

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio 43215

March 19, 1986

Michael A. DePauw, D.O.
9604 North Ridge, East
Geneva, Ohio 44041

Dear Doctor DePauw:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Lucy O. Oxley, M.D., Member, State Medical Board of Ohio; a certified copy of the Motion by the State Medical Board, meeting in regular session on March 12, 1986, approving and confirming said Report and Recommendation as the Findings and Order of the State Medical Board.

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 stated above, 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 (15) days after the date of mailing of this letter and in accordance with Section 119.12, Revised Code.

THE STATE MEDICAL BOARD OF OHIO



Henry G. Cramblett, M.D.
Secretary

HGC:em

Enclosures

CERTIFIED MAIL NO. P 569 364 856
RETURN RECEIPT REQUESTED

cc: Terry Tataru, Esq.
Attorney at Law

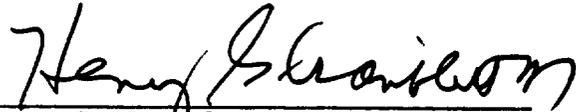
CERTIFIED MAIL NO. P 569 364 857
RETURN RECEIPT REQUESTED

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio 43215

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of Lucy O. Oxley, M.D., Hearing Member, State Medical Board of Ohio; and the attached copy of the Motion by the State Medical Board, meeting in regular session on March 12, 1986, approving and confirming said Report and Recommendation as the Findings and Order of the State Medical Board, constitutes a true and complete copy of the Findings and Order of the State Medical Board in the matter of Michael A. DePauw, D.O., as it appears in the Journal of the State Medical Board of Ohio.

(SEAL)



Henry G. Crawlett, M.D.
Secretary

March 19, 1986

Date

STATE OF OHIO
THE STATE MEDICAL BOARD

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Michael A. DePaw, D.O.

5. Dr. DePaw shall not prescribe, administer, dispense, order or possess (except as prescribed, administered, or dispensed to him by another person so authorized by law) controlled substances as defined by State or Federal law, except for those listed in Schedules IV and V, for a minimum of two years from the effective date of this Order. Dr. DePaw shall not resume prescribing, administering, dispensing, ordering or possessing controlled substances in Schedules other than IV and V without prior written authorization from the Board.
6. Within 30 days of the effective date of this Order, Dr. Depaw shall submit to the full Board for its prior approval the name and qualifications of a psychiatrist of his choice. Upon approval by the full board, Dr. DePaw shall undergo and continue psychiatric treatment no less than once every six (6) months, or as otherwise directed by the Board. Dr. DePaw shall ensure that psychiatric reports are forwarded by his treating psychiatrist to the Board on a biennial basis, or as frequently as the Board otherwise directs.
7. Dr. DePaw shall submit daily specimens for random urine screenings for drugs by a physician to be approved by the Board. Such screenings shall be conducted weekly on a random basis, or as otherwise determined by the Board. Dr. DePaw shall ensure that the weekly screening reports are forwarded directly to the Board on a monthly basis. The Board retains the right to require Dr. DePaw to submit urine specimens for analysis without prior notice.
8. Within 30 days of the effective date of this Order, Dr. DePaw shall undertake and maintain participation in an alcohol rehabilitation program acceptable to the Board no less than three times per week. In the Quarterly Reports to the Board, Dr. DePaw shall provide documentary evidence of continuing compliance with this program. In addition, Dr. DePaw shall undertake and maintain active participation in the Impaired Physicians Program.
9. Dr. DePaw shall abstain completely from the personal use or possession of drugs, except those available for purchase over the counter OR those prescribed, administered, or dispensed to him by another person so authorized by law.

STATE OF OHIO
THE STATE MEDICAL BOARD

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10. If Dr. DePaw violates probation in any respect, the Board, after giving the Respondent notice and the opportunity to be heard, may set aside the stay order and impose the revocation of Dr. DePaw's certificate.
11. Upon successful completion of probation, Dr. DePaw's certificate will be fully restored.

The effective date of April 15, 1986 is placed on the ORDER.

(SEAL)



Henry G. Cramblett, M.D.
Secretary

March 19, 1986

Date

STATE OF OHIO
THE STATE MEDICAL BOARD

REPORT AND RECOMMENDATION
IN THE MATTER OF MICHAEL A. DEPAUW, D.O.

