



**State Medical Board of Ohio Meeting Minutes
October 16, 2019**

Michael Schottenstein, M.D., President, called the meeting to order at 9:45 am in the Administrative Hearing Room, 3rd floor of the Rhodes Office Tower, 30 East Broad Street, Columbus, Ohio 43215 with the following members present: Richard Edgin, M.D., Vice President; Kim G. Rothermel, M.D., Secretary; Bruce R. Saferin, D.P.M., Supervising Member; Michael Gonidakis, Esq.; Robert P. Giacalone, R.Ph., J.D.; Mark A. Bechtel, M.D.; Betty Montgomery; Sherry Johnson, D.O.; and Jonathan Feibel, M.D.

MINUTES REVIEW

Motion to approve the minutes of the September 11, 2019 Board meeting, as drafted:

Motion	Dr. Edgin
2 nd	Dr. Saferin

Dr. Feibel stated that he has two suggested amendments to the draft minutes. Dr. Schottenstein asked that the topic of approving the September minutes be tabled so that Dr. Feibel can document his suggestions for the Board members' review later in the meeting. Dr. Feibel agreed.

Motion to table the approval of the September 11, 2019 Board meeting minutes:

Motion	Dr. Bechtel
2 nd	Dr. Johnson
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

APPLICANTS FOR LICENSURE

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

Motion to approve, contingent upon all requested documents being received and approved in accordance with licensure protocols, the physician and allied professional applicants contained in the handouts provided to Board members:

Motion	Dr. Bechtel
2 nd	Dr. Rothermel

State Medical Board of Ohio Meeting Minutes – October 16, 2019

Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Motion to approve, contingent upon all requested documents being received and approved in accordance with licensure protocols, the applicants for a Certificate to Recommend Medical Marijuana contained in the handouts provided to the Board members:

Motion	Dr. Saferin
2 nd	Dr. Bechtel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

REPORTS AND RECOMMENDATIONS

Dr. Schottenstein asked the Board to consider the Reports and Recommendations appearing on the agenda. He asked if each member of the Board received, read and considered the Hearing Record; the Findings of Fact, Conclusions and Proposed Orders; and any objections filed in the matters of: Borko Djordjevic, M.D.; and Ryan Lee Gerritsen, M.D. A roll call was taken:

Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

State Medical Board of Ohio Meeting Minutes – October 16, 2019

Dr. Schottenstein further asked if each member of the Board understands that the Board's disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from Dismissal to Permanent Revocation or Permanent Denial. A roll call was taken:

Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

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

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

Borko Djordjevic, M.D.

Dr. Schottenstein directed the Board's attention to the matter of Borko Djordjevic, M.D. Objections have been filed and were previously distributed to Board members. Ms. Lee was the Hearing Examiner.

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

Dr. Djordjevic was represented by his attorney, James McGovern.

Mr. McGovern stated that Dr. Djordjevic currently resides in Europe and was unable to attend today's meeting, though he did attend his hearing and he was very appreciative of the professional treatment he received from Ms. Pelphrey and Ms. Lee.

Mr. McGovern briefly outlined Dr. Djordjevic's history with the Board. Dr. Djordjevic initially applied for restoration of his Ohio medical license in 2016, which led to a 2017 Notice of Opportunity for Hearing and a 2017 Board Order. When Dr. Djordjevic reapplied for restoration in 2018, a new Notice of Opportunity for Hearing was issued. The 2018 Notice contained the same allegations as the previous Notice, with the additional allegation that Dr. Djordjevic was unable to pass the Special Purpose Examination (SPEX) within a six-month period which triggered the abandonment of Dr. Djordjevic's 2016 application and necessitated the submission of his 2018 application.

Mr. McGovern continued that due to the similarities between the 2017 Notice and the 2018 Notice and the manner in which the Board had already adjudicated the 2017 Notice through the 2017 Board Order, Dr. Djordjevic correctly assumed that the Hearing Examiner would not recommend any sanction for conduct at issue in sections 4 through 6 in the 2018 Notice. Mr. McGovern added that the criminal cases at issue in both the 2017 Notice and the 2018 Notice have since been sealed. Therefore, in the hearing based on the 2018 Notice Dr. Djordjevic focused his attention on providing evidence related to his recent medical practice

State Medical Board of Ohio Meeting Minutes – October 16, 2019

overseas, his overall competency in his specialty of plastic surgery, the problems presented by the six-month window he had been given to pass the SPEX, and the reasonably-anticipated problems presented by the preceptorship, monitoring physician, and practice plan requirements in Dr. Djordjevic's 2017 Order.

With respect to the six-month window in which to pass the SPEX, Mr. McGovern asked the Board to instead provide Dr. Djordjevic with a 12-month window in order to avoid having to go through the application and hearing process again if he is unable to pass the SPEX on a single attempt. Mr. McGovern added that this would also avoid potential delays or problems with Dr. Djordjevic registering for each needed sitting of the SPEX. Dr. Djordjevic would also appreciate if the Board could include language in the forthcoming order indicating that he is sponsored to sit for the SPEX up to three times during a 12-month window, with the third attempt requiring a 90-day waiting period after the previous attempt.

Mr. McGovern stated that the requirements for a preceptorship, monitoring physician, and practice plan are impractical and appear to be unnecessary. Mr. McGovern stated that any Board member practicing in a medical specialty should recognize that no ABMS board-certified plastic surgeon will be willing to spend four months as a preceptor for a physician who is in his 70's. Mr. McGovern added that unless Dr. Djordjevic joins a practice group, no physician will be willing to monitor or directly supervise him for two years while he is on probation. Mr. McGovern stated that it will be nearly impossible for Dr. Djordjevic to secure a preceptor or a monitoring physician if those requirements are made part of the Board Order. As an alternative, Dr. Djordjevic has requested that the Board consider sending him to the Physician Assessment and Clinical Education (PACE) program offered by the University of California San Diego. Mr. McGovern stated that if the Board sent Dr. Djordjevic to PACE, it could word its Order so that his practice in Ohio would have to conform to PACE's feedback and recommendations.

Dr. Schottenstein asked if the Assistant Attorney General wished to respond. Ms. Pelphrey stated that she did not wish to respond.

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

Motion	Dr. Johnson
2 nd	Mr. Giacalone

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

Dr. Schottenstein appreciated that there were logistical challenges that Dr. Djordjevic will have to manage with regard to the Proposed Order. Dr. Schottenstein noted that Dr. Djordjevic has not practiced medicine in the United States for about 12 years and there have been many changes in the field since that time. Dr. Schottenstein further noted that the Proposed Order substantially mirrors Dr. Djordjevic's 2017 Board Order.

Dr. Schottenstein continued that Dr. Djordjevic is requesting that the Proposed Order be amended to allow him 12 months to pass the Special Purpose Examination (SPEX) instead of six months. Dr. Schottenstein agreed with this suggestion, opining that a one-year timeframe is justified since much of the material is not directly relevant to the field of practice.

Dr. Schottenstein struggled with Dr. Djordjevic's request to allow him to complete the Physician Assessment and Clinical Education (PACE) program in lieu of a preceptorship. Dr. Schottenstein stated that the Board is familiar with PACE and has sent licensees to PACE before, generally for minimal standards concerns. However, Dr. Schottenstein opined that PACE is not a substitute for a preceptorship. Dr. Schottenstein felt that for a physician who has not practiced medicine in the United States since about 2007, a preceptorship is necessary to ensure that the physician is current in his skills and knowledge base.

State Medical Board of Ohio Meeting Minutes – October 16, 2019

Addressing the defense counsel's concerns, Dr. Schottenstein was not certain why an ABMS board-certified plastic surgeon would not spend time as a preceptor for a physician just because that physician is in his 70's. Dr. Schottenstein was also unsure why Dr. Djordjevic could not find a preceptor in a different geographic area in order to allay concerns regarding competition.

Mr. Giacalone agreed that a 12-month timeframe for Dr. Djordjevic to pass the SPEX is appropriate. Mr. Giacalone also agreed with Dr. Schottenstein's comments regarding the suggestion to remove the requirement for a preceptorship in favor of the PACE program. Mr. Giacalone stated that the Board's purpose is to protect the public and any inconvenience or difficulty a respondent may have in obtaining a preceptorship does not change the need to ensure that a physician is adequately trained. Mr. Giacalone added that this is especially true in the field of plastic surgery. Mr. Giacalone stated that it would be a terrible precedent if the Board began waiving requirements for preceptorships when the Board feels there is an issue or a potential issue with a physician's capabilities.

Motion to amend the Proposed Order so that the second paragraph of Section A reads as follows:

Failure to successfully complete the SPEX within twelve months of the effective date of this Order shall be considered abandonment of the application of Dr. Djordjevic for restoration of his license to practice medicine and surgery in Ohio.

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

The motion to amend carried.

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

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

The motion carried.

State Medical Board of Ohio Meeting Minutes – October 16, 2019

Ryan Lee Gerritsen, M.D.

Dr. Schottenstein directed the Board's attention to the matter of Ryan Lee Gerritsen, M.D. Objections have been filed and were previously distributed to Board members. Ms. Lee was the Hearing Examiner.

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

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

Mr. Plinke stated that the Board's position in this case is that applicants cannot be in the One-Bite program and licensed practitioners can. Mr. Plinke stated that this distinction between applicant and practitioner is an invention. Mr. Plinke stated that not only is this distinction far from the intent of the law, it does not even appear until months into the process after Dr. Gerritsen's application was complete. Mr. Plinke stated that this was invented to maintain the *status quo* and statistical standing, and he further stated that it is a fiction that is, in fact, contrary to the law.

Mr. Plinke stated that the distinction in this case between applicants and licensees does not withstand any logical scrutiny. Mr. Plinke stated that no one would want to be in One-Bite for the few months that their application is pending because it does not matter then. Rather, one would want One-Bite once they become a licensed practitioner. Mr. Plinke stated that the Proposed Order would grant Dr. Gerritsen's license and therefore make him a practitioner, yet due to this fictional distinction he will be treated differently from others and not entitled to this law as intended based arbitrarily on when he received his license and when his impairment arose. Mr. Plinke stated that that end result is contrary to the law and is not consistent with the plain meaning and required logical construction of the statute.

Mr. Plinke continued that he has spent much of his career dealing with physician health issues and representing hospitals, medical practices, surgery centers, and individual physicians. In the provider community, it is understood that early detection and intervention, treatment, and monitoring without public humiliation or stigma serves everyone and advances patient safety. That is why the One-Bite law was welcomed as it replaced the unpredictable and uncertain outcomes that had occurred prior to the law.

Mr. Plinke stated that Dr. Gerritsen was recruited to come back to Ohio with the understanding the Ohio had this new One-Bite law. However, the outcome in the Proposed Order breaks those expectations of certainty and predictability. Mr. Plinke stated that this outcome actually restores the policy that the law was intended to replace and returns to a system of unpredictability, public shaming, stigma, and unintentionally provides physicians with a reason to delay getting help. Mr. Plinke stated that that system does not protect the public, but it does serve to maintain the *status quo*.

Mr. Plinke asked the Board to vote in a manner consistent with the law and dismiss this matter.

Dr. Gerritsen stated that he was born and raised outside Findlay, Ohio. During his residency in Philadelphia, the challenges and stresses of residency and having a family with small children led Dr. Gerritsen to treat himself for sleep deprivation, and he has lived with that decision every day. Dr. Gerritsen stated that he deeply wounded those around him, but he is determined to correct that mistake. Dr. Gerritsen pointed out that he has completed treatment at a Board-approved treatment center and he has been in full compliance with the requirements of the Pennsylvania Physicians Health Program for the last 16 months.

