



State Medical Board of
Ohio

30 E. Broad St., 3rd Floor
Columbus, Ohio 43215
(614) 466-3934
www.med.ohio.gov

January 9, 2019

Michael Herman Anikeev, M.D.
7135 Snowberry Lane
Canal Winchester, OH 43110-9111

RE: Case No. 18-CRF-0065

Dear Doctor Anikeev:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation on Remand of R. Gregory Porter, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on January 9, 2019, including motions modifying the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an Amended Order.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Any such appeal must be filed in accordance with all requirements specified in Section 119.12, Ohio Revised Code, and must be filed with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within (15) days after the date of mailing of this notice.

THE STATE MEDICAL BOARD OF OHIO

Kim G. Rothermel, M.D.

Kim G. Rothermel, M.D. *1/9/19*
Secretary

KGR:jam
Enclosures

CERTIFIED MAIL NO. 91 7199 9991 7036 6914 2189
RETURN RECEIPT REQUESTED

Mailed 2-8-19

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation on Remand of R. Gregory Porter, State Medical Board Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on January 9, 2019, including motions modifying the Findings of Fact and Conclusions of the Hearing; and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Michael Herman Anikeev, M.D., Case No. 18-CRF-0065, as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

(SEAL)

Kim G. Rothermel, M.D.
Kim G. Rothermel, M.D. *JK*
Secretary

January 9, 2019
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

CASE NO. 18-CRF-0065

MICHAEL HERMAN ANIKEEV, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on January 9, 2019.

Upon the Report and Recommendation on Remand of R. Gregory Porter, State Medical Board Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification, approval, and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

AMENDED FINDINGS OF FACT NO. 4

4. Dr. Anikeev did not provide sufficient evidence that his failure to attend the Board-ordered impairment evaluation was due to circumstances beyond his control.

AMENDED CONCLUSTIONS OF LAW NO. 2

2. As set forth in R.C. 4731.22(B)(26), failure to submit to a mental or physical examination ordered by the Board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control. As described in the Findings of Fact, Dr. Anikeev did not present sufficient evidence that his failure to attend the June 4, 2018 Board-ordered impairment evaluation was due to circumstances beyond his control. Accordingly, the acts, conduct, and/or omissions of Dr. Anikeev as described in Findings of Fact 1 through 5, individually and/or collectively, constitute an "[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice," as that clause is used in R.C. 4731.22(B)(26).

The sole issue in this matter concerns impairment. The Board has determined that a finding of impairment under R.C. 4731.22(B)(26) shall not warrant a civil penalty pursuant to R.C. 4731.225.

It is hereby ORDERED that:

- A. **SUSPENSION OF LICENSE:** The license of Michael Herman Anikeev, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time.
- B. **INTERIM MONITORING:** During the period that Dr. Anikeev's license to practice medicine and surgery in Ohio is suspended, Dr. Anikeev shall comply with the following terms, conditions, and limitations:
1. **Obey the Law:** Dr. Anikeev shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.
 2. **Declarations of Compliance:** Dr. Anikeev shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which this Order becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
 3. **Personal Appearances:** Dr. Anikeev shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective, or as otherwise directed by the Board. Subsequent personal appearances shall occur every three months thereafter, and/or as otherwise directed by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
 4. **Sobriety**
 - a. **Abstention from Drugs:** Dr. Anikeev shall abstain completely from the personal use or personal possession of drugs, except those prescribed, dispensed, or administered to him by another so authorized by law who has full knowledge of Dr. Anikeev's history of chemical dependency and/or abuse and who may lawfully prescribe for him (for example, a physician who is not a family member).

Further, in the event that Dr. Anikeev is so prescribed, dispensed, or administered any drug that is required to be reported to the Ohio Automated Rx Reporting System ("OARRS"), including any Schedule II-V controlled substance, Dr. Anikeev shall notify the Board in writing within seven days, providing the Board with the identity of the prescriber, the name of the drug Dr. Anikeev received, the medical purpose for which he received the drug, the date the drug was initially

received, and the dosage, amount, number of refills, and directions for use.

Further, within 30 days of the date the drug is so prescribed, dispensed, or administered to him, Dr. Anikeev shall provide the Board with either a copy of the written prescription or other written verification from the prescriber, including the dosage, amount, number of refills, and directions for use.

- b. **Abstinence from Alcohol:** Dr. Anikeev shall abstain completely from the use of alcohol.

5. **Toxicology Screens; Designated Testing Facility and Collection Site**

- a. Dr. Anikeev shall submit to random toxicology screenings of biological materials (including but not limited to blood, urine, hair, saliva, breath, or fingernail samples) for drugs and alcohol at least four times per month, or as otherwise directed by the Board. Dr. Anikeev shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug-testing panel utilized must be acceptable to the Secretary of the Board, and shall include Dr. Anikeev's drug(s) of choice. The screening process for random testing shall require a daily call-in and/or log-in procedure, as set forth below in Paragraph B.5.f., and Dr. Anikeev shall call or log in each day during the appropriate time window.
- b. Dr. Anikeev shall abstain from the use of any substance that may produce a positive result on a toxicology screen, including the consumption of poppy seeds or other food or liquid that may produce a low-level positive result on a toxicology screen. Dr. Anikeev shall be held to an understanding and knowledge that the consumption or use of various substances, including but not limited to mouthwashes, hand-cleaning gels, and cough syrups, may cause a positive toxicology screen; that unintentional ingestion of a substance is not distinguishable from intentional ingestion on a toxicology screen; and that, therefore, consumption or use of substances that may produce a positive result on a toxicology screen is prohibited under this Order. Further, Dr. Anikeev shall ensure his use of over-the-counter medications complies with the "Guide to Alcohol-Free Products" brochure as utilized by the Board's Compliance division.
- c. Dr. Anikeev shall submit, at his expense and on the day selected, specimens for drug and/or alcohol analysis. All specimens submitted by Dr. Anikeev shall be negative, except for those substances prescribed, administered, or dispensed to him in conformance with the terms, conditions and limitations set forth in this Order. Refusal to submit such specimen, or failure to submit such specimen on the day he is selected or

in such manner as the Board may request, shall constitute a violation of this Order.

- d. All toxicology screenings for drugs and alcohol shall be conducted through a Board-approved drug testing facility and Board-approved collection site pursuant to the global contract between said facility ("designated testing facility") and the Board, that provides for the Board to maintain ultimate control over the toxicology screening process and to preserve the confidentiality of positive screening results in accordance with Section 4731.22(F)(5), Ohio Revised Code. The screening process for random testing shall require a daily call-in and/or log-in procedure. Dr. Anikeev's failure to timely call or log in each day as directed by the Board shall constitute a violation of this Order.
- e. Within 30 days of the effective date of this Order, Dr. Anikeev shall enter into the necessary financial and/or contractual arrangements with the designated testing facility in order to facilitate the screening process in the manner required by this Order.

Further, Dr. Anikeev shall promptly provide to the Board written documentation of completion of such arrangements, including a copy of any contract entered into between Dr. Anikeev and the designated testing facility. Dr. Anikeev's failure to timely complete such arrangements, or failure to timely provide written documentation to the Board of completion of such arrangements, shall constitute a violation of this Order.

- f. Dr. Anikeev shall ensure that the toxicology screening process performed through the designated testing facility requires a daily call-in and/or log-in procedure, that the specimens are obtained on a random basis, and that the giving of the specimen is witnessed by a reliable person. In addition, Dr. Anikeev and the designated testing facility shall ensure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening result.
- g. Dr. Anikeev shall ensure that the designated testing facility provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all toxicology screens have been conducted in compliance with this Order, and whether all toxicology screens have been negative.
- h. In the event that the designated testing facility becomes unable or unwilling to serve as required by this Order, Dr. Anikeev shall immediately notify the Board in writing, and make arrangements acceptable to the Board, pursuant to Paragraph B.6, below, as soon as practicable. Dr. Anikeev shall further ensure that the designated testing

facility also notifies the Board directly of its inability to continue to serve and the reasons therefor.

- i. The Board, in its sole discretion, may withdraw its approval of any designated testing facility in the event that the Secretary and Supervising Member of the Board determine that the designated testing facility has demonstrated a lack of cooperation in providing information to the Board or for any other reason.
6. **Alternate Testing Facility:** It is the intent of this Order that Dr. Anikeev shall submit specimens to the designated testing facility chosen by the Board. However, in the event that utilizing said designated testing facility creates an extraordinary hardship upon Dr. Anikeev, as determined in the sole discretion of the Board, the Board may approve an alternate testing facility provided the Board determines in its sole discretion that the alternate testing facility is acceptable for the purpose of conducting the random toxicology testing required by this Order.

The Board, in its sole discretion, may disapprove any entity or facility proposed to serve as Dr. Anikeev's alternate testing facility, or may withdraw its approval of any entity or facility previously approved to so serve in the event that the Secretary and Supervising Member of the Board determine that any such entity or facility has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

7. **Reports Regarding Toxicology Screens:** All screening reports required under this Order from the designated testing facility or the alternate testing facility shall be received in the Board's offices no later than the due date for Dr. Anikeev's declarations of compliance. It is Dr. Anikeev's responsibility to ensure that reports are timely submitted.
8. **Additional Screening Without Prior Notice:** Upon the Board's request and without prior notice, Dr. Anikeev shall provide a specimen of his biological materials (including but not limited to blood, urine, hair, saliva, breath, or fingernail samples) for screening for drugs and alcohol, for analysis of therapeutic levels of medications that may be prescribed for Dr. Anikeev, or for any other purpose, at Dr. Anikeev's expense. Dr. Anikeev's refusal to submit a specimen upon the request of the Board shall result in a minimum of one year of actual license suspension. Further, the collection of such specimens shall be witnessed by a representative of the Board, or another person acceptable to the Secretary and Supervising Member of the Board.
9. **Rehabilitation Program:** Dr. Anikeev shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., C.A., or Caduceus, no less than three times per week, or as otherwise ordered by the Board. Substitution of any other specific program must receive prior Board approval.

Dr. Anikeev shall submit acceptable documentary evidence of continuing compliance with this program, including submission to the Board of meeting attendance logs, which shall be received in the Board's offices no later than the due date for Dr. Anikeev's declarations of compliance.

10. **Comply with the Terms of Aftercare Contract:** Dr. Anikeev shall maintain continued compliance with the terms of the aftercare contract(s) entered into with his treatment provider(s), provided that, where terms of an aftercare contract conflict with terms of this Order, the terms of this Order shall control.
11. **Continue Psychiatric Treatment:** Within thirty days of the effective date of this Order, Dr. Anikeev shall submit to the Board for its prior approval the name and curriculum vitae of a psychiatrist of Dr. Anikeev's choice. The Board may consider Dr. Anikeev's current psychiatrist as an approved provider. Dr. Anikeev shall continue psychiatric treatment until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require reports from the approved treating psychiatrist. The psychiatric reports shall contain information describing Dr. Anikeev's current treatment plan and any changes that have been made to the treatment plan since the prior report; his compliance with the treatment plan; his psychiatric status; his progress in treatment; and results of any laboratory or other studies that have been conducted since the prior report. Dr. Anikeev shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Anikeev's declarations of compliance.

