-brothers in Upper Arlington, Ohio, and attended Wickliffe Elementary School, Jones Junior High School, Upper Arlington High School, and the Ohio State University (OSU). Dr. Goldfein had always had a strong interest in science and the biological sciences, noting that his mother was a research scientist for 30 years and his father was a psychiatrist. While attending OSU, Dr. Goldfein participated in the pre-med curriculum and majored in zoology, having a particular interest in human anatomy and physiology. Upon graduation, Dr. Goldfein attended medical school at Universidad de Guadalajara in Mexico. During his medical education, Dr. Goldfein worked in and around the underserved areas of Guadalajara, learning both

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medicine and Spanish. Thereafter, the path of Dr. Goldfein's specialty training brought him back to Ohio on several occasions. First, Dr. Goldfein was granted a preliminary surgical internship at Western Reserve Care Systems in Ohio. Dr. Goldfein then completed an anesthesia residency at Meridia Systems and the Cleveland Clinic Foundation.

Dr. Goldfein stated that throughout his life, he always thought of Ohio as his home and he has regularly come back to visit friends who still live in Columbus. Dr. Goldfein stated that on February 25, the federal courts granted his request for early termination from probation.

Dr. Goldfein reiterated that he is very ashamed of his criminal acts. Dr. Goldfein stated that he has learned from the past and he will not make the same mistakes every again. With the skills he has developed as a physician, Dr. Goldfein believed he still has much to offer in serving the community. Dr. Goldfein respectfully requested the Board's consideration in granting his application for licensure.

Ms. Montgomery asked if the Assistant Attorney General wished to respond. Mr. Puckett stated that he wished to respond.

Mr. Puckett stated that he supports the Hearing Examiner's Report and Recommendation to permanently deny Dr. Goldfein's application for licensure. The Board's citation alleged three violations of the Medical Practices Act, and he has prior disciplinary action for over-prescribing and received a period of probation in 2010. However, the most significant issue today is Dr. Goldfein's plea of guilty to a felony in Michigan federal court and subsequently serving approximately two years in prison, a term that was reduced from the original sentence of 56 months.

Mr. Puckett continued that Dr. Goldfein's counsel raised five objections to the Report and Recommendation. The first objection regards the Hearing Examiner's characterization of Dr. Goldfein's criminal conviction. Mr. Puckett stated that this is not an objection based in law. Mr. Puckett stated that this objection dismisses the content of Dr. Goldfein's guilty plea, and in response he says, "that's the federal government's version of the investigation." Mr. Puckett stated that this is not true and this is not different version of events. Rather, it is the guilty plea that Dr. Goldfein signed that led to him going to prison. By signing the plea, Dr. Goldfein received the benefit of reduced charges and he avoided a trial.

The second objection concerns how the Hearing Examiner characterized Dr. Goldfein's limited display of remorse. Mr. Puckett stated that this objection is also not based in law, but based on how things were written and characterized by the Hearing Examiner. Mr. Puckett struggled to understand this objection because the objection also quotes the portion that the Hearing Examiner relied on in which Dr. Goldfein states on the record regarding whether he regretted taking his plea deal, "I never really felt that bad about it, but for some reason when I had a Covid infection while in prison it seemed to sensitize me to what I had done wrong." Therefore, the Hearing Examiner is not overstating things. It is in the record that Dr. Goldfein did not feel badly about the plea until he was in prison, in a sensitive position, and feeling sick.

The third objection is a disagreement about how the Hearing Examiner determined credibility. Mr. Puckett stated that, again, this objection is not based in law. The Hearing Examiner noted that the crime involves health care fraud and wire fraud, which are crimes of dishonesty for which Dr. Goldfein is currently under probation. Mr. Puckett stated that the Hearing Examiner as the ability to assess credibility in these matters.

Mr. Puckett opined that the fourth objection is not procedurally accurate. The objection states that Dr. Goldfein submitted a motion to compel in this matter which was not ruled upon. Mr. Puckett stated that that is not the case. Mr. Puckett observed that the motion was submitted on December 22 and it was denied in an email sent to Mr. Puckett and the opposing counsel on December 23.

The fifth objection was a suggestion for a different result other than the proposed permanent denial. Mr. Puckett listed the facts that Dr. Goldfein stipulated to in his 2017 plea deal:

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Dr. Saferin	- abstain
Mr. Giacalone	- aye
Dr. Schottenstein	- aye
Dr. Soin	- aye
Dr. Johnson	- aye
Mr. Gonidakis	- aye
Dr. Kakarala	- aye
Dr. Feibel	- aye
Dr. Reddy	- aye
Dr. Bechtel	- aye
Ms. Montgomery	- aye

The motion carried.

Dara Parvin, M.D.

Ms. Montgomery directed the Board's attention to the matter of Dara Parvin, M.D. No objections have been filed. Ms. Shamansky was the Hearing Examiner.