Dr. Gerritsen continued that it has always been his dream to return to Ohio with his family. Dr. Gerritsen had researched Ohio's One-Bite law and, based on what he read and the advice of knowledgeable people, his understanding was that he would be eligible for the One-Bite program. However, after submitting his

State Medical Board of Ohio Meeting Minutes – October 16, 2019

application he received a Consent Agreement and realized that he had traveled down a road he could not get back from. Dr. Gerritsen stated that even though he was successfully completing the confidential program in Pennsylvania, his information became public and brought significant shame.

Dr. Gerritsen stated that his family's dream has not changed, and he and his wife have bought a permanent residence in Ohio. Dr. Gerritsen stated that he wants to practice in Ohio and he would like to do so while in the One-Bite program.

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

Ms. Snyder stated that the fact the Dr. Gerritsen is not eligible for the One-Bite program is not the Board's position, it is the legislature's position and it is the law. Ms. Snyder stated that Dr. Gerritsen is an applicant and not a practitioner according to the statute.

Ms. Snyder continued that Dr. Gerritsen applied for medical licensure in Ohio and he honestly disclosed on his application that he had found impaired and diagnosed with substance abuse disorder after a pharmacist in his residency program reported that Dr. Gerritsen had been self-prescribing Modafinil. Dr. Gerritsen was sent to a drug screen during his residency and tested positive for that substance, after which he completed 28 days of inpatient treatment.

Dr. Gerritsen now wants to be part of Ohio's One-Bite program. However, Ms. Snyder pointed out that under Section 4731.251, Ohio Revised Code, an individual must be a practitioner to be eligible for One-Bite. Ms. Snyder further pointed out that a practitioner is defined as someone who has a license, which Dr. Gerritsen does not. Ms. Snyder stated that the language is very clear and there is no ambiguity in that statutory authority or room for interpretation. Ms. Snyder stated that the Board must follow the law and not pick and choose to whom to apply the law.

Ms. Snyder stated that while Dr. Gerritsen does not qualify for One-Bite, that does not mean he does not qualify for a license or that he will not be treated appropriately the same with as other practitioners who are found to be impaired are treated.

Ms. Snyder stated that the State supports the Report and Recommendation.

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

Motion	Dr. Johnson
2 nd	Dr. Edgin

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

Ms. Montgomery agreed with Ms. Snyder that under the statute, Dr. Gerritsen does not qualify for the One-Bite program. Ms. Montgomery commented that the Board should consider whether the statute needs to be more broadly interpreted, noting that the statutory language does not seem to anticipate an applicant seeking the One-Bite program. Ms. Montgomery also stated that the Board encourages impaired physicians to seek treatment. Ms. Montgomery commented that according to the hearing record, the Ohio Physicians Health Program (OPHP), which administers the One-Bite program, had told Dr. Gerritsen that he qualified for One-Bite. Ms. Montgomery stated that the Board should clarify any misunderstandings that OPHP may have.

Mr. Giacalone noted that the hearing transcript contains a statement that one of the reasons applicants are not eligible for One-Bite is that it prevents state-hopping, or going from state to state abusing one-bite systems. Mr. Giacalone agreed that during the discussions on the One-Bite law there had been concerns about people

State Medical Board of Ohio Meeting Minutes – October 16, 2019

abusing the system in that manner, and that was a rationale for excluding applicants. The Board engaged in a brief discussion of the concept of state hopping, in which a physician goes to another state as an applicant and enters a one-bite program for treatment of impairment. If the applicant fails in treatment in that state, they can go to another state and enter their one-bite system, with the confidentiality of one-bite systems preventing the new state from knowing about the previous events. An applicant could conceivably repeat this process several times.

Mr. Giacalone expressed concern that OPHP does not seem to know the One-Bite statute. Mr. Giacalone commented that the statute is clear that a practitioner is someone who is licensed in this state and not an applicant. Mr. Giacalone understood Dr. Gerritsen's position, but he did not understand how the Board could ignore the statute. Mr. Giacalone stated that if the Board accepts the Proposed Order, Dr. Gerritsen will be granted a license and will be able to practice in Ohio while he undergoes treatment and monitoring.

Dr. Schottenstein suggested that the Board staff reach out to OPHP to clarify the statutory requirements for eligibility for One-Bite. Mr. Groeber stated that the staff will reach out and report back to the Board next month.

Dr. Schottenstein stated that he is respectful of the defense counsel's position. However, Dr. Schottenstein did not see this as a complicated case or a complicated area of the law. Dr. Schottenstein respectfully disagreed that the statute is ambiguous, and in fact found it to be unequivocal. Dr. Schottenstein noted that the Legislative Service Commission's analysis of the bill specifically states, "The treatment of impaired practitioners regulated by the Board who satisfy certain eligibility requirements." The analysis subsequently references Section 4731.251, Ohio Revised Code, which specifically defines a practitioner as an individual authorized under Chapter 4731 to practice. As an applicant, Dr. Gerritsen does not fall under the language of the statute.

Dr. Schottenstein stated that there is no reference to applicants in the statute because applicants are not eligible for the One-Bite program. Dr. Schottenstein stated, contrary to defense counsel's position, that it does not seem that there was ever any intent by the legislature or the Board for the program to apply to applicants. Dr. Schottenstein stated that the legislature or the Board could have extended eligibility to applicants, but they did not do so.

Dr. Schottenstein also respectfully disagreed with defense counsel's point that applicants are eligible for One-Bite because they are potential practitioners. Dr. Schottenstein stated that "potential practitioner" is an abstraction and that there are only applicants, who have applied to become practitioners; and practitioners, who have successfully navigated the application process and received a license in Ohio. Once someone receives a license, that person becomes a practitioner and at that point becomes eligible for One-Bite.

Dr. Schottenstein also disagreed that there is significant in the use of the term "licensee" instead of "practitioner." Dr. Schottenstein stated that a licensee is a holder of a license and a practitioner is one who practices a profession. Therefore, if one is a practitioner then one is also necessarily a licensee.

Lastly, Dr. Schottenstein disagreed that there is concern about the constitutionality of the law. Dr. Schottenstein stated that if there is such a concern, it is something to address in the legislature or the court system.

Dr. Schottenstein opined that a commonsense reading of the law indicates that Dr. Gerritsen is not eligible for the One-Bite program. Since there has been impairment, Dr. Gerritsen should be monitored. Dr. Schottenstein wished Dr. Gerritsen well and hoped that he comes to Ohio to practice, but he felt that the Proposed Order is fair.

Vote on Dr. Johnson's motion to approve and confirm:

Dr. Rothermel	Abstain
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State Medical Board of Ohio Meeting Minutes – October 16, 2019

Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Schottenstein stated that in the following matters, the Board issued Notices of Opportunity for Hearing. No timely requests for hearing were received. The matters were reviewed by a Hearing Examiner, who prepared Proposed Findings and Proposed Orders, and they are now before the Board for final disposition. 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 these matters, Dr. Rothermel served as Secretary and Dr. Saferin served as Supervising Member. In addition, Dr. Bechtel served as Secretary and/or Supervising Member in the matters of Dr. Brizuela and Dr. Hoover.

Felix Brizuela Jr., D.O.

Motion to find that the allegations as set forth in the March 13, 2019 Notice of Opportunity for Hearing in the matter of Dr. Brizuela have been proven to be true by a preponderance of the evidence and to adopt Ms. Shamansky's Proposed Findings and Proposed Order:

Motion	Mr. Giacalone
2 nd	Dr. Edgin

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

Mr. Giacalone opined that the Proposed Order of permanent revocation is appropriate given Dr. Brizuela's conviction for illegal distribution of controlled substances, in particular oxycodone, oxymorphone, and fentanyl between August 2013 and August 2015.

A vote was taken on Mr. Giacalone motion:

Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Abstain

State Medical Board of Ohio Meeting Minutes – October 16, 2019

The motion carried.

Paul M. Hoover, M.D.

Motion to find that the allegations as set forth in the November 14, 2018 Notice of Opportunity for Hearing in the matter of Dr. Hoover have been proven to be true by a preponderance of the evidence and to adopt Ms. Lee's Proposed Findings and Proposed Order:

Motion	Dr. Johnson
2 nd	Dr. Edgin

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

Mr. Giacalone noted that the Proposed Order would revoke Dr. Hoover's Ohio license, but it is not a permanent revocation due to the fact that Dr. Hoover has only been indicted and not yet convicted. Mr. Giacalone noted that the medical board in Pennsylvania, where the indictment occurred, issued an order to continue Dr. Hoover's immediate temporary suspension. Mr. Giacalone, expressing concern that Dr. Hoover could reapply for an Ohio license after time has passed, asked if the Board could follow Pennsylvania's lead and put this case on hold to see if Dr. Hoover is ultimately convicted.

The Board discussed this matter in detail. Ms. Anderson noted that if Dr. Hoover is convicted, that conviction would constitute a new fact and would require a new Notice of Opportunity for Hearing before the Board could take action based on that new fact. Dr. Schottenstein opined that no future iteration of the Board would grant an application for restoration if Dr. Hoover is convicted of these crimes, and it is therefore reasonable to simply revoke his license at this time.

Ms. Montgomery why there was a ten-month delay between the issuance of the Notice of Opportunity for Hearing and the matter coming before the Board. Mr. Groeber stated that work continues on extracting data regarding hearing delays from the Board's system and putting it together for the Board's review. Ms. Montgomery thanked the staff for continuing to work on this issue.

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

Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Abstain

The motion carried.

Mr. Gonidakis exited the meeting at this time.

Lauren Elizabeth Shipman, M.D.

State Medical Board of Ohio Meeting Minutes – October 16, 2019

Motion to find that the allegations as set forth in the May 8, 2019 Notice of Opportunity for Hearing in the matter of Dr. Shipman have been proven to be true by a preponderance of the evidence and to adopt Ms. Lee's Proposed Findings and Proposed Order:

Motion	Dr. Bechtel
2 nd	Dr. Johnson

Dr. Schottenstein stated that he will now entertain discussion in the matter of Dr. Shipman. No Board member offered discussion in this matter.

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

Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

FINDINGS, ORDERS, AND JOURNAL ENTRIES

Dr. Schottenstein 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.

Katherine Marie Armbruster, M.T.

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

Motion to find that the allegations set forth in the July 10, 2019 Notice of Opportunity for Hearing have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective immediately upon mailing, approving Ms. Armbruster's application, provided that she takes and passes the MBLEx within six months of the date of mailing of the Notice of Opportunity for a Hearing:

Motion	Dr. Johnson
2 nd	Dr. Saferin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Dr. Johnson	Y
Ms. Montgomery	Y

State Medical Board of Ohio Meeting Minutes – October 16, 2019

Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Sheila Marie Gullette, L.M.T.

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

Motion to find that the findings set forth in the August 14, 2019 Notice of Opportunity for Hearing have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective immediately upon mailing, approving the restoration of Ms. Gullette's certificate to practice massage therapy, provided that she passes the MBLEx within six months of the date of mailing of the Notice of Opportunity for a Hearing:

Motion	Dr. Saferin
2 nd	Dr. Edgin

Ms. Montgomery asked if applicants still undergo a background check when the Board issues an order stating that they only have to pass a test for licensure. Dr. Schottenstein replied that applicants are still subject to a background check.

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

Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Catrina Lee Kovalak, L.M.T.

