

State Medical Board of Ohio
Formal Action Report – June 9, 2021

Prepared by: Colin G. De Pew, Assistant Attorney

Date: 7/2/2021

Please find below a summary of actions taken or initiated by the State Medical Board of Ohio and an update of Board matters pending or decided in courts as of June 9, 2021.

PRE-HEARING SUSPENSIONS

KENT, Shelley B., R.C.P., (#RCP.1012) - Canton, Ohio

Pursuant to Section 4761.09(G), license to practice as a respiratory care professional summarily suspended based on Board's determination that there is clear and convincing evidence that the respiratory care professional is in violation of Section 4761.09(A)(18), Ohio Revised Code, and that her continued practice presents a danger of immediate and serious harm to the public. Order effective 6/9/21. (See also: Citations/Proposed Denials below.)

STACEY, Alan, L.M.T., (#33.019539) - Waterville, Ohio

Pursuant to Section 4731.22(G), license to practice massage therapy summarily suspended based on Board's determination that there is clear and convincing evidence that the massage therapist is in violation of Section 4731.22(B)(26), Ohio Revised Code, and that his continued practice presents a danger of immediate and serious harm to the public. Order effective 6/9/21. (See also: Citations/Proposed Denials below.)

CITATIONS/PROPOSED DENIALS

AIAD-TOSS, Albert, M.D., (#35.070964) - Boardman, Ohio

Based on the doctor's prior 12/11/19 Consent Agreement, and on allegations that the doctor's finding of guilt to three counts of Sex Trafficking of a Minor; an additional four counts of Sex Trafficking of a Minor; and one count of Production of Child Pornography, in the United States District Court for the Northern District of Ohio, individually and/or collectively constitute a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction, for a felony. Notice of Opportunity for a Hearing mailed 6/10/21.

BOYER, Brent A., M.D., (#35.127587) - Cincinnati, Ohio

Based on the doctor's prior 11/10/20 Consent Agreement; and on allegations that the doctor engaged in sexual misconduct with 3 specified patients, to whom he prescribed controlled

substances which were then shared with the doctor; disseminated private sexual images of a patient without consent; prescribed controlled substances to two additional specified patients whom were family members for a nonemergency situation; and prescribed controlled substances to two additional specified patients without maintaining patient charts or records, all of which, individually and/or collectively constitute: a departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established; the failure to maintain minimal standards applicable to the selection or administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease; the selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug; the commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed, to wit: deception to obtain a dangerous drug; the commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed, to wit: Persons Who May Sell, Purchase, Distribute, or Deliver Dangerous Drugs, and Non-Consensual Dissemination of Private Sexual Images; and violating, any provisions of this chapter or rule promulgated by the board, to wit: the Board's prohibitions against engaging in sexual misconduct with a patient, the Board's General Provisions. Notice of Opportunity for a Hearing mailed 6/10/21.

BROWN, Joshua L., D.O. Applicant - Cincinnati, Ohio

Based on the doctor's submission of an application for a license to practice osteopathic medicine and surgery; and on the doctor's prior disciplinary history, which individually and/or collectively constitute impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice. Notice of Opportunity for a Hearing mailed 6/10/21.

KENT, Shelley B., R.C.P., (#RCP.1012) - Canton, Ohio

Respiratory care professional notified of right to request a hearing on the question of whether her failure to submit to an inpatient examination as ordered by the Board was due to circumstances beyond her control. Based on the legal presumption that the respiratory care professional's failure to submit to a chemical dependency examination as ordered by the Board constitutes an admission that she is unable to practice according to acceptable and prevailing standards of care by reason of her habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice. Opportunity for Hearing on failure to submit to an examination, and Notice of summary suspension based upon presumption of an admission of impairment mailed 6/9/21.

LOWRY, Roswell T., M.D., (#35.026822) - Efland, North Carolina

Based on allegations that the doctor's plea of guilty to one count of Interstate Travel in Aid of Racketeering Enterprise, related to traveling in interstate commerce in association with an

unlawful activity, specifically the distribution of controlled substances not for a legitimate medical purpose, in the United States District Court for the Southern District of West Virginia; and based on a Consent Order issued by the North Carolina Medical Board which indefinitely suspended the doctor's license, individually and/or collectively would constitute: a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; and any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand. Notice of Opportunity for a Hearing mailed 6/10/21.

MOK, Charles D., D.O., (#34.013216) - Shelby Township, Michigan

Based on allegations that an Interim Order issued by the New York State Department of Health State Board for Professional Conduct, that indefinitely suspended the doctor's license, individually and/or collectively constitute any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand. Notice of Opportunity for a Hearing mailed 6/10/21.

