

State Medical Board of Ohio
Formal Action Report – April 13, 2022

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Date: 5/9/2022

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 April 13, 2022.

PRE-HEARING SUSPENSIONS

BAUER, William R., M.D., (#35.030383) – Port Clinton, Ohio

Pursuant to Section 3719.121(C), Ohio Revised Code, doctor's license to practice is immediately suspended based upon a conviction in the United States District Court, Northern District of Ohio, Western Division, to seventy-six counts of Distribution of Controlled Substances, and twenty-five counts of Healthcare Fraud. Order effective 4/13/22. (See also; Citations/Proposed Denials below.)

KOOSHKABADI, Ali, M.D., (#35.141180) – Canfield, Ohio

Pursuant to Section 4731.22(G), medical license summarily suspended based on Board's determination that there is clear and convincing evidence that doctor is in violation of Section 4731.22(B)(19), Ohio Revised Code, and that his continued practice presents a danger of immediate and serious harm to the public. Order effective 4/26/22. (See also: Citations/Proposed Denials below.)

CITATIONS/PROPOSED DENIALS

BACH, Son M., M.D., (#35.093867) – Mason, Ohio

Based on allegations that when the doctor prescribed medication for and exchanged sexually explicit emails with one identified patient via telehealth in Virginia without a license, and failed to document examinations, those acts individually and/or collectively, as alleged, constitute: 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: the Board's prohibitions regarding sexual misconduct, which also constitutes 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; and 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 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; and 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. Notice of Opportunity for a Hearing mailed 4/14/22.

BAUER, William R., M.D., (#35.030383) – Port Clinton, Ohio

Based on allegations that the doctor's conviction in the United States District Court, Northern District of Ohio, Western Division, to seventy-six counts of Distribution of Controlled Substances, and twenty-five counts of Healthcare Fraud, to which the doctor was sentenced to sixty months in prison, one year of probation, and ordered to pay healthcare restitution in the amount of four hundred sixty-four thousand and ninety-nine dollars (\$464,099.00), and community restitution in the amount of one hundred thousand dollars (\$100,000.00), which individually and/or collectively, as alleged, 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 Immediate Suspension and Opportunity for Hearing mailed 4/14/22.

BEARY, John F., M.D., (#35.073642) – Montgomery, Ohio

Based on allegations that when the Department of Veterans Affairs Medical Center summarily suspended the doctor's privileges due to concerns that the doctor's clinical practice did not meet the accepted standards of practice and potentially constituted an imminent threat to patient welfare, those acts individually and/or collectively, as alleged, constitute: the revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice. Notice of Opportunity for a Hearing mailed 4/14/22.

HENDRIX, Brandon J., M.D. App. – North Canton, Ohio

Based on the submission of an application for a license to practice medicine and surgery, and on allegations that when the doctor's residency program did not renew his contract, and was also subsequently determined by a Board-approved treatment provider to be incapable of practicing medicine and surgery according to acceptable and prevailing standards of care, those acts individually and/or collectively, as alleged, constitute: an inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills. Notice of Opportunity for a Hearing mailed 4/14/22.

HERZOG, Delia J., M.D., (#35.065804) – Delaware, Ohio

Based on allegations with respect to the care and treatment of five identified patients, the doctor inappropriately treated and/or failed to appropriately document treatment, including

inappropriate or excessive prescribing of controlled substances, inadequate monitoring of medication and management of patient conditions, and failure to adequately explain or justify reasons for prescribing medications or doses, which individually and/or collectively, as alleged, constitute: 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 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. Notice of Opportunity for a Hearing mailed 4/14/22.

HINES, Dirk R., M.D., (#35.067479) – Oxford, Ohio

Based on allegations with respect to the care and treatment of six identified patients, the doctor inappropriately treated and/or failed to appropriately treat or document treatment, including: inappropriate and/or excessive prescribing of controlled substances, and failure to recognize signs of addiction and/or make appropriate referrals, and/or follow-up on referrals, which individually and/or collectively, as alleged, constitute: 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; 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, and Prescribing for Subacute and Chronic Pain. Notice of Opportunity for a Hearing mailed 4/14/22.