Dr. Johnson moved to approve and confirm the Proposed Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Dr. Parvin. Dr. Bechtel seconded the motion.

Ms. Montgomery stated that she will now entertain discussion in the above matter.

Dr. Schottenstein stated that the allegation that Dr. Parvin was the subject of action by the Iowa Board of Medicine has been proven, and so this case is a matter of mitigating and aggravating circumstances. While Dr. Parvin presented facts that are legitimately mitigating, some of the facts he presented as mitigating are actually not mitigating. Dr. Schottenstein listed the facts he found to be not mitigating:

- Dr. Parvin was forced to sign the Iowa order because there was a "gun to my head."
- Other health care employees are sexually inappropriate and not just him.
- Dr. Parvin believes that nefarious actions were taken against him by former employers; this belief appears to be based on assumptions that are not proven.
- Dr. Parvin behaved inappropriately because he was drunk.
- Dr. Parvin could suffer embarrassment to his reputation.
- If the Board takes action, it would make him unemployable so the Board should make an exception for him; Dr. Parvin did not explain why he is employable after the Iowa order but would not be employable after an Ohio order.
- Dr. Parvin implies that the Board is contributing to physician burnout and is "Just making life worse for everybody."
- Dr. Parvin warns that Ohio patients will be harmed if the Board takes action against his license.

Dr. Schottenstein opined that these factors would be mitigating if this was a physician protection board, but they are not mitigating before a patient protection board. Dr. Schottenstein perceived from Dr. Parvin's testimony that he has difficulty taking responsibility for his actions. Dr. Schottenstein observed that the only thing he seems to take responsibility for is that he should not have gone onto social media while intoxicated, while everything else appears to be someone else's fault, not that big of a deal, or was a long time ago and everyone should just move on.

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Dr. Schottenstein reiterated that it is mitigating that Dr. Parvin owns the fact that he should not have gone onto social media while intoxicated, and he believed that Dr. Parvin contacting his patient on social media at that time was an accident. Dr. Schottenstein was also satisfied that Dr. Parvin does not have a substance use disorder. Dr. Schottenstein appreciated Dr. Parvin's volunteer service. Dr. Schottenstein felt that the remoteness of the behavior is also mitigating. Dr. Schottenstein also noted several aggravating factors, including a prior disciplinary record and a pattern of behavior. Dr. Schottenstein never heard an expression of remorse from Dr. Parvin, and he thought the patient felt compelled to report his social media behavior because she was adversely affected by it.

Dr. Schottenstein stated that the Board is right to take action based on the action of the Iowa Board, not in a knee-jerk fashion as Dr. Parvin had warned about, but in an appropriate way that is based on facts and is consistent with how the Board typically handles such matters. Dr. Schottenstein agreed with the Proposed Order.

Mr. Gonidakis asked if the Board had previously considered a case regarding a licensee's behavior on social media. Some Board members and staff recalled a few such cases in previous years, such as those of Dr. Muffley and Dr. Kollab.

A vote was taken on Dr. Johnson's motion to approve and confirm.

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Mr. Giacalone	- aye
	Dr. Schottenstein	- aye
	Dr. Soin	- aye
	Dr. Johnson	- aye
	Mr. Gonidakis	- aye
	Dr. Kakarala	- aye
	Dr. Feibel	- aye
	Dr. Reddy	- aye
	Dr. Bechtel	- aye
	Ms. Montgomery	- aye

The motion carried.

Tyler H. Strachan, L.M.T.

Ms. Montgomery directed the Board's attention to the matter of Tyler Strachan, L.M.T. No objections have been filed. Ms. Shamansky was the Hearing Examiner. This matter is non-disciplinary, and therefore all Board members may vote.

Dr. Bechtel moved to approve and confirm the Proposed Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Mr. Strachan. Dr. Reddy seconded the motion.

Ms. Montgomery stated that she will now entertain discussion in the above matter.

Dr. Schottenstein stated that the matter of Mr. Strachan is very similar to that of Ms. Kolberg, which the Board considered at its January 2022 meeting. While deliberating Ms. Kolberg's case, the Board had an extensive discussion about Ohio's eligibility requirements for massage therapist licensure. Like Ms. Kolberg, Mr. Strachan presents as a substantially qualified applicant to practice massage therapy in Ohio, but regrettably he does not meet Ohio's stringent criteria for eligibility. If anything, Mr. Strachan is even more qualified than Ms. Kolberg because he has been licensed in North Carolina for the last few years, but not for the five years that Ohio requires for licensure in another state to be a pathway to Ohio licensure.

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Dr. Schottenstein recalled that the Board had discussed that Ohio is arguable an outlier in terms of its strict curriculum requirements for massage therapy. In particular, the Board had discussed that most states require something like 100 or 150 clock hours of anatomy and physiology while Ohio requires 275 hours; Mr. Strachan has presented with 130 hours.

