

September 11, 1991

BURTON KENNETH AKE, M.D. - CITATION LETTER

At this time the Board read and considered the proposed citation letter in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

DR. STEPHENS MOVED TO SEND THE CITATION LETTER TO DR. AKE. DR. O'DAY SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. O'Day	- aye
	Dr. Gretter	- aye
	Dr. Stephens	- aye
	Mr. Jost	- abstain
	Dr. Garg	- aye
	Dr. Kaplansky	- aye
	Dr. Heidt	- aye
	Dr. Hom	- aye
	Ms. Rolfes	- aye
	Dr. Agresta	- aye

The motion carried.

JAYANTILAL J. BATHANI, M.D. - CITATION LETTER

At this time the Board read and considered the proposed citation letter in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

DR. GRETTTER MOVED TO SEND THE CITATION LETTER TO DR. BATHANI. DR. O'DAY SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. O'Day	- aye
	Dr. Gretter	- aye
	Dr. Stephens	- aye
	Mr. Jost	- abstain
	Dr. Garg	- aye
	Dr. Kaplansky	- aye
	Dr. Heidt	- aye
	Dr. Hom	- aye
	Ms. Rolfes	- aye
	Dr. Agresta	- aye

The motion carried.

THOMAS W. MICHAELIS, M.D. - CITATION LETTER

At this time the Board read and considered the proposed citation letter in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

DR. GRETTTER MOVED TO SEND THE CITATION LETTER TO DR. MICHAELIS. DR. AGRESTA SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. O'Day	- aye
	Dr. Gretter	- aye
	Dr. Stephens	- aye
	Mr. Jost	- abstain
	Dr. Garg	- abstain
	Dr. Kaplansky	- aye
	Dr. Heidt	- aye
	Dr. Hom	- abstain
	Ms. Rolfes	- aye
	Dr. Agresta	- aye

The motion carried.

SELDON R. NELSON, D.O. - CITATION LETTER

At this time the Board read and considered the proposed citation letter in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

DR. AGRESTA MOVED TO SEND THE CITATION LETTER TO DR. NELSON. DR. GRETTTER SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. O'Day	- aye
	Dr. Gretter	- aye
	Dr. Stephens	- aye
	Mr. Jost	- abstain
	Dr. Garg	- aye
	Dr. Kaplansky	- aye

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Dr. Gretter agreed, stating that Dr. Little may not prescribe or dispense any controlled substances. He added that the prohibition in the Board's Order relates only to Dr. Little's personal use. He may prescribe or dispense non-controlled substances in his practice.

Dr. Hom added that Dr. Little may not use those drugs himself.

DR. STIENECKER MOVED TO APPROVE AND CONFIRM MR. BYERS' PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF DAVID E. LITTLE, D.O. DR. O'DAY SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. O'Day	- aye
	Mr. Albert	- aye
	Dr. Stienecker	- aye
	Mr. Jost	- abstain
	Dr. Garg	- aye
	Dr. Kaplansky	- aye
	Dr. Heidt	- aye
	Dr. Hom	- aye
	Dr. Agresta	- aye

The motion carried.

REPORT AND RECOMMENDATION IN THE MATTER OF THOMAS W. MICHAELIS, M.D.

Dr. Gretter stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and order in the above matter. No objections were voiced by Board members present.

Dr. Gretter advised Mr. Brenner that there is not a court reporter present, but instead the Board's minutes serve as the Board's official record of the meeting. Mr. Brenner stated that he did not have any objection to the absence of a court reporter.

Dr. Gretter reminded Mr. Brenner that the Board members have read the entire hearing record, including the exhibits and any objections filed. He added that the Board will not retry the case at this time, and that pursuant to Section 4731.23(C), Revised Code, oral arguments made at this time are to address the proposed findings of fact and conclusions of the hearing examiner. Dr. Gretter stated that Mr. Brenner would be allowed approximately five minutes for his address.

Mr. Brenner stated that he asked to appear only to answer any questions that the Board might have. He urged the Board to adopt the recommendations of the Hearing Officer, but asked that the effective date be retroactive to December, since that is when Dr. Michaelis voluntarily withdrew from practice.

Dr. Gretter asked the Assistant Attorney General to respond.

Ms. Sotos also urged the Board to adopt the Hearing Officer's Report and Recommendation. She stated that she believes it is appropriate based on the testimony and evidence presented at the hearing.

DR. AGRESTA MOVED TO APPROVE AND CONFIRM MR. BYERS' PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF THOMAS W. MICHAELIS, M.D. DR. STIENECKER SECONDED THE MOTION.

Dr. Gretter asked if there were any questions or comments concerning the proposed findings of fact, conclusions, and order in the above matter.

Dr. Heidt agreed with Mr. Brenner's suggestion, noting that Dr. Michaelis has refrained from the practice of medicine since July 1991 due to his problems. In all fairness, the suspension should run from the start of his self-suspension.

DR. HEIDT MOVED TO AMEND PARAGRAPH 1 OF THE PROPOSED ORDER TO STATE THAT DR. MICHAELIS' CERTIFICATE IS HEREBY SUSPENDED FOR AN INDEFINITE PERIOD OF TIME, BUT NOT LESS THAN THREE (3) MONTHS.

Dr. Heidt stated that this amendment would, in effect, equal the proposed one-year suspension.

Mr. Jost stated that Mr. Brenner indicated that Dr. Michaelis stopped practicing in December, not July.