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

Motion to find that the facts set forth in the August 14, 2019 Notice of Opportunity for Hearing have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective immediately upon mailing, approving the restoration of Ms. Kovalak's certificate to practice massage therapy provided that she passes the MBLEx within six months of the date of mailing of the Notice of Opportunity for a Hearing:

State Medical Board of Ohio Meeting Minutes – October 16, 2019

Motion	Dr. Saferin
2 nd	Dr. Edgin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Mr. Gonidakis returned to the meeting at this time.

Amy Alice Miller, R.C.P.

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

Motion to find that the facts set forth in the July 10, 2019 Notice of Opportunity for Hearing have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective immediately upon mailing, approving the restoration of Ms. Miller's certificate to practice respiratory care provided that she passes the TMC exam within six months of the mailing of the Notice of Opportunity for a Hearing:

Motion	Dr. Edgin
2 nd	Dr. Saferin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Amy Renee Ohlinger, L.M.T.

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

Motion to find that the facts set forth in the February 13, 2019 Notice of Opportunity for Hearing have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective

State Medical Board of Ohio Meeting Minutes – October 16, 2019

immediately upon mailing, approving the restoration of Ms. Ohlinger's certificate to practice massage therapy provided that she passes the MBLEx within six months of July 24, 2019:

Motion	Dr. Edgin
2 nd	Dr. Saferin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Jennifer L. Rader, L.M.T.

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

Motion to find that the facts set forth in the July 10, 2019 Notice of Opportunity for Hearing have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective immediately upon mailing, approving Ms. Rader's application provided that she passes the MBLEx within six months of the mailing of the Notice of Opportunity for Hearing:

Motion	Dr. Bechtel
2 nd	Dr. Edgin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Kimberly A. Rusnak, L.M.T.

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

State Medical Board of Ohio Meeting Minutes – October 16, 2019

Motion to find that the facts set forth in the August 14, 2019 Notice of Opportunity for Hearing have been proven to be true by a preponderance of the evidence, and that the Board enter an Order, effective immediately upon mailing, approving Ms. Rusnak's application provided that she passes the MBLEx within six months of the mailing of the Notice of Opportunity for Hearing:

Motion	Dr. Saferin
2 nd	Dr. Edgin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

NON-DISCIPLINARY LICENSURE APPLICATION WITHDRAWAL

Theodore J. Cole, D.O.

Motion to ratify the proposed Non-Disciplinary Proposed Permanent Withdraw of Application for a Certificate to Recommend Medical Marijuana of Theodore J. Cole, D.O.:

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

The motion carried.

Lorie Lee Dalrymple, L.M.T.

Motion to ratify the proposed Non-Disciplinary Withdraw of Restoration Application for a License to Practice Massage Therapy for Lorie Lee Dalrymple, L.M.T.:

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

State Medical Board of Ohio Meeting Minutes – October 16, 2019

Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

EXECUTIVE SESSION I

Motion to go into Executive Session to confer with the Medical Board's attorneys on matters of pending or imminent court action, and for the purpose of deliberating on proposed consent agreements in the exercise of the Medical Board's quasi-judicial capacity:

Motion	Dr. Saferin
2 nd	Dr. Bechtel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

The Board went into Executive Session at 10:35 a.m. and returned to public session at 10:45 a.m.

SETTLEMENT AGREEMENTS

Shahbaz Ahmad, M.D.

Motion to ratify the proposed Withdrawal of Application with Shahbaz Ahmad, M.D.:

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

State Medical Board of Ohio Meeting Minutes – October 16, 2019

The motion carried.

Amanda May Keith, L.M.T.

Motion to ratify the proposed Permanent Surrender with Amanda May Keith, L.M.T.:

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

The motion carried.

Lazaro Mirkin, M.D.

Motion to ratify the proposed Permanent Surrender with Lazaro Mirkin, M.D.:

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

The motion carried.

Roy D. Reynolds, M.D.

Motion to ratify the proposed Permanent Surrender with Roy D. Reynolds, M.D.:

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

State Medical Board of Ohio Meeting Minutes – October 16, 2019

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

The motion carried.

Ifeoma Nnenna Kamalu, M.D.

Motion to ratify the proposed Consent Agreement with Ifeoma Nnenna Kamalu, M.D.:

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

The motion carried.

Hani Kamal Najm, M.D.

Motion to ratify the proposed non-disciplinary Withdrawal of Application with Hani Kamal Najm, M.D.:

Motion	Dr. Bechtel
2 nd	Dr. Saferin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Stephen P. Meese, D.O.

Motion to ratify the proposed Consent Agreement with Stephen P. Meese, D.O.:

Motion	Dr. Johnson
2 nd	Dr. Edgin
Dr. Rothermel	Abstain

State Medical Board of Ohio Meeting Minutes – October 16, 2019

Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

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

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

1. Crystal L. Contreras: The proposed citation for this respiratory care applicant is based on a history of felony convictions for providing false information in an investigation regarding providing contraband to inmates when she was a prison guard.
2. Derek Kurt Urban, M.D.: Based on action taken by the Kansas State Board of Healing Arts which denied his application for licensure in that state, and also related to false statements on his application for renewal of his Ohio medical license.
3. Cherilynn Marie Waldron, R.C.P.: A summary suspension, based on relapse and non-compliance with Board probation.
4. LaToya Banks, L.M.T.: Based on disclosure of a felony conviction on a recent license renewal application.
5. Shawn Mark Henry, D.O.: Based on felony convictions for healthcare bribes, as well as action taken by the Texas Medical Board.

Motion to approve and issue proposed Citations #1 through #5.

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

The motion carried.

RULES & POLICIES

Rules for Adoption

State Medical Board of Ohio Meeting Minutes – October 16, 2019

Motion to adopt and amend Rule 4731-1-05, Ohio Administrative Code, as described in the October 7, 2019 memorandum from Ms. Anderson and to assign the rule action the effective date of October 31, 2019.

Motion	Dr. Bechtel
2 nd	Dr. Edgin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Public Rules Hearing of October 2, 2019

Dr. Schottenstein asked about comments made at the public hearing about life coaches practicing dietetics without a dietetics license. Mr. Smith replied that the Board periodically receives complaints about unlicensed practice of all the professions it regulates. Mr. Smith states that the Board takes these complaints seriously and investigates them. If there is evident of unlicensed practice, the matter is referred to the appropriate agency for possible criminal action.

Dr. Schottenstein noted that the former Ohio Board of Dietetics had had a liaison from the Ohio Academy of Nutrition and Dietetics (OAND). Now that the Medical Board has merged with the Dietetics Board, it appears that the rule for having an OAND liaison is being rescinded. Mr. Smith stated that the Board's staff has discussed this with the Common Sense Initiative and others, and there are anti-trust concerns when a specific professional group is elevated in this manner. Mr. Smith added that the legislature was very prescriptive about how it wanted the Dietetics Advisory Council to be comprised, and the legislature felt that OAND's role, as stated in statute, is to nominate up to three people for each vacancy on the Council. Mr. Smith also noted that OAND's membership is approximately 3,400 including unlicensed people such as dietetic technicians and students, while the Board has almost 4,500 dietetic licensees. Consequently, elevating OAND to a special status would leave over 1,000 licensees unrepresented.

Dr. Schottenstein noted that comments had been made that physician assistants are being held to a higher standard with regard to assessment of concussions in youth sports. Mr. Smith stated that the proposed rule tracks the statutory language and has been written in a streamlined way to accomplish what the legislature requires.

OPERATIONS REPORT

Human Resources: Mr. Groeber stated that there are three people who have either joined the Board staff or have moved into new positions with the Board.

Agency Operations: Mr. Groeber stated that the Compliance statistics are improving and the staff continues to work on getting more accurate reporting from the eLicense system. Licensure statistics are up by 5% year-over-year, mostly as a function of processing training certificates more quickly. Mr. Groeber reported that numbers for MD and DO licensure have slipped somewhat, but overall number look very good.

State Medical Board of Ohio Meeting Minutes – October 16, 2019

Mr. Groeber noted that after this meeting, the Board rule will go into effect that will allow the Board to delegate to the staff the ability to approve some licenses while the Secretary and Supervising Member can approve other licenses in real time. Approval of licensure will no longer be an item on the Board's agenda.

Appreciation for A.J. Groeber

Dr. Schottenstein wanted to take a moment to acknowledge Mr. Groeber's fine service to the Medical Board. Dr. Schottenstein stated that during his four years on the Board he has had the pleasure of observing and interacting with Mr. Groeber. Dr. Schottenstein stated that Mr. Groeber has served the Board and the citizens of Ohio with distinction and he has shown great leadership in substantially improving the Board's operations and policies. Dr. Schottenstein stated that there are citizens of Ohio who are alive today because of Mr. Groeber's efforts. Among many other things, Mr. Groeber's leadership was instrumental in the widespread adoption of the use of the Ohio Automated Rx Reporting System (OARRS) among practitioners. Mr. Groeber also shepherded through the eLicense system which has contributed much to the improvement of the Board's processes. Dr. Schottenstein stated that all Board members like and respect Mr. Groeber a great deal and their interactions have been very satisfying and productive. Dr. Schottenstein wished Mr. Groeber well on his journey forward.

The Board members and staff applauded Mr. Groeber.

REPORTS BY ASSIGNED COMMITTEES

Strauss Committee

Mr. Groeber stated that the Board's committee on the Dr. Richard Strauss matter met this morning to discuss and review the operational plan, which tracks all the recommendations from the Governor's workgroup. Mr. Groeber stated that on balance. The biggest effort ahead is the review of the 2,000 cases. Last month the staff did a sample draw of some of those files from off-site and tracked the time it takes to receive and review each file. Staff is working on a checklist that ensures that both the review of these aged cases the cases going forward is thorough.

Mr. Groeber stated that the next steps are to get the cases to victim coordinators, who should be available in the next week or so. The Board has contracted with about 300 victim coordinators and interviews continue to get more under contract. In addition, the cases will also be reviewed by former prosecutors.

In terms of timing, it will take an average of about 30 minutes to review each of the 2,000 cases. Because one of the challenges is dealing with a paper file, the Finance Committee has discussed digitizing the files to make them easier to review. The Board should be able to send the files directly to the entity who will scan them, so clean digital copies should be available very soon. Mr. Groeber anticipated having all the files scanned within four weeks.

Mr. Groeber stated that the staff continues to work internally and with external parties to develop a total legislative package for the Board's review, and Mr. LaCross is already having discussions on the best way to present those recommendations to the legislature.

Mr. Groeber stated that the Board's full investigative and enforcement attorney staff will attend a one-week training in late November. Board members will undergo two hours of trauma-informed training by someone who did the same for the Federation of State Medical Boards. In addition, Ms. Loe and the human resources staff has put together recommendations for training.

Mr. Groeber thanked Ms. Pollock for setting up the website med.ohio.gov/transparency to be the Board's clearinghouse for all materials around this effort.

State Medical Board of Ohio Meeting Minutes – October 16, 2019

Mr. Gonidakis asked if the Ohio State University has responded with the information the Board had been requesting. Mr. Groeber replied that there have been conversations with the university and those issues have been resolved to the Board's satisfaction.

Ms. Montgomery commended Mr. Groeber and the staff in addressing the myriad of obligations in this matter. Mr. Groeber thanked Ms. Montgomery, but stated that credit should go to the staff. Dr. Bechtel also commended Mr. Groeber for his leadership. Dr. Bechtel stated that as a former Secretary and former Supervising Member of the Board, he understands how complex and difficult sexual impropriety complaints can be and how important it is to make sure the Board moves forward while remaining cautious and diligent in its decision-making.