KHOKHAR, Imtiaz A., M.D. App. – Dallas, Texas

Doctor notified of right to request a hearing on the question of whether his failure to submit to a 72-hour inpatient examination as ordered by the Board was due to circumstances beyond his control. Based on the legal presumption that doctor's failure to submit to a 72-hour inpatient examination as ordered by the Board constitutes an admission that he is impaired in his 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 4/14/22.

KOOSHKABADI, Ali, M.D., (#35.141180) – Canfield, Ohio

Based on allegations when the doctor made repeated public threats of violence, terroristic threats, and caused disturbances resulting in police intervention and admission to a behavioral healthcare center for psychiatric examination, those acts and/or admissions, individually and/or collectively constitute an inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills. Notice of Summary Suspension and Opportunity for Hearing mailed 4/26/22.

LAPIDES, David A., M.D., (#35.140673) – Fort Meyers, Florida

Based on allegations that the doctor's plea of guilty and conviction in the Circuit Court for the City of Charlottesville, Virginia, to two felony counts of distribution of child pornography, which individually and/or collectively, as alleged, 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 4/14/22.

MASON, La'Shondra, M.T. App. – Dayton, Ohio

Based on the submission of an application for a license to practice massage therapy, and on allegations that when the massage therapist's plea of guilty and conviction in the Montgomery County Court of Common Pleas to one felony count of Aggravated Assault with a Deadly Weapon, to which she was sentenced to one hundred days in jail, with a maximum of five years of community control, those acts individually and/or collectively, as alleged, 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 4/14/22.

PEELE, Zachary P., R.C.P. App. – Henryville, Indiana

Based on the submission of an application for a license to practice respiratory care, and on allegations that when the respiratory care professional entered a plea of guilty in the Harrison County Superior Court, in Harrison County, Indiana, to one felony count of Sexual Battery, to which he was sentenced to three years in prison, suspended, and three years of probation, those acts individually and/or collectively, as alleged, 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 misdemeanor involving moral turpitude. Notice of Opportunity for a Hearing mailed 4/14/22.

PRIFOGLE, Casey, R.C.P., (#RCP.16286) – Harrison, Ohio

Based on allegations that when the respiratory care professional sent pictures of two patients in states of nudity to a friend via text message and made comments that were not clinically relevant, those acts individually and/or collectively, as alleged, constitute: violating the standards of ethical conduct adopted by the board, in the practice of respiratory care, to wit: Ethical and Professional Conduct; and violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or the rules adopted by the board, to wit: Prohibitions regarding Sexual Misconduct which also constitutes a departure from, or 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. Notice of Opportunity for a Hearing mailed 4/14/22.

RILEY, Theodore, D.O., (#34.013185) – Pittsburgh, Pennsylvania

Based on allegations that prior actions by the Pennsylvania State Board of Osteopathic Medicine, which adopted a 6/9/21 Consent Agreement that placed the doctor's license on probationary status for three years, and adopted an 8/12/21 Consent Agreement that voluntarily surrendered the doctor's license, individually and/or collectively, as alleged, 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 4/14/22.

RIYAZ, Farhaad R., M.D., (#35.140316) – Manassas, Virginia

Based on allegations that when the doctor entered a plea of guilty in the United States District Court for the Eastern District of Virginia to one felony count of Mail Fraud, those acts individually and/or collectively, as alleged, 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 4/14/22.

SALBERG, Richard L., M.D., A.K.A Richard Cristea, (#35.058850) – Glencoe, Illinois

Based on allegations that a prior action by Medical Licensing Board of Indiana which issued a 6/30/20 Final Order that reprimanded the doctors' license, and a prior action by State of Illinois, Department of Financial and Professional Regulation, Division of Professional Regulation, which issued a 10/28/20 Consent Order, that also reprimanded the doctor's license, those acts individually and/or collectively, as alleged, 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 4/14/22.

SCHACHT, Elizabeth, M.D., (#35.133712) – Denver, Colorado

Based on allegations that when the doctor was terminated from her position with the Department of Veterans Affairs and his clinical privileges revoked and terminated, those acts individually and/or collectively, as alleged, constitute: the revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice. Notice of Opportunity for a Hearing mailed 4/14/22.

