



**Medical Board of Ohio Meeting Minutes
June 14, 2023**

Sherry Johnson, D.O., President, called the meeting to order at 10:08 a.m. in the Administrative Hearing Room, 3rd floor of the Rhodes Office Tower, 30 East Broad Street, Columbus, Ohio 43215 with the following members present: Jonathan Feibel, M.D., Vice President; Kim G. Rothermel, M.D., Secretary; Robert Giacalone, J.D., R.Ph., Supervising Member; Michael Gonidakis, Esq.; Betty Montgomery; Harish Kakarala, M.D.; Yeshwant Reddy, M.D.; Mark Bechtel, M.D.; and Elaine M. Lewis, M.D.

ELAINE M. LEWIS, M.D.

Dr. Johnson welcomed the Board’s newest member, Elaine Lewis, M.D. Dr. Lewis is a graduate of The Ohio State University College of Medicine and completed her residency at Mount Carmel Health System in Columbus. Dr. Lewis is a board-certified internal medicine specialist and currently serves as a medical consultant for Opportunities for Ohioans with Disabilities. Dr. Johnson welcomed Dr. Lewis and thanked her for her public service to Ohio residents.

RESIDENTS FROM THE CLEVELAND CLINIC

Dr. Johnson welcomed the Cleveland Clinic family medicine residents who are attending today’s meeting. Dr. Johnson hoped that what the residents observe today will be impactful to their understanding of the Board’s role and their responsibilities as licensed physicians.

MINUTES REVIEW

Dr. Bechtel moved to approve the minutes of the May 10, 2023 Board Meeting. Dr. Kakarala seconded the motion. All members voted aye. The motion carried.

REPORTS AND RECOMMENDATIONS

Dr. Johnson asked the Board to consider the Reports and Recommendations appearing on the agenda: M. Barbara Burke, M.D.; Kanubhai Patel, M.D.; Sarah Ritchie; and Thomas Traikoff, D.O.

Dr. Johnson asked all Board members the following questions:

- 1.) Has 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 each of the Reports and Recommendations?
- 2.) Does each member of the Board understand 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?
- 3.) Does each member of the Board understand that in each matter eligible for a fine, the Board’s fining guidelines allow for imposition of the range of civil penalties, from no fine to the statutory maximum amount of \$20,000?

ROLL CALL:	Dr. Rothermel	- aye
	Mr. Giacalone	- aye

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

Dr. Johnson stated that Mr. Giacalone is the Board's current Supervising Member, having been elected to that role at the Board's March 8, 2023 meeting. Having not been involved in the supervision of the investigation of the disciplinary matter of Dr. Boyer, Mr. Giacalone is able to vote in that matter and will abstain on the other matters.

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

M. Barbara Burke, M.D.

Dr. Johnson directed the Board's attention to the matter of M. Barbara Burke, M.D. No objections have been filed. Ms. Lee was the Hearing Examiner.

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

Dr. Johnson stated that she will now entertain discussion in the above matter. No board members offered discussion in this matter.

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

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

The motion to approve carried.

Kanubhai Patel, M.D.

Dr. Johnson directed the Board's attention to the matter of Kanubhai Patel, M.D. No objections have been filed. Mr. Greene was the Hearing Examiner.

A request to address the Board has been filed on behalf of Dr. Patel. However, the request was not filed in a timely manner. Therefore, the Board must vote on whether to approve the request to address.

Dr. Kakarala moved to approved Dr. Patel's request to address the Board. Dr. Reddy seconded the motion. All members vote aye, except Dr. Rothermel and Mr. Giacalone, who abstained. The motion carried.

Dr. Johnson stated that five minutes will be allowed for Dr. Patel's address.

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Dr. Patel appeared with his attorney, Richard Parsons.

Mr. Parsons urged the Board to adopt the Hearing Examiner's Report and Recommendation. Mr. Parsons stated that Dr. Patel greatly regrets his conduct. Mr. Parsons submitted that this was aberrant conduct in Dr. Patel's otherwise unblemished 50+ year career. Mr. Parsons stated that Dr. Patel met with the patient in question but did not meet the billing codes for which he billed the Bureau of Workers' Compensation (BWC). Dr. Patel has accepted responsibility for his conduct and has entered into a plea agreement with the State. Mr. Parsons suggested that the plea agreement is an indication that Dr. Patel is not a danger to his patients or to society because it permitted him to continue to see BWC patients for an additional six months. On the date he entered his plea Dr. Patel had paid all restitution plus the investigation costs, and no probationary period was imposed. Dr. Patel has moved to seal the case there has been no objection from the State, nor is any such objection anticipated.