Dr. Rothermel, noting that the Enforcement staff is already short one person and soon to be short two people, asked if there is any expediting of the process to fill those positions as they are being asked to perform this huge task. Mr. Groeber stated that one position is already posted and the process is moving forward.

Medical Marijuana Expert Review Committee

Ms. Murray stated that the next petition period for new qualifying conditions for treatment with medical marijuana will be November 1 to December 31. Ms. Murray outlined proposals for changes to make the process of handling the petitions more streamlined. The Medical Marijuana Expert Review Committee will review the petitions starting early next year and the full Board will hopefully be able to vote on those petitions by June 2020.

Compliance Committee Report

Dr. Schottenstein stated that the last Compliance Committee meeting was held on Wednesday, September 11, 2019. There were no initial appearances. Compliance Committee approved the Compliance Staff's Reports of conferences for August 12 and 13, 2019, followed by the approval of the draft minutes from the August 14, 2019 Compliance Committee meeting.

Dietetics Advisory Council Report

Mr. Smith stated that the Dietetics Advisory Council met yesterday, approved the minutes of its previous meeting, and reviewed the final budget language for changes to laws affecting the practice of dietetics.

Mr. Smith stated that the Council discussed a letter that was received from a student who is close to graduating with a master's degree in human nutrition from the University of Bridgeport, in Connecticut. The student expressed hope that the Board would expand the scope of practice of dietetics so that a certified nutrition specialist can be licensed in Ohio. Mr. Smith drafted a response letter which informs the student that the Board and the Council have discussed these issues with the Board for Certified Nutrition Specialists (BCNS) and have informed BCNS that the redress they are looking for is to be found in the legislature. The Council approved the draft response.

Dr. Schottenstein asked for clarification of the difference between a certified nutrition specialist and a dietitian. Mr. Smith replied that certified nutrition specialists are required to obtain an advanced degree and are very concerned with the scientific metabolic processes of nutrition. Mr. Smith stated that the statutes are very specific and it would take a statutory change to accomplish what BCNS is seeking.

Mr. Smith continued that the Council reviewed and discussed the recommended proposed dietetics rules 4759-4-04 and 4759-4-08, dealing with continuing education and limited permits. The Council had some additional suggestions that will be considered, as well as public comments.

State Medical Board of Ohio Meeting Minutes – October 16, 2019

Mr. Smith noted that of the six Council members present at yesterday's meeting, three members expressed support for maintaining the OAND liaison. Those three members were Judy Nagy, Susan Finn, and Dr. Mary-Jon Ludy. The other three members present did not agree.

Lastly, the Council discussed the recent inquiry about the treatment of intractable epilepsy with a ketogenic diet or other dietary measure as an option in addition to or as an alternative to medication. The Council was able to provide great information resources to enable the Board and staff to respond to this inquiry.

Finance Committee Report

Fiscal Report

Dr. Schottenstein stated that revenue for August 2019 was \$683,694.00 and net fiscal revenue was \$5,359.00. The Board's cash balance was \$4,802,973.00. Dr. Schottenstein stated that these are good numbers given that August is not a renewal month. A preliminary review of the September numbers indicates over \$1,000,000 dollars in revenue. Expenditures are down 12.5% for August 2019 compared to one year ago. Dr. Schottenstein commented that since this is the beginning of the fiscal year, the year-to-date numbers for revenue and expenditure will start trending back to historical values as additional months of data are factored into the calculations.

Dr. Schottenstein stated that in the past month the Board has received \$20,000.00 in disciplinary fine payments and \$627.00 from collections.

Communications Update

Dr. Schottenstein stated that the human trafficking awareness videos have been translated, which include subtitles and voiceovers in Spanish and Chinese, and have been posted to the resources section of the website. The Communications staff has completed the cultural competency video and it will be published on the Medical Board's YouTube channel and posted to the Board's website.

Telemedicine certificate holders have been notified that their certificates will be converted to a full medical license.

Joan Wehrle and Jerica Stewart staffed a display table at the Ohio Chapter of the American Academy of Pediatrics Annual Conference.

Dr. Schottenstein stated that he and Mr. Giacalone attended the Tri-Regulatory Symposium in Frisco, Texas.

Ms. Pollock was the Board's delegate to the Federation of State Massage Therapy Boards Annual Meeting in Atlanta.

Costs Associated with Governor's Strauss Workgroup Recommendation to Review Closed Sexual Misconduct Cases

Dr. Schottenstein stated that as the Board implements the recommendations from the Governor's Strauss Workgroup, it may encounter additional expenditures related to specialized review of closed cases and handling of documentation to facilitate the review. In staff testing, it took approximately 30 minutes to review a case. Performing a double-blind review of all 2,000 cases by both a victim advocate and a retired prosecutor at \$40 per hour, that totals approximately \$40,000-\$50,000 in review fees by each type of reviewer, and the Board anticipates having multiple advocates and prosecutors to perform the review.

To facilitate an effective review, staff also explored the option of having the case files scanned by a third-party service. Scanning was tested internally, but the physical and time demands are too great for the Board staff to

State Medical Board of Ohio Meeting Minutes – October 16, 2019

undertake this task itself. Private companies have better equipment and processes in place, and outsourcing this task frees up the staff to work on normal operational matters. Staff is requesting conditional approval with ratification by the Board President and Finance Committee Chairman. Dr. Schottenstein stated that this request was approved by Finance Committee earlier today.

Motion to approve up to \$150,000 in funding for the following possible costs related to implementation of recommendations from the Governor’s Working Group on Richard Strauss:

1. Up to \$50,000 related to victim coordinator review of closed sexual misconduct cases.
2. Up to \$50,000 related to former prosecutor or other law enforcement agent review of closed sexual misconduct cases.
3. Up to \$50,000 related to digitizing and preparing closed sexual misconduct cases for review.

Motion	Dr. Saferin
2 nd	Dr. Edgin

Dr. Schottenstein opined that this will be money well-spent; the Board can afford it; and it is important work. It would be challenging for Board staff to absorb this degree of work. Hiring outside contractors and companies to help the Board in this endeavor and will also make it a much more timely process, and that is important for the public as well.

A vote was taken on Dr. Saferin’s motion:

Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Room #335 Renovation Costs

Dr. Schottenstein stated that the white board wall in Room #335 is failing. The Department of Administrative Services (DAS) has secured a low bid of \$11,325.99 to replace it with full whiteboard paint. The matter was approved by the Committee earlier today.

Motion to approve \$11,325.99 to replace the failing white board with full whiteboard paint for the north, south, and east walls of Room #335:

Motion	Dr. Bechtel
2 nd	Dr. Saferin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y

State Medical Board of Ohio Meeting Minutes – October 16, 2019

Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Mr. Gonidakis exited the meeting at this time.

Replacement of 20 Investigator Laptops

Dr. Schottenstein stated that investigators have been using the Lenovo laptops for three years, and they are experiencing high failure and maintenance rates. IT staff would like to replace them with a less-expensive option that should perform equally well or better. This was approved in Committee earlier today.

Motion to approve \$22,002.00 to replace the investigators' laptops:

Motion	Dr. Saferin
2 nd	Dr. Edgin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Policy Committee Report

Mr. Giacalone stated that Ms. Anderson provided a rule review update and Mr. LaCross provided a legislative update for the Committee.

Review of Comments from Initial Circulation of Proposed Rules 4731-11-04 and 4731-11-04.1

Ms. Anderson stated that the controlled substance prescribing rules were sent out for initial public comment. The bulk of the comments were on the weight loss rules, 4731-11-04 and 4731-11-04.1. Most of the comments mirrored comments that have been made in the past asking to relax the requirements of the rule. Two comments were received indicating support for the rules as written, including from Director Schierholt from the Board of Pharmacy who indicated concerns with abuse and problems with the weight loss drugs.

Ms. Anderson stated that the Physician Assistant Policy Committee will discuss these rules at their meeting next week, and any comments they have will be brought to the Board next month. Ms. Anderson asked for approval to file the rules with the Common Sense Initiative, but stated that she would not file them if the PAPC makes significant comments that the Board should consider prior to filing.

Motion to file Proposed Rules 4731-11-04 and 4731-11-04.1 with the Common Sense Initiative:

State Medical Board of Ohio Meeting Minutes – October 16, 2019

Motion	Dr. Saferin
2 nd	Dr. Edgin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Mr. Gonidakis returned to the meeting at this time.

Licensure Committee Report

Licensure Application Reviews

Ajay Anveker, M.D.

Dr. Saferin stated that Dr. Anveker has applied for a medical license in Ohio. Dr. Anveker has no post graduate training in the United States, but is requesting that his experience and training in India, Australia and Canada be deemed equivalent to twenty-four months of graduate medical education through the second-year level. The Committee has recommended denying Dr. Anveker's request for equivalence of graduate medical education.

Dr. Edgin commented that the Committee discussed this matter thoroughly. Dr. Edgin stated that the problem is that Dr. Anveker's experience and training cannot be verified. Dr. Schottenstein stated that if Dr. Anveker disagrees with the Board's decision, he has the right to request a hearing and he can produce verification at the hearing for the Board's consideration.

Motion to deny Dr. Anveker's request for equivalence of graduate medical education.

Motion	Dr. Edgin
2 nd	Dr. Rothermel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Brigitta Bittner, M.D.

State Medical Board of Ohio Meeting Minutes – October 16, 2019

Dr. Saferin stated that Dr. Bittner has applied for a medical license in Ohio. Dr. Bittner’s application indicates she has not clinically practiced medicine within the last two years. The Committee recommends approval of Dr. Bittner’s application for Ohio licensure, contingent on her successful completion of the Special Purpose Examination (SPEX) within six months from the date of mailing of the Notice of Opportunity for Hearing.

Motion to approve Dr. Bittner’s application for Ohio licensure contingent on her successful completion of the SPEX within six months from the date of mailing of the Notice of Opportunity for Hearing:

Motion	Mr. Giacalone
2 nd	Dr. Rothermel

Dr. Schottenstein noted that Dr. Bittner would be engaged in an administrative medical role.

Vote on Mr. Giacalone’s motion:

Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Dewain Hall

Dr. Saferin stated that Mr. Hall is applying for restoration of his Ohio physician assistant license. Mr. Hall has not practiced within the last two years. Mr. Hall passed the Physician Assistant National Recertifying Examination (PANRE) on March 29, 2018. The Committee recommends approve Mr. Hall’s application for restoration as presented.

Motion to approve Mr. Hall’s application for restoration of his Ohio license as presented:

Motion	Dr. Rothermel
2 nd	Dr. Edgin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

State Medical Board of Ohio Meeting Minutes – October 16, 2019

Kaci Morgan

Dr. Saferin stated that Ms. Morgan has applied for restoration of her Ohio massage therapy license. Ms. Morgan has not practiced massage therapy within the last two years. The Committee recommends approval Ms. Morgan's application, contingent on her passing of the Massage and Bodywork Licensing Examination (MBLEx) within six months from the date of mailing of the Notice of Opportunity for a Hearing.

Motion to approve Ms. Morgan's application for restoration of her Ohio license, contingent on her passing of the MBLEx within six months from the date of mailing of the Notice of Opportunity for Hearing:

Motion	Dr. Rothermel
2 nd	Dr. Feibel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Mercedes Mueller

Dr. Saferin stated that Ms. Mueller has applied for restoration of her Ohio massage therapy license. Ms. Mueller has not practiced massage therapy in the last two years. The Committee has recommended approval of Ms. Mueller's application, contingent on her passing the Massage and Bodywork Licensing Examination (MBLEx) within six months from the date of mailing of the Notice of Opportunity for Hearing.