Dr. Anikeev shall ensure that his treating psychiatrist immediately notifies the Board of Dr. Anikeev's failure to comply with his psychiatric treatment plan and/or any determination that Dr. Anikeev is unable to practice due to his psychiatric disorder.

In the event that the designated psychiatrist becomes unable or unwilling to serve in this capacity, Dr. Anikeev shall immediately so notify the Board in writing and make arrangements acceptable to the Board for another psychiatrist as soon as practicable. Dr. Anikeev shall further ensure that the previously designated psychiatrist also notifies the Board directly of his or her inability to continue to serve and the reasons therefor.

The Board, in its sole discretion, may disapprove any psychiatrist proposed to serve as Dr. Anikeev's designated treating psychiatrist, or may withdraw its approval of any psychiatrist previously approved to serve as Dr. Anikeev's designated treating psychiatrist, in the event that the Secretary and Supervising Member of the Board determine that any such psychiatrist has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

12. **Releases:** Dr. Anikeev shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Anikeev's alcohol or chemical use disorder and/or related conditions, or for purposes of complying with this Order, whether such treatment or evaluation occurred before or after the effective date of this Order. To the extent permitted by law, the above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43, Ohio Revised Code, and are confidential pursuant to statute.

Dr. Anikeev shall also provide the Board written consent permitting any psychiatrist, counselor, or other treatment provider from whom he obtains treatment to notify the Board in the event Dr. Anikeev fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Order.

13. **Absences from Ohio:** Dr. Anikeev shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the suspension/probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed. Further, the Secretary and Supervising Member of the Board shall have the discretion to waive part or all of the monitoring terms set forth in this Order for occasional periods of absence of 14 days or less.

In the event that Dr. Anikeev resides and/or is employed at a location that is within 50 miles of the geographic border of Ohio and a contiguous state, Dr. Anikeev may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Dr. Anikeev is otherwise able to maintain full compliance with all other terms, conditions and limitations set forth in this Order.

Further, in the event that Dr. Anikeev does not reside or practice in Ohio while subject to the requirements of this Order, the Secretary and Supervising Member of the Board, in their sole discretion, may allow this Board's monitoring of Dr. Anikeev to be coordinated with an entity or board from another jurisdiction provided the Secretary and Supervising Member determine that such coordination ensures substantial compliance with the requirements of this Order.

14. **Required Reporting of Change of Address:** Dr. Anikeev shall notify the Board in writing of any change of residence address and/or principal practice address within 30 days of the change.

C. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Anikeev's license to practice medicine and surgery until all of the following conditions have been met:

1. **Application for Reinstatement or Restoration:** Dr. Anikeev shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
2. **Compliance with Interim Conditions:** Dr. Anikeev shall have maintained compliance with all the terms and conditions set forth in Paragraph B of this Order.
3. **Demonstration of Ability to Resume Practice:** Dr. Anikeev shall demonstrate to the satisfaction of the Board that he can practice in compliance with acceptable and prevailing standards of care under the provisions of his license. Such demonstration shall include but shall not be limited to the following:
 - a. Certification from a treatment provider approved under Section 4731.25, Ohio Revised Code, that Dr. Anikeev has successfully completed any required inpatient treatment, including at least 28 days of inpatient or residential treatment for substance use disorder, as set forth in Rules 4731-16-02 and 4731-16-08, Ohio Administrative Code, completed consecutively.
 - b. Evidence of continuing full compliance, or successful completion of, a post-discharge aftercare contract with a treatment provider approved under Section 4731.25, Ohio Revised Code. Such evidence shall include, but shall not be limited to, a copy of the signed aftercare contract. The aftercare contract must comply with Rule 4731-16-10, Ohio Administrative Code.
 - c. Evidence of continuing full compliance with this Order.
 - d. Two written reports indicating that Dr. Anikeev's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall have been made by physicians knowledgeable in the area of addictionology and who are either affiliated with a current Board-approved treatment provider or otherwise have been approved in advance by the Board to provide an assessment of Dr. Anikeev. Further, the two aforementioned physicians shall not be affiliated with the same treatment provider or medical group practice. Prior to the assessments, Dr. Anikeev shall provide the evaluators with copies of patient records from any evaluation and/or treatment that he has received, and a copy of this Order. The reports of the evaluators shall include any

recommendations for treatment, monitoring, or supervision of Dr. Anikeev, and any conditions, restrictions, or limitations that should be imposed on Dr. Anikeev's practice. The reports shall also describe the basis for the evaluator's determinations.

The first two such assessments sought by Dr. Anikeev shall constitute the basis for the two reports required under this Order regardless of whether Dr. Anikeev agrees with the report(s) provided by the physician evaluator(s) and regardless of whether he obtains subsequent assessment(s).

All reports required pursuant to this paragraph shall be based upon examinations occurring within the three months immediately preceding any application for reinstatement or restoration. Further, at the discretion of the Secretary and Supervising Member of the Board, the Board may request an updated assessment and report if the Secretary and Supervising Member determine that such updated assessment and report is warranted for any reason.

4. **Additional Evidence of Fitness To Resume Practice:** In the event that Dr. Anikeev has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222 Ohio Revised Code, to require additional evidence of his fitness to resume practice.
- D. **PROBATION:** Upon reinstatement or restoration, Dr. Anikeev's license shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:
1. **Terms, Conditions, and Limitations Continued from Suspension Period:** Dr. Anikeev shall continue to be subject to the terms, conditions, and limitations specified in Paragraph B of this Order.
 2. **Modification of Terms; Exception:** Dr. Anikeev shall not request modification of the terms, conditions, or limitations of probation for at least (*specify time*) after imposition of these probationary terms, conditions, and limitations, except that Dr. Anikeev may make such request with the mutual approval and joint recommendation of the Secretary and Supervising Member.
 3. **Monitoring Physician:** Within 30 days of the date of Dr. Anikeev's reinstatement or restoration, or as otherwise determined by the Board, Dr. Anikeev shall submit in writing the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary and Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary and Supervising Member will give preference to a

physician who practices in the same locale as Dr. Anikeev and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Anikeev and his medical practice, and shall review Dr. Anikeev's patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Anikeev and his medical practice, and on the review of Dr. Anikeev's patient charts. Dr. Anikeev shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Anikeev's declarations of compliance.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Anikeev shall immediately so notify the Board in writing. In addition, Dr. Anikeev shall make arrangements acceptable to the Board for another monitoring physician within 30 days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Dr. Anikeev shall further ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefor.

The Board, in its sole discretion, may disapprove any physician proposed to serve as Dr. Anikeev's monitoring physician, or may withdraw its approval of any physician previously approved to serve as Dr. Anikeev's monitoring physician, in the event that the Secretary and Supervising Member of the Board determine that any such monitoring physician has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

4. **Tolling of Probationary Period While Out of Compliance:** In the event Dr. Anikeev is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.
- E. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Anikeev's license will be fully restored.
- F. **VIOLATION OF THE TERMS OF THIS ORDER:** If Dr. Anikeev violates the terms of this Order in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his license.

G. REQUIRED REPORTING TO THIRD PARTIES; VERIFICATION:

1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Anikeev shall provide a copy of this Order to all employers or entities with which he is under contract to provide healthcare services (including but not limited to third-party payors), or is receiving training, and the Chief of Staff at each hospital or healthcare center where he has privileges or appointments. Further, Dr. Anikeev shall promptly provide a copy of this Order to all employers or entities with which he contracts in the future to provide healthcare services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or healthcare center where he applies for or obtains privileges or appointments.

In the event that Dr. Anikeev provides any healthcare services or healthcare direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, within 30 days of the effective date of this Order, he shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

Further, within 30 days of the date of each such notification, Dr. Anikeev shall provide documentation acceptable to the Secretary and Supervising Member of the Board demonstrating that the required notification has occurred.

This requirement shall continue until Dr. Anikeev receives from the Board written notification of the successful completion of his probation.

2. **Required Reporting to Other Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Anikeev shall provide a copy of this Order by certified mail to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Administration, through which he currently holds any professional license or certificate. Also, Dr. Anikeev shall provide a copy of this Order by certified mail at the time of application to the proper licensing authority of any state or jurisdiction in which he applies for any professional license or reinstatement/restoration of any professional license.


Additionally, within 30 days of the effective date of this Order, Dr. Anikeev shall provide a copy of this Order to any specialty or subspecialty board of the American Board of Medical Specialties or the American Osteopathic Association Bureau of Osteopathic Specialists under which he currently holds or has previously held certification.

Further, within 30 days of the date of each such notification, Dr. Anikeev shall provide documentation acceptable to the Secretary and Supervising Member of the Board demonstrating that the required notification has occurred.

This requirement shall continue until Dr. Anikeev receives from the Board written notification of the successful completion of his probation.

3. **Required Reporting to Treatment Providers/Monitors:** Dr. Anikeev shall promptly provide a copy of this Order to all persons and entities that provide him treatment or monitoring for alcohol or chemical use disorder. Further, within 30 days of the date of each such notification, Dr. Anikeev shall provide documentation acceptable to the Secretary and Supervising Member of the Board demonstrating that the required notification has occurred. This requirement shall continue until Dr. Anikeev receives from the Board written notification of the successful completion of his probation.

EFFECTIVE DATE OF ORDER: This Order shall become effective immediately upon the mailing of the notification of approval by the Board.



Kim G. Rothermel, M.D. *KGR*
Secretary

(SEAL)

January 9, 2019

Date

DEC 10 2018

STATE MEDICAL BOARD
OF OHIO

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of

*

Michael Herman Anikeev, M.D.

*

Case No. 18-CRF-0065

Respondent.

*

Hearing Examiner Porter

REPORT AND RECOMMENDATION ON REMAND

Basis for Hearing

In a Notice of Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Impairment dated June 13, 2018 ("Notice"), the State Medical Board of Ohio ("Board") notified Michael Herman Anikeev, M.D., that, pursuant to Ohio Revised Code Section ("R.C.") 4731.22(G), the Board had adopted an Entry of Order summarily suspending his certificate to practice medicine and surgery in the State of Ohio.

In addition, the Board notified Dr. Anikeev that it proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board based its proposed action on Dr. Anikeev's alleged failure to submit to a Board-ordered examination for chemical dependency on June 4, 2018, and his alleged failure to notify the Board of any circumstances beyond his control preventing him from submitting to the examination. The Board further alleged that, as a result, pursuant to R.C. 4731.22(B)(26), a legal presumption was established that Dr. Anikeev has admitted the factual and legal allegations set forth by the Board in an April 9, 2018 letter ordering him to submit to the examination, thus demonstrating impairment of his ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice. Moreover, the Board advised Dr. Anikeev of his right to request a hearing concerning whether his failure to submit to the examination as directed was due to circumstances beyond his control. On July 9, 2018, the Board received Dr. Anikeev's written request for a hearing. (State's Exhibits ("St. Exs.") 1.A, 1.B)

Dr. Anikeev's hearing was held on July 23, 2018, and a Report and Recommendation was filed on August 3, 2018. (St. Ex. 9) At its meeting on October 10, 2018, the Board referenced information received after the filing of the Report and Recommendation suggesting that Dr. Anikeev had been unable to attend the July hearing due to illness. Accordingly, the Board voted to remand the matter to the Hearing Unit to give Dr. Anikeev an opportunity to present a defense. (St. Ex. 10)

Appearances at the Remand Hearing

Michael DeWine, Ohio Attorney General, Kyle C. Wilcox, Assistant Attorney General, on behalf of the State of Ohio. Dr. Anikeev appeared on his own behalf.