TARBET, Darlene M., M.T., (#33.021022) – Chardon, Ohio

Based on allegations that the massage therapist's conviction in the Court of Common Pleas, Lake County, Ohio, to four felony counts of Tampering with Records, and four misdemeanor counts of Petty Theft, those acts individually and/or collectively, as alleged, 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 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 misdemeanor committed in the course of practice. Notice of Opportunity for a Hearing mailed 4/14/22.

TAYLOR, Donnika S., M.T., (#33.023543) – Columbus, Ohio

Based on the submission of an application to renew a license to practice massage therapy, and on allegations that the massage therapist falsely answered "no" to questions contained within the renewal application; and on the massage therapist's plea of guilty in the Franklin County Court of Common Pleas, to one misdemeanor count of Theft, which individually and/or collectively, as alleged, constitute: making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice issued by the board; and 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 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 misdemeanor involving moral turpitude. Notice of Opportunity for a Hearing mailed 4/14/22.

ZEDAKER, James C., P.A., (#50.002173RX) – Tallahassee, Florida

Based on the submission of an application to renew the license to practice as a physician assistant, and on allegations that the physician assistant falsely answered "no" to two questions regarding whether the physician assistant had been subject to any investigation, despite a pending investigation at Florida State University, which individually and/or collectively, as alleged, constitute: making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for employment as a physician assistant; in connection with any solicitation or advertisement for patients; in relation to the practice of medicine as it pertains to physician assistants; or in securing or attempting to secure a license to practice as a physician assistant. Notice of Opportunity for a Hearing mailed 4/14/22.

NON-DISCIPLINARY CITATIONS

CALLE, Lider, R.C.P. Applicant – Paramus, New Jersey (Non-Disciplinary)

Proposed denial of an application to practice as a respiratory care professional. Based on the submission of an application for a license to practice as a respiratory care professional, and on allegations that the applicant has not successfully completed an examination acceptable to the Board, to wit: both portions of the Registered Respiratory Therapist (R.R.T.) examination. Notice of Opportunity for Hearing mailed 4/14/22.

FISCO, James R., M.D., (#34.004435) - Springboro, Ohio (Non-Disciplinary)

Proposed denial of certificate to recommend the medical use of marijuana. Based on the doctor's submission of an application for a license endorsement to prescribe the medical use of marijuana, and on allegations that the doctor's prior 12/12/07 Consent Agreement, constitutes prior disciplinary action by any licensing entity that was based, in whole or in part, on the applicant's inappropriate prescribing, personally furnishing, dispensing, diverting, administering, supplying or selling a controlled substance or other dangerous drug. Notice of Opportunity for Hearing mailed 4/14/22.

FINAL ORDERS

AGOLIA, Lindsay Z., M.D. Applicant – Novato, California

Application to practice allopathic medicine and surgery denied. Based on the doctor's submission of an application to practice allopathic medicine and surgery, and on the finding that a prior action by the Medical Board of California, which issued a 3/6/15 Allegation and a 4/30/15 Stipulated Settlement and Disciplinary Order, which revoked the doctor's license and placed her on probation for five years, 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. Order effective April 27, 2022 (Journal Entry-No Hearing Requested).

GIRGIS, Beth A., M.D., (#35.083071) – Bradenton, Florida

No further action taken on license to practice allopathic medicine and surgery. Based on the finding that that a prior Final Order, issued by the State of Florida Board of Medicine, 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. Order effective April 27, 2022.

HU, Biyun, M.T., (#33.024334) – Monroeville, Pennsylvania

License to practice massage therapy indefinitely suspended, and subject to a three thousand dollar (\$3,000.00) fine. Based on the finding that when the massage therapist failed to appear for a deposition pursuant to a Board investigative subpoena, and failed to respond to the Board's

request for a response, those acts and/or omissions, individually and/or collectively constitute: failure to cooperate in an investigation conducted by the board, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue. Order effective 4/14/22. (Journal Entry-No Hearing Requested).

KEYSTONE, Jay A., M.D. Applicant – Vacaville, California (Non-Disciplinary)

Application for a license to practice medicine and surgery denied. Based on the submission of an application to practice massage therapy, and on the finding that the doctor has not provided documentation that he has completed an examination sequence acceptable to the Board. Order effective 4/14/22. (Journal Entry-No Hearing Requested).