The matter of Michael A. DePauw, D.O., came before me, Lucy O. Oxley, M.D., Member of the State Medical Board of Ohio, on June 11, 1985.

INTRODUCTION AND SUMMARY OF EVIDENCE

1. In September, 1981, Dr. DePauw was granted a license by the Ohio State Medical Board with conditions of limitation that he be placed on indefinite probation and that he appear before the Board every three (3) months. (State's Exhibit #2) Such conditions of limitation were deemed necessary due to Dr. DePauw's prior dependency on the controlled substance Demerol.
2. On or about April 4, 1983, having relapsed into the use of a controlled substance, Dr. DePauw entered the Flower Hospital Center for inpatient treatment.
3. Dr. DePauw's attorney, Terry Tataru, notified the Board by letter of April 13, 1983, that Dr. DePauw would be unable to appear before the Board on April 14, 1983, for his regular three (3) month meeting. Mr. Tataru requested that the meeting be rescheduled. (State's Exhibit #3)
4. The Flower Hospital Center notified the Board of Dr. DePauw's status as an inpatient by letter of May 10, 1983. (State's Exhibit #4)
5. By letter of August 11, 1983 (State's Exhibit #5, certified mail receipt attached), the State Medical Board of Ohio notified Dr. Depauw that it proposed to limit, reprimand, place on probation, or revoke his certificate to practice medicine and surgery on the basis of the following allegations:
 - A. During April of 1983, it was found that Dr. DePauw had relapsed into the use of the controlled substance Demerol.
 - B. His acts as alleged above constitute violations of the following divisions of Section 4731.22, Ohio Revised Code:
 1. Section 4731.22(B)(2): failure to use reasonable care discrimination in the administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease.

2. Section 4731.22(B)(3): selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes or conviction of a violation of any federal or state law regulating the possession, distribution, or use of any drug.
 3. Section 4731.22(B)(6): a departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established.
 4. Section 4731.22(B)(11): violation of the conditions of limitation placed by the board upon a certificate to practice or violation of the conditions of limitation upon which a limited or temporary registration or certificate to practice is issued.
 5. Section 4731.22(B)(16): violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provisions of this chapter or any rule promulgated by the board.
- C. Dr. DePauw is unable to practice according to acceptable and prevailing standards of care by reason of illness, excessive use of alcohol, excessive use of controlled substances, drugs, or chemicals, or as a result of a mental or physical condition, in violation of Section 4731.22(B)(15), Ohio Revised Code.
6. Dr. DePauw requested a hearing on the Board's proposed action by letter from his attorney, Terry Tataru, on September 7, 1983. (State's Exhibit #6)
 7. The Medical Board acknowledged receipt of Dr. DePauw's hearing request by letter of September 12, 1983, and scheduled and continued his hearing pursuant to Section 119.09, Ohio Revised Code. (State's Exhibit #7)
 8. The Medical Board notified Dr. DePauw's attorney by letter of March 14, 1985 that Dr. DePauw's adjudication hearing was scheduled for April 10, 1985. (State's Exhibit #8)
 9. The Medical Board notified Dr. DePauw's attorney by letter of April 8, 1985, that it agreed to continue Dr. DePauw's hearing until June 11, 1985. (State's Exhibit #9)
 10. Dr. DePauw appeared at the June 11, 1985 hearing and was represented by Terry Tataru, Attorney at Law; the State's case was presented by Assistant Attorney General Christopher Culley.

