S. Gilbert

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

March 22, 1984

Stephen A. Head, D.O.
409 Autumn Drive
Lapeer, MI 48446

Dear Doctor Head:

Please find enclosed a certified copy of the Entry of Order, the Report and Recommendation of Peter Lancione, M.D., Member, State Medical Board of Ohio and a certified copy of the Motion by the State Medical Board, meeting in regular session on March 14, 1984, 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

Leonard L. Lovshin M.D.

Leonard L. Lovshin, M.D.
President

LLL :em

Encls.

CERTIFIED MAIL NO. P34 9335240
RETURN RECEIPT REQUESTED

cc: Stephen J. Vergamini, Esq.
Kevin L. Shoemaker, Esq.
100 E. Broad St.,
Columbus, OH. 43215

CERTIFIED MAIL NO. P34 9335241
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 Peter Lancione, M.D., Member, State Medical Board of Ohio; and the attached copy of the Motion approved by the State Medical Board, meeting in regular session on March 14, 1984, 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 Stephen A. Head, D.O., as it appears in the Journal of the State Medical Board of Ohio.

Leonard L. Lovshin M.D.
Leonard L. Lovshin, M.D.
President

(SEAL)

3/23/84
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *

*

STEPHEN A. HEAD, D.O. *

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 14th day of March, 1984.

Upon the Report and Recommendation, a true copy of which is attached hereto and incorporated herein, of Peter Lancione, M.D., the Hearing Member in this matter designated pursuant to R.C. 4731.23, which Report and Recommendation was approved and confirmed by vote of the Board on the above date, the following order is hereby entered on the Journal of the State Medical Board for the 14th day of March, 1984, and made part of the Board's proceedings:

It is ORDERED that the application of Stephen A. Head, D.O. for a temporary certificate for training as a resident in Radiology at Doctor's Hospital in Columbus, Ohio until July 31, 1984 be approved.

(SEAL)

Leonard L. Lovshin

Leonard L. Lovshin, M.D.
President

3/22/84
Date

**STATE OF OHIO**
**THE STATE MEDICAL BOARD**

25 FEB 1984

REPORT AND RECOMMENDATION
IN THE MATTER OF STEPHEN A. HEAD, D.O.

The matter of the State Medical Board's proposal to deny the application of Stephen A. Head, D.O., for a temporary certificate in Ohio came before me, Peter Lancione, M.D., Hearing Officer on November 10, 1983. This is my Report and Recommendation to the Board.

SUMMARY OF EVIDENCE

1. On November 10, 1983 the hearing of Stephen A. Head, D.O. was held.

2. Dr. Head was present and represented by Kevin Shoemaker, Esq. and Stephen J. Vergamini, Esq. of the firm Baker and Hostetler.

3. The Medical Board was represented by Mary Joe Maxwell, Assistant Attorney General.

4. After brief opening statements by both parties, Ms. Maxwell proceeded with the Medical Board's case, which consisted of the admission of several documents. (Transcript at p. 9)

5. State Appellee's Exhibit 1 is a copy of Dr. Head's application for a temporary certificate in Ohio.

6. State Appellee's Exhibit 2 is a copy of the proposal to deny letter with attachments, sent to Dr. Head on September 14, 1982.

7. State Appellee's Exhibit 3 is a scheduling and continuance letter sent to Dr. Head's attorney. (Transcript at p.10)

8. State Appellee's Exhibit 4 is a scheduling letter setting the hearing for November 10, 1983.

9. State Appellee's Exhibit 5 is the hearing request letter from Dr. Head's attorney.

10. State Appellee's Exhibit 6 is a certified copy of a Complaint and Consent Order filed against Dr. Head by the Michigan Department of Licensing and Regulation Board of Osteopathic Medicine and Surgery.

11. State's Exhibits 1-6 were admitted into the record without objection. (Transcript at 10)

12. The State rested its case.

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13. Mr. Vergamini proceeded with Dr. Head's case by calling Dr. Head as a witness to testify under oath as follows:

    A. That he graduated from Missouri Osteopathic College of Surgery in 1971 and served in a four year residency program in obstetrics and gynecology which was recognized by the American Osteopathic Association. (Transcript at 11-12)

    B. That he was licensed in Michigan in 1976 and in Missouri in 1971.

    C. That his licenses in Michigan and Missouri have never been revoked. (Transcript at p. 12-13)

    D. That Petitioner's Exhibits 1-6 represented an incident which occurred involving himself at Lapeer County General Hospital in 1979 which resulted in the suspension of his OB-GYN surgical privileges there.