Dr. Schottenstein stated that he will not belabor the points the Board made just two months ago, but he again respectfully asked that the Board advocate in the legislature for a standard of massage therapy licensure eligibility that is more consistent with other states. Dr. Schottenstein stated that, regrettably, he will vote in favor of the Proposed Order to deny Mr. Strachan's request for licensure because the application does not meet Ohio's eligibility requirements.

Ms. Montgomery agreed with Dr. Schottenstein and hoped that the Board's new legislative liaison can work with lawmakers to establish more appropriate requirements for massage therapy licensure.

A vote was taken on Dr. Bechtel's motion to approve and confirm.

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Mr. Giacalone	- aye
	Dr. Schottenstein	- aye
	Dr. Soin	- aye
	Dr. Johnson	- aye
	Mr. Gonidakis	- aye
	Dr. Kakarala	- aye
	Dr. Feibel	- aye
	Dr. Reddy	- aye
	Dr. Bechtel	- aye
	Ms. Montgomery	- aye

The motion carried.

FINDINGS, ORDERS, AND JOURNAL ENTRIES

Ms. Montgomery stated that in the following matters, the Board issued a Notice of Opportunity for Hearing, and documentation of Service was received for each. There were no timely requests for hearing filed, and more than 30 days have elapsed since the mailing of the Notices. These matters are therefore before the Board for final disposition. These matters are non-disciplinary in nature, and therefore all Board members may vote.

Five Findings, Orders, and Journal Entries appear on today's agenda. Information on these matters have been prepared by the Legal staff and distributed to Board members. Ms. Montgomery asked if any Board member wish to discuss a Findings, Order, and Journal Entry separately. No Board member wished to discuss a Finding, Order, and Journal Entry separately.

Dr. Bechtel moved to approve the Legal staff recommendations in the matters of Brianne E. Dawson; Thomas C. Essman, R.C.P.; Elizabeth G. Geffert, M.T.; Diane D. Opoku; and Karyn L. Young, M.T. Dr. Saferin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Mr. Giacalone	- aye
	Dr. Schottenstein	- aye
	Dr. Soin	- aye
	Dr. Johnson	- aye
	Mr. Gonidakis	- aye

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Dr. Kakarala	- aye
Dr. Feibel	- aye
Dr. Reddy	- aye
Dr. Bechtel	- aye
Ms. Montgomery	- aye

The motion carried.

EXECUTIVE SESSION

Dr. Reddy moved to go into Executive Session to confer with the Medical Board’s attorneys on matters of pending or imminent court action; and for the purpose of deliberating on proposed consent agreements in the exercise of the Medical Board’s quasi-judicial capacity; and to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official. Dr. Saferin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Mr. Giacalone	- aye
	Dr. Schottenstein	- aye
	Dr. Soin	- aye
	Dr. Johnson	- aye
	Mr. Gonidakis	- aye
	Dr. Kakarala	- aye
	Dr. Feibel	- aye
	Dr. Reddy	- aye
	Dr. Bechtel	- aye
	Ms. Montgomery	- aye

The motion carried.

The Board went into Executive Session at 10:55 a.m. and returned to public session at 11:53 a.m.

SETTLEMENT AGREEMENTS

Mr. Roach briefly reviewed the settlement agreements for the Board’s consideration.

Daniel Salmeron, M.D.

Dr. Bechtel moved to ratify the proposed Consent Agreement with Dr. Salmeron. Dr. Kakarala seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Mr. Giacalone	- aye
	Dr. Schottenstein	- aye
	Dr. Soin	- aye
	Dr. Johnson	- aye
	Mr. Gonidakis	- aye
	Dr. Kakarala	- aye
	Dr. Feibel	- aye
	Dr. Reddy	- aye
	Dr. Bechtel	- aye
	Ms. Montgomery	- aye

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The motion carried.

Joseph T. Spare, M.D.

Dr. Reddy moved to ratify the proposed Consent Agreement with Dr. Spare. Dr. Kakarala seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Mr. Giacalone	- aye
	Dr. Schottenstein	- aye
	Dr. Soin	- aye
	Dr. Johnson	- aye
	Mr. Gonidakis	- aye
	Dr. Kakarala	- aye
	Dr. Feibel	- aye
	Dr. Reddy	- aye
	Dr. Bechtel	- abstain
	Ms. Montgomery	- aye

The motion carried.

Mark Adel Faltaous, M.D.

Dr. Johnson moved to ratify the proposed Permanent Withdrawal with Dr. Faltaous. Dr. Bechtel seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Mr. Giacalone	- aye
	Dr. Schottenstein	- aye
	Dr. Soin	- aye
	Dr. Johnson	- aye
	Mr. Gonidakis	- aye
	Dr. Kakarala	- aye
	Dr. Feibel	- aye
	Dr. Reddy	- aye
	Dr. Bechtel	- aye
	Ms. Montgomery	- nay

The motion carried.

Donald Gronbeck, M.D.