11. State's Exhibits #2-#9 (identified above) were stipulated into the record. In addition, State's Exhibit #1, pages 1795-1797 of the journal of the State Medical Board of Ohio, stating that Dr. DePauw would be granted a license, with limitations, to practice osteopathic medicine in the State of Ohio, was also identified and admitted to the record.
12. On cross-examination by Mr. Culley, Dr. DePauw testified:
 - A. That he graduated from Kirksville College of Osteopathic Medicine in Missouri in 1978, and interned in Tucson, Arizona.
 - B. That he was licensed in Arizona and Washington, but voluntarily relinquished those licenses upon realizing that he suffered from a drug dependency problem.
 - C. That, desiring reinstatement of those licenses, he had submitted to a psychiatric evaluation, and five (5) months of weekly urine screenings.
 - D. That upon a urine specimen testing positive for Demerol and amphetamines, he was required to undertake an inpatient care program, and entered the Hazelden Foundation in Minnesota.
 - E. That upon completing the Hazelden program, he began a residency program in general practice, without a DEA number, in Missouri.
 - F. That while awaiting response from the medical boards of Arizona and Washington concerning the reinstatement of his license, he applied for endorsement of his National Boards in Ohio.
 - G. That he was granted endorsement licensure by the State Medical Board of Ohio pending favorable results from the Arizona Medical Board and on the condition that he be placed on indefinite probation with appearances before the Ohio Board every three (3) months.
 - H. That he made appearances before the Board three (3) times in 1982, but that he failed to attend a scheduled meeting before the Board in April, 1983, because he had entered the Flower Hospital Center to participate in their inpatient drug-rehabilitation program.
 - I. That he found the rehabilitation program at Flower Hospital Center to be very helpful and that he has participated in an aftercare program with Alcoholics Anonymous on a weekly basis, often times attending up to four (4) meetings per week.
 - J. That he submitted to random urine screenings at the Northeastern Ohio General Hospital between 1983 and 1985 as a stipulation which allowed him to continue to practice.

- K. That he currently maintains a DEA number for schedules III through V.
- L. That he is well, in good condition, in control of himself, and that the aftercare programs in which he participates have helped him make a dedicated attempt at continued rehabilitation.
13. Subsequent to the Respondent's testimony, the State rested.
14. Mr. Tataru proceeded with the Respondent's case by requesting that the Record remain open for submission of the actual medical records from the Flower Hospital. This was stipulated by both parties.
15. Mr. Tataru continued by calling the Respondent, Dr. DePauw. On direct examination, the doctor testified:
- A. That he is currently engaged in a solo family practice in Perry, Ohio where he sees approximately 100 patients a week.
 - B. That he works three (3) days a week at his office, and in the emergency room at Northeastern Ohio Hospital two (2) days a week.
 - C. That he planned to begin working with Metropolitan General Hospital's Life Flight on Saturday evenings.
 - D. That he has been married to his wife, Linda, for five years, and that she is employed as a Registered Nurse at Booth Memorial Hospital in Cleveland.
 - E. That he has participated in approximately 200 hours of continued medical education during the last (2) years.
 - F. That he has once again become very active in athletics, specifically softball, racquetball and running.
 - G. That he has a sponsor in Alcoholics Anonymous with whom he maintains a very good relationship.
 - H. That he submitted to two (2) psychiatric evaluations at the request of the Minnesota State Medical Board to determine whether he was competent to practice medicine under the Minnesota minimum standards.
16. Mr. Tataru continued by identifying and submitting the following documents, which were thereafter admitted to the record:
- A. Respondent's Exhibit A is a letter from Dr. Gregory Collins, M.D., Section of Drug and Alcohol Rehabilitation at the Cleveland Clinic Foundation, stating that he performed a comprehensive psychiatric evaluation of Dr. DePauw on February 14, 1985, and recommending a "voluntary submission" of Dr. DePauw's scheduled drug writing privileges for a period of one year.

- B. Respondent's Exhibit B is a letter from Dr. Kurt A. Bortschinger, M.D., stating that he performed a psychiatric evaluation of Dr. DePauw on March 27, 1985. His report recommends a structured aftercare program, but finds that Dr. DePauw is competent to practice medicine.
17. On cross-examination by Mr. Culley, Dr. DePauw testified that he had no screenings for drugs since the Flower program, and that there is no substantive proof that he is in fact detoxified.
18. Mr. Tataru next called Linda DePauw, wife of Dr. DePauw. On direct examination, Mrs. DePauw testified:
- A. That she became aware of her husband's second addiction to Demerol when his character and his personal habits changed drastically in 1982, illustrated by a slovenly manner and irritable character.
 - B. That her husband suffered a severe seizure in April, 1983 after injecting Demerol.
 - C. That she participated in the Flower family program with her husband in April, 1983.
 - D. That her husband has a very broad base of support including good friends, fellow physicians, Alcoholics Anonymous, and his sponsor at Alcoholics Anonymous.
 - E. That her husband is free from addiction of any controlled substance and is free from use of caffeine and alcohol.
19. On cross-examination by Mr. Culley, Mrs. DePauw testified:
- A. That she participated in the Hazelden program with her husband in 1980.
 - B. That she married Dr. DePauw shortly thereafter, and her husband remained free from the use of Demerol until late 1982.
20. In his closing argument, Mr. Culley stressed that Dr. DePauw admitted there is no evidence upon which to base a claim that the doctor is detoxified, other than the doctor's own testimony. Mr. Culley suggested that the Board's consideration be based on empirical proof that Dr. DePauw is fully detoxified.
21. In his closing argument on behalf of Dr. DePauw, Mr. Tataru stated that the doctor did not deny his acts with regard to his past Demerol addiction. However, he urged the Board to consider that the doctor has dealt with his addiction and has been successfully practicing medicine with no problems since completion of the Flower Hospital program. Mr. Tataru stated that Dr. DePauw would be willing to submit to whatever recommendations the Board felt were necessary including daily or weekly urine checks and monthly Board visits.