    E. That was the only time his privileges had been suspended at any hospital. (Transcript at p. 14)

    F. That the incident resulted when a patient who had a missed abortion was admitted to do a D and C and a perforation of her uterus and damage to the bowel occurred. (Transcript at p. 14)

    G. That he didn't feel there was damage until over the course of 24 to 48 hours problems developed and she was returned to surgery by Dr. Kiehler, who corrected the perforation of the bowel and uterus.

    H. Dr. Kiehler was Chief of Surgery at Lapeer and summarily suspended Dr. Head because of this incident. (Transcript at p. 15)

    I. That he appealed the suspension at a hearing, was not represented by counsel, and ultimately received a 30 day suspension of both obstetrical and gynecological surgical privileges including a 6 month probationary period on all surgical privileges. (Transcript at p. 15)

    J. That he successfully completed the terms of the suspension and received notification that the suspension and probation were ended. (Transcript at p. 15-16, Petitioner's Exhibits 5 and 6)

    K. That after his suspension was completed he continued to perform OB-GYN surgeries at Lapeer General Hospital until the time that he came to Ohio for his residency in radiology.

L. That he sometimes limited his surgical privileges himself because his malpractice insurance carrier was involved. (Transcript at p. 16)

M. That as a result of the suspension of his privileges, the incident was reported to the Michigan State Board by the hospital as required by law. (Transcript at p. 17)

N. That he received a complaint from the Michigan Board and contacted counsel to represent him at a hearing before the Board. (Transcript at p. 17-18)

O. That the outcome of the hearing was represented by a Consent Order, Petitioner's Exhibit 8, which his attorney advised him to sign. (Transcript at p. 19)

P. That the Consent Order required him to obtain 50 additional CME hours in OB-GYN surgery prior to licensure renewal and placed him on probation for one year during which time all his gynecological surgical procedures would be reviewed. (Transcript at p. 19)

Q. That Petitioner's Exhibit 9 is the letter from the Michigan Board advising him that he had satisfied the terms and conditions of the probation. (Transcript at p. 20)

R. That because of the Michigan Board's action, his insurance carrier wanted to drop his malpractice coverage. After several meetings with members of the Insurance Board and hospital personnel, his insurance was reinstated to full coverage with a 50 percent surcharge. (Transcript at p. 20-21)

S. That it was at this time when he decided to pursue radiology and made formal application to Doctor's Hospital residency program to which he was accepted. (Transcript at p. 22)

T. That it was for this residency program that he applied for temporary certificate in Ohio.

U. That Petitioner's Exhibits 10 through 30 are letters from various physicians and nurses, both from Doctor's Hospital in Columbus and Lapeer County General Hospital in Michigan, all written in support of him. (Transcript at p. 22-24)

V. That his attorney did not attempt to eliminate some of the harsh language in the consent order he signed and that the full input of the consent order was not explained to him. (Transcript at p. 24)

W. That he would not categorize the treatment he rendered to the patient to be incompetent.

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X. That the evening before the perforation, he and Dr. Kiehler had a difference of opinion concerning a change in the bylaws of the hospital. (Transcript at p. 24-25)

Y. That the patient who had the perforation of the uterus never filed a malpractice suit. (Transcript at 27)

14. Ms. Maxwell proceeded to cross-examine Dr. Head who testified as follows:

A. That Exhibit 1 is a copy of his application for a temporary certificate in Ohio.

15. Without objection, Petitioner's Exhibits 1 through 30 were admitted into the record.

16. The hearing was then concluded.

## FINDINGS OF FACT

1. Dr. Head has applied for a temporary certificate in Ohio and has been appointed as a resident in Radiology at Doctor's Hospital in Columbus, Ohio for the period of August 1, 1983 to July 31, 1984.

   This fact is established by State Appellee's Exhibit 1, State's Exhibit 9 and the testimony of Dr. Head, transcript at p. 22.

2. Dr. Head has been licensed as a Doctor of Osteopathy in Michigan since 1976 and Missouri since 1971.

   These facts are established by Dr. Head's testimony, transcript at p. 12-13.