OPPONG, Bernard K., D.O., (#34.005401) – Blacklick, Ohio

License to practice osteopathic medicine and surgery permanently revoked, and fined in an amount of eighteen thousand dollars (\$18,000.00). Based on the finding that the doctor's conviction in the United States District Court, Southern District of Ohio, Eastern Division, to one felony count of Health Care Fraud Scheme, three felony counts of Health Care False Statements, and one felony count of Conspiracy to Distribute and Dispense a Controlled Substance, 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; and the obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice. Order effective 4/14/22.

PELLO, Linda A., M.T. Applicant – Temperance, Michigan (Non-Disciplinary)

Application for license to practice massage therapy granted, provided she takes and passes the MBLEx within one year of the Order. Based on the submission of an application to practice massage therapy, and on the finding that the massage therapist has not practiced massage therapy in more than two years. Order effective 4/14/22.

CONSENT AGREEMENTS

BUCCINO, Patsy, D.O., (#34.004593CTR) – Struthers, Ohio

Commencing on the thirtieth day following the effective date of the order, license to practice osteopathic medicine and surgery suspended for a definite period of ninety days (90), fined in the amount of five thousand dollars (\$5,000.00), and subject to probationary terms, conditions and limitations. Based on the doctor's admission that when he entered patient updates into patient medical charts, without actually having seen the patients, and subsequently had his medical privileges revoked, those acts individually and/or collectively constitute: making a false,

fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice issued by the board; and 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. Agreement effective 4/13/22.

VITELLAS, Hope M., Acc., (#65.000234) – Columbus, Ohio

License to practice acupuncture restored, and immediately suspended for a definite period of ninety days (90), and subject to a one thousand dollar (\$1,000.00) fine, interim monitoring terms while suspended, and general probationary requirements for at least one year. Based on the acupuncturist's admission that when she continued to practice despite her license having lapsed, those acts, and/or omission individually and/or collectively constitute: 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: Unlicensed Practice. Agreement effective 4/13/22.

YAKO, Michelle A., L.D. Applicant – Chardon, Ohio

License to practice dietetics granted, and immediately suspended for a definite period of one hundred eighty days (180), and subject to interim monitoring terms while suspended, and general probationary requirements for at least one year. Based on the dietician's admission that when she practiced as a dietician without a license, that act individually and/or collectively constitute: 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: Unlicensed Practice. Agreement effective 4/13/22.

VOLUNTARY PERMANENT SURRENDERS, RETIREMENTS, REVOCATIONS, WITHDRAWALS

RHEE, Choo Y., M.D., (#35.042716) – Worthington, Ohio

Permanent surrender and revocation of license to practice allopathic medicine and surgery authorized by doctor in lieu of further investigation pursuant to Section 4731.22(B)(6), Ohio Revised Code: 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. Agreement effective 4/13/22.

PROBATIONARY REQUESTS AND MODIFICATIONS

PAPACHRISTOU, Marios D., (#35.143985) – Warrendale, Pennsylvania

Doctor's request for approval of individual therapy to meet aftercare requirement, and approval of CTS prison program to count toward aftercare requirement, granted by vote of the Board on 4/13/22.

RUHE, Linda C., M.T., (#33.022834) – Cincinnati, Ohio

Massage therapist's request for approval professional ethics course, granted by vote of the Board on 4/13/22.

SPARE, Joseph T., M.D., (#35.036582) – Marion, Ohio

Doctor's request for approval of controlled substance prescribing course, medical records course, and pediatric deficit hyperactivity disorder prescribing course, granted by vote of the Board on 4/13/22.

RELEASE FROM PROBATION

BAULA, Marvin M., M.D., (#35.099925) – Fairborn, Ohio

Doctor's request from the terms of the 4/10/19 Consent Agreement, granted by vote of the Board on 4/13/22. Release effective immediately.

WILLIAMS, Rodney J., M.D., (#35.138800) – Zanesville, Ohio

Doctor's request for release from the terms of the 2/12/20 Board Order, granted by vote of the Board on 4/13/22. Release effective immediately.

COURT ACTIONS

None.

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.