STACEY, Alan, M.T., (#33.019539) - Waterville, Ohio

Massage therapist notified of right to request a hearing on the question of whether his failure to submit to an inpatient examination as ordered by the Board was due to circumstances beyond his control. Based on the legal presumption that the massage therapist's failure to submit to a chemical dependency examination as ordered by the Board constitutes an admission that he is unable to practice according to acceptable and prevailing standards of care by reason of his habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice. Opportunity for Hearing on failure to submit to an examination, and Notice of Summary Suspension Based Upon Presumption of an Admission of Impairment mailed 6/9/21.

STOOKEY, Lorna D., M.D., (#35.078975) - Fredericktown, MO

Based on allegations that a Settlement Agreement issued by the Missouri State Board of Registration for the Healing Arts, which caused the doctor surrender her license to practice medicine and surgery, individually and/or collectively constitute any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a

license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand. Notice of Opportunity for a Hearing mailed 6/10/21.

NON-DISCIPLINARY CITATIONS

ANZANO, Laura M., M.T., (#33.020359) - Oxford, Ohio

Proposed conditional approval of application for restoration of license to practice massage therapy so long as they take and pass the Massage and Bodywork Licensing Examination within six months, based on the submission of an application for restoration of license to practice massage therapy; and on allegations that the applicant has not been engaged in the active practice of massage therapy for two years. Notice of Opportunity for a Hearing mailed 6/10/21.

MCCATHREN, Sarai, F., M.T., (#33.017937) - Oxford, Ohio

Proposed conditional approval of application for restoration of license to practice massage therapy so long as they take and pass the Massage and Bodywork Licensing Examination within six months, based on the submission of an application for restoration of license to practice massage therapy; and on allegations that the applicant has not been engaged in the active practice of massage therapy for two years. Notice of Opportunity for a Hearing mailed 6/10/21.

WORTMAN, Erin L., M.T., (#33.012732) - Findlay, Ohio

Proposed conditional approval of application for restoration of license to practice massage therapy so long as they take and pass the Massage and Bodywork Licensing Examination within six months, based on the submission of an application for restoration of license to practice massage therapy; and on allegations that the applicant has not been engaged in the active practice of massage therapy for two years. Notice of Opportunity for a Hearing mailed 6/10/21.

FINAL ORDERS

BORDER, Rachel, M.T. Applicant - Chesterhill, Ohio

The outpatient examination of Rachel Border pursuant to Section 4731.22(B)(19), Ohio Revised Code, and Section 4731.22(B)(26), Ohio Revised Code, which was previously scheduled to take place on 11/9/20, is rescheduled to take place within a reasonable period of time following the effective date of the Order. Based on the finding that Ms. Border's failure to attend the previously scheduled examination was due to circumstances beyond her control. Order effective 6/10/21.

BROWN, Delorise, M.D., (#35.039059) - Shaker Heights, Ohio (Non-Disciplinary)

Application for a Certificate to Recommend the Medical Use of Marijuana denied. Based on the doctor's submission of an application for a Certificate to Recommend the Medical Use of Marijuana, and based on the finding that the doctor's 6/5/92 Consent Agreement was based in

whole or in part, on inappropriate prescribing, personally furnishing, dispensing, diverting, administering, supplying or selling a controlled substance or other dangerous drug. Order effective 6/10/21. (Journal Entry-No Hearing Requested).

CALLOWAY, Don-te, M.T. Applicant - Sheffield Lake, Ohio (Non-Disciplinary)

Application for a license to practice massage therapy granted. Based on the finding that the applicant's course of instruction meets course requirements as determined by the Board. Order effective 6/10/21.

DAVIS, Ava J., M.T. Applicant - Sidney, Ohio (Non-Disciplinary)

Application for a license to practice massage therapy granted. Based on the finding that the applicant's course of instruction meets course requirements as determined by the Board. Order effective 6/10/21.

MOISE, Roberline, R.C.P. Applicant - West Palm Beach, Florida (Non-Disciplinary)

Application for a license to practice respiratory care denied. Based on the submission of an application to practice respiratory care, and on the applicant's failure to provide documentation of successful completion of an examination acceptable to the Board. Order effective 6/10/21. (Journal Entry-No Hearing Requested).

PRUITT, Jesse, M.T., (#33.020426) - Bedford Heights, Ohio (Non-Disciplinary)

Conditional approval of restoration of license to practice massage therapy, provided that the applicant takes and passes the Massage and Bodywork Licensing Examination (MBLEx) within six months. Based on the submission of an application for restoration of license to practice massage therapy, and on the finding that the applicant had not been engaged in the active practice of massage therapy for more than two years. Order effective 6/10/21. (Journal Entry-No Hearing Requested).

RUSSELL, Jami, R.C.P. Applicant - Sarasota, Florida (Non-Disciplinary)

Conditional approval of application for restoration of a license to practice as a respiratory care professional, provided that the applicant takes and passes the Therapist Multiple Choice (T.M.C.) within six months. Based on the submission of an application to practice respiratory care, and on the finding that the applicant had not been engaged in the active practice of respiratory care for over two years. Order effective 6/10/21. (Journal Entry-No Hearing Requested).