Remand Hearing Date: November 9, 2018

SUMMARY OF THE EVIDENCE

All exhibits and the transcript of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

Evidence Presented at the July 23, 2018 Hearing

1. Dr. Anikeev's license to practice medicine and surgery is currently suspended as a result of the June 13, 2018 summary suspension of his license. (Ohio eLicense Center, <<https://elicense.ohio.gov/>>, search terms "Michael" and "Anikeev," accessed July 27, 2018)
2. By letter dated April 9, 2018, the Board notified Dr. Anikeev that it had reason to believe that he is impaired in violation of R.C. 4731.22(B)(26). The Board ordered Dr. Anikeev to undergo an examination at Shepherd Hill, a Board-approved treatment provider in Newark, Ohio, to determine if he is so impaired. He was ordered to submit to the examination on June 4, 2018, at 8:45 a.m., with W. Andrew Highberger, M.D. (St. Ex. 6) In its letter, the Board advised Dr. Anikeev of the reasons for its order, which included the following:
 - (1) On or about December 27, 2016, the Board ordered you to an examination at Glenbeigh Hospital after having determined that it had a reason to believe that you were in violation of Section 4731.22(B)(26), Ohio Revised Code, to wit: "[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice." That determination was based in part on the fact that on or about the afternoon of June 25, 2016, you were arrested and charged with several criminal charges, including domestic violence, assault, child endangerment, and operating a vehicle under the influence of alcohol. The allegations that led to the charges included the fact that you struck your ex-wife in the arm and face while she was operating a motor vehicle in which you and your minor children were passengers, causing your ex-wife to pull over to the side of the road. Later that day, you were the driver in a motor vehicle accident, and a breath test administered to you soon after the accident resulted in a determination that you had a concentration of 0.276 of one gram by weight of alcohol per two

hundred ten liters of your breath. For these actions, you later pled guilty to operating a vehicle under the influence of alcohol, a misdemeanor of the first degree, and disorderly conduct, a misdemeanor of the fourth degree. Collateral sources informed Glenbeigh Hospital that your conduct on June 25, 2016 was one uncharacteristic single incident of alcohol abuse with resultant problems with no other pattern of problematic drinking, leading Glenbeigh Hospital to conclude that there was insufficient data to support a diagnosis of substance use disorder at that time. However, the Glenbeigh addiction medicine physician also opined that you should be re-evaluated if there were any other alcohol-related incidents.¹

- (2) On or about December 7, 2017, you were arrested and charged with domestic violence against your live-in girlfriend. That charge remains pending. It is alleged that at the time of the incident, you were intoxicated and that your live-in girlfriend sprayed you with pepper spray. It was also reported that you went through the lower level of the house destroying and breaking items, including your television. Further, when interviewed by a Board investigator on or about January 1, 2018, you stated that you have begun attending A.A. meetings. Subsequently, your bond was revoked and you were incarcerated after allegedly violating a no contact order imposed by the Madison County, Ohio Municipal Court.²

(St. Exs. 2, 6)

3. Dr. Anikeev did not appear for the examination which was scheduled to begin on June 4, 2018. (St. Ex. 2 at 6)
4. In June 2017, Dr. Anikeev was hospitalized for approximately three days at Riverside Methodist Hospital ("Riverside") in Columbus, Ohio. According to the medical records, he was transferred to Riverside after several days at Doctors Hospital where he was allegedly admitted with a BAC of 0.298. Pertinent to the current case, Dr. Anikeev was diagnosed at Riverside with alcohol use disorder. However, Riverside is not a Board-approved provider for substance abuse examinations or treatment. (St. Ex. 8) (Board's Treatment & Compliance Programs, List of Approved Treatment Providers <<http://med.ohio.gov/Portals/0/Compliance/Facilities%202018.pdf>>, accessed August 2, 2018)

¹ This information was relied upon by Board staff and the Secretary and Supervising Member of the Board to determine whether there was reason to believe that Dr. Anikeev may be impaired. However, no evidence regarding the criminal case was entered into the hearing record, and the Board may not use this information as a basis for discipline. The State did produce, as State's Exhibit 7, the February 9, 2017 letter from Glenbeigh Hospital which stated that Dr. Anikeev was not impaired but that he should be re-evaluated if other alcohol-related incidents occurred.

² According to documentation provided in State's Exhibit 4, on or about April 27, 2018, in the Municipal Court of Madison County, Ohio, Dr. Anikeev pleaded guilty to an amended charge of disorderly conduct, a fourth-degree misdemeanor. (St. Ex. 4 at 5-6)

Evidence Presented at the November 9, 2018 Remand Hearing

5. Dr. Anikeev testified that he was born in 1967 and is from a small town in Russia called Dimitrovgrad. In 1984, he entered a two-year pre-med program at Samara State University in Samara, Russia, and completed medical school at that same institution in 1992. Dr. Anikeev testified that Samara is a very large city in the Volga region, and that the university is very well regarded and on the approved list for the Educational Commission for Foreign Medical Graduates. Dr. Anikeev further testified that, following his graduation in 1992, he spent two years practicing at intensive care units in Dimitrovgrad, then he returned to Samara and practiced family medicine for five years. (Tr. at 13-14)
6. Dr. Anikeev testified that, in 1997, he came to Wisconsin to visit family who had emigrated to the United States from Russia. After returning to Russia, he worked hard to improve his English language skills and then came back and settled in Madison, Wisconsin. Dr. Anikeev testified that he passed the USMLE exams after about two years, entered the match and, in 2004, began a psychiatry residency at Hennepin County Medical Center ("HCMC") in Minneapolis/St. Paul, Minnesota. Following his residency, Dr. Anikeev completed one year of fellowship in child and adolescent psychiatry in Albuquerque, New Mexico. In 2008, he moved to Ohio and began practicing general psychiatry for Appalachian Behavioral Healthcare ("Appalachian") in Athens, Ohio. (Tr. at 14-16)
7. Dr. Anikeev testified that he remained at Appalachian for almost five years, until March 2013, when he began practicing general psychiatry at the Veterans Administration Ambulatory Care Center in Columbus, Ohio. Dr. Anikeev testified that that position had been "very stressful" and that he stayed for about three and one-half years. Following that, he spent one year practicing at Pickaway Correction Institution, and, in May 2017, he began practicing at Access Ohio, a community-based clinic with three locations in central Ohio. (Tr. at 16-18)
8. Dr. Anikeev was initially licensed to practice medicine and surgery in Ohio in April 2008. As stated previously, his license is currently inactive as a result of the June 13, 2018 summary suspension of his license. (Ohio eLicense Center, <<https://elicense.ohio.gov/>>, search terms "Michael" and "Anikeev," accessed December 4, 2018)
9. Dr. Anikeev was questioned extensively at the hearing concerning the various events that led the Board to order him to an examination at Glenbeigh Hospital in Rock Creek, Ohio, in February 2017, where he was found not to be impaired, and later to a second examination at Shepherd Hill Hospital in Newark, Ohio, on or around June 4, 2018. (Tr. at 19-28) Dr. Anikeev failed to attend the second examination, which led to the summary suspension of his certificate later that month. The purpose of this hearing is to determine whether Dr. Anikeev's failure to attend the second examination was due to circumstances beyond his control. (St. Exs. 1A, 2 – 2C)
10. Dr. Anikeev denied that he has a problem with alcohol. (Tr. at 25)

11. Dr. Anikeev testified that, due to personal and legal difficulties, he resigned from his position at Access Ohio in late March 2018, and he has not practiced since. Dr. Anikeev further testified that he had stopped seeing his psychiatrist in March 2018. (Tr. at 29-30, 33)
12. Dr. Anikeev testified that, along with the difficulties of a stressful job, as well as serious relationship difficulties with his then girlfriend and his ex-wife that were intertwined with his legal difficulties, he became depressed. (Tr. at 28) Dr. Anikeev testified that, by late spring 2018, “[he] couldn’t even function at that point.” (Tr. at 28-29) Dr. Anikeev acknowledged that when he received the Board’s April 9, 2018 letter he knew that he was required to attend the examination at Shepherd Hill on June 4, 2018. Dr. Anikeev testified that, when that date arrived, he was living at a friend’s house in West Liberty, Ohio, had no job, had no money, and that his cell phone was out of service. (Tr. at 32) Dr. Anikeev further testified that he had no car and wasn’t driving, and that he “[p]robably wasn’t even in condition of driving” at that time. (Tr. at 32-33) He also did not have the \$5,000.00 required to pay for the examination. (Tr. at 39)
13. When asked whether depression had affected his ability to attend the Board-ordered examination in June 2018, Dr. Anikeev replied that it did: “I couldn’t leave the room. I couldn’t leave the house. I didn’t eat. I didn’t function at all. I couldn’t drive. I didn’t have a car. I had no means to survive. I was dying in West Liberty, Ohio.” (Tr. at 44-45)
14. Dr. Anikeev testified that he had known that he needed professional help but had difficulty finding a facility that would take him. Finally, on July 31, 2018, he was admitted to Columbus Springs Dublin in Dublin, Ohio. Dr. Anikeev testified that Columbus Springs Dublin is a locked, inpatient facility. Dr. Anikeev testified that, for the first two weeks, he had not responded to treatment and was considering electroconvulsive therapy when he began responding to the medication. (Tr. at 33-35, 45) Dr. Anikeev further testified that “[t]he third week was basically recovery from the side effects and getting stabilized.” (Tr. at 35)
15. Dr. Anikeev remained in inpatient treatment at Columbus Springs Dublin until August 21, 2018, for principle diagnoses of “Major Depressive Disorder, recurrent, severe without psychotic features” and “Alcohol Use Disorder, severe, [remainder of note illegible].” On August 21, 2018, following his release from Columbus Springs Dublin, Dr. Anikeev was admitted to a partial hospitalization program at Ohio Addiction Recovery Center (“OARC”) in Columbus, Ohio.³ (Tr. at 33-35; Respondent’s Exhibit (“Resp. Ex.”) B) The plan at discharge from Columbus Springs Dublin was to “[f]ollow up with AA/sponsor. Follow with Dr. Pelt at OARC while [illegible – doing?] 30 Day mental health [illegible - ! AOD?] treatment.”

³ OARC is not on the list of Board-approved treatment providers. (Board’s Treatment & Compliance Programs, List of Approved Treatment Providers <<http://med.ohio.gov/Portals/0/Compliance/Facilities%202018.pdf>>, accessed December 7, 2018)

16. Dr. Anikeev described OARC:

[T]hey have what is called Partial Hospitalization Program, PHP. That's basically a supervised facility where I was getting the same care participating in counseling addressing the alcohol, drug usage there. I had random drug screens, everything. And I thought -- I didn't have to go. I asked for that.

(Tr. at 36)

17. In a letter dated October 8, 2018, Matt McTeague, LISW, MSW, Primary Clinical Therapist at OARC, wrote:

Michael Anikeev was admitted to our program on 08/21/2018. Mr. Anikeev left treatment against clinical advice on 9/20/2018 and did not complete treatment. While Mr. Anikeev was at our facility he maintained his sobriety and passed all drug screens. Michael Anikeev attended educational groups and attended a daily NA/AA meeting. While in our residential program he met with a medical doctor weekly for medication management.