Mr. Brenner stated that Dr. Michaelis formally withdrew from his practice in December; however, he hasn't practiced since July.

DR. STIENECKER SECONDED DR. HEIDT'S MOTION.

Mr. Albert spoke against the amendment, stating that he believed Dr. Michaelis was fortunate that the Board didn't move to revoke his license. Mr. Albert added that he doesn't believe that the incident in question was the first that had occurred,

and he believes this is a very serious matter.

Dr. Gretter stated that Dr. Michaelis' license is being revoked under the Proposed Order; however, the revocation is being stayed.

Mr. Albert stated that he didn't feel it should be stayed. Mr. Albert stated that it is not right for a father to allow his teenage daughter and her guests to go skinny dipping. This case bothered him. Mr. Albert added that he hopes Dr. Michaelis has learned a lesson from this and can be rehabilitated.

Dr. Garg also spoke against the amendment.

Dr. Heidt stated that Dr. Michaelis has practiced for 15 years without any other incident. He added that the case did not involve patients.

Mr. Jost asked Dr. Heidt whether he would be willing to reword his amendment to state that the one-year suspension would begin effective July 1, 1991. He was concerned that, without official recognition of time already served, it would appear that the Board considered a three-month suspension an appropriate sanction.

Dr. Heidt and Dr. Steinecker, as second, agreed to Mr. Jost's suggestion.

Ms. Sotos suggested that it might be appropriate for the Board to approve the one year suspension effective this date, and to recognize time served since July 1, 1991. She explained that she is concerned about the repercussions of imposing a retroactive suspension.

Mr. Jost agreed with Ms. Sotos' concerns.

Dr. Heidt restated his motion to amend as follows:

DR. HEIDT MOVED TO AMEND PARAGRAPH 1 OF THE PROPOSED ORDER TO INCLUDE RECOGNITION OF THE TIME SINCE JULY 1, 1991 THAT DR. MICHAELIS DID NOT PRACTICE MEDICINE. DR. STIENECKER SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. O'Day	- aye
	Mr. Albert	- nay
	Dr. Stienecker	- aye
	Mr. Jost	- abstain
	Dr. Garg	- nay
	Dr. Kaplansky	- aye
	Dr. Heidt	- aye
	Dr. Hom	- nay
	Dr. Agresta	- aye

The motion carried.

DR. HEIDT MOVED TO APPROVE AND CONFIRM MR. BYERS' PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF THOMAS W. MICHAELIS, M.D. DR. O'DAY SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. O'Day	- aye
	Mr. Albert	- nay
	Dr. Stienecker	- aye
	Mr. Jost	- abstain
	Dr. Garg	- nay
	Dr. Kaplansky	- aye
	Dr. Heidt	- aye
	Dr. Hom	- nay
	Dr. Agresta	- aye
	Dr. Gretter	- aye

The motion carried.

#### REPORT AND RECOMMENDATION IN THE MATTER OF SELDON R. NELSON, D.O.

Dr. Gretter stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and order in the above matter. No objections were voiced by Board members present.

Dr. Gretter advised Mr. Savidge and Dr. Nelson that there is not a court reporter present, but instead the Board's minutes serve as the Board's official record of the meeting. Mr. Savidge and Dr. Nelson stated that they did not have any objection to the absence of a court reporter.

Dr. Gretter reminded Mr. Savidge and Dr. Nelson that the Board members have read the entire hearing record, including the exhibits and any objections filed. He added that the Board will not retry the case at this time, and that pursuant to Section 4731.23(C), Revised Code, oral arguments made at this time are to address the proposed findings of fact and conclusions of the hearing examiner. Dr. Gretter stated that Mr. Savidge and Dr. Nelson would be allowed approximately five minutes

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GURDEEP SINGH, M.D.

In fulfillment of paragraph 1d of his February 12, 1991 Consent Agreement, Dr. Singh requested approval of Rosary Hall's "Professional In Residence Workshop on Prescribing Controlled Substances."

Mr. Jost noted that the Consent Agreement does not specify how many hours such a course must contain. He asked whether the course submitted was substantially equivalent to what has been approved by the Board in the past for similar cases. He noted that the course is for 40 hours.

Mr. Bumgarner stated that to the staff's knowledge, this course is a solid, substantial course.

MR. JOST MOVED TO APPROVE SUCCESSFUL COMPLETION OF ROSARY HALL'S "PROFESSIONAL IN RESIDENCY WORKSHOP ON PRESCRIBING CONTROLLED SUBSTANCES" AS FULFILLMENT OF PARAGRAPH 1d OF DR. SINGH'S FEBRUARY 12, 1991 CONSENT AGREEMENT WITH THE BOARD. DR. KAPLANSKY SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Mr. Albert	- aye
	Dr. Stienecker	- aye
	Dr. Stephens	- aye
	Mr. Jost	- aye
	Dr. Garg	- aye
	Ms. Rolfes	- aye
	Dr. Kaplansky	- aye
	Dr. Heidt	- aye
	Dr. Agresta	- aye

The motion carried.

KEVIN C. SMITH, P.A.-C.

Pursuant to paragraph #7 of his May 14, 1992 Consent Agreement with the Board, Mr. Smith nominated Irving W. Harper, III, M.D., as his supervising physician.

Dr. Gretter noted that Dr. Harper is currently a resident in internal medicine, but had been in private practice from 1989 to 1992. Dr. Gretter noted that, though he had previously expressed some concern about a resident acting as a supervising physician, this case is somewhat different.