Dr. Reddy moved to ratify the proposed Permanent Surrender with Dr. Gronbeck. Dr. Bechtel seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Mr. Giacalone	- aye
	Dr. Schottenstein	- aye
	Dr. Soin	- abstain
	Dr. Johnson	- aye

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Mr. Gonidakis	- aye
Dr. Kakarala	- aye
Dr. Feibel	- aye
Dr. Reddy	- aye
Dr. Bechtel	- aye
Ms. Montgomery	- aye

The motion carried.

Garrett Dean Charles Norvell, M.D.

Dr. Reddy moved to ratify the proposed Permanent Surrender with Dr. Norvell. Dr. Johnson seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Mr. Giacalone	- aye
	Dr. Schottenstein	- aye
	Dr. Soin	- aye
	Dr. Johnson	- aye
	Mr. Gonidakis	- aye
	Dr. Kakarala	- aye
	Dr. Feibel	- aye
	Dr. Reddy	- aye
	Dr. Bechtel	- aye
	Ms. Montgomery	- aye

The motion carried.

Joseph Michael Bannon, D.O.

Dr. Johnson moved to ratify the proposed Consent Agreement with Dr. Bannon. Dr. Bechtel seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Mr. Giacalone	- aye
	Dr. Schottenstein	- aye
	Dr. Soin	- aye
	Dr. Johnson	- aye
	Mr. Gonidakis	- aye
	Dr. Kakarala	- aye
	Dr. Feibel	- aye
	Dr. Reddy	- aye
	Dr. Bechtel	- aye
	Ms. Montgomery	- aye

The motion carried.

Michael David Badik, D.O.

Dr. Johnson moved to ratify the proposed Consent Agreement with Dr. Badik. Dr. Reddy seconded the motion. A vote was taken:

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ROLL CALL:

Dr. Rothermel	- abstain
Dr. Saferin	- abstain
Mr. Giacalone	- aye
Dr. Schottenstein	- aye
Dr. Soin	- aye
Dr. Johnson	- aye
Mr. Gonidakis	- aye
Dr. Kakarala	- aye
Dr. Feibel	- aye
Dr. Reddy	- aye
Dr. Bechtel	- abstain
Ms. Montgomery	- aye

The motion carried.

Miranda Alyce Holko, L.M.T.

Dr. Reddy moved to ratify the proposed Permanent Surrender with Ms. Holko. Dr. Bechtel seconded the motion. A vote was taken:

ROLL CALL:

Dr. Rothermel	- abstain
Dr. Saferin	- abstain
Mr. Giacalone	- aye
Dr. Schottenstein	- aye
Dr. Soin	- aye
Dr. Johnson	- aye
Mr. Gonidakis	- aye
Dr. Kakarala	- aye
Dr. Feibel	- aye
Dr. Reddy	- aye
Dr. Bechtel	- aye
Ms. Montgomery	- aye

The motion carried.

Michael Magoline, M.D.

Dr. Johnson moved to ratify the proposed Consent Agreement with Dr. Magoline. Dr. Bechtel seconded the motion. A vote was taken:

ROLL CALL:

Dr. Rothermel	- abstain
Dr. Saferin	- abstain
Mr. Giacalone	- aye
Dr. Schottenstein	- aye
Dr. Soin	- aye
Dr. Johnson	- aye
Mr. Gonidakis	- aye
Dr. Kakarala	- abstain
Dr. Feibel	- aye
Dr. Reddy	- aye
Dr. Bechtel	- aye
Ms. Montgomery	- aye

The motion carried.

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Raquel Neaves, L.M.T.

Dr. Reddy moved to ratify the proposed Permanent Surrender with Ms. Neaves. Dr. Johnson seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Mr. Giacalone	- aye
	Dr. Schottenstein	- aye
	Dr. Soin	- aye
	Dr. Johnson	- aye
	Mr. Gonidakis	- aye
	Dr. Kakarala	- aye
	Dr. Feibel	- aye
	Dr. Reddy	- aye
	Dr. Bechtel	- aye
	Ms. Montgomery	- aye

The motion carried.

Michele Catherine Walsh, M.D.

Dr. Johnson moved to ratify the proposed Permanent Surrender with Dr. Walsh. Dr. Reddy seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Mr. Giacalone	- aye
	Dr. Schottenstein	- aye
	Dr. Soin	- aye
	Dr. Johnson	- aye
	Mr. Gonidakis	- aye
	Dr. Kakarala	- aye
	Dr. Feibel	- aye
	Dr. Reddy	- aye
	Dr. Bechtel	- aye
	Ms. Montgomery	- aye

The motion carried.

Dr. Feibel exited the meeting at this time.

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

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

1. Katherine Bo Lee, M.D.: Based on an action by the Medical Board of California.
2. Huazhen Yan, L.M.T.: Based on a failure to cooperate with a Board investigation.
3. Kayla Ann Carroll, L.M.T.: A summary suspension, based on a failure to appear for a Board-ordered examination or assessment.