Motion to approve Ms. Mueller's application for restoration of her Ohio license, contingent on her passing of the MBLEx within six months from the date of mailing of the Notice of Opportunity for Hearing:

Motion	Mr. Giacalone
2 nd	Dr. Edgin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Kristina Snow

State Medical Board of Ohio Meeting Minutes – October 16, 2019

Dr. Saferin stated that Ms. Snow has applied for restoration of her Ohio massage therapy license. Ms. Snow has not practiced massage therapy for the last two years. The Committee has recommended approving Ms. Snow's application for restoration of her Ohio license, contingent on her passing of the Massage and Bodywork Licensing Examination (MBLEx) within six months from the date of mailing of the Notice of Opportunity for Hearing.

Motion to approve Ms. Snow's application for restoration of her Ohio license contingent on her passing of the MBLEx within six months from the date of mailing of the Notice of Opportunity for Hearing:

Motion	Dr. Edgin
2 nd	Dr. Rothermel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Employer Recommendations for Restorations

Dr. Saferin stated that staff proposes to eliminate the requirement for physicians and allied professional applicants to submit employer recommendations as part of the license restoration application. The Licensure Committee voted to approve the proposal

Motion to eliminate the requirement to submit employer recommendations as a part of the license restoration application process for all license types:

Motion	Ms. Montgomery
2 nd	Dr. Edgin

Dr. Feibel commented that he is somewhat nervous to remove this requirement. Dr. Feibel opined that red flags can sometimes be found in employer recommendations, even if they are not completely negative. Dr. Feibel felt that the Board should keep an eye on this and do everything it can to identify practitioners who may have issues.

Vote on Ms. Montgomery's motion:

Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y

State Medical Board of Ohio Meeting Minutes – October 16, 2019

Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Application Questions Revision

Dr. Saferin stated that in response to the Governor’s working group reviewing the Medical Board’s handling of the investigation involving Dr. Richard Strauss, the licensure staff recommends changes in the licensure applications. The Committee recommends approval of the proposed changes to the licensure, renewal, and restoration applications.

Mr. Giacalone noted that one of the proposed changes to the application includes the following statement”

I acknowledge my duty under section 4731.224 of the Revised Code, to report to the board a belief that a violation of chapters 4730., 4731. 4759., 4760., 4761., 4762., 4774., or 4778. of the Revised Code, or any rule of the board has occurred, by myself or another individual.

Mr. Giacalone commented that this language is very broad and could be interpreted to mean that a practitioner has an obligation to report a continuing medical education (CME) violation committed by another practitioner. Mr. Groeber commented that this language was from a recommendation from the Governor’s working group. Dr. Schottenstein stated that the idea is to cast as wide a net as possible and, practically speaking, a situation like what Mr. Giacalone has described will not come up often. Mr. Giacalone hoped that the Board will be judicious, noting the sexual abuse is very serious but CME violations are much less so.

Dr. Feibel stated that he had similar concerns to Mr. Giacalone’s. Dr. Feibel added that the word “investigated” in the phrase “Have you ever been investigated …” is an exceedingly broad term. For example, Dr. Feibel stated that as chairman of the orthopedic department at his hospital, if he gets an anonymous complaints on the voice system that a practitioner has talked sternly to a nurse, he is obligated to investigate that and to inform the practitioner of the investigation. Dr. Feibel questioned if this hypothetical practitioner would have to check “yes” on that application question. Dr. Feibel acknowledge that this example may be consider peer review and may not apply, but he felt that what checking “yes” means is very ambiguous.

Dr. Feibel acknowledged that the Board’s role is to protect the public, but he also hears many complaints from licensees that what they are filling out is ambiguous and unclear. Dr. Feibel felt that the Board should be more specific with the application question. Dr. Feibel hoped that the intent of the Strauss working group was to require reporting of very serious allegations of misconduct, not CME violations.

Dr. Schottenstein asked if a Frequently Asked Questions document on this topic could be developed. Ms. Anderson replied that such a document could be developed and brought to the Board for approval.

Dr. Schottenstein commented that practitioners have always had the duty to report requirement, and this discussion is about the checkbox on the application. As to the question of what the duty to report entails, that is something conceivably to tease out with regard to how the Board is interpreting the requirement.

Motion to approve the proposed changes to the licensure, renewal, and restoration applications:

Motion	Dr. Johnson
2 nd	Dr. Saferin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y

State Medical Board of Ohio Meeting Minutes – October 16, 2019

Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	N
Dr. Bechtel	Y

The motion carried.

Continuing Medical Education Rules

Saferin—this item is just for information. The staff proposed some amendments to the CME rule in Chapter 4731-10. We will send it out for interested parties.

PROBATIONARY REQUESTS

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

- a) Thomas M. Bender, A.A.: Approval of discontinuance of the drug log and audit & assay requirements.
- b) Cari R. Corfman, M.T.: Approval of release from the terms of the July 12, 2017 Consent Agreement.
- c) Theodore R. Cubbison, D.O.: Approval of release from the terms of the August 13, 2014 Step II Consent Agreement.
- d) Erin B. Engel, D.P.M.: Approval of release from the terms of the November 14, 2018 One-Bite Reinstatement Consent Agreement.
- e) Matthew C. Grothaus, M.D.: Approval of the previously completed course *Proper Prescribing of Controlled Prescription Drugs 2018*, offered by Vanderbilt University Medical Center, to fulfill the controlled substance prescribing course requirement; and approval of the previously completed course *Intensive Course in Medical Documentation*, offered by Case Western Reserve University, to fulfill the medical records course requirement.
- f) Anshuli Gupta, M.D.: Approval of request to discontinue the drug log requirement.
- g) Brenden P. Jenks, M.D.: Approval of David W. Stroom, M.D., to serve as the treating psychiatrist.
- h) Peter C. Johnson, M.D.: Approval of the practice plan modification.
- i) James George Lamphear, M.D.: Approval of Richard F. Camino-Gaztambide, M.D., to serve as the new treating psychiatrist.
- j) Susan Donna Lawrence, D.O.: Approval of L. Todd Hawkins, M.D. to conduct the psychiatric assessment and subsequent treatment, if any.
- k) Jeffrey Maludy, M.D.: Approval of request to discontinue the personal appearance requirement.
- l) James A. Marsh, Jr., D.O.: Approval of request to discontinue the assay report requirement.
- m) Laura A. Ringenbach, R.C.P.: Approval of David W. Stroom, M.D., to conduct psychiatric assessment and to conduct psychiatric treatment, if any.
- n) Lawrence M. Rubens, M.D.: Approval of release from the terms of the October 8, 2014 Step II Consent Agreement.
- o) Paul J. Schwartz, M.D.: Approval of release from the terms of the August 14, 2019 Consent Agreement.
- p) Aly M. A. Zewail, M.D.: Approval of request to discontinue the psychiatric treatment requirement.

State Medical Board of Ohio Meeting Minutes – October 16, 2019

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

The motion carried.

TREATMENT PROVIDER APPLICATIONS

Treatment Provider

UF Health Florida Recovery Center

Motion to approve the Application for Certificate of Good Standing as a Treatment Provider for UF Health Florida Recovery Center:

Motion	Mr. Giacalone
2 nd	Dr. Saferin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

One-Bite Providers

Glenbeigh

Motion to approve the Application for Certificate of Good Standing as a One-Bite Treatment Provider for Glenbeigh:

Motion	Dr. Johnson
2 nd	Dr. Saferin

Mr. Gonidakis asked how many Board-approved One-Bite providers there currently are. Ms. Murray answered that there are currently two providers, but if the Board approves these providers today the number will be five.

State Medical Board of Ohio Meeting Minutes – October 16, 2019

The Board engaged in a discussion of this topic. Ms. Murray felt at other facilities were interested in becoming approved One-Bite providers, but were slow in completing the paperwork.

Mr. Groeber stated that the intent of the One-Bite program was to establish a gold standard to ensure that licensees would have the best chance possible for a sustained recovery. Mr. Groeber stated that the Board worked with the Ohio Physicians Health Program (OPHP) in getting the legislation passed and the rules drafted, and a high standard for providers was developed. Mr. Groeber stated that OPHP always knew there would only be handful of approved providers, and those would be the best of the best. Mr. Groeber stated that he has not heard of any problems of capacity restraint. Ms. Murray agreed.

Ms. Murray stated that she will meet with OPHP soon to discuss processes, and she can ask at that time if OPHP has any additional feedback from the professionals programs. In response to comments from Board members, Ms. Murray stated that OPHP does not review provider applications but they are involved informally. Ms. Murray stated that she can work with the Compliance Committee to develop a process for a more formal role for OPHP in approving applications if that is what the Board wishes. Dr. Schottenstein agreed.

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

Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

MARR Addiction Treatment Center

Motion to approve the Application for Certificate of Good Standing as a One-Bite Treatment Provider for MARR Addiction Treatment Center:

Motion	Dr. Bechtel
2 nd	Dr. Saferin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

The Ridge

State Medical Board of Ohio Meeting Minutes – October 16, 2019

Motion to approve the Application for Certificate of Good Standing as a One-Bite Treatment Provider for The Ridge:

Motion	Dr. Saferin
2 nd	Dr. Edgin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

One-Bite Continuing Care Providers

Glenbeigh

Motion to approve the Application for Certificate of Good Standing as a One-Bite Continuing Care Provider for Glenbeigh:

Motion	Dr. Saferin
2 nd	Dr. Edgin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

The Ridge

Motion to approve the Application for Certificate of Good Standing as a One-Bite Continuing Care Provider for The Ridge:

Motion	Dr. Saferin
2 nd	Dr. Johnson
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y

State Medical Board of Ohio Meeting Minutes – October 16, 2019

Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

EXECUTIVE SESSION II

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

Motion	Dr. Rothermel
2 nd	Mr. Giacalone
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

The Board went into Executive Session at 12:00 p.m. and returned to public session at 12:14 p.m.

FINDINGS OF THE INVESTIGATOR IN CLAIM NUMBER 1607

Motion to adopt the findings of the investigator in Claim Number 1607 of no probable violation of the Board's EEO policies:

Motion	Dr. Bechtel
2 nd	Dr. Saferin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

SETTLEMENT AGREEMENTS

Steven Michael Glanz, M.D.

Motion to ratify the proposed Permanent Surrender with Steven Michael Glanz, M.D.:

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

The motion carried.

The Board recessed at 12:17 p.m. The meeting resumed at 1:00 p.m.

EXECUTIVE SESSION III

Motion to go into Executive Session to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official:

Motion	Dr. Saferin
2 nd	Dr. Bechtel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

The Board went into Executive Session at 1:05 p.m. and returned to public session at 1:36 p.m.