Mr. Jost added that all Dr. Harper would be doing in this case is supervising collection of urine samples for screening purposes.

DR. HEIDT MOVED TO APPROVE IRVING W. HARPER, III, M.D., TO SERVE AS MR. SMITH'S SUPERVISING PHYSICIAN, PURSUANT TO PARAGRAPH #7 OF HIS MAY 14, 1992 CONSENT AGREEMENT WITH THE BOARD. DR. GARG SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Mr. Albert	- aye
	Dr. Stienecker	- aye
	Dr. Stephens	- aye
	Mr. Jost	- aye
	Dr. Garg	- aye
	Ms. Rolfes	- aye
	Dr. Kaplansky	- aye
	Dr. Heidt	- aye
	Dr. Agresta	- aye

The motion carried.

THOMAS W. MICHAELIS, M.D.

At this time the Board considered Dr. Michaelis' request for reinstatement of his license to practice medicine and surgery, which was suspended for a minimum of one year, effective July 1, 1991. Mr. Bumgarner referred the Board to Ms. Lubow's memorandum of June 26, 1992, outlining the conditions to be met for reinstatement.

DR. HEIDT MOVED TO APPROVE DR. MICHAELIS' REQUEST FOR REINSTATEMENT OF HIS LICENSE TO PRACTICE MEDICINE AND SURGERY, WITH PROBATIONARY CONDITIONS IMPOSED BY THE BOARD'S ORDER OF MAY 13, 1992. DR. AGRESTA SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Mr. Albert	- aye
	Dr. Stienecker	- aye
	Dr. Stephens	- aye
	Mr. Jost	- aye
	Dr. Garg	- aye
	Ms. Rolfes	- aye
	Dr. Kaplansky	- aye
	Dr. Heidt	- aye
	Dr. Agresta	- aye



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The motion carried.

STEPHEN J. SVEDA, M.D.

At this time the Board considered Dr. Sveda's request for reinstatement of his license to practice medicine and surgery, which was suspended for a minimum period of 90 days by Board Order of May 8, 1991.

Mr. Bumgarner noted that the Board now has received verification of Dr. Sveda's having successfully completed the C.M.E. courses approved by the Board. He stated that the only issue remaining before the Board is to approve Dr. Sveda's proposed plan of practice.

Dr. Gretter stated that the plan of practice is as set forth in the letter from the Administrator of Coshocton County Memorial Hospital, and from Dr. Sveda's counsel, Peter Oldham, Esq. Included in these materials is a request for approval of Alfred H. Magness, M.D., to serve as Dr. Sveda's monitoring physician.

Dr. Hom returned to the meeting at this time.

Dr. Gretter stated that his main concerns involve the required review of Dr. Sveda's medical records, and Dr. Sveda's request for Board approval of a general surgeon to supervise Dr. Sveda's orthopaedic surgical practice. Dr. Gretter noted that the plan provided by Dr. Sveda appears to relate only to his hospital charts, and not his office charts. The Board's concern was in both areas. In addition, Dr. Magness indicates that Dr. Sveda's charts will be randomly selected and reviewed to assure they meet medical staff bylaws criteria. Dr. Gretter stated that he doesn't have enough information to comment on this since he doesn't know what the hospital bylaws require. Dr. Gretter also questioned the ability of a general surgeon to supervise an orthopaedic surgeon.

Dr. Garg asked whether Dr. Magness is Chief of Surgery at the hospital.

Dr. Stephens stated that Dr. Magness is currently Chief of Surgery at the hospital and has been Chief of Staff there. Dr. Stephens added that the Board usually prefers someone of like specialty to supervise Board probationers.

Dr. Hom asked whether there are any orthopaedic surgeons available to supervise Dr. Sveda at Coshocton County Memorial Hospital.

Dr. Stephens stated that in most hospital structures, the department chairman has to give the responsibility of monitoring surgeons to other surgeons in the same specialty. He asked how a general surgeon can adequately monitor procedures about which he may not have knowledge.

Dr. Heidt agreed with Dr. Stephens' concerns.

Mr. Oldham stated that Dr. Sveda would be happy to answer any of the Board's questions.

In response to Dr. Heidt's questions, Mr. Oldham stated that there are no other orthopaedic surgeons at the hospital. Physicians from a group in Newark come to the hospital on a rotating basis, but none is there all of the time, and the group members are not consistent in their treatment patterns. A physician may be at the hospital for three days, and then not again for three weeks. Therefore this group would not be able to monitor Dr. Sveda's practice at Coshocton County Memorial Hospital.

Mr. Oldham continued that in the past Dr. Magness has performed a significant amount of work as an orthopaedic surgeon, even though he specializes in general surgery.

Dr. Sveda stated that Dr. Magness has specialized in hand surgery.

Dr. Garg asked whether Dr. Magness has any plans to retire. Mr. Oldham stated that Dr. Magness is planning to slow down his practice, but is not retiring.

In response to Mr. Jost's questions, Mr. Oldham indicated that Dr. Magness would also be monitoring 10% of Dr. Sveda's office charts, as required in the Board's Order.