3. In 1979, Dr. Head's OB-GYN surgical privileges were suspended for thirty days at Lapeer County General Hospital in Michigan and he was placed on six months probation, because a surgery he performed on a D and C patient resulted in the perforation of her uterus and bowel.

   This fact is established by Dr. Head's testimony, transcript at p. 14-15.

4. On July 29, 1980, after notification by Lapeer County Hospital, the State Michigan Board of Osteopathic Medicine and Surgery issued a formal complaint against Dr. Head based upon the surgery he performed, alleging incompetence and failure to conform to minimum standards of care.

   This fact is established by Petitioner's Exhibit 7 and State Appellee's Exhibit 6.

5. On January 20, 1981, Dr. Head entered into a Consent Order and Stipulation with the Michigan Osteopathic Board whereby he stipulated that the allegations of fact and law in the complaint were true. Further, he was placed on a (1) one year probation during which time all his gynecological surgical procedures would be reviewed and he was required to obtain fifty (50) additional CME hours in OB-GYN prior to his renewal.

   These facts are established by Petitioner's Exhibit 8, State Appellee's Exhibit 6 and Dr. Head's testimony, transcript at p. 19.

6. Dr. Head completed his term of probation at Lapeer County General Hospital and his full surgical privileges in OB-GYN were restored on February 26, 1980.

   This fact is established by Petitioner's Exhibits 5 and 6 and Dr. Head's testimony, transcript at p. 15-16.

7. Dr. Head completed and satisfied the conditions and terms of his probation with the Michigan Ostopathic Board and the probation was terminated on March 11, 1982.

   This fact is established by Petitioner's Exhibit 9 and Dr. Head's testimony, transcript at p. 20.

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## CONCLUSIONS

1. Dr. Head has violated Section 4731.22(B)(6), O.R.C., to wit: a departure from, or the failure to conform to, minimal standards of care of similiar practitioners under the same or similiar circumstances, whether or not actual injury to a patient is established.

   This conclusion is based upon Petitioner's Exhibits 7 and 8 and State's Exhibit 6 which indicate Dr. Head's stipulation to the truthfulness of the allegations of law and fact in the complaint of the Michigan Osteopathic Board.

2. The evidence before this Hearing Officer indicates:

   A) Dr. Head satisfactorily completed his term of probation at Lapeer County General Hospital and his full surgical privileges were restored on February 26, 1980.

   B) Dr. Head completed and satisfied the conditions and terms of his probation with the Michigan Osteopathic Board on March 11, 1982.

   C) No evidence of problems prior to or after, this one incident in 1979.

D) That as a resident at Doctor's Hospital in Columbus, Ohio, Dr. Head has performed ethically and morally, been hard working and conscientious, and is a highly competent resident and physician.

Therefore, I would make the following recommendation to the Board:

PROPOSED ORDER

It is ORDERED that the application of Stephen A., Head, D.O., for a temporary certificate for training as a resident in radiology at Doctor's Hospital in Columbus, Ohio until July 31, 1984 be approved.

PETER LANCIONE, M.D.
Member State Medical Board of Ohio

2 - FEB 1984
2 - FEB 1984

15 JUN 1983

IT IS FURTHER STIPULATED AND AGREED that the foregoing Consent Order is conditioned upon acceptance by the Board, the parties expressly reserving the right to further proceedings without prejudice should the Consent Order be rejected.

I hereby certify that I have read the foregoing Consent Order and Stipulation and approve same as to form; further, I agree to the terms of the Order and consent to entry thereof.

X _____
Stephen A. Head, D.O.
Respondent

Subscribed and sworn to before me this 20th day of January, 1981

_____

Notary Public, _____ County
State of Michigan
My Commission expires on 10-10-84

Approved

FRANK J. KELLEY
Attorney General

_____
Howard C. Marderosian
Assistant Attorney General
Attorney for Complainant

Approved

_____
Karl Reibel
Attorney for Respondent

This is the last and final page of a Consent Order and Stipulation in the matter of Stephen A. Head, D.O., before the Board of Osteopathic Medicine and Surgery consisting of three (3) pages, this page included.

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

EXCERPT FROM THE MINUTES OF MARCH 14, 1984

REPORT AND RECOMMENDATION IN THE MATTER OF STEPHEN A. HEAD, D.O.

Ms. Cato remained out of the room.

.....