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4. Mahogney Freeman: To be issued to a massage therapist applicant, based on prior criminal convictions.
5. Christopher R. Seman, D.O.: To be issued to a physician currently under suspension for impairment, based on a failure to comply with his current consent agreement.
6. Jack Gilbert Siebenaler, M.D.: Based on failure to comply with the Board's rules regarding liposuction.
7. Craig Gibson, L.M.T.: To be issued to a massage therapist currently living in Texas, based on violation of the Board's sexual misconduct rules.
8. Melissa Louise Hoffman, R.C.P.: A summary suspension, to be issued to a respiratory care professional who is impaired pursuant to a legal presumption based on a failure to cooperate with the Ohio Physicians Health Program (OPHP).
9. Paula Kern, L.M.T.: Based on an inappropriate relationship with a patient and a failure to cooperate with a Board investigation.
10. Zavier Ash, M.D.: Based on a failure to cooperate with a Board investigation.

Dr. Johnson moved to approve and issue proposed Citations #'s 1, 2, 4 through 7, 9, and 10. Dr. Reddy seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Mr. Giacalone	- aye
	Dr. Schottenstein	- aye
	Dr. Soin	- aye
	Dr. Johnson	- aye
	Mr. Gonidakis	- aye
	Dr. Kakarala	- aye
	Dr. Reddy	- aye
	Dr. Bechtel	- abstain on #6; aye on all others
	Ms. Montgomery	- aye

The motion carried.

Dr. Reddy moved to approve and issue proposed Citations #'s 3 and 8. Dr. Kakarala seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Mr. Giacalone	- aye
	Dr. Schottenstein	- aye
	Dr. Soin	- aye
	Dr. Johnson	- aye
	Mr. Gonidakis	- aye
	Dr. Kakarala	- aye
	Dr. Reddy	- aye
	Dr. Bechtel	- aye
	Ms. Montgomery	- aye

The motion carried.

Dr. Feibel returned to the meeting at this time.

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OPERATIONS REPORT

Human Resources: Ms. Loucka stated that the Board is in the process of hiring to fill multiple positions, including two new investigators and a new hearing examiner. Aaron Mabe has recently joined the Board as its new legislative director, having worked in the Ohio Senate for several years.

Licensure: Ms. Loucka stated that licensure has been very busy, especially as the season for training certificates approaches. The licensure numbers continue to increase.

Ms. Loucka stated that the fiscal process with the Interstate Medical Licensing Compact (IMLC) has been successfully completed and it should go live something time summer. The staff is working through some internal processes relative to the licensing system as well as protocols and policy questions that need to be answered as licensees engage in the process.

Compliance: Ms. Loucka stated that the Board's probation and monitoring program remains steady. In the near future, the Compliance staff will update the data collection process so the numbers reflect the probationers who are engaged in their probation and not those who will never engage in the process. The staff will also work on the language in consent agreements so that licensees are not caught in probations that will never be completed.

Complaints: Ms. Loucka stated that case activity remains very high. There has been about a 30% increase in citations and settlement agreements over the last year, which is reflective of the increase in complaints.

Communications: Ms. Loucka stated that the new initiative in the Communications group was born from some recent cases involving egregious acts. Ms. Loucka stated that oftentimes the Board is not aware of these acts until someone comes forward and files a complaint. The new initiative is a public information campaign so that the public knows what the State Medical Board of Ohio is and what it does. The initiative will likely result in more complaints, which is a good thing if the complaints involve licensees who need either intervention or removal from practice.

This month, the Board is excited to announce the launch of its public engagement campaign, Get to Know SMBO. The purpose of the campaign will be educating the public about the Board's core services and providing clear instructions on how to file a complaint. Among the new additions are a "For the Public" tab on the website that will contain helpful patient resources and launching a YouTube series of videos featuring SMBO staff and leadership explaining common Board practices.

Through this campaign, the Board looks forward to finding opportunities to collaborate with fellow state agencies and community partners to better inform the public. Ms. Loucka stated that the Board's commitment to serving the patients of Ohio is unwavering and she extended an invitation to everyone to get to know the State Medical Board of Ohio.

Operations Report: Ms. Montgomery commented that the new design of the Operations Report is very good and the visual representation of the data is very impressive.

RULES & POLICIES

Rule Review Update

Ms. Anderson stated that there are a number of rules being circulated to interested parties for comment. The Board's Massage Therapy Advisory Council will comment on the proposed massage therapy rules and those comments will be brought to the Board for its consideration in April. The Interstate Medical Licensure Compact (IMLC) is currently filed with the Joint Committee on Agency Rule Review (JCARR) and will have public hearings with both JCARR and the Board later this month.

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Ms. Anderson reminded the Board members that financial disclosure statements are due at the Ohio Ethics Commission on May 16.

Mr. Gonidakis asked for a brief update on the status of the proposed telehealth rules. Ms. Anderson replied that the proposed rules were circulated to interested parties following the last Board meeting and more than 60 comments have been received thus far. Mr. Smith is reviewing the comments and will provide a summary to the Board at its April meeting, along with any changes proposed by the staff.