**DR. GARG MOVED TO APPROVE DR. SVEDA'S REQUEST FOR REINSTATEMENT OF HIS LICENSE TO PRACTICE MEDICINE AND SURGERY, WITH PROBATIONARY CONDITIONS IMPOSED BY THE BOARD'S ORDER OF MAY 8, 1991. DR. AGRESTA SECONDED THE MOTION.**

In response to Dr. Gretter's questions, Dr. Sveda stated that his patient load will be approximately 40 patients per day, maximum. If an emergency situation arises, he may see more than 40. If it appears that he will be routinely seeing more than 40 patients per day, he will apply to the Board for an increase. Dr. Sveda stated that at this time, emergency cases are sent to Columbus.

Dr. Agresta stated that although the supervisory conditions are not what the Board

April 14, 1993

KENNETH W. CARPENTER, M.D., TO SERVE AS DR. MANN'S SUPERVISING PHYSICIANS, WITH DR. CARPENTER TO BE THE PHYSICIAN RESPONSIBLE FOR REPORTS TO THE BOARD. DR. GRETTER FURTHER MOVED TO APPROVE C. FRANK CSETRI, M.D., AND ROBERT BIRCH, PH.D., TO SERVE AS DR. MANN'S TREATING PSYCHIATRIST/PSYCHOLOGIST, PURSUANT TO PARAGRAPH 3(F) OF THE BOARD'S AUGUST 12, 1992 ORDER. MS. NOBLE SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. O'Day	- aye
	Mr. Albert	- aye
	Dr. Stienecker	- aye
	Dr. Hom	- aye
	Dr. Stephens	- aye
	Dr. Gretter	- aye
	Dr. Heidt	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Dr. Garg	- aye

The motion carried.

THOMAS W. MICHAELIS, M.D.

Mr. Bumgarner advised that Dr. Michaelis has requested approval of Jack J. Bernstein, ACSW, Ph.D., to serve as his treating counselor as required by paragraph 3(e) of the Board's May 13, 1992 Order. Dr. Michaelis has also requested a waiver of the tolling provisions to allow his probation to continue to run, despite the fact that he has relocated to Phoenix.

Dr. O'Day stated that Dr. Michaelis has signed up to serve for two years with the Indian Health Service. Dr. Michaelis is in a recovery program in Phoenix, Arizona.

Dr. Gretter asked whether the Indian Health Service requires Dr. Michaelis to hold an Arizona license.

Dr. O'Day stated that she did not think so. She added that Ohio would receive the reports from the treating counselor.

Ms. Sussex advised that Dr. Michaelis has not sought Arizona licensure.

Dr. Stephens stated that it would then be appropriate for Ohio to continue to monitor Dr. Michaelis.

MR. ALBERT MOVED TO APPROVE JACK J. BERNSTEIN, A.C.S.W., PH.D., TO SERVE AS DR. MICHAELIS' TREATING COUNSELOR, AS REQUIRED BY PARAGRAPH 3(E) OF THE BOARD'S ORDER OF MAY 13, 1992. HE FURTHER MOVED TO WAIVE THE TOLLING PROVISIONS OF THE ORDER SINCE THE BOARD WILL CONTINUE TO MONITOR DR. MICHAELIS' RECOVERY. DR. GARG SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. O'Day	- aye
	Mr. Albert	- aye
	Dr. Stienecker	- aye
	Dr. Hom	- aye
	Dr. Stephens	- aye
	Dr. Gretter	- aye
	Dr. Heidt	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Dr. Garg	- aye

The motion carried.

GRETCHEN NICOL, R.N.

Mr. Bumgarner stated that this situation dates back to the early to mid 1980's. At that time an agreed Entry of Order was entered into with Ms. Nicol and her employer, Health One. The Board has recently received a letter from Principal Health Care of Ohio, Inc., a company which has since purchased the assets of Health One, requesting that the Board lift its Consent Order. Mr. Bumgarner stated that one of the things he has noted in this case is that the Board has not yet looked into whether or not the organization asking for release from the Order has maintained compliance with the Order. Mr. Bumgarner suggested that the Board obtain Principal Health Care's assurances about this before terminating the Order.

Dr. Stephens suggested that the matter be referred back to staff for more research before it is brought back to the Board.

Dr. Agresta noted that representatives of the Nursing Board are present and may be able to answer the Board's questions.

Dr. Stephens stated that he didn't think they would be able to tell the Board whether this organization has been in compliance with the Board's Order.

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The motion carried.

ALFRED R. HAIGHT, II, D.O.

Dr. Haight's request for a modification of his July 10, 1991 Consent Agreement with the Board was considered at this time.

DR. HEIDT MOVED TO GRANT DR. HAIGHT'S REQUEST FOR A CHANGE IN HIS APPEARANCE SCHEDULE FROM THREE-MONTH INTERVALS TO SIX-MONTH INTERVALS. MS. NOBLE SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Stienecker	- aye
	Dr. Gretter	- aye
	Dr. Heidt	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

WILLIE L. JOSEY, M.D.

Dr. Josey's request for a modification of the terms of the Board's November 8, 1989 Order was considered at this time.

DR. GARG MOVED TO GRANT DR. JOSEY'S REQUEST FOR A CHANGE IN HIS APPEARANCE SCHEDULE FROM THREE-MONTH INTERVALS TO SIX-MONTH INTERVALS. DR. GRETTOR SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Stienecker	- aye
	Dr. Gretter	- aye
	Dr. Heidt	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

HUBERT K. KEYLOR, M.D.

Dr. Keylor's request for a modification of the Board's January 11, 1989 Entry of Order was considered at this time.

