

STATE OF OHIO
THE STATE MEDICAL BOARD

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Bellaire

WILLIAM J. LEE
Administrator

Suite 1006
180 East Broad Street
Columbus, Ohio 43215
(614) 466-3934

December 10, 1975

Chester B. List, D.O.
6150 Dunham Road
Maple Hts., Ohio 44137

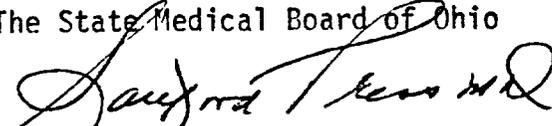
Dear Dr. List:

Please find enclosed herewith a certified copy of the Findings and Order of Roland A. Gandy, Jr., M.D., Member, the State Medical Board of Ohio; and a certified copy of the Motion approved by the State Medical Board, meeting in regular session on December 4, 1975, which Motion approves and confirms the Findings and Order of Dr. Gandy.

You are hereby notified that you may appeal this order to the Court of Common Pleas of the county in which your place of business is located, or the county in which you reside. If you are not a resident and have no place of business in this state, you may appeal to the Court of Common Pleas of Franklin County, Ohio.

To appeal as aforesaid, you must file a notice of appeal with the Board setting forth the order appealed from, and the grounds of the appeal. You must also file a copy of such notice with the court. Such notices of appeal shall be filed within fifteen days after the date of mailing of this letter, and in accordance with the requirements of Section 119.12, Revised Code.

The State Medical Board of Ohio


By; Sanford Press, M.D.
Secretary

SP:dt

Certified Mail #155559
Return Receipt Requested

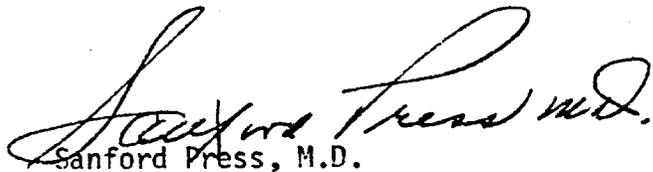
cc: John Madri
Bobby August
Jim Westman

STATE OF OHIO
THE STATE MEDICAL BOARD

CERTIFICATION

I hereby certify that the attached copy of the Findings and Order of Roland A. Gandy, Jr., M.D., Member of the State Medical Board of Ohio, in the matter of Chester B. List, D.O., is a true and complete copy of said Findings and Order as they appear in the Journal of the State Medical Board; and that the attached copy of the Motion approved by the State Medical Board, meeting in regular session on December 4, 1975, is a true and complete copy as it appears in the Journal of the State Medical Board.

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

A handwritten signature in cursive script, appearing to read "Sanford Press, M.D.", is written over the typed name.

Sanford Press, M.D.

Secretary

The State Medical Board of Ohio

December 4, 1975

BEFORE THE OHIO STATE MEDICAL BOARD

In the Matter of the
Suspension or Revocation
of the License to Practice
Osteopathic Medicine and
Surgery of Dr. Chester B. List:

The matter of the citation of Chester B. List, D.O. dated August 14, 1975 under provisions of Section 4731.22, Revised Code, and Section 22 of the American Osteopathic Code of Ethics came for hearing before me, Roland A. Gandy, Jr., M.D. (a member of the Ohio State Medical Board) on October 23, 1975.

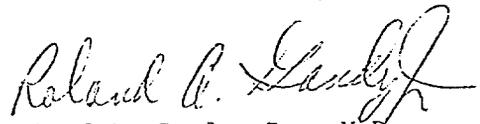
Dr. List did voluntarily admit by stipulation that he did commit the acts as described within the following charges:

- 1) Possession of dexadrine tablets
- 2) Writing prescriptions for dexadrine tablets for Barbara Bykiewicz which were not used by her but were used by Dr. List for his personal use.

As a result of the above, I find Dr. List guilty as charged on both counts.

On the basis of the above findings, I make the following order:

That the license of Chester B. List, D.O. be suspended for sixty (60) days beginning January 15, 1976 and that he further be on probation until January 15, 1977.


Roland A. Gandy, Jr., M.D.
Member
State Medical Board of Ohio

December 4, 1975

RE: Chester B. List, D.O.

After Dr. Gandy presented his Findings and Order, Dr. Brumbaugh made a motion that we accept the Findings and Order as proposed by hearing officer Dr. Gandy and that we approve and confirm both his Findings and his Order. Dr. Cover seconded the motion. A roll call vote was taken:

| | |
|---------------|-----|
| Dr. Brumbaugh | aye |
| Dr. Cover | aye |
| Mr. Paulo | aye |
| Dr. Gandy | aye |
| Dr. Press | aye |
| Dr. Lancione | aye |

The motion carried.

STATE OF OHIO
THE STATE MEDICAL BOARD

Official Board

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Toledo
PETER LANCIONE, M.D.
Bellaire

WILLIAM J. LEE
Administrator
Suite 1006
180 East Broad Street
Columbus, Ohio 43215

August 14, 1975

Chester B. List, D. O.
6150 Dunham Road
Maple Heights, Ohio 44137

Dear Dr. List:

In accordance with Chapter 119, Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not your license to practice osteopathic medicine and surgery should be suspended or revoked under the provisions of Section 4731.22, Revised Code, for the following reasons:

1. On or about January 9, 1975 you knowingly and intentionally possessed tablets of Dexedrine (dextroamphetamine sulfate), a Schedule II controlled substance, in violation of law, to wit: Title 21, United States Code, Section 844(a), a violation for which you were convicted in United States District Court, Northern District of Ohio, on March 21, 1975.

