

State Medical Board of Ohio
Formal Action Report –December 2015

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Date: December 23, 2015

Please find below a summary of actions taken or initiated by the State Medical Board of Ohio in December 2015 and an update of Board matters pending or decided in courts as of December 9, 2015.

PRE-HEARING SUSPENSIONS

WILLIAMS, James Andrew, DO (#34.005346)—Perrysburg, OH

Pursuant to Section 4731.22(G), Ohio Revised Code, medical license summarily suspended based on Board's determination that there is clear and convincing evidence that doctor is in violation of Section 4731.22(B)(26) and (B)(15), Ohio Revised Code, and that his continued practice presents a danger of immediate and serious harm to the public. Order effective 12/09/15. (*See also: Citations/Proposed Denials below.*)

CITATIONS/PROPOSED DENIALS

BURKONS, David M., MD (#35.040676)--Shaker Heights, OH

Based on allegations that with respect to 14 specified patients doctor engaged in acts, conduct or omissions that constitute the commission of an act in the course of practice that constitutes a misdemeanor; that doctor violated Medical Board rules regarding Standards and Procedures for Review of OARRS and the general provisions for prescribing controlled substances; that doctor failed to maintain minimal standards applicable to the selection or administration of drugs and departed from or failed to conform to minimal standards of care of similar practitioners under the same or similar circumstances. Notice of Opportunity for Hearing mailed 12/10/15.

COOK, Robert Michael, MD (#35.059715)—Centerville, OH

Based on allegations that with respect to 18 specified patients, doctor engaged in acts, conduct or omissions that constitute the commission of an act that constitutes a felony, Complicity and Practicing Medicine without a Certificate, Notice of Opportunity for Hearing mailed 12/10/15.

CRAIG, Paul W., II, MD (#35.068385)--Lavalette, WV

Based on prior action by the West Virginia Board of Medicine which reprimanded the doctor's license and placed the license on probation for at least three years and on prior action by Commonwealth of Kentucky Board of Medical Licensure which reprimanded the doctor's license and placed the license on probation for five years. Notice of Opportunity for Hearing mailed 12/10/15.

DEMAS, Christopher Lou, MD (#35.042434)—Galena, OH

Based on allegations that doctor engaged in acts, conduct or omissions that constitute the commission of an act that constitutes a felony, Practicing Medicine without a Certificate and based on allegations that doctor violated conditions of limitation placed by the Board on the doctor's certificate to practice. Notice of Opportunity for Hearing mailed 12/10/15.

JONES, Everett Linn, MD (#35.020405)--Cincinnati, OH

Based on allegations that with respect to 18 specified patients, doctor engaged in acts, conduct or omissions that constitute a misdemeanor in the course of practice, Authority of Licensed Health Professional and based on allegations that doctor engaged in acts, conduct or omissions that constitute a felony, Practicing Medicine without a Certificate. Notice of Opportunity for Hearing mailed 12/10/15.

KORBY, Gordon J., DO (#34.006814)—Columbus, OH

Based on allegations that doctor engaged in sexual misconduct with a specified patient; allegations that the doctor violated Medical Board rules regarding sexual misconduct and prescribing controlled substances; allegations that doctor failed to maintain minimal standards applicable to the selection or administration of drugs and departed from or failed to conform to minimal standards of care of similar practitioners under the same or similar circumstances; allegations that doctor failed to cooperate in an investigation conducted by the Board and made a false, fraudulent, deceptive, or misleading statement in the solicitation or advertising for patients; in relation to the practice of medicine and surgery or in securing or attempting to secure any certificate of practice issued by the Board. Notice of Opportunity for Hearing mailed 12/10/15.

POLING, Rodney Howard, DO (#34.001990)--Grosse Ile, MI

Based on prior action by the Michigan Board of Osteopathic Medicine and Surgery Disciplinary Subcommittee which reprimanded the doctor's license and imposed a fine. Notice of Opportunity for Hearing mailed 12/10/15.

SINGH, Giridhar, MD (#35.072989)—Dublin, OH

Based on allegations that doctor engaged in sexual misconduct with two specified patients which violate Medical Board Rules regarding sexual misconduct and constitutes a departure from or failure to conform to minimal standards of care of similar practitioners under the same or similar circumstances. Notice of Opportunity for Hearing mailed 12/10/15.