DR. HEIDT MOVED TO GRANT DR. KEYLOR'S REQUEST FOR A CHANGE IN HIS PRACTICE PLAN. DR. STIENECKER SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Stienecker	- aye
	Dr. Gretter	- aye
	Dr. Heidt	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

THOMAS W. MICHAELIS, M.D.

Dr. Michaelis' requests concerning the Board's May 13, 1992 Order, which were previously discussed by the Board at its April 14, 1993 session, were considered by the Board at this time. Mr. Bumgarner stated that the matter is being presented again because of questions the staff has concerning continued appearances for Dr. Michaelis. In April the Board approved waiving the tolling provisions of its Order since Dr. Michaelis would continue to be monitored after relocating to Phoenix, Arizona to work for the Indian Health Service. However, the issue of future Board appearances was not addressed. Does the Board wish Dr. Michaelis to continue to appear before it, and if so, how frequently?

Mr. Bumgarner stated that Dr. Michaelis has indicated that he does not have, nor does he intend to obtain, an Arizona license to practice. Therefore, Dr. Michaelis will not be licensed by any other licensing body.

Dr. Stienecker asked whether the Board could receive monitoring reports from the Indian Health Service.

Mr. Bumgarner stated that the Board could request such reports, but it does not have the authority to require that the Indian Health Service submit reports. The Board could require Dr. Michaelis to make arrangements for the Service to report. Mr. Bumgarner noted that in most cases such as this, the physician holds a license

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with another regulatory agency, which follows the physician's probation.

Dr. Gretter asked whether the Federal government has such procedures for probationers.

Ms. Noble stated that the Board needs to know the answer to Dr. Gretter's question before it can release Dr. Michaelis from appearances. She stated that Dr. Michaelis must be accountable to someone.

Dr. Heidt stated that Dr. Michaelis needs to find someone willing to monitor him and report back to the Board.

Mr. Bumgarner stated that the Board usually requires an appearance before someone.

Dr. Heidt suggested scheduling Dr. Michaelis to appear before the Board at six-month intervals.

Dr. Steinbergh stated that Dr. Michaelis needs to continue under the terms of the Board's Order since no other licensing agency is monitoring him.

DR. HEIDT MOVED TO CONTINUE DR. MICHAELIS UNDER THE TERMS OF THE BOARD'S ORDER OF MAY 13, 1992, AS REVISED BY THE BOARD AT ITS MEETING OF APRIL 14, 1993. HE FURTHER MOVED THAT DR. MICHAELIS BE REQUIRED TO APPEAR BEFORE THE BOARD AT SIX-MONTH INTERVALS. MS. NOBLE SECONDED THE MOTION.

Dr. Stienecker spoke in favor of the motion, stating that Dr. Michaelis could endorse his Ohio license anywhere else in the country. The Board needs to follow up on him.

A roll call vote was taken on Dr. Heidt's motion:

ROLL CALL VOTE:	Dr. Stienecker	- aye
	Dr. Gretter	- aye
	Dr. Heidt	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

LINDIA L. SINGER, P.A.

Ms. Singer's request for approval of a Medical Ethics Workshop was considered at this time.

MS. NOBLE MOVED TO GRANT MS. SINGER'S REQUEST FOR APPROVAL OF THE MEDICAL ETHICS WORKSHOP, IN FULFILLMENT OF PARAGRAPH 3e OF THE BOARD'S JULY 14, 1989 ENTRY OF ORDER. DR. GARG SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Stienecker	- aye
	Dr. Gretter	- aye
	Dr. Heidt	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

ULYSSES A. HUGHEY, M.D.

Dr. Hughey's request for approval of an evaluating psychiatrist was considered at this time.

DR. STIENECKER MOVED TO APPROVE HOWARD SOKOLOV, M.D., TO SERVE AS DR. HUGHEY'S EVALUATING PSYCHIATRIST, PURSUANT TO THE TERMS OF THE BOARD'S ORDER OF JULY 14, 1993. MS. NOBLE SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Stienecker	- aye
	Dr. Gretter	- aye
	Dr. Heidt	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

May 12, 1994

January 31, 1994 Consent Agreement.

In response to Dr. O'Day's questions, Dr. Masimore stated that he is an anesthesiologist, working at Toledo Hospital with a group. Things are going well for him. He has only been working there since April because he had to wait to get his license. The Hospital is aware of his Consent Agreement with the Board. He added that he worked at the hospital throughout his residency and they were aware of what was going on with him.

Dr. Stienecker noted that the Board needs to receive Dr. Masimore's A.A. logs and quarterly declaration of compliance. Dr. Masimore stated that he has those with him at this time. He added that he came to the Board's offices at the time of the April meeting, thinking that he was supposed to appear then.

In response to Dr. Steinbergh's questions, Dr. Masimore stated that he has contacted O.P.E.P. and has a contract with them.

Ms. Sussex indicated that she has had contact with O.P.E.P. concerning Dr. Masimore.

DR. STIENECKER MOVED TO CONTINUE DR. MASIMORE UNDER THE TERMS OF HIS JANUARY 31, 1994 CONSENT AGREEMENT WITH FUTURE APPEARANCES BEFORE THE BOARD'S SECRETARY OR DESIGNEE. DR. STEINBERGH SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. O'Day	- aye
	Mr. Albert	- aye
	Dr. Stienecker	- aye
	Dr. Gretter	- aye
	Dr. Agresta	- aye
	Dr. Buchan	- aye
	Mr. Sinnott	- aye
	Dr. Steinbergh	- aye

The motion carried.