22. In rebuttal, Mr. Culley stressed that the lapse of time from Dr. DePauw's first addiction to his second addiction was a span of less than three (3) years, and thus there is still a risk of relapse.
23. In response to Mr. Culley's rebuttal, Mr. Tataru stated that while the risk of relapse will always remain, Dr. DePauw has done everything possible to ensure that such a relapse will not occur.
24. Subsequent to the hearing, medical records of Dr. DePauw's treatments at Flower Hospital were submitted as stipulated, and are hereby admitted to the record.

FINDINGS OF FACT

1. Dr. DePauw was granted a medical license in 1981 by the Ohio State Medical Board with the condition that he be placed on indefinite probation. Limitations on his license were deemed necessary due to his prior dependency on the controlled substance Demerol.
2. By his own admission, Dr. DePauw relapsed into the use of the controlled substance Demerol in 1983, and in doing so violated the conditions of limitation that had been placed on his license.
3. Dr. DePauw completed a 28 day drug-rehabilitation inpatient care program at Flower Hospital Center in 1983, and attends local Alcoholics Anonymous meetings as part of an aftercare program.
4. Dr. DePauw has suffered from two severe addictive experiences with the controlled substance Demerol within the last six (6) years.

CONCLUSIONS

1. Dr. DePauw's misuse of the controlled substance Demerol evidences, "Failure to use reasonable care discrimination in the administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease," in violation of Section 4731.22(B)(2), Ohio Revised Code.
2. Dr. DePauw's acts further constitute, "Selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes or conviction of a violation of any federal or state law regulating the possession, distribution, or use of any drugs," in violation of Section 4731.22(B)(3), Ohio Revised Code.
3. Dr. DePauw's acts further constitute, "A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances," in violation of Section 4731.22(B)(6), Ohio Revised Code.

4. Further, Dr. DePauw's actions constitute a violation of the conditions of limitation placed by this Board upon his certificate to practice medicine in the State of Ohio. Such actions are clearly in violation of Section 4731.22(B)(11), Ohio Revised Code.
5. Dr. DePauw's acts further constitute "Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provisions of this chapter or any rule promulgated by the board," in contravention of Section 4731.22(B)(16), Ohio Revised Code.
6. The psychiatric evaluations of Dr. DePauw included in the record clearly indicate that he is not capable of practicing medicine according to acceptable and prevailing standards of care without continued counseling, evaluation and monitoring. I am very concerned about the failure to screen for the presence of Demerol with a physician who has, by his own admission, had a dependency problem with the controlled substance. It is clear that a level of monitoring sufficient to provide adequate assurances of Dr. DePauw's abstinence from Demerol is absolutely necessary to afford sufficient protection to the public.