WELSH, Frank, MD (#35.040107)—Cincinnati, OH

Based on allegations that the doctor's acts, conduct or omissions constitute a felony, Complicity and Practicing Medicine without a Certificate. Notice of Opportunity for Hearing mailed 12/10/15.

WILLIAMS, James Andrew, DO (#34.005346)—Perrysburg, OH

Based on allegations that doctor is impaired in his ability to practice according to acceptable and prevailing standards of care due to habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice and allegations that doctor's acts, conduct or omissions constitute a violation of the conditions of limitation placed by the Board on the doctor's certificate to practice. Notice of Opportunity for Hearing mailed 12/10/15.

DISMISSAL OF CITATION/PROPOSED DENIALS

AGGARWAL, Manu Bala, M.D. (#35.089206)—Lima, Ohio

By Order and Entry dated 12/9/15, allegations contained in 10/14/14 non-disciplinary Notice of Opportunity for Hearing dismissed as moot. Effective 12/9/15.

ALBORNOZ, Gonzalo Fabian, M.D. (applicant)—Chevy Chase, MD

By Order and Entry dated 12/9/15, allegations contained in 3/22/11 non-disciplinary Notice of Opportunity for Hearing dismissed without prejudice. Effective 12/9/15.

BRAR, Banu, M.D. (applicant)—Cleveland Heights, OH

By Order and Entry dated 12/9/15, allegations contained in 6/6/06 non-disciplinary Notice of Opportunity for Hearing dismissed without prejudice. Effective 12/9/15.

CUTLER, Edward Arthur, DO (#34.003047)—Columbus, OH

By Order and Entry dated 12/9/15, allegations contained in 10/14/15 Notice of Opportunity for Hearing and 10/14/15 Order of Summary Suspension dismissed as moot due to doctor's death. Effective 12/9/15.

KELLEY, Colin Thomas, M.D. (#35.075751)—Invercargill, NZ

By Order and Entry dated 12/9/15, allegations contained in 2/8/12 Notice of Opportunity for Hearing dismissed without prejudice. Effective 12/9/15.

PELC, Nancy, M.D. (#35.060006)—Cincinnati, OH

By Order and Entry dated 12/9/15, allegations contained in 6/21/10 non-disciplinary Notice of Opportunity for Hearing dismissed as moot. Effective 12/9/15.

POPOV, Valentin (Massage Therapy Applicant)—Westlake, OH

By Order and Entry dated 12/9/15, allegations contained in 5/29/14 non-disciplinary Notice of Opportunity for Hearing dismissed as moot due to massage therapy applicant's death. Effective 12/9/15.

SMITH, Denise, M.D. (#35.092181)—Cincinnati, OH

By Order and Entry dated 12/9/15, allegations contained in 6/21/10 non-disciplinary Notice of Opportunity for Hearing dismissed as moot. Effective 12/9/15.

UWAYDAH, Munir M., M.D. (#35.075707)—Beirut, Lebanon

By Order and Entry dated 12/9/15, allegations contained in 7/13/11 Notice of Opportunity for Hearing dismissed without prejudice. Effective 12/9/15.

VAN DER MERWE, Johannes Michiel, M.D. (applicant)—Saskatoon, SK, Canada

By Order and Entry dated 12/9/15, allegations contained in 1/29/14 non-disciplinary Notice of Opportunity for Hearing dismissed without prejudice. Effective 12/9/15.

FINAL ORDERS

BLACKER, Fonda Lynn, MT (#33.014341)—Vandalia, OH

Application for restoration of license to practice massage therapy granted, suspended for 30 days and subject to probationary terms, conditions and limitations for at least two years. Based on the finding that the massage therapist practiced massage therapy for more than two years after her license expired. Order effective 12/22/15.

CULL, Kimberly Jo, MD (applicant)--Powell, OH

Application for license to practice medicine and surgery permanently denied. Based on the applicant's plea of guilty to two fifth degree felonies and one fourth degree felony, and the applicant's inability to practice according to acceptable and prevailing standards of care by reason of mental or physical illness and because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice. Order effective 12/10/15.