(Resp. Ex. A)

18. With respect to leaving OARC against clinical advice, Dr. Anikeev testified:

I have to explain the first line. My ex-wife where I'm staying right now and raising my boys was participating in that situation of where the very last day, they had sort of a family session, and it was late in the evening starting at 6:00 and we left at 7:35 and they said I had to stay until almost 9:00 in the evening and I couldn't because the boys were with a baby-sitter, and I explained it to him. And he said, well, that's what it is. I said, that's fine with me because in my 30 days. It's life. It's a reality. You have three little boys, you take care of them.

(Tr. at 36-37)

19. Dr. Anikeev testified that he has been applying for other jobs and is receiving job offers for psychiatry. With respect to his current means of support, Dr. Anikeev testified:

I have some friends in Russia. They're actually my relatives, my cousins. So I talked to them just for these two, three months until things sort of slow down because I don't know what is going to happen with the board decision because, you know, and I talked to my ex-wife, she's more willing to understand now, comprehend that I may have three days, I may have 30, I don't know.

(Tr. at 38)

20. Dr. Anikeev testified that, at the time of the hearing, he did not have the \$5,000.00 to pay for an examination. When asked if he is going to attempt to obtain the funds necessary to attend the Board-ordered examination, he replied, "Yes, like I did. We can work -- I called Shepherd Hill. I called the doctor, and I left a message if they have some kind of payment plan, if they have something." (Tr. at 38-40)
21. When asked whether the name of the facility where he was treated was Columbus Springs Dublin or Dublin Springs, Dr. Anikeev replied, "There are two hospitals now. I think they called one Columbus Springs Dublin and there's also Dublin Springs." (Tr. at 46)
Notably, the documents included in Respondent's Exhibit B reference both Columbus Springs Dublin and Dublin Springs.⁴ (Resp. Ex. B)
22. In conclusion, Dr. Anikeev stated, "Like I said, I'm compliant. I'm willing to do everything I can possibly do. And financially right now it's very difficult. Day-by-day with the grace of God I'm making it, so I guess if I can practice again, I'm ready." (Tr. at 47)
23. At the hearing, Dr. Anikeev waived his Eastway objection⁵ to the extent that continued psychiatric counseling and obtaining reports from Dr. Anikeev's psychiatrist could be included in the order. (Tr. at 47-50)

RELEVANT STATUTE

R.C. 4731.22(B)(26) concerns the "[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice." It further provides, in relevant part:

For the purposes of this division, any individual authorized to practice by this chapter accepts the privilege of practicing in this state subject to supervision by the board. By filing an application for or holding a license or certificate to practice under this chapter, an individual shall be deemed to have given consent to submit to a mental or physical examination when ordered to do so by the board in

⁴ The Board's list of approved treatment providers for controlled substance examinations and treatment includes an entity named Dublin Springs in Dublin, Ohio. (Board's Treatment & Compliance Programs, List of Approved Treatment Providers <<http://med.ohio.gov/Portals/0/Compliance/Facilities%202018.pdf>>, accessed December 7, 2018)

⁵ In *In re Eastway* (1994), 95 Ohio App.3d 516, 642 N.E.2d 1135, cert. denied, the Franklin County Court of Appeals held that the Board could not require psychiatric treatment as a condition of probation when it had not charged a physician with being mentally impaired. In such a situation, a Board order that includes such sanctions is not supported by reliable, probative, and substantial evidence and is not in accordance with the law. See also *Lawrence S. Krain, M.D. v. State Medical Board of Ohio* (Oct. 29, 1998), Franklin App. No. 97APE08-981, unreported. However, a respondent may waive his or her objection to a Board order that includes such sanctions.

writing, and to have waived all objections to the admissibility of testimony or examination reports that constitute privileged communications.

If it has reason to believe that any individual authorized to practice by this chapter or any applicant for licensure or certification to practice suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician who is qualified to conduct the examination and who is chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or certificate or deny the individual's application and shall require the individual, as a condition for initial, continued, reinstated, or renewed licensure or certification to practice, to submit to treatment.

Before being eligible to apply for reinstatement of a license or certificate suspended under this division, the impaired practitioner shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care under the provisions of the practitioner's license or certificate. * * *

* * *

(R.C. 4731.22[B][26]) (Emphasis added)

The remainder of the statute sets forth, in detail, the requirements that must be fulfilled by an applicant/licensee prior to being reinstated to practice, and subsequent probationary monitoring following reinstatement. (R.C. 4731.22[B][26])

FINDINGS OF FACT

1. In a certified letter dated April 9, 2018, the Board notified Michael Herman Anikeev, M.D., of its determination that it had reason to believe that Dr. Anikeev was in violation of R. C. 4731.22(B)(26) and ordered him to undergo a 72-hour inpatient examination to determine if he is in violation of 4731.22(B)(26). The Board's determination was based upon one or more of the reasons outlined in the letter, which included two alcohol-related criminal cases.

2. The April 9, 2018 certified letter further notified Dr. Anikeev that, pursuant to R. C. 4731.22(B)(26), he was ordered to submit to an examination at Shepherd Hill Hospital, a Board-approved treatment provider, with W. Andrew Highberger, M.D., on June 4, 2018 at 8:45 a.m.

The April 9, 2018 certified letter further notified Dr. Anikeev that failure to submit to the examination as directed constitutes an admission of the allegations against him unless the failure is due to circumstances beyond his control. Finally, the letter notified Dr. Anikeev that, if he failed to submit to the examination and such failure was not due to circumstance beyond his control, then the Board would be authorized to enter a default and final order without the taking of testimony or presentation of evidence.

3. By letter dated June 4, 2018, Dr. Highberger notified the Board that Dr. Anikeev failed to appear at Shepherd Hill for the examination the Board scheduled for him.
4. Dr. Anikeev provided convincing evidence at the hearing on remand that his failure to attend the Board-ordered examination on June 4, 2018, was due at least in part to severe depression. His depression required three weeks of inpatient treatment to bring under control, followed by thirty days of participation in a partial hospitalization program.
5. There is no evidence that Dr. Anikeev has entered into inpatient or residential treatment as required by Rule 4731-16-02, Ohio Administrative Code.

CONCLUSIONS OF LAW

1. R.C. 4731.22(B)(26) provides that any individual authorized to practice accepts the privilege of practicing in this state subject to supervision by the Board; that by filing an application for or holding a license or certificate to practice, an individual shall be deemed to have given consent to submit to a mental or physical examination when ordered to do so by the Board in writing; and that the expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination ordered by the Board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence.

Further, R.C. 4731.22(B)(26), additionally provides that if the Board determines that an individual's ability to practice is impaired, the Board shall suspend the individual's license or certificate and shall require the individual, as a condition for continued, reinstated, or renewed certification to practice, to submit to treatment and, before being eligible to apply for reinstatement, to demonstrate to the Board the ability to resume practice in compliance with acceptable and prevailing standards of care, including completing required treatment, providing evidence of compliance with an aftercare contract or written consent agreement, and providing written reports indicating that the individual's ability to practice has been

assessed by individuals or providers approved by the Board and that the individual has been found capable of practicing according to acceptable and prevailing standards of care.

Further, Rule 4731-16-02(B)(1), Ohio Administrative Code, provides that if an examination discloses impairment, or if the Board has other reliable, substantial and probative evidence demonstrating impairment, the Board shall initiate proceedings to suspend the licensee, and may issue an order of summary suspension as provided in R.C. 4731.22(G).

2. The Hearing Examiner believes that the evidence as set forth in the Findings of Fact supports a conclusion that Dr. Anikeev's failure to appear for the June 4, 2018 Board-ordered examination was due at least in part to circumstances beyond his control; namely, a severe depressive episode that required three weeks of inpatient treatment to bring under control.

RATIONALE FOR THE PROPOSED ORDER

The evidence supports a conclusion that Dr. Anikeev's failure to appear for the scheduled Board-ordered examination was due to circumstances beyond his control. Accordingly, Dr. Anikeev has established a basis for granting him an additional opportunity to attend the required examination.

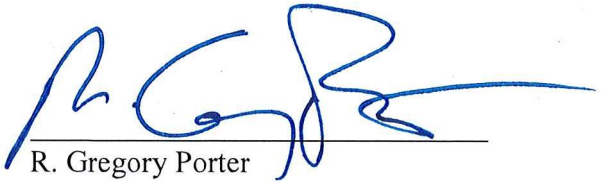
No violation was found in this matter; accordingly, no civil penalty is authorized.

PROPOSED ORDER

It is hereby ORDERED that:

The 72-hour examination of Michael Herman Anikeev, M.D., pursuant to R.C. 4731.22(B)(26), which was previously scheduled to take place in June 2018, shall be rescheduled to take place within a reasonable period of time following the effective date of this Order.

This Order shall become effective immediately upon the mailing of the notification of approval by the Board.


R. Gregory Porter
Hearing Examiner



EXCERPT FROM THE DRAFT MINUTES OF JANUARY 9, 2019

REPORTS AND RECOMMENDATIONS

Dr. Schachat announced that the Board would now consider the Reports and Recommendations appearing on its agenda.

Dr. Schachat asked whether each member of the Board had received, read and considered the hearing records, the Findings of Fact, Conclusions of Law, Proposed Orders, and any objections filed in the matters of: Michael Herman Anikeev, M.D.; Larry Lee Doss, M.D.; and Mohammad Moayeri, M.D. A roll call was taken:

ROLL CALL:	Dr. Saferin	- aye
	Mr. Giacalone	- aye
	Dr. Edgin	- aye
	Dr. Schottenstein	- aye
	Dr. Schachat	- aye
	Mr. Gonidakis	- aye
	Dr. Factora	- aye
	Ms. Montgomery	- aye
	Dr. Johnson	- aye
	Dr. Bechtel	- aye

Dr. Schachat asked whether each member of the Board understands that the 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. A roll call was taken:

ROLL CALL:	Dr. Saferin	- aye
	Mr. Giacalone	- aye
	Dr. Edgin	- aye
	Dr. Schottenstein	- aye
	Dr. Schachat	- aye
	Mr. Gonidakis	- aye
	Dr. Factora	- aye
	Ms. Montgomery	- aye
	Dr. Johnson	- aye
	Dr. Bechtel	- aye

Dr. Schachat noted that, in accordance with the provision in section 4731.22(F)(2), Ohio Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of any disciplinary

matters. In the matters before the Board today, Dr. Rothermel served as Secretary and Dr. Saferin served as Supervising Member. In addition, Dr. Bechtel served as Secretary and/or Supervising Member in the matters of Dr. Doss and Dr. Moayeri

Dr. Schachat reminded all parties that no oral motions may be made during these proceedings.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

.....
MICHAEL HERMAN ANIKEEV, M.D.
.....

Dr. Bechtel moved to approve and confirm Mr. Porter's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Michael Herman Anikeev, M.D. Mr. Giacalone seconded the motion.

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

Dr. Factora led the discussion concerning the matter of Dr. Anikeev by presenting the information provided in the Report and Recommendation

Dr. Factora agreed with the Findings of Fact and Conclusions of Law. Dr. Anikeev has had multiple episodes of alcohol use and abuse. It is clear that the alcohol abuse has impaired his ability to practice medicine and surgery according to acceptable standards of care. Dr. Anikeev failed to submit to a board ordered evaluation. Dr. Factora was convinced that it was due to circumstances beyond his control. Dr. Anikeev also appears to have depression but it did not affect his practice.