Dr. Patel stated that he regrets his actions in this case. Dr. Patel briefly reviewed his background. Dr. Patel was born in a rural community in Uganda in 1945 with no running water or electricity, was unable to complete school beyond 7th grade due to financial reasons, was eventually able to attend high school in Nairobi, Kenya, and graduated from Baroda Medical College in India in 1971. Dr. Patel moved to the United States and completed his psychiatry residency in New York, serving as chief resident in his final year. Dr. Patel moved to Ohio in 1976 and has practiced psychiatry in several Ohio cities. Dr. Patel began seeing BWC patients in 1977 and has a good reputation, receiving patient referrals from patients, patients' families, other physicians, and BWC.

Dr. Patel continued that due to a complaint filed by one of his BWC patients, he was investigated by BWC. A BWC investigator posed as a patient and proved that Dr. Patel overbilled in her case. Dr. Patel was regretful that he had overbilled and he pleaded guilty. Dr. Patel regretted what this has done to his patients and his colleagues and he stated that this is the only blemish in his career.

Dr. Patel humbly asked the Board's forgiveness and he apologized for the pain he has caused to the medical community.

Dr. Johnson asked if the Assistant Attorney General wished to respond. Mr. Wakley stated that the State has no comments on this Report and Recommendation.

Dr. Kakarala moved to approve and confirm the Proposed Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Dr. Patel. Mr. Gonidakis seconded the motion.

Dr. Johnson stated that she will now entertain discussion in the above matter.

Dr. Feibel opined that the Hearing Examiner's Proposed Order is appropriate given the severity, or lack thereof, of Dr. Patel's fraud.

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

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

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The motion to approve carried.

Sarah Ritchie

Dr. Johnson directed the Board's attention to the matter of Sarah Ritchie. No objections have been filed. Mr. Greene was the Hearing Examiner.

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

Dr. Johnson stated that she will now entertain discussion in the above matter.

Ms. Montgomery noted that Ms. Ritchie has applied for a license to practice massage therapy. Ms. Montgomery commented that the Board does not have all the facts, but it appeared that Ms. Ritchie had a remarkably long sentence in prison considering her actions. Ms. Montgomery stated that these actions are in the past and that Ms. Ritchie deserves a chance to start her life over again. Dr. Johnson stated that she was in complete agreement with Ms. Montgomery

A vote was taken on Dr. Reddy motion to approve and confirm:

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

The motion to approve carried.

Thomas Traikoff, D.O.

Dr. Johnson directed the Board's attention to the matter of Thomas Traikoff, D.O. No objections have been filed. Mr. Madden was the Hearing Examiner.

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

Dr. Traikoff appeared with his attorney, Elizabeth Collis.

Ms. Collis stated that the Board has proposed to take disciplinary action against Dr. Traikoff for engaging in a boundary violation with a patient. Under the Board's rules, sexual misconduct occurs if a relationship begins within 90 days after termination of the physician/patient relationship. Ms. Collis noted that the time between the last care rendered to Patient 1 and the start of the romantic relationship was about 60 days and there was no overlap between care and relationship.

Ms. Collis continued that the purpose of the Board's rule is to prevent physicians from preying on vulnerable patients who rely on them for care. However, that is not the situation in this case. In this case, Patient 1 was the Chief Financial Officer of Prima Health Care where Dr. Traikoff is employed, meaning that Patient 1 was technically Dr. Traikoff's boss. Ms. Collis stated that the relationship was clearly mutual and consensual, and

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Patient 1 testified on Dr. Traikoff's behalf that he was not aggressive toward her. Patient 1 was never an established patient in Dr. Traikoff's practice; rather, she would occasionally use their walk-in clinic that anyone in the community would use. Ms. Collis further stated that Patient 1 has no mental health or addiction issues and Dr. Traikoff never prescribed any controlled substance to Patient 1.

The Hearing Examiner has recommended a 90-day stayed suspension, a \$6,000 fine, and a requirement to complete a medical ethics course. Ms. Collis respectfully asserted that this sanction is too harsh. Ms. Collis observed that Dr. Traikoff has already completed the boundaries course at Case Western Reserve University (CRWU), as shown by Exhibit B of the hearing record. Ms. Collis recommended an order of No Further Action, which the Board is allowed to do under Rule 4731-13-36(G) even if a technical violation is found. Ms. Collis opined that this is a perfect example of a case which should result in a No Further Action order. Ms. Collis asked that, if the Board decides to impose a sanction, that it only impose a reprimand.