DePLANTY, Anita Christine, MT (applicant)—Columbus, OH

Application for license to practice massage therapy permanently denied. Based on massage therapy applicant's felony conviction of importing cocaine; practicing massage therapy without a license which itself constitutes a felony; and making a false, fraudulent, deceptive or misleading

statement in attempting to secure a certificate to practice massage therapy. (Journal Entry-No hearing requested). Order effective 12/10/15.

HERNANDEZ, Juan Michael, MD (#35.052980)—Eastlake, OH

Medical license permanently revoked and doctor shall pay a fine of \$20,000 no later than 30 days after the effective date of the order. Based on the finding that with respect to ten specified patients, doctor violated or attempted to violate the Medical Board's rules on prescribing controlled substances, doctor failed to maintain minimal standards applicable to the selection or administration of drugs or failed to employ acceptable scientific methods in the selection of drugs or other modalities; and failed to conform to minimal standards of care of similar practitioners under the same or similar circumstances. Also based on the finding that the doctor failed to comply with standards and procedures established in rules for the operation of or provision of care at a pain management clinic, failed to comply with standards and procedures for review of the Ohio Automated RX Reporting System, failed to comply with statutes of the State Board of Pharmacy related to the drug database, failed to cooperate in an investigation of the Board and committed an act that constitutes a felony in this state. Order effective 12/22/15.

SMITH, Bruce David, MD (#35.037108)--Spring, TX

Medical license reprimanded and permanently limited to the practice of radiology. Based on the doctor's voluntary surrender of controlled substance privileges to the U.S. Department of Justice-Drug Enforcement Administration and prior actions of the Mississippi State Board of Medical Licensure, Illinois Department of Financial and Professional Regulation and the Texas Medical Board. Order effective 12/22/15.

WEST, Joseph Matthew, MT (#33.021623)—Trenton, OH

License to practice massage therapy revoked. Based on the finding that the massage therapist violated the terms of his January 2014 Step I Consent Agreement due to his failure to contract with a Board-approved drug testing facility, failure to timely call in to the Board-approved drug testing facility, failure to submit to urine drug screens, failure to submit quarterly declarations, failure to appear before the Board for an in-person interview, and failure to participate in an alcohol and drug rehabilitation program. (Journal Entry-No hearing requested). Order effective 12/10/15.

WILLIAMS, Haylee Brianne, MT (#33.017442)—Columbus, OH

License to practice massage therapy permanently revoked. Based on the finding that the massage therapist practiced massage therapy without a license which is itself an act constituting a felony and made a false, fraudulent, deceptive or misleading statement in attempting to secure a certificate to practice or certificate of registration issued by the Board. Order effective 12/10/15.

VOLUNTARY SURRENDERS/RETIREMENTS/WITHDRAWALS

DORSCH, Michael Allen, PA applicant—Wilmington, OH

Permanent withdrawal of application for physician assistant certificate to practice authorized by physician assistant applicant in lieu of formal disciplinary proceedings pursuant to Section 4730.25(B)(18), Ohio Revised Code. Effective 12/9/15.

IBEN, Glenn Allan MD (#35.053297)—Galloway, OH

Permanent revocation of license to practice medicine and surgery authorized by physician in lieu of formal disciplinary proceeding pursuant to Sections 4731.22(B)(2), (B)(6) and (B)(20), Ohio Revised Code. Effective 12/9/15.

KAMEL, Mouhamed Kamal, MD (#35.038682)—Canton, OH

Permanent revocation of license to practice medicine and surgery authorized by physician in lieu of formal disciplinary proceedings pursuant to Section 4731.22(B)(6), Ohio Revised Code. Effective 12/9/15.

KHOSLA, Narinder N., MD (#35.044769)—Sandusky, OH

Permanent revocation of license to practice medicine and surgery authorized by physician in lieu of formal disciplinary proceedings pursuant to Section 4731.22(B)(41),(B)(45), and (B)(46), Ohio Revised Code. Effective 12/9/15.