Dr. Factora agreed with the proposed board order that Dr. Anikeev submit to an examination for chemical dependency at a board-approved provider or location. Dr. Factora further stated that Dr. Anikeev will probably be diagnosed with alcohol dependency disorder, and it would be reasonable to consider additional parameters beyond just the 72-hour requirement. As there is a co-existing depression disorder, it would be reasonable to have additional components of the board order addressing the management of the co-morbidity depression. Dr. Factora stated that it would be reasonable to include this in the Board's Order because Dr. Anikeev waived his Eastway objection. Dr. Factora called for further discussion and any amendment proposals by fellow board members.

Ms. Montgomery supports the State's objection to the Report and Recommendation based on her years of experience and background prosecuting those denying problems with alcoholism. Ms. Montgomery is sympathetic to Dr. Anikeev's concerns with alcoholism and depression, but she agrees that his attendance was not beyond his control. The rules are you have to go and money is not an excuse. Ms. Montgomery was concerned that the licensee would continue a cycle of offering excuses of why he was unable to attend treatment or evaluation. She stated that she does not believe Dr. Anikeev should be practicing. Ms. Montgomery recommends that the Board amend the Findings of Fact under No. 4 and the Conclusion of Law under No. 2 according to Mr. Wilcox's suggestions and that there by an amended Proposed Order to revoke Dr. Anikeev's license.

Ms. Montgomery moved to amend the Findings of Fact No. 4; Conclusion of Law No. 2; and amend the Proposed Order to revocation. Mr. Giacalone seconded the motion for discussion purposes.

Dr. Schottenstein supported Ms. Montgomery's statements. If an individual's depression is so severe that it prevents them from attending a board-ordered examination, they should have sought treatment/hospitalization immediately following the missed evaluation, not months later. Depression and alcoholism are often co-morbid conditions and if we allow this reason for not attending an evaluation, all licensees could use this excuse for not following board orders. We have not historically conceptualized lack of transportation and money as circumstances beyond one's control.

Dr. Schottenstein stated he would like to save the doctor's life. Dr. Schottenstein proposed an amendment to Ms. Montgomery's amendment: amend Finding of Fact No. 4 to state that Dr. Anikeev did not provide sufficient evidence of circumstances beyond his control; amended Conclusion of Law No. 2 to state that Dr. Anikeev did not provide sufficient evidence or circumstances beyond his control; there fore the allegations in the Notice of Opportunity are admitted to by Dr. Anikeev in default of finding of impairment disorder pursuant to Ohio Revised Code 4731.22 (B)(26). Dr. Schottenstein wants to also amend the proposed order to make it a standard impairment order with the usual license suspension with standard reinstatement conditions and standard probationary terms.

Dr. Schottenstein moved to amend Findings of Fact No. 4 of the Report and Recommendation to find that there was not sufficient evidence of circumstances beyond Dr. Anikeev's control; amended Conclusion of Law No. 2 to state that Dr. Anikeev did not provide sufficient evidence or circumstances that were beyond his control; and amend the Proposed Order to read as follows:

It is hereby ORDERED that:

- A. **SUSPENSION OF LICENSE:** The license of Michael Herman Anikeev, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time.
- B. **INTERIM MONITORING:** During the period that Dr. Anikeev's license to practice medicine and surgery in Ohio is suspended, Dr. Anikeev shall comply with the following terms, conditions, and limitations:
1. **Obey the Law:** Dr. Anikeev shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.
 2. **Declarations of Compliance:** Dr. Anikeev shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which this Order becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
 3. **Personal Appearances:** Dr. Anikeev shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective, or as otherwise directed by the Board. Subsequent personal appearances shall occur every three months thereafter, and/or as otherwise directed by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
 4. **Sobriety**
 - a. **Abstention from Drugs:** Dr. Anikeev shall abstain completely from the personal use or personal possession of drugs, except those prescribed, dispensed, or administered to him by another so authorized by law who has full knowledge of Dr. Anikeev's history of chemical dependency and/or abuse and who may lawfully prescribe for him (for example, a physician who is not a family member).

Further, in the event that Dr. Anikeev is so prescribed, dispensed, or administered any drug that is required to be reported to the Ohio Automated Rx Reporting System ("OARRS"), including any Schedule II-V controlled substance, Dr. Anikeev shall notify the Board in writing within seven days, providing the Board with the identity of the prescriber, the name of the drug Dr. Anikeev received, the medical purpose for which he received the drug, the

date the drug was initially received, and the dosage, amount, number of refills, and directions for use.

Further, within 30 days of the date the drug is so prescribed, dispensed, or administered to him, Dr. Anikeev shall provide the Board with either a copy of the written prescription or other written verification from the prescriber, including the dosage, amount, number of refills, and directions for use.

- b. **Abstinence from Alcohol:** Dr. Anikeev shall abstain completely from the use of alcohol.

5. **Toxicology Screens; Designated Testing Facility and Collection Site**

- a. Dr. Anikeev shall submit to random toxicology screenings of biological materials (including but not limited to blood, urine, hair, saliva, breath, or fingernail samples) for drugs and alcohol at least four times per month, or as otherwise directed by the Board. Dr. Anikeev shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug-testing panel utilized must be acceptable to the Secretary of the Board, and shall include Dr. Anikeev's drug(s) of choice. The screening process for random testing shall require a daily call-in and/or log-in procedure, as set forth below in Paragraph B.5.f., and Dr. Anikeev shall call or log in each day during the appropriate time window.
- b. Dr. Anikeev shall abstain from the use of any substance that may produce a positive result on a toxicology screen, including the consumption of poppy seeds or other food or liquid that may produce a low-level positive result on a toxicology screen. Dr. Anikeev shall be held to an understanding and knowledge that the consumption or use of various substances, including but not limited to mouthwashes, hand-cleaning gels, and cough syrups, may cause a positive toxicology screen; that unintentional ingestion of a substance is not distinguishable from intentional ingestion on a toxicology screen; and that, therefore, consumption or use of substances that may produce a positive result on a toxicology screen is prohibited under this Order. Further, Dr. Anikeev shall ensure his use of over-the-counter medications complies with the "Guide to Alcohol-Free Products" brochure as utilized by the Board's Compliance division.
- c. Dr. Anikeev shall submit, at his expense and on the day selected, specimens for drug and/or alcohol analysis. All specimens submitted by Dr. Anikeev shall be negative, except for those substances prescribed, administered, or dispensed to him in conformance with the terms, conditions and limitations set forth in this Order. Refusal to submit such specimen, or failure to submit such specimen on

the day he is selected or in such manner as the Board may request, shall constitute a violation of this Order.

- d. All toxicology screenings for drugs and alcohol shall be conducted through a Board-approved drug testing facility and Board-approved collection site pursuant to the global contract between said facility (“designated testing facility”) and the Board, that provides for the Board to maintain ultimate control over the toxicology screening process and to preserve the confidentiality of positive screening results in accordance with Section 4731.22(F)(5), Ohio Revised Code. The screening process for random testing shall require a daily call-in and/or log-in procedure. Dr. Anikeev’s failure to timely call or log in each day as directed by the Board shall constitute a violation of this Order.
- e. Within 30 days of the effective date of this Order, Dr. Anikeev shall enter into the necessary financial and/or contractual arrangements with the designated testing facility in order to facilitate the screening process in the manner required by this Order.

Further, Dr. Anikeev shall promptly provide to the Board written documentation of completion of such arrangements, including a copy of any contract entered into between Dr. Anikeev and the designated testing facility. Dr. Anikeev’s failure to timely complete such arrangements, or failure to timely provide written documentation to the Board of completion of such arrangements, shall constitute a violation of this Order.

- f. Dr. Anikeev shall ensure that the toxicology screening process performed through the designated testing facility requires a daily call-in and/or log-in procedure, that the specimens are obtained on a random basis, and that the giving of the specimen is witnessed by a reliable person. In addition, Dr. Anikeev and the designated testing facility shall ensure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening result.
- g. Dr. Anikeev shall ensure that the designated testing facility provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all toxicology screens have been conducted in compliance with this Order, and whether all toxicology screens have been negative.
- h. In the event that the designated testing facility becomes unable or unwilling to serve as required by this Order, Dr. Anikeev shall immediately notify the Board in writing, and make arrangements acceptable to the Board, pursuant to Paragraph B.6, below, as soon as practicable. Dr. Anikeev shall further ensure that the designated testing facility also notifies the Board directly of its inability to continue to serve and the reasons therefor.

- i. The Board, in its sole discretion, may withdraw its approval of any designated testing facility in the event that the Secretary and Supervising Member of the Board determine that the designated testing facility has demonstrated a lack of cooperation in providing information to the Board or for any other reason.
6. **Alternate Testing Facility:** It is the intent of this Order that Dr. Anikeev shall submit specimens to the designated testing facility chosen by the Board. However, in the event that utilizing said designated testing facility creates an extraordinary hardship upon Dr. Anikeev, as determined in the sole discretion of the Board, the Board may approve an alternate testing facility provided the Board determines in its sole discretion that the alternate testing facility is acceptable for the purpose of conducting the random toxicology testing required by this Order.

The Board, in its sole discretion, may disapprove any entity or facility proposed to serve as Dr. Anikeev's alternate testing facility, or may withdraw its approval of any entity or facility previously approved to so serve in the event that the Secretary and Supervising Member of the Board determine that any such entity or facility has demonstrated a lack of cooperation in providing information to the Board or for any other reason.
7. **Reports Regarding Toxicology Screens:** All screening reports required under this Order from the designated testing facility or the alternate testing facility shall be received in the Board's offices no later than the due date for Dr. Anikeev's declarations of compliance. It is Dr. Anikeev's responsibility to ensure that reports are timely submitted.
8. **Additional Screening Without Prior Notice:** Upon the Board's request and without prior notice, Dr. Anikeev shall provide a specimen of his biological materials (including but not limited to blood, urine, hair, saliva, breath, or fingernail samples) for screening for drugs and alcohol, for analysis of therapeutic levels of medications that may be prescribed for Dr. Anikeev, or for any other purpose, at Dr. Anikeev's expense. Dr. Anikeev's refusal to submit a specimen upon the request of the Board shall result in a minimum of one year of actual license suspension. Further, the collection of such specimens shall be witnessed by a representative of the Board, or another person acceptable to the Secretary and Supervising Member of the Board.
9. **Rehabilitation Program:** Dr. Anikeev shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., C.A., or Caduceus, no less than three times per week, or as otherwise ordered by the Board. Substitution of any other specific program must receive prior Board approval.

Dr. Anikeev shall submit acceptable documentary evidence of continuing compliance with this program, including submission to the Board of meeting attendance logs,

which shall be received in the Board's offices no later than the due date for Dr. Anikeev's declarations of compliance.