RESIGNATION OF THE EXECUTIVE DIRECTOR

Motion to accept the resignation of A. J. Groeber, Executive Director of the State Medical Board of Ohio, effective 11:59 p.m. November 1, 2019:

Motion	Dr. Saferin
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State Medical Board of Ohio Meeting Minutes – October 16, 2019

2 nd	Dr. Bechtel
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Motion that Kimberly Anderson be named Interim Executive Director, effective November 2, 2019, at the rate of \$56.42 per hour, to serve until such time as an Executive Director is hired and has commenced work for the Board; and to authorize the Interim Executive Director to act as the appointing authority as follows:

For day-to-day operations of the agency, including but not limited to hiring, firing, accepting resignations, imposing employee disciplinary action, and approving or denying leave requests; and for signing any fiscal or administrative documents;

To authorize the Interim Executive Director to contract for services as necessary to carry out the Board's responsibilities, with the stipulation that all contracts of \$10,000 or higher must bear the signature of the President in addition to that of the Interim Executive Director;

To designate the Interim Executive Director as the custodian of the Board's records and to grant the Interim Executive Director the authority to delegate certification of documents to other staff members as the need arises; and

To grant the Interim Executive Director the authority to designate other staff members to sign personnel, fiscal, and administrative documents as the need arises:

Motion	Dr. Saferin
2 nd	Dr. Johnson
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

MINUTES REVIEW

Motion to remove the topic of the draft minutes of the September 11, 2019 Board meeting from the table:

State Medical Board of Ohio Meeting Minutes – October 16, 2019

Motion	Dr. Saferin
2 nd	Dr. Johnson
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

Dr. Schottenstein stated that a draft of the suggested amendments to the draft minutes of the Board's September 11, 2019 meeting have been provided to the Board members. The Board members indicated that they have had an opportunity to review the suggested amendments.

Motion to approve the minutes of the September 11, 2019 Board meeting, as amended:

Motion	Ms. Montgomery
2 nd	Dr. Edgin
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y

The motion carried.

ADJOURN

Motion to adjourn:

Motion	Mr. Johnson
2 nd	Dr. Kakarala
Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Edgin	Y
Dr. Schottenstein	Y
Mr. Gonidakis	Y
Dr. Johnson	Y
Ms. Montgomery	Y
Dr. Feibel	Y

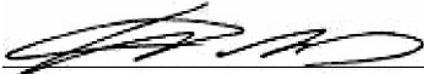
State Medical Board of Ohio Meeting Minutes – October 16, 2019

Dr. Bechtel	Y
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The motion carried.

The meeting adjourned at 1:40 p.m.

We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio meeting on October 16, 2019, as approved on November 13, 2019.



Michael Schottenstein, M.D., President



Kim G. Rothermel, M.D., Secretary

(SEAL)





**State Medical Board of Ohio
Strauss Committee Work Group
October 16, 2019
30 E. Broad St., Columbus, OH
Room 336**

<p>Committee Members: Michael Schottenstein, MD, Chair Robert Giacalone, JD, RpH Michael Gonidakis, JD Betty Montgomery, JD</p> <p>Board Members Also attending: Jonathan Feibel, MD Mark Bechtel, MD</p>	<p>Staff: Kimberly Anderson, Chief Legal Counsel AJ Groeber, Executive Director Tessie Pollock, Chief Communications Officer</p>
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Dr. Schottenstein called the meeting to order at 7:32 a.m.

Updates

Item 1A: The board should review investigations relating to Strauss (96-1534A, 96-1534B, 96-0999A) and the OSU report to identify current license holders who failed to report Strauss to the Medical Board in order to determine whether to initiate an investigation into that failure to report. The same course of action may be warranted in relation to other sexual impropriety, or illegal activity, cases in which the Board finds that historically it pursued an action against the offending physician's license but did not investigate those who failed to report that behavior.

Mr. Groeber stated 1A dove tails into item 1H and a few others as well. Item 1H is the review of 25 years of closed sexual misconduct cases. Staff has looked at a number of the tools it's using and has proposed review of sexual misconduct cases. This is a combination of the sexual misconduct protocol, the draft version, which is approved and will be revised again, and the internal closed case review group. Whenever there's a sexual misconduct case with a recommendation of a close, the group has a list of criteria it reviews and determines if it's appropriate to close. The Medical Board has combined them into a singular list of things to look for in these cases. Ideally, it becomes a tool that satisfies a number of items in the work group criteria including opportunities for review of cases that are investigated.

Mr. Groeber explained the Medical Board is working to get its victim coordinators fully under contract. It has three candidates now and more will be interviewed this week. The candidates are trained specifically in support services for victims of sexual misconduct. The Medical Board is also working with the Ohio Prosecuting Attorneys Association to potentially contract with attorneys to help review cases.

Mr. Gonidakis asked if the review of cases is referring to the past cases from the last 25 years.

Mr. Groeber explained the Medical Board would like to use a tool like this for past cases and leverage the same insight going forward. One of the challenges identified by the Governor's work group is the lack of documentation at the time of close of the case that showed all the steps completed throughout the process of the board's investigation. A tool like this gives a sense of comfort that everything is covered, so that if something is closed, the dates and activities that support the close can be seen.

Dr. Schottenstein stated there should be a written rationale every time the board closes a case.

Mr. Groeber pointed out that *rationale for cite or close* is one of the items under the investigation details. He also stated at the bottom of the page there is a section for review or comments which would be specific to the action of going back to look at the case. The board is reviewing more than the last 25 years. It's going back to 1979 which is when Strauss started practicing in the state.

Mr. Groeber stated the Medical Board did a pilot where it pulled 5 individual cases from off-site and tracked the time it took to retrieve them and how long it took to review the cases. The details are being finalized but once completed, it will give an estimate of the time it will take for each case review and how many resources are needed. The projected completion date of the review is February 28, 2020.

Mr. Gonidakis asked if there is a table of organization for the contractors to know to whom they will report.

Mr. Groeber responded it has not yet been created but he expects it to be developed over the next month. The Medical Board has received three bids to scan the files so that contractors can work remotely.

Dr. Feibel asked how the end date will be affected if the contractors find an issue in a case.

Mr. Groeber stated the sexual misconduct protocol determines some of the time frames.

Dr. Schottenstein added in the finance committee, the committee discussed a rough estimation of a half hour per case, roughly a couple thousand cases and estimation of 1,000 total hours, which would be challenging for the current staff to absorb. Timeliness is valuable in this situation.

Mr. Groeber answered Dr. Bechtel's question and explained if Medical Board staff reviews an old case and feels it was inappropriately closed, they can re-open it or open a new complaint which could be filed against the original licensee.

Item 1C: Mr. Groeber stated the Medical Board is still working on a policy to circulate. The Medical Board is also working on internal resources to finalize the anonymous hotline.

Item 1E: The Medical Board is developing an internal video that addresses the topic of sexual misconduct and duty to report that will be embedded within the license application process.

Item 1F: The North Carolina Medical Board items are being collected and should be distributed soon.

Item 1G: Amendments to the application for license and renewal are being drafted.

Items 2A/2B/2C: These items center around contacting law enforcement. The Medical Board is working with the Ohio State Highway Patrol, Ohio Prosecuting Attorneys Association, Buckeye County Sheriffs and the Chiefs of Police Association to determine protocol for reporting allegations of sexual misconduct and criminal misconduct.

Item 2F: Amending sexual boundaries statutes in revised code 2900 will be addressed in policy committee likely next month.

Item 3A: Dr. Schottenstein stated he and Ms. Montgomery met with Director Murnieks and Ms. Madden from the Ohio Office of Budget and Management to consult for an internal auditing process.

Items 3B/3C/3E: All three of these items address the format in which cases are reviewed. The Medical Board has reached out to the Federation of State Medical Boards to get feedback on 3E.

Item 3D: This item addresses the review of aged cases. Right now, the sexual misconduct protocol has a 45-day time frame in which the investigations must be complete.

Dr. Schottenstein suggested tabling any of the legislative items for discussion while the board continues to work with the Governor's office.

4B: This item addresses a method in which the public can view the Medical Board's progress in completing the recommended actions. Ms. Pollock stated the tracking spreadsheet and work group report is in place and the next step will be taking the data from the spreadsheet and making a dashboard that can be accessed via the Medical Board website.

Dr. Schottenstein recommended keeping tally as cases are reviewed.

4E: This item addresses documentation of closing the case after investigation when the board decides not to take formal action.

5A: This item addresses reviewing the Medical Board's processes in comparison to other boards.

Dr. Schottenstein shared that FSMB offers an auditing service of policies to medical boards free of charge (room and board would need to be provided). He stated if it's feasible, the board should take advantage of it and incorporate OBM.

5B: This item addresses the conflict between the Medical Board's investigative staff, members and enforcement staff. Ms. Loe has explored internal options the state offers as team building activities/training. The Medical Board will plan to schedule the trainings in November.

6B: This item addresses staff training. All front-facing staff completed a one-day training, all board attorneys and investigators completed a two-day training by the AG's office. In November all investigators will attend the FETI training about trauma-informed care for a full week. Board members will attend a Justice 3D training on December 11. There are opportunities for refresher training for current board staff as well as onboarding training for new hires.

6D: This item addresses specialized teams for sexual impropriety cases. That process has already been put in place and once victim coordinators are contracted, they will be incorporated.

Items 7: Legislative items.

Items 8: Legislative items.

Dr. Schottenstein stated in addition to the board member training in December, there will also be a more extensive training at the next retreat.

Ms. Montgomery asked who triages sexual misconduct complaints.

Mr. Groeber responded there are five or six attorneys trained to triage these kinds of cases.

Ms. Anderson explained the attorneys are also looking at the history of complaints against an individual and the overall nature of the complaint. Then the attorney will send it to investigations as highest priority or if it's already in enforcement, to the enforcement team.

Mr. Groeber added, once the case reaches investigations, the investigator will coordinate with the enforcement attorney and the victim coordinator.

Mr. Gonidakis asked if there is any language in the contracts that would compel the contractors to identify any conflicts of interest.

Ms. Anderson stated the contract will carry the boilerplate of ethics provisions that are in all the state contracts.

Adjourn

Mr. Gonidakis moved to adjourn. Ms. Montgomery seconded the motion. The motion carried.



**LICENSURE COMMITTEE MEETING
October 16, 2019 - Room 336**

Committee Members Present: Bruce R. Saferin, DPM, Chair Richard Edgin, MD Jonathan B. Feibel, MD Kim G. Rothermel, MD	Staff Present: Joseph Turek, Deputy Director of Licensure & Licensee Services Mitchell Alderson, Chief of Licensure Colin Depew, Assistant Attorney Jerica Stewart, Communication & Outreach Administrator Kimberly C. Anderson, Chief Legal Counsel
Other Board Members Present: Mark A. Bechtel, MD Betty Montgomery Michael Schottenstein, MD	

Dr. Saferin called the meeting to order at **8:03 a.m.**

MINUTES REVIEW

Dr. Rothermel moved to approve the draft minutes of September 11, 2019. Dr. Edgin seconded the motion. All members voted aye. The motion carried.

LICENSURE APPLICATION REVIEWS

Dr. Ajay Anvekar, M.D.

Dr. Ajay Anvekar has applied for a medical license in Ohio. He has no post graduate training in the United States but is requesting that his experience and training in India, Australia and Canada be deemed equivalent to twenty-four months of graduate medical education through the second-year level.

Dr. Feibel moved to deny the equivalence of graduate medical education. Dr. Edgin seconded the motion. All in favor. The motion carried.

Dr. Rothermel stated going strictly by the rules, Dr. Anvekar does not qualify, but he is probably extremely well-trained. She admitted she does not have much knowledge about Australia's training.

Dr. Feibel added there was no verification of Dr. Anvekar's training in India and Australia.

Mr. Turek stated this would give him an opportunity to bring further evidence during an administrative hearing of his training and he can make his case in front of the board.

Dr. Saferin stated approving his license would set a precedence that the board may not want to set.

Dr. Schottenstein asked what it means for the training to not be verified.

Mr. Alderson explained their team was unable to adequately prime source verify the training and experiences in those countries. The ECFMG may offer a service for cost to verify experience in other countries, but they were unable to verify what he indicated within his application.