Dr. Traikoff stated that he has been blessed to practice medicine in Youngstown for over 30 years and this is the first time he has been subject to disciplinary action. Dr. Traikoff stated that he has always worked hard to provide the highest level of care to all his patients. Dr. Traikoff added that he has worked with many wonderful physicians and colleagues, and he was honored by their support at his hearing.

Dr. Traikoff continued that he had worked with Patient 1 and established a friendship over a ten-year period. Dr. Traikoff acknowledged that he provided professional care to Patient 1 on a few occasions at the walk-in clinic, which is used frequently by many of Prima Health Care staff. Dr. Traikoff treated Patient 1 for an acute complaint and last treated her in the fall of 2017. In early 2018 their relationship became more personal, and that relationship continues to this day. In fact, Patient 1 accompanied Dr. Traikoff to today's meeting. When contacted by the Board, Dr. Traikoff was honest about his care and his relationship with Patient 1. Dr. Traikoff had ceased providing medical care to Patient 1 two months prior to their relationship and never provided care after the relationship began.

Dr. Traikoff stated that this disciplinary complaint has forced him to reevaluate his personal and professional intentions and responsibilities. After the intensive boundaries course at CRWU, he is aware of the Board's guidelines, the 90-day rule, and appropriate boundaries. Dr. Traikoff intended to continue to provide professional, compassionate care to his patients within boundaries. Dr. Traikoff asked the Board to consider an order of No Further Action.

Dr. Johnson asked if the Assistant Attorney General wished to respond. Mr. Puckett stated that he wished to respond.

Mr. Puckett disagreed that there should be a No Further Action order in this case and stated that some degree of discipline, whether it is a reprimand or something else below the Board's disciplinary guidelines, would be appropriate. Mr. Puckett also found the Hearing Examiner's Proposed Order to be reasonable. Mr. Puckett did not think discipline should always be determined by outcome. While Dr. Traikoff and Patient 1 are still together, there are instances when violations of this rule lead to very harmful effects and even retroactive assessment by the patient about whether aspects of the physician's treatment had been romantically or sexually motivated. Mr. Puckett stated that this is a concern that will be always be present in this type of rule violation and he asked the Board to be mindful of that when deciding on an appropriate sanction.

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

Dr. Johnson stated that she will now entertain discussion in the above matter.

Dr. Reddy stated that he struggled with this case. Dr. Reddy stated that Dr. Traikoff is an excellent, caring, and compassionate physician in his community. Dr. Traikoff has acknowledged a violation due to an unplanned romantic relationship with Patient 1, which Patient 1 admits was consensual. Patient 1 did not seek care from Dr. Traikoff at the time of the relationship. Dr. Reddy noted that no one was harmed in this case.

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Dr. Reddy observed that the Hearing Examiner also struggled with this case and has proposed an order based on the Board's rules. The Hearing Examiner also indicated that the Board can amend the Proposed Order to reduce the punishment. Dr. Reddy opined that the Proposed Order is too harsh and he asked the Board members to consider a lesser punishment such as a reprimand. Dr. Reddy stated that the Board is in the business of protecting the public, and 5,000 patients may be affected if Dr. Traikoff is suspended. Dr. Reddy hoped that a reprimand would spare Dr. Traikoff's patients any hardship.

Ms. Montgomery was mystified that this case involved 634 pages of hearing transcript and a 24-page Report and Recommendation, and she was uncertain why this case came to the Board. Ms. Montgomery, noting that there is doubt about what the facts are, speculated that if this were a civil case there would have been a summary judgment.

Ms. Montgomery continued that the Board, as a regulatory body, is like a hammer, but that does not mean that everything is a nail. Ms. Montgomery had no doubt that the Board must always keep a bright line on issues regarding boundary violations, but opined that this is not the case that deserves the kind of sanction in the Proposed Order. Ms. Montgomery stated that the Board must be aware of nuance, even in a boundaries case. Ms. Montgomery suggested amending the proposed order to a reprimand and to reduce the fine from \$6,000 to \$3,000. Ms. Montgomery felt that Dr. Traikoff did not need a medical boundaries course because he has already taken one. Ms. Montgomery further opined, based on the facts before the Board, that the Board does not need to take the time to monitor Dr. Traikoff under probationary terms. A copy of Ms. Montgomery's proposed amendment was provided to Board members for their review.

Ms. Montgomery moved to amend the Proposed Order to a Reprimand and a fine of \$3,000. Dr. Reddy seconded the motion.