Dr. Lovshin asked if each member of the Board 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 Stephen A. Head, D.O. A roll call was taken:

| | | |
|---|---|---|
| ROLL CALL: | Dr. O'Connor | - aye |
| | Dr. Lancione | - aye |
| | Dr. Buchan | - aye |
| | Dr. Rauch | - aye |
| | Mr. Johnston | - aye |
| | Dr. Oxley | - aye |
| | Ms. Rolfes | - aye |
| | Dr. Lovshin | - aye |

.....

DR. RAUCH MOVED TO APPROVE AND CONFIRM DR. LANCIONE'S FINDINGS OF FACT, CONCLUSION, AND PROPOSED ORDER IN THE MATTER OF STEPHEN A. HEAD, D.O. DR. OXLEY SECONDED THE MOTION. A roll call vote was taken:

| | | |
|---|---|---|
| ROLL CALL VOTE: | Dr. O'Connor | - aye |
| | Dr. Lancione | - abstain |
| | Dr. Buchan | - aye |
| | Dr. Rauch | - aye |
| | Mr. Johnston | - aye |
| | Dr. Oxley | - aye |
| | Ms. Rolfes | - aye |

The motion carried.

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

September 14, 1983

Stephen A. Head, D.O.
409 Autumn Drive
Lapeer, MI 48446

Dear Doctor Head:

In accordance with Chapter 119., Ohio Revised Code, and under the authority of Sections 4731.08, 4731.22, and 4731.291, Ohio Revised Code, the State Medical Board hereby proposes to refuse to grant you a temporary certificate under Section 4731.291 for one or more of the following reasons:

1. On or around January 20, 1981, you entered into a Consent Order and Stipulation with the Board of Osteopathic Medicine and Surgery of the State of Michigan. In said Consent Order and Stipulation you admitted the allegations of fact and law contained in the Board's Complaint dated July 29, 1980, which stated that your treatment of a female patient, which included a surgical procedure, uterine dilation, and curettage for a missed abortion, constituted incompetence.

   In said Consent Order and Stipulation you consented to an Order requiring fifty additional hours of Continuing Medical Education in obstetrics and gynecology and one year of probationary terms.

   Said Consent Order and Stipulation is attached hereto and incorporated herein.

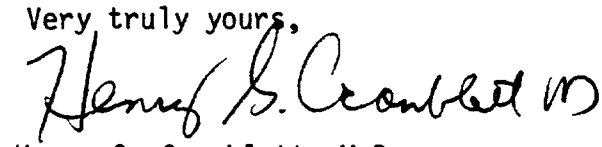
Your acts, conduct, and omissions as outlined in Allegation 1 constitute "a departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established" as that clause is used in Section 4731.22(B)(6) of the Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, please be advised that you may request a hearing on this matter. If you wish to request such hearing, that request must be made 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.

A copy of the Ohio Medical Practice Act is enclosed for your examination.

Very truly yours,



Henry G. Cramblett, M.D.
Secretary

HGC:jmb

Enclosures;

CERTIFIED MAIL #P349 641 645
RETRUN RECEIPT REQUESTED

15 JUN 1983

STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATION

BOARD OF OSTEOPATHIC MEDICINE AND SURGERY

In the Matter of

STEPHEN A. HEAD, D.O.

CONSENT ORDER AND STIPULATION

CONSENT ORDER

WHEREAS, a complaint was issued July 29, 1980 charging Stephen A. Head, D.O., hereafter Respondent, with violating section 16221(b)(i) of the Public Health Code, 1978 PA 368, as amended; and

WHEREAS, Respondent admits the allegations of fact and law contained in the complaint dated July 29, 1980, and stipulates that the Board of Osteopathic Medicine and Surgery, hereafter Board, may find said allegations of fact and law to be true without requiring presentation of evidence in support thereof; now, therefore,

THE BOARD DOES HEREBY FIND that the allegations of fact and law set forth in paragraphs 1 through 10 and Count I of the complaint dated July 29, 1980 are true.

THE BOARD FURTHER FINDS that Respondent violated section 16221(b)(i) of the Public Health Code, supra, as alleged in the complaint dated July 29, 1980.

Accordingly,

IT IS HEREBY ORDERED that Respondent shall obtain fifty (50) additional hours of continuing education needed for renewal of Respondent's license on January 1, 1982.