ROGER J. MASSER, D.P.M.

Dr. Masser made his initial appearance before the Board under the terms of the Board's Order of April 14, 1993. He was accompanied by Douglas Graff, Esq., his attorney.

In response to Dr. O'Day's questions, Dr. Masser stated that he is also being monitored by O.P.E.P. He has been substance free since October 1991. He practices at Mt. Carmel East Hospital in Columbus. He returned to work in January, and he is very happy and pleased to be back to work. The hospital is aware of the Board's Order. He has also informed all of the hospital staff and all department chairmen. He is having some trouble in obtaining staff privileges but he continues to work on that.

In response to Dr. Stienecker's questions about problems with Dr. Masser's urine screens, Dr. Masser indicated that the screens were originally being done by Eastern Labs in New York City. O.P.E.P. has indicated that there has recently been a big expose' about that lab. O.P.E.P. then switched to a different lab and things are going better.

In response to Dr. Gretter's questions, Dr. Masser stated that he does have his D.E.A. certificate. He turned his log of prescriptions over to the Board earlier.

In response to Dr. Steinbergh's questions, Dr. Masser stated that he is feeling better now that he is back in practice. He added that he is pleased to say that he is also a monitoring physician for O.P.E.P.

DR. AGRESTA MOVED TO CONTINUE DR. MASSER UNDER THE TERMS OF THE BOARD'S ORDER OF APRIL 14, 1993 WITH FUTURE APPEARANCES BEFORE THE BOARD'S SECRETARY OR DESIGNEE. DR. STEINBERGH SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. O'Day	- aye
	Mr. Albert	- aye
	Dr. Stienecker	- aye
	Dr. Gretter	- aye
	Dr. Agresta	- aye
	Dr. Buchan	- aye
	Mr. Sinnott	- aye
	Dr. Steinbergh	- aye

The motion carried.

THOMAS W. MICHAELIS, M.D.

Dr. Michaelis appeared pursuant to his request for modification of the terms of the Board's Order of May 13, 1992. Dr. Michaelis has asked that future appearances before the Board be waived.

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Dr. Garg noted that Dr. Michaelis has moved to Phoenix, Arizona. He has nominated Mary Patricia Durant, a retired federal probation officer, to monitor him. Because Dr. Michaelis is not licensed in Arizona, and therefore won't be followed by the Arizona Board, the Board must approve someone to monitor him there.

In response to Dr. Stienecker's questions, Dr. Michaelis stated that he is working for Phoenix Indian Medical Center, a hospital in Phoenix.

In response to Dr. Gretter's questions, Dr. Michaelis stated that twice per month he flies to a clinic in one of the reservations. The reservation he usually goes to is in San Carlos, Arizona. There are about four or five others to which he could potentially go. By air San Carlos is about an hour east of Phoenix.

In response to Dr. O'Day's questions, Dr. Michaelis stated that he still sees Dr. Bernstein, in Phoenix, once per month. Dr. Bernstein has been submitting quarterly reports. Dr. Michaelis stated that he likes what he is doing very much. His family is with him. The move has gone well for him. His older son moved there, and now his younger son will be there for about one month before going into the Peace Corps, so the whole family will be together for at least a month. He has two children at home. His older daughter will be attending the University of Arizona next year. The remaining child will be a high school junior next year.

In response to Dr. Agresta's questions, Dr. Michaelis stated that he is employed by the Indian Health Service. This does not require that he hold an Arizona license. It's just like the military--any state license will suffice. Dr. Michaelis stated that he will probably apply for an Arizona license, but he wants the timing to be right to do that.

In response to Dr. Stienecker's questions, Dr. Michaelis stated that having to return to Ohio for appearances is a financial hardship.

In response to Dr. Steinbergh's questions, Dr. Michaelis stated that he sees Dr. Bernstein once per month. The relationship is good, and he feels comfortable with it. Dr. Michaelis added that Dr. Bernstein has indicated that he feels comfortable with their relationship as well.

Dr. O'Day stated that the Board will continue to get reports from Dr. Bernstein and the monitoring person.

Dr. Steinbergh asked how long Dr. Michaelis is to be on probation.

Dr. Garg indicated that the Order expires in 2 1/2 years.

Dr. Steinbergh stated that she believes Dr. Michaelis should appear before the Board at least once per year.

Dr. Gretter stated that Dr. Michaelis has asked for approval of Mary Durant as his monitor. Usually the Board approves a monitoring physician, with the idea that the physician would oversee the practice to make sure things are going well with the practice. It doesn't appear that Ms. Durant can do that.

Dr. O'Day stated that Dr. Michaelis never had practice problems. In this case, Ms. Durant would be an appropriate monitor. Dr. O'Day stated that she believes the Board would be well-served by receiving quarterly reports from Ms. Durant and Dr. Bernstein.

Dr. Gretter stated that he cannot find a requirement for a monitor in the Board's March 1992 Order.

Dr. O'Day stated that the Order doesn't require a monitor, but in order for the Ohio Board to be comfortable with Dr. Michaelis, without requiring appearances before it, someone in Dr. Michaelis' area should be keeping an eye on him.

In response to Dr. Steinbergh's questions, Dr. Michaelis stated that he does have a third party present during all physical examinations. Dr. Michaelis stated that he always had a third party present during examinations from the time he entered practice. The military and Health Service require that he does.

Dr. Gretter asked whether the Board knew exactly what Ms. Durant would be doing by way of monitoring.