Dr. Feibel stated that for the most part he agrees with Ms. Montgomery's proposed amendment. For the benefit of the medical residents observing today's meeting, Dr. Feibel emphasized that this case is about Dr. Traikoff having had a sexual relationship with Patient 1 prior to terminating the physician/patient relationship. Specifically, Dr. Traikoff entered into the sexual relationship approximately 60 days after the last time he rendered care to Patient 1, whereas Ohio Administrative Code 4731-26-02(B)(1) requires at least 90 days, so there was a violation of the rule.

Dr. Feibel stated that he would prefer an order of No Further Action. Dr. Feibel opined that the fact pattern, particularly with Patient 1 working as a potential supervisor to Dr. Traikoff, is a completely different situation than most boundaries cases. The Board has discretion to interpret the case, and Dr. Feibel felt that the Board should ask itself if Dr. Traikoff is someone the Board is trying to protect the public from. Dr. Feibel did not feel that was the case.

Dr. Feibel stated that he will vote for Ms. Montgomery's proposed amendment if that is what the Board wants, but he would also support an order of No Further Action. Ms. Montgomery stated that she would be willing to withdraw her proposed amendment so that Dr. Feibel can propose a different amendment, if that is the Board's will.

Mr. Gonidakis opined that the Board should proceed with this case carefully. Mr. Gonidakis cautioned that the next licensee to come before the Board could make arguments that lead to further reduction of the timeframe the Board finds acceptable or arguments based on who does or does not report to whom. Mr. Gonidakis was sympathetic to Ms. Montgomery's proposed amendment, but he opined that an order of No Further Action would be a bridge to far.

Dr. Kakarala echoed Mr. Gonidakis' comments and opined that since this case involves boundaries there should be at least a reprimand. Dr. Kakarala stated that the "slippery slope" argument is powerful in this case. Dr. Kakarala cautioned that the timeframe could be incrementally reduced until the Board's rule is essentially rendered useless. Ms. Montgomery agreed.

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Dr. Feibel reiterated that the fact pattern in this case is exceedingly unique. Dr. Feibel stated that there was a boundaries violation and a reprimand could be warranted, but he also opined that this could have been a case in which the respondent received a caution letter rather than bringing the matter to the Board for formal action.

Dr. Reddy stated that the Board has to follow the rules and regulations, but the Board exists so that it can make considerations beyond the rules and regulations. The Board has to look at the whole picture and it can make exceptions. Dr. Reddy felt that the maximum punishment should be a reprimand, but he favored No Further Action. Dr. Reddy stated that the violation was unintentional and there was no patient harm.

Dr. Lewis stated the crux of this matter is whether there was a physician/patient relationship between Dr. Traikoff and Patient 1, and she believed that can be established. However, having had experience practicing in express care clinics, Dr. Lewis has often referred such patients to other providers for continuing care and is often erroneously listed on those patients' paperwork as their physician. Dr. Lewis could find that a reprimand of Dr. Traikoff would be in order, but she could also support No Further Action.

In response to a question from Dr. Reddy, Ms. Anderson stated that the proposed amendment does not include requirements to report the reprimand to other entities. However, any order issued by the Board that imposes discipline, including a reprimand, is required to be reported to the National Practitioner Databank. Dr. Kakarala added that a health system could also take action based on any disciplinary action given by the Board.

Dr. Feibel agreed with Dr. Lewis' point that this case concerns an urgent care practice and not regularly-established care with a family physician or a specialist. Ms. Montgomery stated that she would agree to withdraw her proposed amendment if Dr. Feibel would like to propose a different amendment.

Ms. Montgomery wished to withdraw her motion to amend. No Board member objected to withdrawing the motion. The motion to amend was withdrawn.

Dr. Feibel emphasized that the Board takes sexual boundary violations very seriously and that the amendment he will propose is the result of a very unique fact pattern.

Dr. Feibel moved to amend the Proposed Order to No Further Action. Dr. Reddy seconded the motion. A vote was taken:

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

The motion to amend carried.

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

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

The motion to approve carried.

PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Johnson stated that in the following matters the Board issued Notices of Opportunity for Hearing. No timely requests for hearing were received. These matters were reviewed by a hearing examiner, who prepared Proposed Findings and Proposed Orders, and they are now before the Board for final disposition. These matters are disciplinary in nature, and therefore the Secretary and Supervising Member cannot vote. In these matters, Dr. Rothermel served as Secretary and Mr. Giacalone served as Supervising Member. In addition, Dr. Bechtel served as the Secretary and/or Supervising Member in the matter of Dr. Martin.

Imtiaz Khokhar, M.D.