10. **Comply with the Terms of Aftercare Contract:** Dr. Anikeev shall maintain continued compliance with the terms of the aftercare contract(s) entered into with his treatment provider(s), provided that, where terms of an aftercare contract conflict with terms of this Order, the terms of this Order shall control.
11. **Continue Psychiatric Treatment:** Within thirty days of the effective date of this Order, Dr. Anikeev shall submit to the Board for its prior approval the name and curriculum vitae of a psychiatrist of Dr. Anikeev's choice. The Board may consider Dr. Anikeev's current psychiatrist as an approved provider. Dr. Anikeev shall continue psychiatric treatment until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require reports from the approved treating psychiatrist. The psychiatric reports shall contain information describing Dr. Anikeev's current treatment plan and any changes that have been made to the treatment plan since the prior report; his compliance with the treatment plan; his psychiatric status; his progress in treatment; and results of any laboratory or other studies that have been conducted since the prior report. Dr. Anikeev shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Anikeev's declarations of compliance.

Dr. Anikeev shall ensure that his treating psychiatrist immediately notifies the Board of Dr. Anikeev's failure to comply with his psychiatric treatment plan and/or any determination that Dr. Anikeev is unable to practice due to his psychiatric disorder.

In the event that the designated psychiatrist becomes unable or unwilling to serve in this capacity, Dr. Anikeev shall immediately so notify the Board in writing and make arrangements acceptable to the Board for another psychiatrist as soon as practicable. Dr. Anikeev shall further ensure that the previously designated psychiatrist also notifies the Board directly of his or her inability to continue to serve and the reasons therefor.

The Board, in its sole discretion, may disapprove any psychiatrist proposed to serve as Dr. Anikeev's designated treating psychiatrist, or may withdraw its approval of any psychiatrist previously approved to serve as Dr. Anikeev's designated treating psychiatrist, in the event that the Secretary and Supervising Member of the Board determine that any such psychiatrist has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

12. **Releases:** Dr. Anikeev shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for

Dr. Anikeev's alcohol or chemical use disorder and/or related conditions, or for purposes of complying with this Order, whether such treatment or evaluation occurred before or after the effective date of this Order. To the extent permitted by law, the above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43, Ohio Revised Code, and are confidential pursuant to statute.

Dr. Anikeev shall also provide the Board written consent permitting any psychiatrist, counselor, or other treatment provider from whom he obtains treatment to notify the Board in the event Dr. Anikeev fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Order.

13. **Absences from Ohio:** Dr. Anikeev shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the suspension/probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed. Further, the Secretary and Supervising Member of the Board shall have the discretion to waive part or all of the monitoring terms set forth in this Order for occasional periods of absence of 14 days or less.

In the event that Dr. Anikeev resides and/or is employed at a location that is within 50 miles of the geographic border of Ohio and a contiguous state, Dr. Anikeev may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Dr. Anikeev is otherwise able to maintain full compliance with all other terms, conditions and limitations set forth in this Order.

Further, in the event that Dr. Anikeev does not reside or practice in Ohio while subject to the requirements of this Order, the Secretary and Supervising Member of the Board, in their sole discretion, may allow this Board's monitoring of Dr. Anikeev to be coordinated with an entity or board from another jurisdiction provided the Secretary and Supervising Member determine that such coordination ensures substantial compliance with the requirements of this Order.

14. **Required Reporting of Change of Address:** Dr. Anikeev shall notify the Board in writing of any change of residence address and/or principal practice address within 30 days of the change.

- C. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Anikeev's license to practice medicine and surgery until all of the following conditions have been met:

1. **Application for Reinstatement or Restoration:** Dr. Anikeev shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
2. **Compliance with Interim Conditions:** Dr. Anikeev shall have maintained compliance with all the terms and conditions set forth in Paragraph B of this Order.
3. **Demonstration of Ability to Resume Practice:** Dr. Anikeev shall demonstrate to the satisfaction of the Board that he can practice in compliance with acceptable and prevailing standards of care under the provisions of his license. Such demonstration shall include but shall not be limited to the following:
 - a. Certification from a treatment provider approved under Section 4731.25, Ohio Revised Code, that Dr. Anikeev has successfully completed any required inpatient treatment, including at least 28 days of inpatient or residential treatment for substance use disorder, as set forth in Rules 4731-16-02 and 4731-16-08, Ohio Administrative Code, completed consecutively.
 - b. Evidence of continuing full compliance, or successful completion of, a post-discharge aftercare contract with a treatment provider approved under Section 4731.25, Ohio Revised Code. Such evidence shall include, but shall not be limited to, a copy of the signed aftercare contract. The aftercare contract must comply with Rule 4731-16-10, Ohio Administrative Code.
 - c. Evidence of continuing full compliance with this Order.
 - d. Two written reports indicating that Dr. Anikeev's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall have been made by physicians knowledgeable in the area of addictionology and who are either affiliated with a current Board-approved treatment provider or otherwise have been approved in advance by the Board to provide an assessment of Dr. Anikeev. Further, the two aforementioned physicians shall not be affiliated with the same treatment provider or medical group practice. Prior to the assessments, Dr. Anikeev shall provide the evaluators with copies of patient records from any evaluation and/or treatment that he has received, and a copy of this Order. The reports of the evaluators shall include any recommendations for treatment, monitoring, or supervision of Dr. Anikeev, and any conditions, restrictions, or limitations that should be imposed on Dr. Anikeev's practice. The reports shall also describe the basis for the evaluator's determinations.

The first two such assessments sought by Dr. Anikeev shall constitute the basis for the two reports required under this Order regardless of whether Dr. Anikeev

agrees with the report(s) provided by the physician evaluator(s) and regardless of whether he obtains subsequent assessment(s).

All reports required pursuant to this paragraph shall be based upon examinations occurring within the three months immediately preceding any application for reinstatement or restoration. Further, at the discretion of the Secretary and Supervising Member of the Board, the Board may request an updated assessment and report if the Secretary and Supervising Member determine that such updated assessment and report is warranted for any reason.

4. **Additional Evidence of Fitness To Resume Practice:** In the event that Dr. Anikeev has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222 Ohio Revised Code, to require additional evidence of his fitness to resume practice.
- D. **PROBATION:** Upon reinstatement or restoration, Dr. Anikeev's license shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:
1. **Terms, Conditions, and Limitations Continued from Suspension Period:** Dr. Anikeev shall continue to be subject to the terms, conditions, and limitations specified in Paragraph B of this Order.
 2. **Modification of Terms; Exception:** Dr. Anikeev shall not request modification of the terms, conditions, or limitations of probation for at least (*specify time*) after imposition of these probationary terms, conditions, and limitations, except that Dr. Anikeev may make such request with the mutual approval and joint recommendation of the Secretary and Supervising Member.
 3. **Monitoring Physician:** Within 30 days of the date of Dr. Anikeev's reinstatement or restoration, or as otherwise determined by the Board, Dr. Anikeev shall submit in writing the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary and Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary and Supervising Member will give preference to a physician who practices in the same locale as Dr. Anikeev and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Anikeev and his medical practice and shall review Dr. Anikeev's patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Anikeev and his medical practice, and on the review of Dr. Anikeev's patient charts. Dr. Anikeev shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Anikeev's declarations of compliance.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Anikeev shall immediately so notify the Board in writing. In addition, Dr. Anikeev shall make arrangements acceptable to the Board for another monitoring physician within 30 days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Dr. Anikeev shall further ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefor.

The Board, in its sole discretion, may disapprove any physician proposed to serve as Dr. Anikeev's monitoring physician, or may withdraw its approval of any physician previously approved to serve as Dr. Anikeev's monitoring physician, in the event that the Secretary and Supervising Member of the Board determine that any such monitoring physician has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

4. **Tolling of Probationary Period While Out of Compliance:** In the event Dr. Anikeev is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.
- E. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Anikeev's license will be fully restored.
- F. **VIOLATION OF THE TERMS OF THIS ORDER:** If Dr. Anikeev violates the terms of this Order in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his license.
- G. **REQUIRED REPORTING TO THIRD PARTIES; VERIFICATION:**
 1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Anikeev shall provide a copy of this Order to all employers or entities with which he is under contract to provide healthcare services (including but not limited to third-party payors), or is receiving training, and the Chief of Staff at each hospital or healthcare center where he has privileges or appointments. Further, Dr. Anikeev shall promptly provide a copy of this Order to all

employers or entities with which he contracts in the future to provide healthcare services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or healthcare center where he applies for or obtains privileges or appointments.

In the event that Dr. Anikeev provides any healthcare services or healthcare direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, within 30 days of the effective date of this Order, he shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

Further, within 30 days of the date of each such notification, Dr. Anikeev shall provide documentation acceptable to the Secretary and Supervising Member of the Board demonstrating that the required notification has occurred.

This requirement shall continue until Dr. Anikeev receives from the Board written notification of the successful completion of his probation.

2. **Required Reporting to Other Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Anikeev shall provide a copy of this Order by certified mail to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Administration, through which he currently holds any professional license or certificate. Also, Dr. Anikeev shall provide a copy of this Order by certified mail at the time of application to the proper licensing authority of any state or jurisdiction in which he applies for any professional license or reinstatement/restoration of any professional license.

Additionally, within 30 days of the effective date of this Order, Dr. Anikeev shall provide a copy of this Order to any specialty or subspecialty board of the American Board of Medical Specialties or the American Osteopathic Association Bureau of Osteopathic Specialists under which he currently holds or has previously held certification.

Further, within 30 days of the date of each such notification, Dr. Anikeev shall provide documentation acceptable to the Secretary and Supervising Member of the Board demonstrating that the required notification has occurred.

This requirement shall continue until Dr. Anikeev receives from the Board written notification of the successful completion of his probation.

3. **Required Reporting to Treatment Providers/Monitors:** Dr. Anikeev shall promptly provide a copy of this Order to all persons and entities that provide him treatment or monitoring for alcohol or chemical use disorder. Further, within 30 days

of the date of each such notification, Dr. Anikeev shall provide documentation acceptable to the Secretary and Supervising Member of the Board demonstrating that the required notification has occurred. This requirement shall continue until Dr. Anikeev receives from the Board written notification of the successful completion of his probation.

EFFECTIVE DATE OF ORDER: This Order shall become effective immediately upon the mailing of the notification of approval by the Board.

Dr. Schottenstein felt confident that Dr. Anikeev would be capable of following a board order following appropriate treatment, therefore he did not support revocation. If, following the opportunity to follow the board order with appropriate treatment and Dr. Anikeev has still not complied, then the Board could at that time consider revocation. Dr. Schottenstein further stated that because the doctor's mental health has played a substantial role in this case, he would include B19 provisions for psychiatric treatment since Dr. Anikeev did sign the Eastway waiver.

Ms. Montgomery stated that she is willing to accept Dr. Schottenstein's changes to her amendment. Mr. Giacalone supports including a 90-day suspension as there needs to be a repercussion to not attending the evaluation. Dr. Schottenstein confirmed that there is an indefinite 90-day suspension included in his proposed amended order.

A vote was taken on Dr. Schottenstein's motion to amend:

ROLL CALL:	Dr. Saferin	- abstain
	Mr. Giacalone	- aye
	Dr. Edgin	- aye
	Dr. Schottenstein	- aye
	Dr. Schachat	- aye
	Mr. Gonidakis	- aye
	Dr. Factora	- aye
	Ms. Montgomery	- aye
	Dr. Johnson	- aye
	Dr. Bechtel	- aye

The motion to amend carried.