Ms. Anderson noted that Rule 4731-11-09, which regards prescribing to patients not seen, had been due for its five-year review later this month. However, Ms. Anderson has requested an extension in order to have time to properly review all the comments from interested parties. The request was granted and the review has been extended to September 2022.

Legislative Update

Ms. Montgomery welcomed Aaron Mabe, the Board's new legislative director.

House Bill 60: Mr. Mabe stated that this bill would authorize autism spectrum disorder to be included as a qualifying condition to be treated with medical marijuana. House Bill 60 had a fifth hearing in the House Health Committee on January 25 and was passed out of the House on March 2. The bill will now move to the Senate and will be assigned to a Senate committee.

Senate Bill 261: Mr. Mabe stated that this bill would make changes to the medical marijuana law. Some of these changes include expanding the types of qualifying conditions and transferring portions of the medical marijuana program from the Board of Pharmacy to the Department of Commerce. The bill also contains a telehealth provision. In addition, Senate Bill 261 would modify the requirement that a Certificate to Recommend the Medical Use of Marijuana (CTR) applicant demonstrate that he or she does not have ownership or investment interest with an entity licensed as a dispensary, and would allow a medical director of a dispensary who holds a CTR to recommend medical marijuana. Senate Bill 261 has passed the Senate and it had its first hearing in the House Government Oversight Committee on February 17.

Responding to questions from Ms. Montgomery, Mr. Mabe stated that the bill's primary sponsor is Senator Huffman. Also, the bill continues to include the provision which would allow physicians with a CTR to recommend medical marijuana for any condition if, in their sole discretion and medical opinion, the patient's symptoms may reasonably be expected to be relieved by medical marijuana.

Dr. Rothermel opined that it would be very important for members of the legislature to see the information that was reviewed by the Board's Medical Marijuana Committee this morning. Mr. Mabe agreed and stated that he would like to have members of the Board accompany him to meetings with legislators so they can hear directly from Board members on this issue. Ms. Loucka agreed that it is important to make sure the legislature is informed of this morning's conversation in the Medical Marijuana Committee and to let them know where the Board is on this issue. Ms. Loucka stated that the legislators want to know what the Medical Board does, and sometimes that is best accomplished through informal conversations. As legislators become more familiar with the Board, they will reach out for input on pending legislation affecting the Board.

House Bill 196: Mr. Mabe stated that this bill would create a new license type for surgical assistants to be overseen by the Medical Board. The bill had its fifth hearing in the House Health Committee on March 1. A sub-bill has been accepted to align the licensure procedures with the Board's other license types. Ms. Loucka stated that the Board staff has answered questions for interest groups on both sides of this legislation and has offered technical advice on licensure in the event that it passes. Dr. Feibel asked how many additional licensees the bill would bring under the Board's purview. Mr. Mabe answered that there would be approximately 400 or 420 additional licensees for the Board.

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Senate Bill 131 and House Bill 203: Responding to questions from Ms. Montgomery, Mr. Mabe stated that Senate Bill 131 had two hearings in 2021 and he is not aware of any other hearing being scheduled. The companion bill, House Bill 203, has shown more movement but there is no news of an expected vote. These bills are related to occupational licensure reciprocity.

House Bill 356: Responding to questions from Mr. Giacalone, Mr. Mabe stated that this bill has not seen much movement and there has been no news on it since he began with the Board, but he is monitoring it. Mr. Giacalone opined that this bill, if passed, could be very problematic because it would limit prescribing of controlled substances to three days regardless of the exceptions the Board has promulgated. Mr. Giacalone stated that he is in favor of restricting opioid prescribing, but this bill would go too far. Mr. Giacalone opined that the Board should take a strong stance on this bill. Dr. Soin stated that the Board's current acute pain rules are very fair and balanced, limiting prescriptions to seven days with some reasonable exceptions.

House Bill 318: Dr. Soin stated that this bill regarding anesthesiologist assistants would require some operational changes on the Board's part. Dr. Soin commented that he is comfortable with the recently-added language, "under the direct supervision and in the immediate presence of an anesthesiologist, ..."

House Bill 495: Dr. Schottenstein stated that this bill, called the Patient Protection Act, would mandate that licensees offer patients medical chaperones. Dr. Schottenstein noted that the legislative report references the physician assistant chapter of the Ohio Revised Code, and he asked if it would apply to the Board's other licensees. Mr. Mabe replied that to his understanding it only applies to physician assistants, but he will look at that legislation closer to make sure and report back.

Legislative Report: In response to questions from Dr. Soin, Mr. Mabe stated that the Board's stance on legislation as listed in the Legislative Report (e.g. "Actively Monitoring," "Closely Monitoring") are determined at a weekly meeting he has with Ms. Loucka and the Board's legal team. The categories reflect how quickly or slowly the bill is moving through the legislative process. In response to Dr. Soin's request, Mr. Mabe stated that he can indicate on the report those bills on which the Board has expressed a clear opinion.