LI, Hui, MT (#33.021238)—Dublin, OH

Permanent revocation of license to practice massage therapy authorized by massage therapist in lieu of formal disciplinary proceedings pursuant to Section 4731.22(B)(12), Ohio Revised Code. Effective 12/9/15.

SHARP, Carl E., D.P.M. (#36.001718)—Dublin, OH

Permanent revocation of license to practice podiatric medicine and surgery authorized by podiatric physician in lieu of formal disciplinary proceedings pursuant to Section 4731.22(B)(20), Ohio Revised Code. Effective 12/9/15.

CONSENT AGREEMENTS

BURICK, Joseph Peter, DO (#34.002729)—Akron, OH

Medical license suspended for at least 180 days with interim monitoring conditions, probationary terms and conditions for reinstatement established including requirement that doctor enter into a subsequent consent agreement incorporating probationary terms, conditions and limitations as determined by the Board. Based on doctor's admission that he engaged in sexual misconduct

with one specified patient which constitutes a violation of the Board's rule prohibiting sexual conduct with patients and constitutes a departure from or the failure to conform to minimal standards of care of similar practitioners under the same or similar circumstances. Agreement effective 12/9/15. Suspension effective 1/1/16.

FELUMLEE, Kirstin Dawn, MT (#33.019265)—Waynesville, OH

License to practice massage therapy restored and suspended for 180 days with interim monitoring conditions and probationary terms for at least two years. Based on massage therapist's admission that her license to practice massage therapy lapsed on January 1, 2013 and she continued to practice until January 2014. Agreement effective 12/9/15.

LUTZ, James Thomas, MD (#35.057139)—Cincinnati, OH

Medical license suspended for at least 180 days with interim monitoring conditions and conditions for reinstatement established, including the requirement that doctor enter into a subsequent consent agreement incorporating probationary terms, conditions and limitations as determined by the Board. Based on the doctor's admission that in his care and treatment of twenty-six specified patients, the doctor committed an act that constitutes a felony in Ohio, and violated Board rules regarding the utilization and delegation of light based medical devices, utilizing controlled substances for self and family members, and utilization of controlled substances for weight reduction; and that he departed from or failed to conform to minimal standards of care; and failed to comply with the requirements of section 4729.79 of the Revised Code, unless the board of pharmacy no longer maintains a drug database, and failed to maintain minimal standards of care applicable to the selection or administration of drugs or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease and/or selling, giving away, personally furnishing, prescribing or administering drugs for other than legal and legitimate therapeutic purposes. Agreement effective 12/9/15. Suspension effective 1/9/16.

MANDEL, David Ralph, MD (#35.042685)—Solon, OH

Medical license suspended for 30 days and subject to probationary terms, conditions and limitations for at least two years. Based on the doctor's conviction in the United States District Court for the Northern District of Ohio, of one count of Misbranding, a misdemeanor committed in the course of practice. Agreement effective 12/9/15.

MARIOTTI-BOYER, Judith Ann, MT (#33.013014)—Lewis Center, OH

License to practice massage therapy restored. Based on massage therapist's admission that she practiced massage therapy without receiving confirmation that her license had been renewed. Agreement effective 12/9/15.

ROSS, John Allen, M.D. (#35.064459)—Fostoria, OH

Medical license reinstated subject to probationary terms and conditions for at least three years. Based on doctor having completed all requirements for reinstatement of license pursuant to the terms of 8/12/15 consent agreement. Agreement effective 12/9/15.

WEBER, Gretchen Layne, MD (applicant)--Newark, DE

Application for medical license granted subject to probationary terms, conditions and limitations for at least three years based upon doctor's admission of history of alcohol abuse/dependency and on her having been deemed capable of practicing according to acceptable and prevailing standards of care so long as treatment and monitoring requirements are in place. Agreement effective 12/9/15.

PROBATIONARY REQUESTS AND MODIFICATIONS

AMBROSE, Martin Palmer, MD (#35.060025)—Dayton, OH

Doctor's request for permission to travel between Ohio and Michigan without prior approval granted by vote of the Board on 12/9/15.