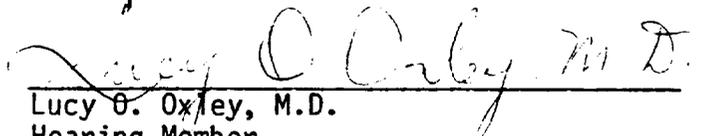
PROPOSED ORDER

It is hereby ORDERED that the license of Michael A. DePauw, M.D., to practice medicine and surgery in the State of Ohio be revoked. Such revocation is stayed and Dr. DePauw is placed on probation for a term not less than five (5) years, nor to exceed eight (8) years, provided that he complies with the following terms and conditions:

1. Dr. DePauw shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio.
2. Dr. DePauw shall submit quarterly declarations under penalty of perjury stating whether there has been compliance with all conditions of probation.
3. Dr. DePauw shall appear for interviews before the full Board or its designated representative at four month intervals, or as otherwise requested by the Board.
4. In the event that Dr. DePauw should leave Ohio for three continuous months, or to reside or to practice outside the state, Dr. DePauw must notify the State Medical Board in writing of the dates of departure or return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary period.
5. Dr. DePauw shall not prescribe, administer, dispense, order or possess (except as prescribed, administered, or dispensed to him by another person so authorized by law) controlled substances as defined by State or Federal law, except for those listed in Schedules IV and V, for a minimum of two years from the effective date of this Order. Dr. DePauw shall not resume prescribing, administering, dispensing, ordering or possessing controlled substances in Schedules other than IV and V without prior written authorization from the Board.

6. Within 30 days of the effective date of this Order, Dr. DePauw shall submit to the full Board for its prior approval the name and qualifications of a psychiatrist of his choice. Upon approval by the full Board, Dr. DePauw shall undergo and continue psychiatric treatment no less than once every six (6) months, or as otherwise directed by the Board. Dr. DePauw shall ensure that psychiatric reports are forwarded by his treating psychiatrist to the Board on a biennial basis, or as frequently as the Board otherwise directs.
7. Dr. DePauw shall submit daily specimens for random urine screenings for drugs by a physician to be approved by the Board. Such screenings shall be conducted weekly on a random basis, or as otherwise determined by the Board. Dr. DePauw shall ensure that the weekly screening reports are forwarded directly to the Board on a monthly basis. The Board retains the right to require Dr. DePauw to submit urine specimens for analysis without prior notice.
8. Within 30 days of the effective date of this Order, Dr. Depauw shall undertake and maintain participation in an alcohol rehabilitation program acceptable to the Board no less than three times per week. In the Quarterly Reports to the Board, Dr. DePauw shall provide documentary evidence of continuing compliance with this program. In addition, Dr. DePauw shall undertake and maintain active participation in the Impaired Physicians Program.
9. Dr. DePauw shall abstain completely from the personal use or possession of drugs, except those available for purchase over the counter OR those prescribed, administered, or dispensed to him by another person so authorized by law.
10. If Dr. DePauw violates probation in any respect, the Board, after giving the Respondent notice and the opportunity to be heard, may set aside the stay order and impose the revocation of Dr. DePauw's certificate.
11. Upon successful completion of probation, Dr. DePauw's certificate will be fully restored.

REC-21-14-88



Lucy O. Oxley, M.D.
Hearing Member
State Medical Board of Ohio

2/11/86

Date

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio 43266-0315

EXCERPT FROM THE MINUTES OF MARCH 12, 1986

REPORT AND RECOMMENDATION IN THE MATTER OF MICHAEL A. DEPAUW, D.O.

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Dr. Rauch asked if each member of the Board had received, read, and considered the hearing record, the proposed findings and order, and any objections filed to the proposed findings and order in the matter of Michael A. DePauw, D.O. A roll call was taken:

ROLL CALL:	Dr. Cramblett	- aye
	Dr. Lancione	- aye
	Dr. O'Day	- aye
	Dr. Buchan	- aye
	Dr. Lovshin	- aye
	Ms. Rolfes	- aye
	Dr. Oxley	- aye
	Dr. Barnes	- aye
	Dr. Stephens	- aye
	Mr. Johnston	- abstain

.....

DR. STEPHENS MOVED TO APPROVE AND CONFIRM THE FINDINGS OF FACT, CONCLUSIONS, AND PROPOSED ORDER IN THE MATTER OF MICHAEL A. DEPAUW, D.O. MS. ROLFES SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Lancione	- aye
	Dr. O'Day	- aye
	Dr. Buchan	- aye
	Dr. Lovshin	- aye
	Ms. Rolfes	- aye
	Dr. Oxley	- abstain
	Dr. Barnes	- aye
	Dr. Stephens	- aye
	Mr. Johnston	- abstain

The motion carried.