Dr. Kakarala moved to find that the allegations as set forth in the April 13, 2022 Notice of Opportunity for Hearing in the matter of Dr. Khokhar have been proven to be true by a preponderance of the evidence and to adopt Ms. Shamansky's Proposed Findings and Proposed Order. Dr. Bechtel seconded the motion.

Dr. Johnson stated that she will now entertain discussion in the above matter. No Board member offered discussion in this matter

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

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

The motion to approve carried.

Anthony Martin, M.D.

Mr. Wakley asked, on behalf of the State, that this matter be tabled until the next Board meeting so that the State can file a motion in connection with this case.

Dr. Feibel moved to table the matter of Dr. Martin. Dr. Kakarala seconded the motion. A vote was taken:

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

The motion to table carried.

La'Shondra Mason

Dr. Reddy moved to find that the allegations as set forth in the April 13, 2022 Notice of Opportunity for Hearing in the matter of Ms. Mason have been proven to be true by a preponderance of the evidence and to adopt Ms. Shamansky's Proposed Findings and Proposed Order. Dr. Kakarala seconded the motion.

Dr. Johnson stated that she will now entertain discussion in the above matter. No Board member offered discussion in this matter.

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

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

The motion to approve carried.

FINDINGS, ORDERS, AND JOURNAL ENTRIES

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

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

Dr. Rothermel moved to approve the Legal staff recommendations in the matters of Patrick T. Crutchfield; and Mary Ann McCafferty, M.T. Dr. Reddy seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Mr. Giacalone	- aye

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

The motion carried.

EXECUTIVE SESSION

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

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

The motion carried.

The Board went into Executive Session at 10:53 a.m.

The meeting returned to public session at 11:39 a.m.

SETTLEMENT AGREEMENTS

Glenda G. Hucker, L.M.T.

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

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

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The motion carried.

Stefanie A. DiCea, P.A.

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

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

The motion carried.

Joseph Michael Bannon, D.O.

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

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

The motion carried.

Valentino John Bianco, III, D.O.

Dr. Reddy moved to ratify the proposed Addendum to the Step I Consent Agreement with Dr. Bianco. Dr. Lewis seconded the motion. A vote was taken:

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

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The motion carried.

Daniel Garritano, M.D.

Dr. Reddy moved to ratify the proposed Consent Agreement with Dr. Garritano. Ms. Montgomery seconded the motion. A vote was taken:

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

The motion carried.

Dirk Roderick Hines, M.D.

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

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

The motion carried.

Ryan Matthew Jones, L.M.T.

Dr. Reddy moved to ratify the proposed Permanent Surrender with Mr. Jones. Dr. Kakarala seconded the motion. A vote was taken:

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

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The motion carried.

Jewel A. Stevens, M.D.

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

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

The motion carried.

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

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

1. Mary-Helene Massullo, D.O.: Based on a criminal conviction for health care fraud.
2. Navita Modi, M.D.: Based on an out-of-state action by the Maryland State Board of Physicians involving violation of the minimal standards of care.
3. Vincent Anthony Paolone, M.D.: Based on allegations of violations of the minimal standards of care involving eight patients.
4. Roy John Sartori, D.O.: Based on allegations of sexual misconduct.
5. Padmavathy Tummala, M.D.: Based on an out-of-state action by the Arizona Medical Board.
6. Ryan Bradley Sondergard, D.O.: To be issued to an applicant for licensure, based on acts constituting both a felony and a misdemeanor.
7. Jessie Sara Kunkel, D.O.: A summary suspension, based on an out-of-state action by the Pennsylvania State Board of Osteopathic Medicine.
8. Andrei Vladimirovich Manilchuk, M.D.: A summary suspension, based on a relapse reported to the Board by the Ohio Professionals Health Program.
9. David R. Meranda, M.D.: An automatic suspension, based on a criminal conviction for sexual battery, a third-degree felony.

In response to questions from Ms. Montgomery, Ms. Pokorny stated that there have been no convictions in the matter related to Citation #6 and, to her knowledge, there are no pending proceedings in the state in which the conduct occurred.

Dr. Reddy moved to approve and issue proposed Citations #'s 1 through 6. Dr. Kakarala. Gonidakis seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Mr. Giacalone	- abstain

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Dr. Reddy	- aye
Dr. Lewis	- aye
Dr. Feibel	- aye
Mr. Gonidakis	- aye
Dr. Kakarala	- aye
Ms. Montgomery	- aye
Dr. Bechtel	- aye (abstain on Citation #3)
Dr. Johnson	- aye

The motion carried.

Dr. Feibel moved to approve and issue proposed Citation #7, a summary suspension. Dr. Reddy seconded the motion. A vote was taken:

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

The motion carried.