Dr. Steinbergh asked whether Dr. Michaelis' employer had a copy of the Board's Entry of Order. Dr. Michaelis stated that his employer is aware of everything and has received information from Lucas County. He also believes they contacted the Medical Board.

In response to Dr. O'Day's questions, Dr. Michaelis stated that he is still on probation in Lucas County, Ohio. Arizona didn't want to supervise his probation since it was for a misdemeanor. Federal probationers wouldn't follow him because he didn't live on federal land, but they did recommend Ms. Durant, who once worked for them and now works privately. Lucas County accepted Ms. Durant's credentials.

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Dr. Gretter stated that he is still uncomfortable about granting Dr. Michaelis' requests. He stated that he wants Dr. Michaelis to practice medicine and to deliver good care. He's doing this using his Ohio license. The public in Arizona becomes an entity the Board needs to protect. Dr. Gretter referred to Ms. Durant's letter, which refers to a rather loose monitoring situation, with phone conversations, family visits, etc.

Dr. Stienecker disagreed with Dr. Gretter, stating that Dr. Michaelis is not using his Ohio license. He is practicing under the Government's aegis with his Ohio license, which is restricted. Dr. Michaelis does not need his Ohio license.

Dr. Gretter stated that if Dr. Michaelis didn't have an Ohio license, he couldn't do what he is doing.

Dr. Agresta agreed with Dr. Gretter, stating that Dr. Michaelis needs to hold at least one state's license in order to work for the federal government.

Dr. O'Day stated that the reason for which Dr. Michaelis is on probation has nothing to do with medical practice. Dr. Michaelis never had problems associated with his practice. He is always chaperoned during examinations.

In response to Dr. Gretter's questions, Dr. Michaelis stated that he does always have a third party present in his practice, which is strictly the care of native Americans. Probably the majority of the physicians working for the Indian Health Service do not hold an Arizona license.

DR. STEINBERGH MOVED TO CHANGE DR. MICHAELIS' APPEARANCE SCHEDULE TO ONCE YEARLY RATHER THAN ONCE EVERY SIX MONTHS. SHE FURTHER MOVED TO APPROVE MS. DURANT AS HIS SUPERVISING AGENT IN ARIZONA. MR. ALBERT SECONDED THE MOTION.

Dr. O'Day stated that she believes the Board does need to loosen up concerning Dr. Michaelis. She added that she would be comfortable in not requiring another appearance until such time as he requests release from probation.

In response to Mr. Albert's questions, Dr. Michaelis stated that he does have family in Toledo.

Mr. Albert suggested that the Board might be flexible in its appearance requirement and schedule Dr. Michaelis' future appearances to coincide with his visits to family.

Mr. Sinnott spoke in favor of the motion.

A roll call vote was taken on Dr. Steinbergh's motion:

ROLL CALL VOTE:	Dr. O'Day	- aye
	Mr. Albert	- aye
	Dr. Stienecker	- aye
	Dr. Gretter	- abstain
	Dr. Agresta	- aye
	Dr. Buchan	- aye
	Mr. Sinnott	- aye
	Dr. Steinbergh	- aye

The motion carried.

#### MICHAEL J. STANEK, D.O.

Dr. Stanek appeared pursuant to his request for a reduction in the A.A. attendance requirement from four meetings per week to two, and a reduction in urine screens from weekly to bi-weekly.

Dr. O'Day noted that Dr. Stanek has been on probation with the Board since 1990. Dr. Stanek self-reported his problem to the Board. Dr. O'Day stated that Dr. Stanek has been a model probationer. Everything is always in the Board offices on time, and he always appears on time. He has done very well. Dr. Stanek needs for the Board to cut him loose a little. He has been substance free since September 18, 1989.

MR. ALBERT MOVED TO GRANT DR. STANEK'S REQUESTS TO REDUCE THE AA ATTENDANCE REQUIREMENT TO TWO MEETINGS PER WEEK, AND TO REDUCE THE URINE SCREEN REQUIREMENT FROM ONE EVERY WEEK TO ONE EVERY TWO WEEKS. DR. STEINBERGH SECONDED THE MOTION.

Dr. Agresta asked Dr. Stanek whether he still felt he was getting help from attending AA meetings. Dr. Stanek stated that he does. He has a lot of friends that attend.

A roll call vote was taken on Mr. Albert's motion:

ROLL CALL VOTE:	Dr. O'Day	- aye
	Mr. Albert	- aye

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JAMES R. HOLT, D.O.:

Dr. Holt made his final appearance before the Board, pursuant to the terms of the Board’s Order of June 15, 1995.

Dr. Buchan asked Dr. Holt whether he had any questions of the Board. Dr. Holt indicated that he did not. He added that he was pleased with his agreement, although it was difficult finding a recordkeeping course. The course he took, “Fundamentals of Patient Records” was developed for him.

In response to Dr. Stienecker’s questions, Dr. Holt stated that the course was neither difficult nor time-consuming.

In response to Dr. Gretter’s questions, Dr. Holt stated that the course was not a correspondence course.

Dr. Stienecker asked Dr. Holt where he practice and what his specialty is. Dr. Holt stated that he is in a general practice in Macedonia, Ohio.

Dr. Bhati noted that Dr. Holt is a small-town family practitioner. He asked Dr. Holt how many narcotics prescriptions he writes for pain at a time if he can’t find a cause for the pain.