Aaron Mabe: Ms. Montgomery welcomed Mr. Mabe to the Board and asked him about his background. Mr. Mabe replied that for last six years he has been a legislative aide and senior legislative aide for Senator Robert Hackett, who represents the 10th senate district of Madison, Clark, and Greene counties. Before moving to Sen. Hackett's office, Mr. Mabe worked at the House as a page, and prior to that he had an administrative role on the leadership floor of the House.

COMMITTEE BUSINESS

Medical Marijuana Committee

Dr. Soin stated that the Medical Marijuana Committee met on February 9, 2022, and reviewed the petitions received from November 1, 2021, to December 31, 2021, to add new qualifying conditions for treatment with medical marijuana. The petitions were categorized as follows:

Category I: The following four petitions failed to meet the statutory rule requirements and were rejected by the Committee. A rejection letter will be sent to these petitioners following Board rejection.

- 0168 – Gilbert's Disease: The petition lacked a physician letter of support.
- 0169 – Anxiety: The petition lacked relevant scientific evidence and physician letter of support.
- 0171 -- Bipolar, Anxiety, Depression, Sleep Disorder: The petition lacked relevant scientific evidence and physician letter of support.
- 0173 – Insomnia: The petition lacked new relevant scientific evidence.

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Category II: The following two petitions failed to meet the statutory and rule requirements; however, the petitions were submitted for conditions which may already be covered under the current list of approved conditions. These were rejected by the Committee, and information will be sent to these petitioners with the rejection letter to direct them to the current list of approved conditions following Board rejection.

- 0170 – Degenerative Disk Disease, Chronic Pain, PTSD: Post-Traumatic Stress Disorder and pain that is either chronic and severe or intractable are currently recognized as a qualifying condition.
- 0174 – Lupus: Lupus may already be covered under pain that is either chronic and severe or intractable are currently recognized as a qualifying condition.

Category III: The following three petitions met the statutory and rule requirements. The Committee reviewed these petitions and approved them to move forward in the review process.

- 0172 – Opioid Use Disorder.
- 0175 – Opioid Use Disorder.
- 0176 – Autism Spectrum Disorder

Dr. Soin stated that the Committee met again this morning and had a very robust conversation on these topics. Board staff has solicited the assistance of subject matter experts to assist in the review of these petitions. The Committee will review the subject matter experts' qualifications and disclosure of any potential fiduciary interest in the cannabis industry. The following subject matter experts were presented to the Committee in March for review:

- Dr. Theodore Parran – Opioid Use Disorder
- Dr. Craig Erickson – Autism

Both of these experts were approved by the Committee.

Written public comments were accepted from February 10 to February 25, 2022. These comments were presented to the Committee this morning and were thoroughly discussed. The committee will meet again in May following the receipt of the subject matter expert reports.

Dr. Bechtel moved to approve the Committee's recommendations and to reject those petitions in category I and Category II. Dr. Saferin seconded the motion. All members voted aye, except Mr. Gonidakis, who abstained. The motion carried.

Compliance Committee Report

Ms. Montgomery stated that the Compliance Committee met this morning and approved the applications of four treatment providers for renewal of their Board approval. Next month, the Committee will have a detailed discussion about the ongoing changes in the Board's probation program.

Dr. Bechtel moved to approve the following, as recommended by the Compliance Committee:

- **The application of The Ridge Ohio to continue as a Board Approved Treatment Provider, as a One-Bite Treatment Provider, and as a One-Bite Continuing Care Provider.**

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- **The application of Shepherd Hill, Behavioral Health Department of Licking Memorial Hospital to continue as a Board Approved Treatment Provider, as a One-Bite Treatment Provider, and as a One-Bite Continuing Care Provider.**
- **The application of Arrowhead Behavioral Health to continue as a Board Approved Treatment Provider.**
- **The application of Health Recovery Services, Inc., to continue as a Board Approved Treatment Provider.**

Dr. Kakarala seconded the motion. All members voted aye. The motion carried.

Finance Committee Report

Dr. Schottenstein stated that in January 2022, the Board's revenue was up 7% year-to-date at \$1,355,452. Net revenue was \$280,913, even with a large invoice from the Department of Administrative Services (DAS) of \$285,605 for rent and other miscellaneous expenses. The Board's cash balance continues to increase and is at \$6,690,693 as of January, which is a record for the Board. As previously noted, the cash balance should go down at some point due to the additional staff that the Board is hiring. Expenditures are up 15.5% year-to-date, but this is substantially a reflection of the large eLicense invoice the Board discussed last month. The assessment of expenditure trends should be more accurate next month when the Board review the February 2022 numbers.

The Board has received \$1,000 in disciplinary fines and \$6,000 in continuing medical education (CME) fines. The Board has received \$131,616 in fines year-to-date, which is on track to substantially exceed expectations.