Dr. Reddy moved to approve and issue proposed Citation #8, a summary suspension. Ms. Montgomery seconded the motion. A vote was taken:

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

The motion carried.

Dr. Reddy moved to approve and issue proposed Citation #9, a summary suspension. Dr. Kakarala seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Mr. Giacalone	- abstain
	Dr. Reddy	- aye
	Dr. Lewis	- aye
	Dr. Feibel	- aye
	Mr. Gonidakis	- aye
	Dr. Kakarala	- aye
	Ms. Montgomery	- aye

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Dr. Bechtel - aye
Dr. Johnson - aye

The motion carried.

EXECUTIVE DIRECTOR COMPENSATION

Dr. Johnson stated that the exempt staff normally receives a 3% increase effective the pay period that includes July 1. In most cases employees will receive this increase automatically. However, in order for the Executive Director to get this increase a motion from the Board is required.

Dr. Feibel moved to approve a 3% salary increase for Stephanie Loucka, Executive Director, to be effective the pay period that includes July 1, 2023. Dr. Bechtel seconded the motion. All members voted aye. The motion carried.

Ms. Montgomery opined that Ms. Loucka deserves a greater than 3% increase. Dr. Johnson felt that all the Board members are likely in agreement with that sentiment.

OPERATIONS REPORT

Ms. Loucka stated that the Board is in the process of hiring a medical director, and a few other positions are open as well. Ms. Loucka reported the Mr. Hatfield has accepted a position at The Ohio State University and she wished him the best.

Ms. Loucka stated that going forward, Mr. Blaine will provide the monthly fiscal update to the Board.

Ms. Loucka commented that the Compliance Committee has discussed modernizing the Board's work with impaired practitioners. Internal groups have been working on ways to operationalize those discussions.

Ms. Loucka stated that licensure statistics will be included in the Operations Report going forward. The licensure numbers will be reviewed to see how they change in response to both reciprocity and the Interstate Medical Licensing Compact so that staff can be adjusted accordingly.

Responding to a question from Ms. Montgomery, Ms. Loucka stated that staff is processing complaints at a faster rate but complaints are also being received at a faster rate, so the total number of complaints has changed very little. Ms. Loucka stated that much has been done internally with case development work and ideas will be brought to the Board for consideration at the next Board Retreat.

FISCAL UPDATE

Mr. Blaine called the Board members' attention to the new format of the Fiscal Report. The new layout is more streamlined and provides more information. Also, while prior fiscal reports have reported on numbers from two months prior, the new report will report from only one month prior; at the July meeting the Report will include both May and June numbers and the gap will be one month thereafter. The new report will also include data of fines, which used to be in its own separate report.

Mr. Blaine stated that the Board's revenue in April 2023 was \$1,126,000, including \$1,097,000 in licenses and fees and \$28,400 in fine revenue. Expenditures were \$1,287,000. The Board's cash balance at end of April 2023 was \$7,750,000.

RULES & POLICIES

Rule Review Update

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Ms. Anderson stated that the chronic and subacute pain rules with technical updates will be brought to the Board next month for adoption.

Ms. Anderson, noting that there will be a lot of work on rewriting the impairment rules before the next Board meeting, asked that Dr. Rothermel be designated to approve rule language for circulation prior to the next Board meeting.

Dr. Bechtel moved to designate Dr. Rothermel to approve impairment rule language for circulation to interested parties prior to the next Board meeting. Dr. Kakarala seconded the motion. All members voted aye. The motion carried.

Responding to a question from Mr. Gonidakis, Ms. Anderson stated that Compliance Committee has been discussing possible changes to how the Board handles impaired physicians on probation. The Committee has thoroughly reviewed statutes, rules, the contract with the Ohio Professionals Health Program (OPHP), and relationships with treatment providers. The goal is to modernize these processes and to allow the Board's confidential mental health program to be monitored by OPHP.

Office-Based Surgery Rules

Mr. Smith requested approval to send the current version of the Board's office-based surgery rules for initial circulation. Written comments will also be requested, and Board staff also plans to have more informal communication with interested parties to get their perspective on the current rules. Mr. Smith also invited the Board members to contact him with any thoughts on the rules.

Dr. Bechtel moved to approve initial circulation of the current rules in OAC Chapter 4731-25. Dr. Kakarala seconded the motion. All members voted aye. The motion carried.

Legislative Update

Senate Bill 109, Sexual Misconduct: Mr. Mabe has spoken with the Chairman of the Senate Judiciary Committee, who reported that he hadn't seen or heard of any problems with the bill. Once the budget bill is passed, the Chairman anticipated additional hearings on the bill to possibly move it through the legislative process.