BAUS, Joseph Edward, MD (#35.097298)--Omaha, NE

Doctor's request to conduct personal appearances every six months via electronic means while the doctor resides in Nebraska granted by vote of the Board on 12/9/15.

CUBBISON, Theodore Roosevelt, DO (#34.002940)—Canfield, OH

Doctor's request to reduce drug and alcohol recovery meetings to two per week with a minimum of 10 per month and to reduce personal appearances to every six months granted by vote of the Board on 12/9/15.

DUNCAN, Philicia Suanna, MD (#35.126932)—Columbus, OH

Doctor's request for approval of monitoring physician granted by vote of the Board on 12/9/15. Frequency and number of charts to be reviewed by monitor established.

HANZLIK, Shane R., MD (#57.015402)--Henrico, VA

Doctor's request for approval to have monitoring and drug testing conducted by Oregon's monitoring program while the doctor resides and practices in Oregon and doctor's request to substitute quarterly meetings with Oregon's monitoring program in lieu of personal appearances in Ohio granted by vote of the Board on 12/9/15.

HOFF, Elise Regine, MD (#35.082376)--Valley View, OH

Doctor's request for approval of treating psychiatrist granted by vote of the Board on 12/9/15.

JOHNSON, Peter Carl, MD (#35.066160)—Graytown, OH

Doctor's request for approval of polygraph technician and approval of first polygraph session to be conducted in January 2016 granted by vote of the Board on 12/9/15.

KELLEMS, Matthew David, MD (#35.091034)—Bainbridge, OH

Doctor's request for approval of treating psychiatrist granted by vote of the Board on 12/9/15.

KERNS, John Raymond, DO (#34.004653)—Newark, OH

Doctor's request for reduction of personal appearances to every six months granted by vote of the Board on 12/9/15.

KREBS, John Keith, MD (#35.066400)--Sheffield Village, OH

Doctor's request for approval of treating psychiatrist granted by vote of the Board on 12/9/15.

PESA, Nicolas Lawrence, MD (#35.095374)--Chagrin Falls, OH

Doctor's request for approval of required ethics course granted by vote of the Board on 12/9/15.

POPOVICH, William, MD (#35.089778)—Medina, OH

Doctor's request for approval of treating psychiatrist granted by vote of the Board on 12/9/15.

ROCA, Margo Hirshman, MD (#35.089290)--Port Charlotte, FL

Doctor's request for release from the reporting requirements of the 9/12/12 consent agreement granted by vote of the Board on 12/9/15.

SITARIK, Joseph P., DO (#34.004441)--East Liverpool, OH

Doctor's request for discontinuance of the chart review requirement granted by vote of the Board on 12/9/15.

SWANSON, Shannon Lee, DO (#34.008887)--East Springfield, PA

Doctor's request for approval of required medical recordkeeping course granted by vote of the Board on 12/9/15.

PROBATION TERMINATED

WILLIAMS, Wayne Marshall, MD (#35.045265)--Fayetteville, GA

Doctor's request for release from the terms of the 12/8/10 consent agreement granted by vote of the Board on 12/9/15. Effective immediately.

NON-DISCIPLINARY ORDERS

COHEN, Fredric Joel, MD (applicant)--Jackson, NJ

Permanent non-disciplinary withdrawal of application for license to practice medicine and surgery and application for training certificate authorized by doctor. Effective 12/9/15.

GRAHAM, Kimberly Ann, MT (#33.011939)--Brunswick, OH

Application to restore license to practice massage therapy conditionally approved by the Board pending the massage therapist's passage of the Massage and Bodywork Licensing Examination no later than April 15, 2016. Effective 12/9/15.

COURT ACTIONS

DALLAS, Anthony Vernon, Jr., MD (#35.097060)--Hendersonville, Tennessee

Notice of appeal of Board's October 28, 2015 Order of suspension filed by the doctor with the Franklin County Court of Common Pleas on 11/9/15.

SHUSHUNOV, Sergei, MD (#35.060839)--Buffalo Grove, Illinois

By Decision and Entry filed on 11/10/15, Franklin County Court of Common Pleas affirmed the Board's July 8, 2015 Order permanently revoking the doctor's license to practice medicine and surgery.

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

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

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