DR. BUCHAN MOVED THAT AN EFFECTIVE DATE OF APRIL 15, 1986 BE PLACED ON THE ORDER. DR. BARNES SECONDED THE MOTION.

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

ROLL CALL VOTE:	Dr. Cramblett	- abstain
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Report and Recommendation in the
Matter of Michael A. DePauw, D.O.
(Minutes excerpt)

Dr. Lancione	- aye
Dr. O'Day	- aye
Dr. Buchan	- aye
Dr. Lovshin	- aye
Ms. Rolfes	- abstain
Dr. Oxley	- abstain
Dr. Barnes	- aye
Dr. Stephens	- aye
Mr. Johnston	- abstain

The motion carried.

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio 43215

August 11, 1983

Michael A. Depauw, D.O.
9604 North Ridge East
Geneva, OH 44041

Dear Doctor Depauw:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine under the provisions of Section 4731.22, Ohio Revised Code, whether or not to limit, revoke, suspend, refuse to register, refuse to reinstate, reprimand, or place on probation your certificate to practice medicine and surgery, for one or more of the following reasons:

1. You had a controlled substance dependency problem prior to your licensure in Ohio.

The Ohio Medical Board agreed to issue you a license in September 1981 with the conditions of limitation that you be placed on indefinite probation and that you personally appear before the Board every three (3) months.

On or about April 4, 1983, you relapsed into the use of controlled substances and as a result thereof entered Flower Hospital Center, as an inpatient, for treatment.

As a result of your relapse into the use of controlled substances, self-administered or otherwise, you did not comply with the conditions of limitation on your license and indefinite probation and did not personally appear before this Board on April 14, 1983 at 10:30 A.M.

Such acts stated in 1 above constitute violations of the following divisions of Section 4731.22, Ohio Revised Code:

Pursuant to Section 4731.22(B)(2): failure to use reasonable care discrimination in the administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease.

Pursuant to Section 4731.22(B)(3): selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes or conviction of a violation of any federal or state law regulating the possession, distribution, or use of any drug.

Pursuant to Section 4731.22(B)(6): a departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established.

Pursuant to Section 4731.22(B)(11): violation of the conditions of limitation placed by the board upon a certificate to practice or violation of the conditions of limitation upon which a limited or temporary registration or certificate to practice is issued.

Pursuant to Section 4731.22(B)(16): violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provisions of this chapter or any rule promulgated by the board.

2. You are unable to practice according to acceptable and prevailing standards of care by reason of illness, excessive use of alcohol, excessive use of controlled substances, drugs or chemicals, or as a result of a mental or physical condition.

Such act(s) stated in 2 above constitute violations of the following division(s) of Section 4731.22, Ohio Revised Code:

Pursuant to Section 4731.22(B)(15): inability to practice according to acceptable and prevailing standards of care by reason of illness, excessive use of alcohol, excessive use of controlled substances, drugs, or chemicals, or as a result of a mental or physical condition.

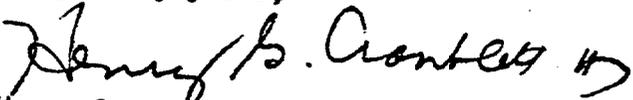
In accordance with Chapter 119., Ohio Revised Code, you are hereby advised that you have a right to a hearing in this matter, if you request such hearing within thirty (30) days of the time of mailing of this notice.

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 of Ohio may, in your absence and upon consideration of this matter, determine whether or not to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine and surgery in the State of Ohio.

Copies of the applicable sections of the Ohio Revised Code are enclosed for your reference.

Very truly yours,


Henry G. Cramblett, M.D.
Secretary

HGC:jmb

Enclosure

CERTIFIED MAIL NO. P 354 447 859
RETURN RECEIPT REQUESTED

cc: Terry Tataru, Esq.

CERTIFIED MAIL NO. P 354 447 860
RETURN RECEIPT REQUESTED

Ohio Revised Code

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colleges, institutions, or individuals giving instruction in such limited branches, the applicant for such certificate shall, as a condition of admission to the examination, produce a diploma or certificate from such a school, college, institution, or individual in good standing as determined by the board, showing the completion of the required courses of instruction.