House Bill 102, Advanced Practice Respiratory Therapists: Mr. Mabe stated that this bill would license advanced practice respiratory therapists (APRT) in Ohio. The bill has had its second hearing in the House Health Providers Committee. The Board continues to have some concerns about the bill and is working with the Committee and stakeholders to address these issues, including the prescribing authority, where an APRT would be able to practice, and general supervision by a physician rather than direct supervision. Mr. Mabe commented that Dr. Kakarala has been aiding the staff in these efforts.

Dr. Kakarala explained that he has had significant problems with this bill. Dr. Kakarala stated that this is a case of a degree in search of duties, noting that people have already been graduating from The Ohio State University with an advanced respiratory therapist degree, a degree that has never existed before. Dr. Kakarala stated that if the bill becomes law, Ohio will be the first state in the country to license APRT's and to determine their duties, focus, and limitations.

Dr. Kakarala continued that various respiratory care organizations wish for the APRT scope to be very broad, including the ability to see outpatients and prescribe opioids. When questioned about allowing the prescribing of controlled substances, advocates of the proposed bill say that the APRT's will receive education. When Dr. Kakarala researched this, he found that the education involved just a few hours in a classroom. Dr. Kakarala stated, as a physician who works in the intensive care unit (ICU) prescribing significant amounts of opioids and benzodiazepines, that there is a universe of difference between what is learned in a classroom and what one actually does in clinical practice.

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Dr. Kakarala continued that there is good data demonstrating that it only takes about 10 days of significant opioid use in a hospital for patients to start forming habits and seeking opioids. Dr. Kakarala commented that the opioid crisis has kind of fell off the headlines, possibly due to the covid pandemic, but the crisis is not over. In 2022 the leading cause of death in people in the United States aged 18 to 45 was opioid overdose, and this was also true in Ohio alone. Consequently, Dr. Kakarala was very skeptical about expanding controlled substance prescribing authority to new designees when it is not known how they will practice. Dr. Kakarala felt that prescribing authority is something that can be revisited in the future, but he opposed granting that authority to a brand new license type before it is known what their practice patterns and habits will be.

Dr. Feibel appreciated and agreed with Dr. Kakarala's comments, but opined that there are more problems with the bill besides prescribing authority. Dr. Kakarala agreed and stated that he has many other issues with the bill, including philosophical problems with the designation in the first place, but he saw prescribing authority as the most prevalent of these problems.

Budget Bill: Mr. Mabe stated that the legislature continues to work on the budget bill and more changes are expected later today. The impairment modernization being discussed by the Compliance Committee has been included in the Senate version.

COMMITTEE BUSINESS

Medical Marijuana Committee Report

Dr. Johnson stated that petitions to add new conditions to the list of qualifying conditions for treatment with medical marijuana were received during the petition period, November 1, 2022 to December 31, 2022. The Medical Marijuana Committee reviewed the petitions and selected four for further review: Two petitions for autism spectrum disorder, one petition for obsessive compulsive disorder, and one petition for irritable bowel syndrome. Dr. Soin reported to the Board on the Committee's discussion last month. The petitions, expert reports, public comments tracker, and Ms. Dorcy's memo were made available to Board members last month.

Dr. Johnson continued that Rule 4731-32-05 states that the Board will issue a written decision no later than 180 days after the petition acceptance period closes unless the Board determines that good cause exists to allow an extension. Two new Board members, Dr. Boyle and Dr. Lewis, were recently appointed by Governor DeWine and would like to participate in the discussion, but they have not had chance to familiarize themselves with the material. Dr. Johnson recommended tabling this matter to give the new Board members additional time to review the materials.

Dr. Reddy moved to table the review of petitions to add qualifying conditions for the use of Medical Marijuana. Dr. Bechtel seconded the motion. All members voted aye, except Mr. Gonidakis, who abstained. The motion carried.

Mr. Gonidakis asked if there is anything in either the Senate or House version of the pending budget bill that will impact this delay. Mr. Mabe answered that as of this time, the only thing in the Senate substitute bill related to the medical marijuana program is the transfer of duties from the Board of Pharmacy to the Department of Commerce; the Medical Board's role would remain unchanged.

Finance Committee Report

Mr. Gonidakis stated that the Committee met this morning and Mr. Blaine provided the fiscal update and discussed the new format of the Fiscal Report.

Hearing Attorney Examiner Services

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Mr. Gonidakis stated that the Committee has recommended approval of the proposal to expand the number of hearing examiner contractors.