Dr. Schottenstein moved to approve and confirm Mr. Porter's Findings of Fact, Conclusions of Law, and Proposed Order, as amended, in the matter of Michael Herman Anikeev, M.D. Dr. Edgin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Saferin	- abstain
	Mr. Giacalone	- aye
	Dr. Edgin	- aye

Dr. Schottenstein	- aye
Dr. Schachat	- aye
Mr. Gonidakis	- aye
Dr. Factora	- aye
Ms. Montgomery	- aye
Dr. Johnson	- aye
Dr. Bechtel	- aye

The motion to approve carried.



State Medical Board of

Ohio

June 13, 2018

Case number: 18-CRF- 0065

Michael Herman Anikeev, M.D.
3832 Township Road 165
West Liberty, OH 43357-9592

Dear Dr. Anikeev:

Enclosed please find certified copies of the Entry of Order, Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Impairment, and an excerpt of the Minutes of the State Medical Board, meeting in regular session on June 13, 2018, including a Motion adopting the Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Impairment.

You are advised that continued practice after receipt of this Order shall be considered practicing without a certificate/license, in violation of Section 4731.41, Ohio Revised Code.

Pursuant to Chapter 119, Ohio Revised Code, you are hereby advised that you are entitled to a hearing concerning whether your failure to submit to the examination as directed was due to circumstances beyond your control as set forth in the Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Impairment. If you wish to request such hearing, that request must be made in writing and be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice. Further information concerning such hearing is contained within the Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Impairment.

THE STATE MEDICAL BOARD OF OHIO

Kim G. Rothermel, M.D.
Secretary

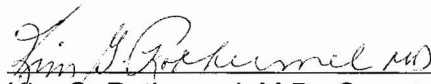
KGR/JBR/bjr
Enclosures

Mailed 6-14-18

CERTIFICATION

I hereby certify that the attached copies of the Entry of Order of the State Medical Board of Ohio and the Motion by the State Medical Board, meeting in regular session on June 13, 2018, to Adopt the Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Impairment, constitute true and complete copies of the Motion and Order in the Matter of Michael Herman Anikeev, M.D., Case number: 18-CRF- 0005 _____ as they appear in the Journal of the State Medical Board of Ohio.

This certification is made under the authority of the State Medical Board of Ohio and in its behalf.



Kim G. Rothermel, M.D., Secretary

(SEAL)

June 13, 2018
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

MICHAEL HERMAN ANIKEEV, M.D.

CASE NUMBER: 18-CRF- 0065

:
:
:
:
:
:

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 13th day of June, 2018.

Pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Kim Rothermel, M.D., Secretary, and Bruce Saferin, D.P.M., Supervising Member; and

Pursuant to their determination, based upon their review of the information supporting the allegations as set forth in the Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Impairment, that there is clear and convincing evidence that Michael Herman Anikeev, M.D., has violated Section 4731.22(B)(26), Ohio Revised Code, as alleged in the Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Impairment that is enclosed herewith and fully incorporated herein; and

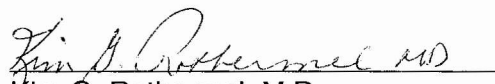
Pursuant to their further determination, based upon their review of the information supporting the allegations as set forth in the Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Impairment, that Dr. Anikeev's continued practice presents a danger of immediate and serious harm to the public;

The following Order is hereby entered on the Journal of the State Medical Board of Ohio for the 13th day of June, 2018:

It is hereby ORDERED that the certificate of Michael Herman Anikeev, M.D., to practice medicine and surgery in the State of Ohio be summarily suspended.

It is hereby ORDERED that Michael Herman Anikeev, M.D., shall immediately cease the practice of medicine and surgery in Ohio and immediately refer all active patients to other appropriate physicians.

This Order shall become effective immediately.


Kim G. Rothermel, M.D.
Secretary

(SEAL)

June 13, 2018
Date



State Medical Board of

Ohio

30 E. Broad St., 3rd Floor
Columbus, Ohio 43215
(614) 468-3934
www.med.ohio.gov

EXCERPT FROM THE DRAFT MINUTES OF JUNE 13, 2018

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

MICHAEL HERMAN ANIKEEV, M.D. – OPPORTUNITY FOR HEARING ON FAILURE TO SUBMIT TO AN EXAMINATION AND NOTICE OF SUMMARY SUSPENSION BASED UPON PRESUMPTION OF AN ADMISSION OF IMPAIRMENT

At this time the Board read and considered the proposed Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based upon Presumption of an Admission of Inability to Practice in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

Dr. Schottenstein moved to enter an Order of Summary Suspension in the matter of Michael Herman Anikeev, M.D., in accordance with Section 4731.22(G), Ohio Revised Code, and to issue the Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based upon Presumption of Impairment. Dr. Soin seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Schottenstein	- aye
	Dr. Soin	- aye
	Dr. Schachat	- aye
	Mr. Giacalone	- aye
	Mr. Gonidakis	- aye
	Dr. Edgin	- aye
	Ms. Montgomery	- aye
	Dr. Johnson	- aye
	Dr. Bechtel	- aye

The motion to approve carried.



State Medical Board of

Ohio

**OPPORTUNITY FOR HEARING ON FAILURE TO SUBMIT TO AN EXAMINATION
AND
NOTICE OF SUMMARY SUSPENSION
BASED UPON PRESUMPTION OF AN ADMISSION OF IMPAIRMENT**

June 13, 2018

Case number: 18-CRF- 0065

Michael Herman Anikeev, M.D.
3832 Township Road 165
West Liberty, OH 43357-9592

Dear Dr. Anikeev:

Due to your failure to submit to an examination on June 4, 2018 as ordered by the State Medical Board of Ohio [Board] and your failure to notify the Board of any circumstances beyond your control preventing you from submitting to said examination, pursuant to Section 4731.22(B)(26), Ohio Revised Code, a legal presumption has been established that you have admitted the factual and legal allegations demonstrating an impairment of your ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice, as alleged against you in the Board's letter dated April 9, 2018 and sent to you by certified mail [April 9, 2018 certified letter], so ordering you to submit to such examination. Accordingly, the Secretary and the Supervising Member of the Board have determined that there is clear and convincing evidence that you have violated Section 4731.22(B)(26), Ohio Revised Code, and have further determined that your continued practice presents a danger of immediate and serious harm to the public, as set forth in paragraphs (1) through (5), below.

Therefore, pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Kim Rothermel, M.D., Secretary, and Bruce Saferin, D.P.M., Supervising Member, you are hereby notified that, as set forth in the attached Entry of Order, your certificate/license to practice medicine or surgery in the State of Ohio is summarily suspended. Accordingly, at this time, you are no longer authorized to practice medicine and surgery in Ohio.

Furthermore, in accordance with Chapter 119., Ohio Revised Code, and Chapter 4731., Ohio Revised Code, you are hereby notified that the Board intends, for one or more of the following reasons, to determine whether your failure to submit to the aforementioned examination was due to circumstances beyond your control, which would rebut the legal presumption of impairment and merit termination of the instant summary suspension of your certificate/license in conjunction with rescheduling the examination as directed by the Board, or conversely, whether your failure to submit to the aforementioned examination was due to circumstances within your control, which would render the

legal presumption of impairment conclusive and result in the Board further determining whether to limit, revoke, permanently revoke, suspend, refuse to grant or register or renew or reinstate your license or certificate to practice medicine and surgery, or to reprimand you or place you on probation based upon your legally admitted impairment:

- (1) By letter dated April 9, 2018, the Board notified you of its determination that it had reason to believe that you are in violation of Section 4731.22(B)(26), Ohio Revised Code, and ordered you to undergo a 72-hour inpatient examination to determine if you are in violation of Section 4731.22(B)(26), Ohio Revised Code. The Board's determination was based upon one or more of the reasons outlined in such letter, which included your conduct in December 2017 while intoxicated that resulted in pending criminal charges, your admission to a Board investigator in January 2018 that you had started attending A.A. meetings, and your history of having a prior 2016 board-ordered chemical dependency assessment that recommended further evaluation should you have any future alcohol-related incidents.
- (2) The April 9, 2018 certified letter from the Board further notified you that, pursuant to Section 4731.22(B)(26), Ohio Revised Code, you were ordered to submit to a 72-hour inpatient examination. The examination was scheduled to take place at Shepherd Hill, a Board-approved treatment provider, with W. Andrew Highberger, M.D., on June 4, 2018, at 8:45 A.M.

The April 9, 2018 certified letter from the Board further notified you that failure of an individual to submit to an examination as directed constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control. Finally, the letter notified you that if you failed to submit to the examination, and such failure was not due to circumstances beyond your control, the Board would be authorized to enter a default and final order without the taking of testimony or presentation of evidence.

- (3) You were duly notified of the examination order and its scheduled date. The April 9, 2018 certified letter return receipt is signed and dated April 10, 2018. Additionally, you were personally served with the April 9, 2018 certified letter on April 10, 2018 at the Tri-County Regional Jail.
- (4) By letter dated June 4, 2018, the Board was notified that you failed to appear for the examination that the Board scheduled for you. Although you asserted that you were unable to appear for the examination that the Board scheduled for you due to your personal financial concerns, at no time did you establish that your failure to appear was due to any circumstances beyond your control. Accordingly, pursuant to Section 4731.22(B)(26), Ohio Revised Code, and in consideration of the affidavits of James B. Roach, Assistant Chief Enforcement Attorney, and Chantel Scott, Chief of Allied Licensure, CME, Records and Renewal, copies of which are attached hereto and fully incorporated herein, the Board hereby FINDS that you have admitted the truth of the allegations demonstrating impairment as set forth in the April 9, 2018 letter from the Board. The Board FINDS that pursuant to Section 4731.22(B)(26), Ohio Revised Code, your failure to appear for the examination ordered by the Board as directed constitutes "[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice," as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.

- (5) Further, the Board has not received information indicating that you have entered treatment at a Board-approved treatment provider, or that you have completed the recommended/required treatment and entered into an aftercare contract with a Board- approved treatment provider. In addition, the Board has not received information that you have been determined to be capable of practicing in accordance with acceptable and prevailing standards of care.

Section 4731.22(B)(26), Ohio Revised Code, provides that any individual authorized to practice accepts the privilege of practicing in this state subject to supervision by the Board; that by filing an application for or holding a license or certificate to practice, an individual shall be deemed to have given consent to submit to a mental or physical examination when ordered to do so by the Board in writing; and that the expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination ordered by the Board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence.

Further, Section 4731.22(B)(26), Ohio Revised Code, additionally provides that if the Board determines that an individual's ability to practice is impaired, the Board shall suspend the individual's certificate/license and shall require the individual, as a condition for continued, reinstated, or renewed certification to practice, to submit to treatment and, before being eligible to apply for reinstatement, to demonstrate to the Board the ability to resume practice in compliance with acceptable and prevailing standards of care, including completing required treatment, providing evidence of compliance with an aftercare contract or written consent agreement, and providing written reports indicating that the individual's ability to practice has been assessed by individuals or providers approved by the Board and that the individual has been found capable of practicing according to acceptable and prevailing standards of care.

Further, Rule 4731-16-02(B)(1), Ohio Administrative Code, provides that if an examination discloses impairment, or if the Board has other reliable, substantial and probative evidence demonstrating impairment, the Board shall initiate proceedings to suspend the licensee, and may issue an order of summary suspension as provided in Section 4731.22(G), Ohio Revised Code.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (5) above, individually and/or collectively, constitute "[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice," as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.