The entrance examiner of the board shall determine the sufficiency of the preliminary education of applicants for such limited certificate as is provided in section 4731.09 of the Revised Code. The board may adopt rules defining and establishing for any limited branch of medicine or surgery such preliminary educational requirements, less exacting than those prescribed by such section, as the nature of the case may require.

Sec. 4731.20 Powers and duties of board.

Sections 4731.07, 4731.08, and 4731.14 to 4731.26 of the Revised Code shall govern the state medical board, all of the officers mentioned therein, and the applicants for and recipients of limited certificates to practice a limited branch of medicine or surgery. In addition to the power of the board to revoke and suspend certificates provided for in section 4731.22 of the Revised Code it may also revoke or suspend the certificate of any one to whom a limited certificate has been issued upon proof of violation of the rules established by the board governing such limited practice.

Sec. 4731.21 Limitations prescribed.

Sections 4731.15 to 4731.20, inclusive, of the Revised Code do not amend sections 4731.34, 4731.36, and 4731.41 of the Revised Code or limit their application unless otherwise specifically provided.

Sec. 4731.22 Grounds for discipline.

(A) The state medical board, by a vote of not less than six of its members, may revoke or may refuse to grant a certificate to a person found by the board to have committed fraud in passing the examination, or to have committed fraud, misrepresentation, or de-

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ception in applying for or securing any license or certificate issued by the board.

(B) The board, by a vote of not less than six members, shall, to the extent permitted by law, limit, revoke, or suspend a certificate, refuse to register or refuse to reinstate an applicant, or reprimand or place on probation the holder of a certificate for one or more of the following reasons:

(1) Permitting one's name or one's certificate of registration to be used by a person, group, or corporation when the individual concerned is not actually directing the treatment given;

(2) Failure to use reasonable care discrimination in the administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease;

(3) Selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes or conviction of violation of any federal or state law regulating the possession, distribution, or use of any drug;

(4) Wilfully betraying a professional confidence or engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;

(5) Soliciting patients or publishing a false, fraudulent, deceptive, or misleading statement.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;

(7) Representing, with the purpose of obtaining

compensation or other advantage for himself or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(9) Conviction of a felony whether or not committed in the course of his practice;

(10) Conviction of a misdemeanor committed in the course of his practice;

(11) Violation of the conditions of limitation placed by the board upon a certificate to practice or violation of the conditions of limitation upon which a limited or temporary registration or certificate to practice is issued;

(12) Failure to pay license renewal fees specified in this chapter;

(13) Any division of fees or charges, or any agreement or arrangement to share fees or charges, made by any person licensed to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery with any other person so licensed, or with any other person;

(14) The violation of any provision of a code of ethics of a national professional organization as specified in this division. "National professional organization" means the American medical association, the American osteopathic association, the American podiatry association, and such other national professional organizations as are determined, by rule, by the state medical board. The state medical board shall obtain and keep on file current copies of the codes of ethics of the various national professional organizations. The practitioner whose certificate is being suspended or revoked shall not be found to have violated any provision of a code of ethics of an organization not appropriate to his profession;

(15) Inability to practice according to acceptable and prevailing standards of care by reason of illness, excessive use of alcohol, excessive use of controlled substances, drugs, or chemicals, or as a result of a

mental or physical condition. In enforcing this division, the board upon a showing of a possible violation, may compel any individual licensed or certified to practice by this chapter or who has applied for licensure or certification pursuant to this chapter to submit to a mental or physical examination, or both, as required by and at the expense of the board. Failure of any individual to submit to a mental or physical examination when directed constitutes an admission of the allegations against him unless the failure is due to circumstances beyond his control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds a physician unable to practice because of the reasons set forth in this division, the board shall require such physician to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for initial, continued, reinstated, or renewed licensure to practice. An individual licensed by this chapter affected under this section shall be afforded an opportunity to demonstrate to the board that he can resume his practice in compliance with acceptable and prevailing standards under the provisions of his certificate. For the purpose of this section, any individual licensed or certified to practice by this chapter accepts the privilege of practicing in this state, and by so doing or by the making and filing of a registration or application to practice in this state, shall be deemed to have given his consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication;

(16) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provisions of this chapter or any rule promulgated by the board;

(17) The violation of any abortion rule adopted by the public health council pursuant to section 3701.341 of the Revised Code;

(18) The revocation or suspension by another state of a license or certificate to practice issued by the