Dr. Reddy moved to approval the proposal to utilize hearing examiner contractors as needed for Fiscal Year 2024, with contracts in amounts less than \$50,000 each, to perform hearing examiner services.

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

Purchase of Additional Salesforce Development Hours

Mr. Gonidakis stated that the Committee has also recommended approval of the proposal for additional resources for IT services

Dr. Reddy moved to approve authorization of up to \$26,000 for dedicated Salesforce development hours from DAS OIT. Dr. Kakarala seconded the motion. All members voted aye. The motion carried.

Limited Branch School Application Review

Dr. Kakarala moved to approve the application of Adams Institute of Manual Therapies for a Certificate of Good Standing. Dr. Feibel seconded the motion. All members voted aye. The motion carried.

Respiratory Care Advisory Council Report

Ms. Loucka stated that she met with members of the Respiratory Care Advisory Council and discussed current legislative activity concerning that profession. Mr. McCafferty, the Board's Chief of Investigations, explained the Board's investigation process. Ms. Dorcy, the Board's Chief of Compliance and Standards Review, explained the Board's compliance and standards review processes. Courtney Kallergis of the Ohio Society for Respiratory Care also gave an update from her organization.

The Council's next meeting will be on September 12, 2023.

Appointment of Commissioner to the Interstate Medical Licensure Compact

Ms. Montgomery moved to appoint Dr. Reddy as a Commissioner to the Interstate Medical Licensure Compact (IMLC). Dr. Lewis seconded the motion. All members voted aye. The motion carried.

PROBATIONARY REPORTS, REQUESTS, AND REINSTATEMENTS

Office Conference Reviews

Dr. Reddy moved to approve the Compliance staff's Reports of Conferences for May 8, 2023. Dr. Kakarala seconded the motion. All members voted aye, except Dr. Rothermel, Mr. Giacalone, and Dr. Bechtel, who abstained. The motion carried.

Probationary Requests

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

- a) James Bailes, M.D.: To approve *Prescribing Practices and Management of Chronic Pain and Substance Abuse Disorder* course, offered by Western Institute of Legal Medicine, to fulfill prescribing course requirement.
- b) George Anthony Bertalan, M.D.: To approve Dr. Matthew Andersen to serve as the treating psychiatrist; and Dr. Barry Layton to serve as the treating psychotherapist.

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- c) Bryan D. Borland, D.O.: To approve Release from the terms of the May 9, 2018 Consent Agreement.
- d) John L. Davis, M.D.: To approve *Professional Boundaries* course, offered by PBI Education, to fulfill professional ethics and boundaries course requirement.
- e) Bradley Earl Dickson M.D.: To approve *Professional Boundaries* course, offered by PBI Education, to fulfill professional boundaries course requirement.
- f) Erhan Erdeger, M.D.: To approve release from the terms of the February 8, 2023 Consent Agreement.
- g) Joseph Michael Franzese, M.D.: To approve Michael Karram, M.D., as the monitoring physician; and approval of the practice plan to fulfill practice plan requirement.
- h) Brenden P. Jenks, M.D.: To approve David W. Stroom, M.D., to serve as the new treating psychiatrist.
- i) Adam N. Leid, D.O.: To approve psychotherapy with treating Clinical Social Worker William Poray.
- j) Jared Nye, R.C.P.: To approve *Medical Record Keeping Seminar*, offered by the Center for Personalized Education for Physicians (CPEP), to fulfill medical records course requirement; and *Medical Ethics Massotherapy* course, offered by Dr. Homenko, to fulfill the professional ethics/ boundaries course requirement.
- k) Jaydutt Patel, M.D.: To approve release from the terms of the March 11, 2020 Consent Agreement.
- l) Shannon Quigley, L.M.T.: To approve quarterly hair testing to fulfill the drug screen requirement.
- m) Kirk Patrick Rankine, M.D.: To approve release from the terms of the February 8, 2023 Consent Agreement.
- n) Christopher N. Vashi, M.D.: To approve the removal of the monitoring physician; and reduction in Alcoholics Anonymous meetings to a minimum of twice per week.
- o) Hope Vitellas, L.Ac.: To approve *Medical Ethics Course- Acupuncture*, tailored by Dr. Homenko, to fulfill the professional ethics course requirement.
- p) John Zaino, M.D.: To approve release from the terms of the November 14, 2019 Board Order.

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

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

The motion carried.

ADJOURN

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

The meeting adjourned at 12:19 p.m.

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We hereby attest that these are the true and accurate approved minutes of the State Medical Board of Ohio meeting on June 14, 2023, as approved on July 12, 2023.

(SEAL)