Brigitta Bittner, M.D.

Dr. Brigitta Bittner has applied for a medical license in Ohio. She has not practiced within the last two years.

Dr. Edgin moved to approve Dr. Bittner's application for Ohio licensure contingent on her successful completion of the Special Purpose Examination (SPEX) within six months from the date of mailing of the Notice of Opportunity for a Hearing. Dr. Feibel seconded the motion. All in favor. The motion carried

Dr. Rothermel asked if Dr. Bittner was board certified in family medicine.

Mr. Alderson confirmed she was board certified at one point in time and she is in the process of recertifying. Dr. Bittner informed Mr. Alderson the next exam opportunity is over a year away or a year away.

Dr. Schottenstein pointed out Dr. Bittner has not clinically practiced medicine since 2012 and the proposed recommendation was for a SPEX exam within six months. In another case, a physician has not practiced since 2007 and there is a proposed order in the R&Rs for a preceptorship. He asked about the comfort level on the amount of years that can pass and when the board feels the SPEX becomes an inadequate level of remediation.

Dr. Saferin stated in this case, she will not be practicing clinical medicine, but administrative medicine, and she will be taking her boards again. He also stated he thought the other physician is practicing clinical medicine. He acknowledged Dr. Schottenstein made a good point and that the physicians can do what they want with a license. They may practice administrative medicine today but decide to do something else tomorrow.

Dewain Hall

Dewain Hall has applied for restoration of his Ohio physician assistant license. He has not practiced within the last two years. Mr. Hall passed the PANRE on March 29, 2018, before regaining his certification.

Dr. Rothermel moved to approve Mr. Hall's application for restoration of his Ohio license as presented. Dr. Edgin seconded the motion. All in favor. The motion carried.

Kaci Morgan

Kaci Morgan has applied to restore her Ohio massage therapy license. She has not practiced within the last two years.

Dr. Edgin moved to approve Ms. Morgan's application for restoration of her Ohio license contingent on her passing of the MBLEx within six months from the date of mailing of the

Notice of Opportunity for a Hearing. Dr. Rothermel seconded the motion. All in favor. The motion carried.

Mercedes Mueller

Mercedes Mueller has applied to restore her Ohio massage therapy license. She has not practiced within the last two years.

Dr. Rothermel moved to approve Ms. Mueller's application for restoration of her Ohio license contingent on her passing of the MBLEx within six months from the date of mailing of the Notice of Opportunity for a Hearing. Dr. Edgin seconded the motion. All in favor. The motion carried.

Kristina Snow

Kristina Snow has applied to restore her Ohio massage therapy license. She has not practiced within the last two years.

Dr. Rothermel moved to approve Ms. Snow's application for restoration of her Ohio license contingent on her passing of the MBLEx within six months from the date of mailing of the Notice of Opportunity for a Hearing. Dr. Edgin seconded the motion. All in favor. The motion carried.

OTHER ITEMS

Licensure staff proposes to eliminate the requirement for physician and allied applicants to submit employer recommendations as part of a license restoration application.

Dr. Edgin moved to eliminate the requirement to submit employer recommendations as a part of the license restoration application process for all license types. Dr. Rothermel seconded the motion. Dr. Feibel abstained. The motion carried.

Dr. Feibel expressed his concern and asked for the rationale.

Dr. Saferin stated the board has eliminated the recommendations for initial licensures. Almost all submitted recommendations are positive because the applicants are only asking individuals who will provide positive reviews. The board can still request additional information if needed.

Dr. Rothermel stated many employers will only provide the starting and end dates and not the information that the board would like to have when asking for a recommendation. Examples: Would you rehire them? Would you want them working here again?

Dr. Feibel asked if the reinstatements are from licenses that have lapsed.

Mr. Alderson confirmed these applicants are people who have allowed their license to lapse for 2 years or longer.

Dr. Feibel stated there are occasional red flags for this situation and someone who lets their licenses lapse is a little different from a new applicant. He also stated he did not know how much of an administrative burden this caused.

Mr. Alderson informed Dr. Feibel it is another piece of documentation needed to complete the applicant but that they are looking at the value. He stated they would never recommend getting rid of anything that would hinder their ability to make sure the restoration applicants are eligible for that license.

Dr. Rothermel asked if the report of no negative recommendations for the last 2.5 years was because Licensure was only able to go back that far in time to verify.

Mr. Turek responded Licensure eliminated the recommendations for initial licensure and certificates for recommendations and are now asking why they have been kept for restoration. He doesn't see much difference between an initial applicant and restoration applicant, in today's world, people leave Ohio and come back. He stated we seem to think about restoration applicants as bad people and punish them by charging \$500, but he doesn't see that as the reality of restoration today.

Dr. Edgin asked if there are questions on the application that asks the applicant if they have had problems.

Mr. Turek confirmed they are the same questions as what is on the initial application.

Dr. Rothermel also stated they check other things that can red flag activities. Mr. Turek and Mr. Alderson added they receive MPBD and Fed reports as well.

In response to the Governor's working group on reviewing the Medical Board's handling of the investigation involving Richard Strauss, licensure staff recommends changes to the licensure applications.

Dr. Rothermel moved to approve the proposed changes to the licensure, renewal, and restoration applications. Dr. Feibel seconded the motion. All in favor. The motion carried.

Dr. Feibel pointed to page 92 of the reviewed document and asked what the word "investigate" would mean to applicants and when they would reply "yes". He stated the word is ambiguous and expresses concern that the applicant wouldn't know how to respond and what constitutes an investigation.

Mr. Turek suggested when someone was investigated for alleged sexual misconduct.

Dr. Saferin suggested they were investigated and had to meet in front of medical staff even if they found nothing.

Dr. Rothermel suggested all those situations would be included.

The committee discussed.

Staff proposes amendments to the continuing education rules in chapter 4731-10 of the Ohio Administrative Code.

Dr. Rothermel moved to approve the proposed amendments for initial circulation to interested parties. Dr. Edgin seconded the motion. All in favor. The motion carried.

1-Hour CME – Duty to Report

Dr. Schottenstein asked if the required one hour of CME regarding duty to report was for every two years.

Mr. Turek confirmed.

Dr. Rothermel asked who is creating and providing the duty to report CME and if it would be ready by the time the rule is in place.

Dr. Saferin stated the communications team is preparing the training.

Dr. Schottenstein suggested using a similar format to the ethics training.

Ms. Anderson believes there is a way to get approval through the FSMB to approve CME.

ADJOURN

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

The meeting adjourned at 8:33 a.m.

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

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**FINANCE COMMITTEE MEETING MINUTES
October 16, 2019 - Room 335**

Members in attendance:

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

Staff in attendance:

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

Dr. Schottenstein called the meeting to order at 8:35 a.m.

MINUTES REVIEW

Dr. Edgin moved to approve the draft minutes of September 11, 2019. Dr. Saferin seconded the motion. All members voted aye. The motion carried.

FISCAL UPDATE

Dr. Schottenstein provided the following update: Looking at our fiscal update for August 2019, revenue was \$683,694.00. You may notice there's a 76 percent increase YTD when compared to August 2017. That was the time we had the implementation of the e-License system. We'd encouraged licensees to renew early in the months of May and June of 2017. The August 2017 numbers are artificially low. We had a net fiscal revenue for August 2019 of a positive \$5,359.00. We had a cash balance of \$4,802,973.00. Those are good numbers for us given that August is not a renewal month. Preliminary review of the September numbers shows over a million dollars in revenue. Our expenditures are down 12.5 percent for August 2019 as compared to one year ago. Because we are just starting the fiscal year, the YTD numbers for revenue and expenditure will start trending back to historical values as we get additional months of data factored into the calculations.

Dr. Schottenstein continued: As to our fines, in the past month we've received \$20,000.00 in disciplinary fine payments and \$627.00 from collections.

COMMUNICATIONS UPDATE

Ms. Pollock informed the committee: Jerica has been working to get translations for materials we've already produced. The human trafficking awareness videos have been translated, which include subtitles in simplified Chinese and Spanish and have been posted to the website. The cultural competency education video is complete. It has been sent to board members and is ready to be posted and shared.

As part of the updates sent to all of the licensees due to the changes from the budget bill, the communications team sent a number of email blasts to licensee groups and to overall licensees alerting them of the October 17 changes. Jerica also did a paper mailing to the telemedicine certificate holders letting them know their certificates will be converted to MD or DO licenses. Many of them have not been in Ohio in a while and we don't have their email addresses.

Members of the communication team attended a number of conferences. Many emails were sent out and the main engagement tweet was about updating contact information.

Mr. Gonidakis asked about the brief conversation in the working group prior to the finance meeting regarding mandatory videos for renewing licenses. He asked if the board would focus on specific videos that licensees are mandated to watch. He expressed concern that mandating too many videos will result in the licensees not completing the task and recommended requiring only one or two videos.

Ms. Pollock responded that there are two options available. To get CME accreditation, the board can get it for free through FSMB and it's an AMA category 1. The video has to be at least one hour to get the full credit. The team would like to take the sexual boundaries video that has been started, add duty to report onto the beginning and include the cultural competencies as a three-part video. It will meet the hour requirement and will be pertinent to all licensees. It will probably have to be outsourced but there is software called Camtasia that can do the built-in quizzes so that as it's being watched, the viewer will have to answer questions. It is similar to the ethics video and the videos for dietetics and respiratory care that were created.

Dr. Saferin asked if once the viewer watches the video and answers the questions, the certificate will be part of the licensees' record for getting renewal as well as counting for CME.

Ms. Pollock confirmed that it will and stated it will be like all other continuing education. It's not something the Medical Board keeps record of, the licensee will hold on to it and if they are audited, they will need to produce it.

Dr. Saferin asked if it will be a requirement to renew.

Ms. Pollock confirmed it will be.

Dr. Saferin stated that Licensure committee approved the creation of the video.

Dr. Schottenstein asked if the licensee will go through the video and attest that it was completed or if they will have to pass the questions in the video and then it maybe generates a code that has to be put into the software to generate the license.

Ms. Pollock replied that either option can be done and that she is looking for direction on the preference.

Dr. Edgin stated the VA has TMS modules and many people circumvent them to just answer the questions. He asked if there would be an option to fast forward the video.

Mr. Gonidakis stated the ethics video doesn't have a fast forward option and that if there isn't a fast forward option, he thinks it's built in security.

Dr. Schottenstein suggested it may be reasonable to have an attestation that the licensee was the one who went through the video and answered the questions, so that it's not delegated by a busy licensee to an office manager.

Dr. Saferin stated the easiest way may be to attest to it just like CME and if the licensee is audited, they'd have to provide it.

Dr. Schottenstein mentioned he's inclined to try the code option as a level of certainty.

NEW BUSINESS

Costs Associated with Governor's Strauss Workgroup Recommendation to Review Closed Sexual Misconduct Cases

As the board implements the recommendations from the Governor's Strauss Workgroup, the board may encounter additional expenditures related to specialized review of closed cases and handling of documentation

to facilitate the review. In staff testing, it took approximately 30 minutes to review a case. Performing a double-blind review of all 2,000 cases by both a victim advocate and a retired prosecutor at \$40 per hour, that is approximately \$40,000-\$50,000 in review fees by each type of reviewer. The proposal is to utilize multiples of both advocates and prosecutors to perform the review.