Advisory Council Reports

Dietetics Advisory Council

Ms. Reardon stated that the Dietetics Advisory Council met on March 7. Due to recently passed legislation, the Council is able to meet via video conference until the end of June.

Mr. Mabe provided an updated on pending legislation of interest to the Council.

The Council offered comments on the draft telehealth rules, and those comments, along with all other public comments, will be provided to the Board for discussion at its April meeting. Kay Mavko of the Ohio Academy of Nutrition and Dietetics addressed the Council and provided additional comments on the draft telehealth rules.

Jerica Stewart gave a presentation about the Board's Partners in Professionalism program.

Stacy Shawhan, L.D., a member of the Council, also works at University of Cincinnati Health and specializes in oncology and nutrition. Ms. Shawhan gave a brief presentation on what her job entails as a licensed dietitian who works to implement nutrition therapy interventions across several acute and chronic disease states with a focus on cancer patients.

The term of one of the members of the council is ending in April and she has chosen not to reapply. Applications from licensed dietitians to fill the seat will be accepted through March 28. The application is available on the Board's website.

Ms. Reardon stated that today is registered dietitian and nutritionist day and the Board's Communications staff is highlighting some of the Board's licensed dietitians in social media today.

The Council will next meet on April 11, 2022.

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Respiratory Care Advisory Council

Dr. Kakarala stated that the Respiratory Care Advisory Council met on March 8.

Mr. Mabe provided a legislative update.

The Council offered comments on the draft telehealth rules, and those comments, along with all other public comments, will be provided to the Board for discussion at its April meeting.

Mr. Roach gave a presentation regarding the Board's complaint, investigation, and enforcement processes.

Next Council will next meet on June 7, 2022.

PROBATIONARY REPORTS AND REQUESTS

Office Conference Reviews

Dr. Johnson moved to approve the Compliance staff's Reports of Conferences for February 7 and 8, 2022. Mr. Giacalone seconded the motion. All members voted aye, except Dr. Rothermel, Dr. Saferin, and Dr. Bechtel, who abstained. The motion carried.

Probationary Requests

Dr. Reddy moved to approve the Secretary and Supervising Member's recommendations for the following probationary requests:

- a) Gianmarino Gianfrate, D.O.: Request for approval of the course *PROBE Ethics and Boundaries Course*, offered by the Center for Personalized Education for Physicians (CPEP), to fulfill the personal ethics course requirement and physician/patient boundaries course requirement.
- b) Benjamin R. Gibson, M.D.: Request for approval of Ronney Abaza, M.D., to serve as the monitoring physician; and determination of the frequency and number of charts to be reviewed at 10 charts per month.
- c) Mitchum A. Hissong, M.T.: Request for approval of the course tailored by Donna Homenko, Ph.D., to fulfill the massage therapist/patient boundaries course requirement.
- d) Geny V. Hsu, P.A.: Request for release from the terms of the March 13, 2019 Board Order.
- e) Ajay Jetley, M.D.: Request for release from the terms of the October 13, 2021 , Consent Agreement.
- f) Peter C. Johnson, M.D.: Request for approval of the updated practice plan.
- g) Susan Donna Lawrence, D.O.: Request for reduction in testing frequency to a minimum of two times per month; and discontinuance of the chart review requirement.
- h) Bryan D. Loos, M.D.: Request for release from the terms of the February 10, 2021 Consent Agreement.
- i) Vincent J. Malkovits, D.O.: Request for approval of Sandy P. Naples, D.O. to serve as an additional monitoring physician.
- j) Marios D. Papachristou, M.D.: Request for approval of Stephen N. Fisher, M.D., to complete a return-to-work addictionology assessment required for license reinstatement; and approval of Jeanann R. McAllister, M.D., to complete a return-to-work addictionology assessment required for reinstatement.
- k) Regina A. Yaskey, M.D. Request for release from the terms of the November 10, 2021 Consent Agreement.

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- l) David M. Yin, M.D.: Request for approval of the course Medical Record Keeping Seminar, offered by the Center for Personalized Education for Physicians (CPEP), to fulfill the medical records course requirement.

Dr. Johnson seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Mr. Giacalone	- aye
	Dr. Schottenstein	- aye
	Dr. Soin	- aye
	Dr. Johnson	- aye
	Mr. Gonidakis	- aye
	Dr. Kakarala	- aye
	Dr. Feibel	- aye
	Dr. Reddy	- aye
	Dr. Bechtel	- abstain
	Ms. Montgomery	- aye

The motion carried.

ADJOURN

Dr. Johnson moved to adjourn the meeting. Dr. Kakarala seconded the motion. All members voted aye. The motion carried.

The meeting adjourned at 12:47 p.m.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio meeting on March 9, 2022, as approved on April 13, 2022.


Betty Montgomery, President


Kim G. Rothermel, M.D., Secretary