WREN, Angela M., M.T., (#33.007424) - Salem, Ohio (Non-Disciplinary)

Conditional approval of restoration of license to practice massage therapy, provided that the applicant takes and passes the Massage and Bodywork Licensing Examination (MBLEx) within six months. Based on the submission of an application for restoration of license to practice massage therapy, and on the finding that the applicant had not been engaged in the active

practice of massage therapy for more than two years. Order effective 6/10/21. (Journal Entry-No Hearing Requested).

ZAHOOR, Mohammed I., M.D., (#35.122520) - Novi, Michigan

License to practice medicine and surgery permanently revoked, and subject to a twenty thousand (\$20,000.00) dollar fine. Based on the finding that when a jury found the doctor guilty to a felony count of Conspiracy to Commit Healthcare and Wire Fraud, and a felony count of Healthcare Fraud, in the United States District Court for the Eastern District of Michigan those acts individually and/or collectively, constitute a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony. Order effective 6/22/21. (Journal Entry-No Hearing Requested).

CONSENT AGREEMENTS

MALKOVITS, Vincent J., D.O., (#34.006675) - Youngstown, Ohio

License to practice osteopathic medicine and surgery suspended for an indefinite period of time, but not less than one hundred eighty (180) days, commencing on 7/9/21, and subject to general probationary requirements, conditions for reinstatement including entering into a subsequent consent agreement, and a ten thousand dollar (\$10,000.00) fine. Based on the doctor's admission to the factual and legal allegations contained in the 10/14/20 Notice of Opportunity for a Hearing, which individually and/or collectively constitute: a failure to maintain minimal standards applicable to the selection or administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease; and also a departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established; violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board, to wit: Utilizing Prescription Drugs for the Treatment of Intractable Pain, Utilizing Prescription Drugs for the Treatment of Chronic Pain, Controlled Substances Utilization for Weight Reduction, Utilization of Short Term Anorexiant for Weight Reduction; and the selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug. Agreement effective 6/9/21.

VOLUNTARY PERMANENT SURRENDERS, RETIREMENTS, REVOCATIONS, WITHDRAWALS

HUX, Perry M., M.D., (#35.043711) - Lima, Ohio

Permanent revocation of license to practice medicine and surgery authorized by the doctor, in lieu of further investigation of a possible violation of Section 4731.22(B)(20), Ohio Revised Code, to wit: the Board's prohibitions against sexual misconduct with a patient. Effective 6/9/21.

PELLETIER, Maureen M., M.D., (#35.060817) - Cincinnati, Ohio

Permanent revocation of license to practice medicine and surgery authorized by the doctor, whom admits to all the legal and factual allegations as set forth in the 5/12/21 Notice of Opportunity for a Hearing. Effective 6/9/21.

RIMEDIO, Nicholas V., D.O., (#34.001482) - Munroe Falls, Ohio

Permanent revocation of license to practice osteopathic medicine and surgery authorized by the doctor, in lieu of further formal disciplinary proceedings pursuant to Sections 4731.22(B)(2), (3), (6), and (20), Ohio Revised Code, as set forth in the 7/8/20 Notice of Opportunity for a Hearing. Effective 6/9/21.

REINSTATEMENTS

ZAINO, John P., M.D., (#35.073638) - Columbus, Ohio

Doctor's request for reinstatement of license to practice medicine and surgery granted by vote of the Board on 6/9/21, subject to probationary terms and conditions as outlined in the 11/13/19 Board Order, for at least two years.

PROBATIONARY REQUESTS AND MODIFICATIONS

MEACHAM, Mark H., M.D., (#35.062265) - Brunswick, Ohio

Doctor's request for approval of professional ethics course, granted by vote of the Board on 6/9/21.

COURT ACTIONS

CYR, Melissa M., D.O., (#34.011353) – Valencia, Pennsylvania

Decision and Judgment Entry Dismissing Doctor's Appeal for Lack of Subject Matter Jurisdiction, and Notice of Final Appealable Order, filed May 20, 2021 in the Court of Common Pleas, Franklin County, Ohio.

Notice of Appeal filed on June 1, 2021, in the Tenth District Court of Appeals from the Decision and Judgment Entry of the Court of Common Pleas of Franklin County, Ohio.

Please note that revocation and suspension Orders are not always effective immediately. If you have questions about effective dates or conditions governing a doctor's practice before a Board Order takes effect, please contact the office.

Ohio law permits appeal of a Board Order to the Franklin County Court of Common Pleas. Due to this possibility and the potential for a stay that might delay the imposition of a Board action, you may wish to contact us periodically to verify a given practitioner's licensure status.

Most current citation letters, Board Orders, consent agreements and voluntary surrenders or retirements are available on the Medical Board's website under "Lookup a License." If you have questions or need additional details about Citations, Board Orders, or Court Actions, please contact the Case Control Office. If you have questions regarding a Consent Agreements, probationary modification or a probationary request, please contact the Compliance Office. Our offices may be reached at (614) 466-3934.