

DATE

Subject: Sheela Barhan, M.D.

Dear

Your request for public records of the State Medical Board of Ohio (Medical Board) has been forwarded to my attention. You requested:

- “everything in the file for” your subject.
- all medical malpractice case information, including the docket number and county.
- all complaints and disciplinary actions.
- all applications, renewal documents including all CME audits.
- all formal actions.
- all probationary compliance documents.
- all board meeting minutes mentioning this doctor.
- all case control documents related to the motions and other documents filed as part of the administrative hearing process.
- all records of any administrative hearing.
- correspondence concerning such matters as scope of practice clarification or related to a public records request for documents.
- all hospital admitting privileges.
- Probationary compliance records include, as applicable, Declarations of Compliance, AA logs, Reports from the monitoring physician, Reports from the treating psychiatrist, Controlled substance prescribing log, and Compliance staff report to the full Board of the probationary appearance.
- the formal action documents regarding this doctor.
- all criminal documents including background checks.
- all drug licenses.

The Medical Board makes every reasonable effort to determine what you want in your request number 1 above, and has provided responsive records for the items you requested as I interpret that request. However, your request for everything in the file concerning Dr. Barhan is overbroad as it does not describe the records sought with clarity or provide a timeframe. *State ex rel Morgan v. New Lexington*, (2006) 112 Ohio St.3d 33. For information about the types of public records maintained by the Medical Board about a licensee or license applicant please see the list attached to this letter:

In response to request number 2, there are no responsive public records. Any malpractice payouts from insurance carriers received by the Medical Board are not public record pursuant to Sections 4731.224(E) and 149.43(A)(1)(v), Ohio Revised Code.

In response to request number 3 that seeks complaints, there are no responsive public records. Complaints about a Medical Board licensee or applicant that may exist are not public record under Sections 4731.22(F)(5), 149.43(A)(1)(h), and 149.43(A)(1)(v), Ohio Revised Code.

In response to request number 4, enclosed are licensure records for Dr. Barhan. Please note that any Social Security Numbers have been redacted, pursuant to 5 U.S.C. §552a and *State ex rel. Office of Montgomery Cty Public Defender v. Siroki*, 108 Ohio St. 3d 207 (2006). Any American Medical Association Physician Profile or the American Osteopathic Association Physician Profile for a physician is redacted from licensure documents because it is a trade secret and is not a public record pursuant to Sections 149.43(A)(1)(v) and 1333.61(D), Ohio Revised Code.

In response to requests numbered 3, that seeks disciplinary actions, 5, 6, 8, 9, 12, and 13, the Medical Board has not taken any disciplinary action against Dr. Barhan's license or application. Accordingly, there are no records responsive to these request3.

In response to request number 7, the Medical Board's website contains a number of documents that might help you in determining what records you seek. For example, the website contains a listing of the Medical Board's formal actions on a monthly basis, issues of the newsletter, which also contain formal action information, and minutes of the Medical Board monthly meetings since 2013. The Medical Board can provide you with CDs of the Medical Board meeting minutes for additional years past. Please contact me to discuss whether any other types of public records might be identified for your subject.

In response to request number 10, there are no identifiable public records responsive to your request for any scope of practice questions or public records requests filed by Dr. Barhan.

In response to request number 11, this request for hospital admitting privileges must be denied as the Medical Board does not collect this data from licensees. Accordingly, there are no records responsive to this request.

In response to request numbered 14, there are no responsive public records. Any criminal records check reports the Medical Board might have about your subject are not public record under Sections 4776.04 and 149.43(A)(1)(v), Ohio Revised Code.

In response to request number 15, the Medical Board does not issue drug licenses. The Ohio Board of Pharmacy (Pharmacy Board) issues terminal distributor and pain clinic licenses. The Medical Board does not collect this data from the Pharmacy Board. Accordingly, there are no records responsive to this request.

In response to request number 16, please note that "out of state documents" received by the Medical Board from your subject would be included in the licensure file, compliance file, formal action documents, if any, or have been received in relation to an investigation. Any correspondence received in relation to an investigation is confidential pursuant to Section 4731.22(F)(5), ORC, and, therefore, not a public record under Section 149.43(A)(1)(v), ORC.

The Medical Board's Public Records Policy can be viewed and printed from the website at www.med.ohio.gov. There is no charge for the requested copies which are enclosed. This completes your request in its entirety.

Should you have questions concerning this response, please contact me by mail at the address above or by phone at (614) 466-9255.

Sincerely,

A handwritten signature in blue ink that reads "David P. Katko". The signature is written in a cursive style with a long horizontal stroke at the end.

David P. Katko
Assistant Legal Counsel