Furthermore, for any violations that occurred on or after September 29, 2015, the board may impose a civil penalty in an amount that shall not exceed twenty thousand dollars, pursuant to Section 4731.225, Ohio Revised Code. The civil penalty may be in addition to any other action the board may take under section 4731.22, Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, and Chapter 4731., Ohio Revised Code, you are hereby advised that you are entitled to a hearing concerning whether your failure to submit to the examination as directed was due to circumstances beyond your control. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to grant or register or renew or reinstate your certificate or license to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license or certificate to practice and the board shall not accept an application for reinstatement of the license or certificate or for issuance of a new license or certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Kim G. Rothermel", followed by a small circular mark.

Kim G. Rothermel, M.D.
Secretary

KGR/JBR/bjr
Enclosures

CERTIFIED MAIL #91 7199 9991 7038 7134 3251
RETURN RECEIPT REQUESTED

cc: BY PERSONAL DELIVERY

AFFIDAVIT

The State of Ohio
Franklin County, SS

I, Chantel Scott, being duly cautioned and sworn, do hereby depose and state that the following is true based upon my first-hand knowledge:

- 1) I am employed by the State Medical Board of Ohio [Board].
- 2) I serve the Board in the position of Chief of Allied Licensure, CME, Records and Renewal.
- 3) In such position, I am the responsible custodian of all public licensee records maintained by the Board pertaining to individuals who have received or applied for certificates issued pursuant to the authority of the Board.
- 4) I have this day carefully examined the records of the Board pertaining to Michael Herman Anikeev, M.D..
- 5) Based on such examination, I have found that as of April 9, 2018, the last known address of record of Michael Herman Anikeev, M.D. to be:

112 West Main Street
West Jefferson, OH 43162

- 6) Based on such examination, effective June 12, 2018, I have found the current last known address of record of Michael Herman Anikeev, M.D. to be:

3832 Township Road 165
West Liberty, OH 43357-9592

- 7) Further, Affiant Sayeth Naught.

Chantel Scott

Chantel Scott
Chief of Allied Licensure, CME, Records and Renewal

Sworn to and signed before me, Marcie Pastrick, Notary Public, this 13th
day of June, 2018.



Marcie Pastrick
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.

Marcie Pastrick
Notary Public

AFFIDAVIT

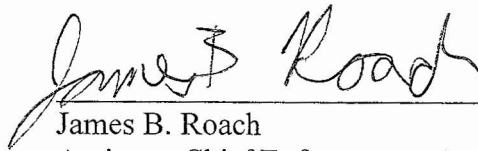
The State of Ohio
Franklin County, SS

I, James B. Roach, being duly cautioned and sworn, do hereby depose and state that the following is true based upon my first-hand knowledge:

- 1) I am employed by the State Medical Board of Ohio [Board].
- 2) I serve the Board in the position of Assistant Chief Enforcement Attorney.
- 3) In the course of my regular duties, I am responsible for coordinating the investigation of complaints against applicants and licensees under the jurisdiction of the Board and assembling the evidence necessary to prove potential violations of the Medical Practices Act of Ohio, Chapters 4730., 4731., 4759., 4760., 4761., 4762., 4774., and 4778., Ohio Revised Code.
- 4) I coordinated the investigation of the complaints filed against Michael Herman Anikeev, M.D., which resulted in the Secretary and Supervising Member of the Board directing the issuance of a letter ordering Michael Herman Anikeev, M.D. to submit to an examination.
- 5) On April 9, 2018, a letter was issued via certified mail, return receipt requested, to Dr. Anikeev at the following address: 112 West Main Street, West Jefferson, Ohio 43162. A copy of said letter, by which Dr. Anikeev was ordered to submit to a 72-hour in-patient chemical dependency examination at Shepherd Hill Hospital, 200 Messimer Drive, Newark, OH 43055 with W. Andrew Highberger, M.D., commencing June 4, 2018 at 8:45 a.m., is attached hereto and fully incorporated herein as Exhibit A.
- 6) The Board's April 9, 2018 letter was delivered on April 10, 2018. A copy of the electronic delivery confirmation from the United States Postal Service is attached hereto and fully incorporated herein as Exhibit B.
- 7) On April 10, 2018, a copy of the Board's April 9, 2018 letter was personally served on Dr. Anikeev by Medical Board Investigator Adam Turner at the Tri-County Regional Jail.
- 8) In May 2018, Dr. Anikeev and I communicated on multiple occasions via telephone and email, during which Dr. Anikeev repeatedly indicated his willingness to cooperate with the State Medical Board of Ohio and attend the scheduled examination but that he did not have the finances to pay for the examination. I indicated to Dr. Anikeev that while I understood what he was expressing, the Board did not consider inability to pay as a circumstance beyond his control for not attending the examination.

- 9) On or about June 4, 2018, I received a call from Cindy Barbour of Shepherd Hill Hospital informing me that Dr. Anikeev did not appear for his examination scheduled to begin the same day at 8:45 a.m.
- 10) By letter dated June 4, 2018, I received written confirmation from Shepherd Hill Hospital that Dr. Anikeev did not appear for his examination. A copy of the letter from Shepherd Hill Hospital is attached hereto and fully incorporated herein as Exhibit C.

Further, Affiant Sayeth Naught.


James B. Roach

Assistant Chief Enforcement Attorney

Sworn to and signed before me, Marcie Pastrick Notary Public, this 7th
day of June, 2018.



Marcie Pastrick
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.


Notary Public



State Medical Board of
Ohio

90 E. Broad St., 5th Floor
Columbus, Ohio 43215
(614) 466-3904
www.med.ohio.gov

April 9, 2018

Personal and Confidential

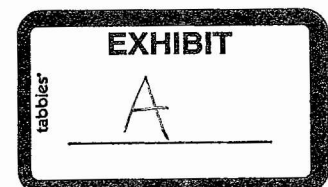
Michael Anikeev, M.D.
112 W. Main Street
West Jefferson, OH 43162

Dear Doctor Anikeev:

The State Medical Board of Ohio [Board] has determined that it has reason to believe that you are in violation of Section 4731.22(B)(26), Ohio Revised Code, to wit: "[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice."

This determination is based upon one or more of the following reasons:

- (1) On or about December 27, 2016, the Board ordered you to an examination at Glenbeigh Hospital after having determined that it had a reason to believe that you were in violation of Section 4731.22(B)(26), Ohio Revised Code, to wit: "[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice." That determination was based in part on the fact that on or about the afternoon of June 25, 2016, you were arrested and charged with several criminal charges, including domestic violence, assault, child endangerment, and operating a vehicle under the influence of alcohol. The allegations that led to the charges included the fact that you struck your ex-wife in the arm and face while she was operating a motor vehicle in which you and your minor children were passengers, causing your ex-wife to pull over to the side of the road. Later that day, you were the driver in a motor vehicle accident, and a breath test administered to you soon after the accident resulted in a determination that you had a concentration of 0.276 of one gram by weight of alcohol per two hundred ten liters of your breath. For these actions, you later pled guilty to operating a vehicle under the influence of alcohol, a misdemeanor of the first degree, and disorderly conduct, a misdemeanor of the fourth degree. Collateral sources informed Glenbeigh Hospital that your conduct on June 25, 2016 was one uncharacteristic single incident of alcohol abuse with resultant problems with no other pattern of problematic drinking, leading Glenbeigh Hospital to conclude that there was insufficient data to support a diagnosis of substance use disorder at that time. However, the Glenbeigh addiction medicine physician also opined that you should be re-evaluated if there were any other alcohol-related incidents.
- (2) On or about December 7, 2017, you were arrested and charged with domestic violence against your live-in girlfriend. That charge remains pending. It is alleged that at the time of the incident, you were intoxicated and that your live-in girlfriend sprayed you with



pepper spray. It was also reported that you went through the lower level of the house destroying and breaking items, including your television. Further, when interviewed by a Board investigator on or about January 1, 2018, you stated that you have begun attending A.A. meetings. Subsequently, your bond was revoked and you were incarcerated after allegedly violating a no contact order imposed by the Madison County, Ohio Municipal Court.

By the authority vested in the State Medical Board of Ohio by Section 4731.22(B)(26), Ohio Revised Code, you are ordered to submit to an examination. This examination will take place at Shepherd Hill, 200 Messimer Drive, Newark, Ohio 43055, telephone number (740) 348-4870. You are to report to W. Andrew Highberger, M.D., on Monday, June 4, at 8:45 A.M., for a 72-hour in-patient evaluation. If you need directions, you may contact Cindy Barbour, R.N., B.S.N, C.A.R.N., at (220) 564-4877.

Pursuant to Section 4731.22(B)(26), Ohio Revised Code, you are responsible for the expense of this evaluation. The total estimated cost of this evaluation is \$5,122.00. You must present a certified check or money order in the amount of \$4,950.00 made payable to Shepherd Hill and a certified check or money order in the amount of \$172.00 made payable to Licking Memorial Health Professionals to the examiner prior to the beginning of the examination. Failure to present certified checks or money orders in the amounts specified to the examiner will result in the examination being cancelled, and will be deemed by the Board to be a failure to submit to the examination as directed due to circumstances within your control.

Please be advised that failure to submit to this examination as directed constitutes an admission of the allegations against you unless the failure is due to circumstances beyond your control, and that a default and final order may thereupon be entered without the taking of testimony or presentation of evidence.

Copies of the applicable statute sections are enclosed for your information.

Very truly yours,



Kim G. Rothermel, M.D.
Secretary

KGR/JBR/bjr
Enclosures

CERTIFIED MAIL #91 7199 9991 7038 7171 5294
RETURN RECEIPT REQUESTED

cc: PERSONAL SERVICE: Tri-County Regional Jail, 4099 State Route 559, Mechanicsburg,
OH 43044



Date: June 4, 2018

James Roach:

The following is in response to your June 4, 2018 request for delivery information on your Certified Mail™ item number 71999991703871715294. The delivery record shows that this item was delivered on April 10, 2018 at 11:38 am in WEST JEFFERSON, OH 43162. The scanned image of the recipient information is provided below.

Signature of Recipient :

A handwritten signature in black ink, appearing to read "James Roach". The signature is fluid and cursive, with a large initial "J" and "R".

Address of Recipient :

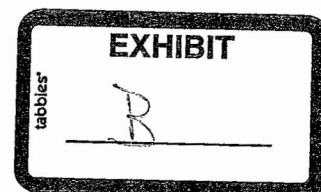
A handwritten address in black ink, reading "112 W Main". The "W" is stylized with a horizontal line through it, and "Main" is written in a cursive script.

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service



**Prohibition On Redisclosure Of Information Concerning Client In Alcohol Or Drug Abuse Treatment**

This notice has been disclosed to you from records protected by the federal confidentiality rules (42 CFR Part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as is otherwise permitted by 42 CFR Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.

June 4, 2018

James Roach, Enforcement Attorney
State Medical Board of Ohio
30 E. Broad Street, 3rd Floor
Columbus, OH 43215
FAX: 614-728-3682

RE: Michael Anikeev, MD

Dear Mr. Roach and Board Members,

This letter is written to advise you that Dr. Michael Anikeev did not present for the 72 hour Evaluation, scheduled to commence today.

I trust this information is helpful to you.

Please contact me if I may be of further assistance.

Cordially,

W. Andrew Highberger, MD, FASAM
Diplomate, American Board of Addiction Medicine
Attending Physician, Addiction Services