Dr. Holt stated that he would probably not prescribe anything for longer than a week and then re-evaluate the patient. He commented that patients come in with various stories, and the physicians don’t know whether to believe them or not.

Dr. Bhati asked Dr. Holt when he graduated from medical school.

Dr. Holt stated that he graduated in 1961.

**DR. GRETTER MOVED TO RELEASE DR. HOLT FROM THE BOARD’S ORDER OF JUNE 15, 1995.**  
**DR. BHATI SECONDED THE MOTION.** A vote was taken:

VOTE:	Mr. Albert	- aye
	Dr. Bhati	- aye
	Dr. Gretter	- aye
	Dr. Egner	- aye
	Dr. Buchan	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye

The motion carried.

THOMAS W. MICHAELIS, M.D.

Dr. Michaelis appeared before the Board pursuant to his request for release from the terms of the Board Order of May 13, 1992.

In response to Dr. Gretter’s questions, Dr. Michaelis stated that his probation with the courts ceased in September.

In response to Dr. Bhati’s questions, Dr. Michaelis stated that he still practices at Phoenix Medical Center. His practice is limited to native Americans. There are seven obstetricians in the practice, as well as seven nurse midwives. Dr. Michaelis stated that he thinks things have gone along as smoothly as expected. He thanked the Board for changing his appearance requirement to annual appearances.

In response to Dr. Stienecker’s questions, Dr. Michaelis stated that he intends to stay in Arizona. At the moment the hospital is asking its doctors to get an Arizona license so that they can admit patients to other local hospitals. He doesn’t know whether that will be a problem with his history as he hasn’t talked with the Arizona Board at all since he has been practicing under his Ohio license. Information Ohio provides may make a difference in his being able to obtain an Arizona license.

**DR. GARG MOVED TO RELEASE DR. MICHAELIS FROM THE BOARD’S ORDER OF MAY 13, 1992.**  
**DR. GRETTER SECONDED THE MOTION.** A vote was taken:

VOTE:	Mr. Albert	- aye
	Dr. Bhati	- aye
	Dr. Gretter	- aye
	Dr. Egner	- aye
	Dr. Buchan	- aye
	Dr. Stienecker	- aye



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Dr. Agresta	- aye
Dr. Garg	- aye

The motion carried.

JAMES PHOTIADIS, M.D.

Dr. Photiadis made his initial appearance before the Board under the terms of his March 12, 1997 Consent Agreement and the Board's Order of December 4, 1996.

In response to Dr. Garg's questions, Dr. Photiadis stated that he presently works at an emergency urgent care facility in Lebanon, Ohio. The problem that brought him to the Board's attention was with his records. He was found to have failed to keep complete and accurate dispensing records in his anesthesiology practice.

In response to Dr. Agresta's questions, Dr. Photiadis stated that he is currently practicing in Lebanon, Ohio. He has an independent contract with Warren County Physicians. He has not practiced anesthesiology for almost two years.

In response to Dr. Stienecker's questions, Dr. Photiadis stated that he does not intend to return to anesthesiology. His wife is manager of three emergency groups in Ohio, and two anesthesiology groups work for her.

Dr. Buchan asked whether Dr. Photiadis has any questions.

Dr. Photiadis stated that his consent agreement limits his license from the practice of anesthesiology based on post-traumatic stress syndrome. The report to the National Practitioners Data Bank indicates that he can't practice anesthesia. He asked that the Board report to the Data Bank that he is not to practice anesthesia until properly evaluated for post traumatic stress syndrome.

Dr. Buchan suggested that Dr. Photiadis make that request in writing for the Board's review.

Dr. Gretter noted that Dr. Photiadis can submit his own comments on the Board's report.

In response to Dr. Gretter's questions, Dr. Photiadis stated that he does not plan to see a psychiatrist since he has no desire to return to anesthesiology. He might at some time in the distant future. Dr. Photiadis stated that the statements made by Dr. Sachs were very accurate, and he entirely agrees with Dr. Sachs' evaluation. At one point he may go back to talk with Dr. Sachs about what he went through.

Dr. Photiadis continued that he is in the process of getting a masters in business administration, and hopes that in a year from now he will be as far from what he went through as he can be. He did complete a family practice residency and an anesthesiology residency. He also did an anesthesiology fellowship. Right now, working in family practice, he is working at his first choice.

Dr. Bhati commented that with an MBA, Dr. Photiadis may be looking for a medical directorship.

Mr. Albert asked Dr. Photiadis whether it would be wise for the Board to disallow physicians to return to anesthesiology if they are addicted.

Dr. Photiadis stated that it would be unfair to keep them out of practice, but he would recommend continued drug testing. If the physician relapses, then he or she might be kept out of practice.

**DR. GARG MOVED TO CONTINUE DR. PHOTIADIS UNDER THE TERMS OF HIS MARCH 12, 1997 CONSENT AGREEMENT, WITH FUTURE APPEARANCES BEFORE THE BOARD SECRETARY OR DESIGNEE. DR. BHATI SECONDED THE MOTION.** A vote was taken:

VOTE:	Mr. Albert	- aye
	Dr. Bhati	- aye
	Dr. Gretter	- aye
	Dr. Egner	- aye
	Dr. Buchan	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye

The motion carried. [Next](#)

PHILIP L. RICE, M.D.

Dr. Rice appeared before the Board pursuant to his request for modification of the terms of his March 13, 1996 Consent Agreement. Dr. Rice requested that the Board accept monitoring by the Pennsylvania Board, with continued running of