Such an act constitutes "grossly unprofessional or dishonest conduct" as that phrase is defined in Section 4731.22(F), Revised Code, because it is a violation of the following section of the American Osteopathic Association Code of Ethics: Section 22.

2. On or about December 28, 1972 and continuing thereafter through January 7, 1975 you wrote prescriptions for Dexedrine (dextroamphetamine sulfate), a Schedule II controlled substance, for one Barbara Bykiewicz, though, in fact, said Dexedrine was not intended for the use of Barbara Bykiewicz and was not used by her but rather was used by you for your personal use, in violation of one or more of the following sections of the Ohio Revised Code: Section 4729.61(c), Section 3719.24(h).

Such an act constitutes "grossly unprofessional or dishonest conduct" as that phrase is defined in Section 4731.22(F), Revised Code, because it is a violation of the following section of the American Osteopathic Association Code of Ethics: Section 22.

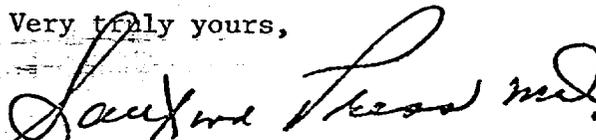
You are advised that you are entitled to a hearing in this matter if you request such hearing within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, 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 there is no request for such hearing made within thirty (30) days of the time of mailing of this notice, the State Medical Board may, upon consideration of this matter, revoke or suspend your license in your absence.

A copy of the Medical Practice Act of Ohio, Chapter 4731., Revised Code, and the American Osteopathic Association Code of Ethics, are enclosed for your information.

Very truly yours,



Sanford Press, M. D.
Secretary

SP:bjs
Encls.

Certified Mail 860544
Return Receipt Requested

CC: Roland A. Gandy, M.D.
Peter Lancione, M.D.
Charles Jones, A.A.G.

CODE OF ETHICS

Revised July, 1965

SECTION 1

The physician shall keep in confidence whatever he may learn about a patient in the discharge of professional duties. Information shall be divulged by the physician when required by law or when authorized by the patient.

SECTION 2

The physician shall give a candid account of the patient's condition to the patient or to those responsible for the patient's care.

SECTION 3

A physician-patient relationship must be founded on mutual trust, cooperation, and respect. The patient, therefore, must have complete freedom to choose his physician. The physician must have complete freedom to choose patients whom he will serve. In emergencies, a physician should make his services available.

SECTION 4

The physician shall give due notice to the patient or to those responsible for the patient's care when he withdraws from a case so that another physician may be summoned.

SECTION 5

A physician is never justified in abandoning a patient.

SECTION 6

A physician shall practice in accordance with the body of systematized knowledge related to the healing arts and shall avoid professional association with individuals or organizations which do not practice or conduct organization affairs in accordance with such knowledge.

SECTION 7

A physician should join and actively support the recognized local, state, and national bodies representing the osteopathic profession and should abide by the rules and regulations of such bodies.

SECTION 8

A physician shall not solicit patients, commercialize or advertise his services, or associate professionally with, or aid in any manner, individuals or organizations which indulge in such practices.

SECTION 9

A physician shall not be identified in any manner with testimonials for proprietary products or devices advertised or sold directly to the public.

SECTION 10

A physician shall not hold forth or indicate possession of any degree recognized as the basis for licensure to practice the healing art unless he is actually licensed on the basis of that degree in the state in which he practices.

SECTION 11

A physician shall not seek or acquire any healing arts degree from institutions not approved by the American Osteopathic Association or not approved by a body recognized for the purpose by the American Osteopathic Association.

SECTION 12

A physician shall designate his osteopathic school of practice in all professional uses of his name. Indications of specialty practice, membership in professional societies, and related matters shall be governed by rules promulgated by the Board of Trustees of the American Osteopathic Association.

SECTION 13

A physician shall obtain consultation whenever requested to do so by the patient. A physician should not hesitate to seek consultation whenever he himself believes it advisable.

SECTION 14

In any dispute between or among physicians involving ethical or organizational matters, the matter in controversy should be referred to the arbitrating bodies of the profession.

SECTION 15

In any dispute between or among physicians regarding the diagnosis and treatment of a patient, the attending physician has the responsibility for final decisions, consistent with any applicable osteopathic hospital rules or regulations.

SECTION 16

A physician shall not comment, directly, or indirectly, on professional services rendered by other physicians except before duly constituted professional bodies of inquiry or in public proceedings judicial in nature.

SECTION 17

Illegal, unethical, or incompetent conduct of physicians shall be revealed to the proper tribunals.

SECTION 18

A physician shall not assume treatment of a patient under the care of another physician except in emergencies and only during the time that the attending physician is not available.

SECTION 19

Any fee charged by a physician shall be reasonable and shall compensate the physician for services actually rendered.

SECTION 20

Division of any professional fees not based on actual services rendered is a violation which will not be tolerated within the membership of this Association.

SECTION 21

A physician shall not pay or receive compensation for referral of patients.

SECTION 22

The physician shall cooperate fully in complying with all laws and regulations pertaining to practice of the healing arts and protection of the public health.

SECTION 23

No code or set of rules can be framed which will particularize all ethical responsibilities of the physician in the various phases of his professional life. The enumeration of obligations in the Code of Ethics is not exhaustive and does not constitute a denial of the existence of other obligations, equally imperative, though not specifically mentioned.