To facilitate an effective review, staff also explored the option of having the case files scanned by a third-party service. Scanning was tested internally, but the physical and time demands are too great for us to undertake this task on our own. Private companies have better equipment and processes in place, and outsourcing this task frees up our staff to work on normal operational matters.,

Mr. Groeber explained that the Medical Board had received four bids. In order to obtain bids, staff pulled a sample of files from off-site storage to see what the volume would look like and picked five different individuals. Many had multiple case files associated with their license. In looking at the size of their files, though an imperfect measuring tool, the case files were all about an inch thick and inch of paper is about 250 pages. Looking at 2,000 cases at 250 pages each, they came up with a generous estimate of 500,000 pages. That amount was used to create the bid. Bids were received from Access, Fireproof, 3SG Plus and Iron Mountain, our current storage vendor.

Access had the lowest bid at \$38,238.14, which can be reduced by \$5,000 (\$33,238.14) without the request for searchable PDF documents which Mr. Groeber doesn't feel is needed. It would cost an additional \$7,000 to have the files pulled and shipped from storage over to Access. The board may not need the full \$50,000 but is requesting a cushion, just in case. Under \$50,000 does not require approval from the controlling board.

Mr. Gonidakis asked if by statute or rule the board would need to revise the budget to include this unanticipated cost.

Dr. Schottenstein responded that it could be absorbed within the current operational budget.

Mr. Gonidakis asked if the cost will come out of the board's general fund, and Dr. Schottenstein confirmed it will.

Mr. Groeber stated if the agency spends more than \$50,000 with any vendor, it has to go the controlling board to get approval. The scanning project will be the largest single vendor item anticipated. He'd like to get multiple qualified victim advocates and former prosecutors or law enforcement to review the cases. He doubts they will hit near \$50,000 with any single individual, but he would like to be mindful of the totality of spending and bring it to the board.

Mr. Groeber stated inquires had been made to the Prosecuting Attorneys Association to seek assistance, and he anticipates a \$40 to \$50 dollar per hour range for that service.

Dr. Schottenstein stated it is important work and it would be challenging for current staff to absorb this work as there is an estimated 1,000 hours. He believes it will make it a more timely process, and there is also an additional level of transparency when contracting with outside vendors for an independent review.

Dr. Saferin moved to approve up to \$150,000 in funding, at \$50,000 each, for the following possible costs related to implementation of recommendations from the Governor's Working Group on Richard Strauss:

- 1. Up to \$50,000 related to victim coordinator review of closed sexual misconduct cases.**
- 2. Up to \$50,000 related to former prosecutor or other law enforcement agent review of closed sexual misconduct cases.**
- 3. Up to \$50,000 related to digitizing and preparing closed sexual misconduct cases for review.**

Dr. Edgin seconded the motion. All in favor. Motion carried.

This matter will go to the full board for consideration and approval.

Room #335 Renovation Costs

The white board wall in room #335 is failing. DAS has secured a low bid of \$11,325.99 to replace it with full whiteboard paint.

Dr. Schottenstein clarified the quote is for painting the entire room with whiteboard paint.

Mr. Groeber stated that room 336 has the entire whiteboard paint and any wall can be written on. DAS did the bidding process and brought back the best bids. There is an option to do one wall or multiple walls. Doing the whole room would be the most cost effective relative the amount of space that is covered.

Dr. Schottenstein asked if there is value to getting the whole room done.

Mr. Groeber stated in his experience, it is nice to have and if they only completed one wall, the other walls would still need to be painted.

Dr. Saferin moved to approve \$11,325.99 to replace the failing white board with full whiteboard paint. Dr. Edgin seconded the motion. All in favor. The motion carried.

This matter will go to the full board for consideration and approval.

Replacement of 20 Investigator Laptops

Investigators have been using the Lenovo laptops for 3 years, and they are experiencing high failure and maintenance rates. IT staff would like to replace them with a less -expensive option that should perform equally well, or better.

Mr. Gonidakis asked if there has been a cost analysis of leasing as opposed to purchasing.

Mr. Groeber stated he isn't sure if there is a leasing option. DAS OIT often handles technology. They build the spec of computers and provide the options, then work with the vendors to negotiate for the lowest price. The previous Lenovo laptops were almost double in price, closer to \$40,000 to replace them. With a remote field force, it's more effective when a computer breaks to ship out a new laptop and have them send us their broken one and have it fixed.

Dr. Schottenstein asked if insurance is purchased for the laptops, and Mr. Groeber confirmed it is embedded with the DAS spec.

Dr. Edgin moved to approve \$22,002.00 to replace the Investigators' laptops. Dr. Saferin seconded. All in favor. The motion carried.

This matter will go to the full board for consideration and approval.

ADJOURN

Dr. Saferin moved to adjourn meeting. Dr. Edgin seconded the motion. All in favor. The motion carried.

The meeting adjourned at 8:58 a.m.

Michael Schottenstein, M.D.
Chair

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POLICY COMMITTEE MEETING
October 16, 2019
30 East Broad Street, Columbus, OH 43215, Room 336

<p>Members: Robert Giacalone Mark Bechtel, MD Betty Montgomery</p> <p>Other Board Members present: Bruce Saferin, DPM Kim Rothermel, MD Richard Edgin, MD Sherry Johnson, DO Michael Schottenstein, MD Jonathan Feibel, MD</p>	<p>Staff: AJ Groeber, Executive Director Kimberly Anderson, Chief Legal Counsel Nathan Smith, Senior Legal and Policy Counsel Joan Wehrle, Education & Outreach Program Manager Rebecca Marshall, Chief Enforcement Attorney Joe Turek, Deputy Director David Fais, Deputy Director David Henry, Senior Counsel Tessie Pollock, Chief Communications Officer Jonithon LaCross, Director of Public Policy and Government Affairs</p>
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Mr. Giacalone called the meeting to order at 9:00 a.m.

Meeting Minutes Review

Mr. Giacalone reported that the draft minutes of the September 11, 2019 meeting had been distributed to the committee and were included in the agenda materials.

Dr. Bechtel moved to approve the draft minutes of the September 11, 2019 Policy Committee meeting. Ms. Montgomery seconded the motion. Motion carried.

Rules Review Update

Ms. Anderson referred to the report included in the agenda materials. Ms. Anderson said that we continue to be on schedule and continue to make progress with the rules.

Ms. Anderson introduced David Henry, Senior Counsel, who started working in the legal department this week. He replaces Sallie Debolt who retired.

Legislative Update

Mr. LaCross reported that SB105, the MT licensure bill, may go to the senate shortly. This bill eliminates relaxation massage and requires licensure as a massage therapist. It models the regulations Westerville, Ohio put in place. He said that reflexologists want exempted out of the bill and are looking for licensure or some type of registration.

Mr. LaCross said that next month he will have a list of some potential operational matters to address legislatively.

Mr. Giacalone asked about licensure issues that would grant the board some leeway regarding approval of applications. Ms. Anderson reported that legal staff had done some research on the topic, but it needs to be further reviewed with Mr. Turek and Mr. LaCross. Mr. LaCross said that we plan to start with a comprehensive look at issues involving massage therapy and massage therapy schools. Mr. Giacalone commented that the board had recently had some issues involving physician applicants regarding equivalency of training and experience.

Dr. Schottenstein noted that the Strauss workgroup legislative items will not be discussed by the full board today.

Controlled Substance Prescribing Rules/Weight loss rules – 4731-11-04 and 4731-11-041

Ms. Anderson referred to the memoranda included in the agenda materials. Rules related to controlled substances prescribing are due for the five-year rule review on 12/31/2020 and were circulated to interested parties for comment. The only comments received were related to the weight loss rules. Those comments were provided to the Policy Committee at the September 11, 2019 meeting.

Ms. Anderson said most of the comments advocate some type of change to relax the requirements included in the rules or to eliminate the rules. A few commenters suggested that the rules did not need any changes. One of those in support of the rules as written was Steven Schierholt, Executive Director, Board of Pharmacy.

Ms. Anderson said that she listed a summary of the comments received in the memorandum and asked for feedback from the committee.

Mr. Giacalone was in favor of keeping the rules as written and he agreed with the Pharmacy Board's comments. He said there are products available for long-term weight management. Dr. Schottenstein agreed. He said we don't want to expand the drug addiction potential in this state. Phentermine is cheaper than the long term products, but he isn't comfortable with expanding the use of phentermine.

Dr. Bechtel also agreed with the Pharmacy Board's comments. He referenced a comment from a Cleveland Clinic representative about providing follow-up visits via telemedicine rather than an office visit. He questioned how an adequate weight could be obtained in order to know if the patient is losing weight. He also had concerns about obtaining accurate vital signs. He thought it would be difficult to assess a patient for drug abuse via telemedicine. Dr. Bechtel believed telemedicine would be an inadequate way to monitor these patients.

Dr. Bechtel noted that many of the comments asked to expand phentermine for more than 12 weeks. He asked if the board had physician experts weigh in on the use of these medications when we promulgated the previous rules. Dr. Bechtel commented that the board had received a remark asking if the rules are up to date based on current science and evidence based medicine.

Ms. Anderson said that she did not recall if we had experts provide input when the rules were promulgated. We had received comments from physicians who were prescribing medications to patients for weight loss.

Dr. Edgin reported that he serves on the Committee for Prescriptive Governance (CPG) for the Ohio Board of Nursing. That group had a representative from the Ohio State University (OSU) bariatric medical staff address the CPG Committee. The OSU staffer said that many prescribers in the community are not prescribing weight loss medications properly.

Mr. Giacalone said that was why the board developed the weight loss rules to help provide guidance to licensees about these medications. Dr. Schottenstein commented that doctors have been disciplined by the board due to inappropriate prescribing or inadequate monitoring of patients receiving these medications.

Mr. LaCross reported that he had attended a CPG committee when we were first putting the weight loss rules into place. At that time, they found that APRNs were not aware of our rules and patients may have been on the medications for long periods of time.

Dr. Schottenstein asked if the Nursing Board had adopted rules regarding weight loss medications. Ms. Anderson said she would try to find out that information today.

Dr. Bechtel moved to recommend to the full board that the rules be filed with CSI. Ms. Montgomery seconded the motion. Motion carried.

Adjourn

Dr. Bechtel moved to adjourn the meeting. Motion seconded by Ms. Montgomery. Motion carried. The meeting adjourned at 9:20a.m.

jkw



COMPLIANCE COMMITTEE MEETING

October 16, 2019

30 East Broad Street, Columbus, OH 43215, Administrative Hearing Room 3rd floor

Members: Michael Schottenstein, MD, Chair Robert Giacalone Jonathan Feibel, MD Richard Edgin, MD	Staff: Alexandra Murray, Managing Attorney Joan Wehrle, Education and Outreach Program Manager Tessie Pollock, Chief Communications Officer AJ Groeber, Executive Director
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Dr. Schottenstein called the meeting to order at 2:03 p.m. He reported that because Drs. Soin and Kakarala were not able to attend today, he has appointed Drs. Feibel and Edgin as temporary members of the committee so that we may have a quorum.

Approval of Reports of Conferences

Dr. Feibel moved to approve the Compliance staff's reports of office conferences held September 9 and 12, 2019 which were included in the agenda materials. Mr. Giacalone seconded the motion. Motion carried.

Minutes Review

Dr. Edgin moved to approve the draft minutes from September 11, 2019 Compliance Committee meeting which were included in the agenda materials. Mr. Giacalone seconded the motion. Motion carried.

Adjourn

Dr. Feibel moved to adjourn. Mr. Giacalone seconded the motion. Motion carried.

The meeting adjourned at 2:04 p.m.

jkw