



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

August 14, 1992

Steven C. Mann, D.O.
360 DePauw Court
Gahanna, Ohio 43230

Dear Doctor Mann:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of the Minutes of the State Medical Board, meeting in regular session on August 12, 1992, including a Motion approving and confirming the Findings of Fact and the Conclusions of Law of the Hearing Examiner, and adopting an amended Order.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal may be taken to the Franklin County Court of Common Pleas only.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Carla S. O'Day, M.D.
Carla S. O'Day, M.D.
Secretary

CSO:em

Enclosures

CERTIFIED MAIL RECEIPT NO. P 741 123 777
RETURN RECEIPT REQUESTED

cc: Douglas E. Graff, Esq.

CERTIFIED MAIL NO. P 741 123 778
RETURN RECEIPT REQUESTED

Mailed 8/20/92



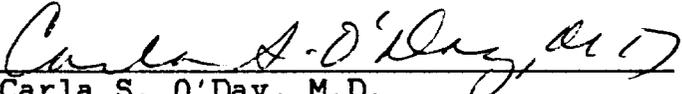
STATE MEDICAL BOARD OF OHIO

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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 Wanita J. Sage, Attorney Hearing Examiner, State Medical Board; and an excerpt of Minutes of the State Medical Board, meeting in regular session on August 12, 1992, including a Motion approving and confirming the Findings of Fact and Conclusions of Law of the Hearing Examiner, 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 Steven C. Mann, D.O., 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.


Carla S. O'Day, M.D.
Secretary

(SEAL)

8/13/92

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

STEVEN C. MANN, D.O.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on the 12th day of August, 1992.

Upon the Report and Recommendation of Wanita J. Sage, Hearing Examiner, Medical Board, in this matter designated 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 for the above date.

It is hereby ORDERED that:

1. The certificate of Steven C. Mann, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED. Such revocation is STAYED, and Dr. Mann's certificate is hereby SUSPENDED for an indefinite period of time, but not less than six (6) months.
2. The State Medical Board shall not consider reinstatement of Dr. Mann's certificate to practice unless and until all of the following minimum requirements are met:
 - A. Dr. Mann shall submit an application for reinstatement, accompanied by appropriate fees. Dr. Mann shall not make such application for at least six (6) months from the effective date of this Order.
 - B. Within 60 days of the effective date of this Order, or as otherwise approved by the Board, Dr. Mann shall commence appropriate treatment, as determined by an informed assessment of

Dr. Mann's current needs. Such assessment and treatment shall be by a psychiatrist approved in advance by the State Medical Board. Prior to the initial assessment, Dr. Mann shall provide the approved psychiatrist with copies of the Board's Findings and Order in this Matter, and the Board may provide any other documentation from the hearing record which it may deem appropriate or helpful to that psychiatrist. Within ten (10) days after the completion of the initial assessment, Dr. Mann shall cause a written report to be submitted to the State Medical Board from the approved psychiatrist, which report shall include:

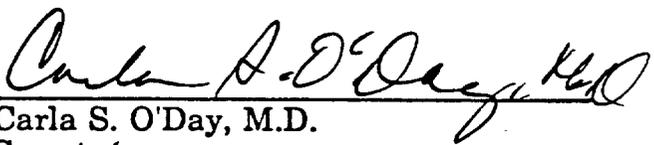
- 1) A detailed plan of recommended treatment based upon the approved psychiatrist's informed assessment of Dr. Mann's current needs; and
 - 2) Any reports upon which the treatment recommendation is based, including reports of physical examination and psychological or other testing.
- C. Dr. Mann shall provide documentation acceptable to the State Medical Board of continuing psychiatric counseling at intervals as deemed appropriate by the treating psychiatrist approved by the Board pursuant to paragraph B, above.
- D. Dr. Mann shall provide the Board with current written reports of evaluation by two (2) psychiatrists acceptable to the Board indicating that Dr. Mann's ability to practice has been assessed and that Dr. Mann has been found capable of practicing in accordance with acceptable and prevailing standards of care. Each report shall describe with particularity the bases for this determination and shall set forth any recommended limitations upon Dr. Mann's practice.
- E. Dr. Mann shall submit to the Board and receive its approval for a plan of practice in Ohio which, unless and until otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Mann's activities will be directly supervised and overseen by another physician approved by the Board.
- F. In the event that Dr. Mann has not been engaged in the active practice of osteopathic medicine and surgery for a period in excess of two (2) years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Mann's fitness to resume practice.

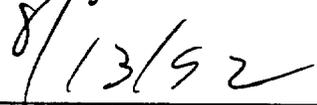
3. Upon reinstatement, Dr. Mann's certificate shall be subject to the following PROBATIONARY terms, conditions and limitations for at least five (5) years:
 - A. Dr. Mann shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio.
 - B. Dr. Mann shall submit quarterly declarations under penalty of perjury stating whether or not there has been compliance with all the provisions of probation.
 - C. Dr. Mann shall appear in person for interviews before the full Board or its designated representative at three (3) month intervals, or as otherwise directed by the Board.
 - D. Dr. Mann shall abstain completely from the personal use or possession of drugs, except those prescribed, administered or dispensed to him by another person so authorized by law, who has full knowledge of his history of chemical dependency and emotional problems.
 - E. Dr. Mann shall abstain completely from the use of alcohol.
 - F. Dr. Mann shall continue psychiatric treatment with a psychiatrist approved by the Board, at such intervals as are deemed appropriate by the treating psychiatrist, but not less than once per month, or as otherwise directed by the Board, until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require quarterly reports from the approved treating psychiatrist. Dr. Mann shall ensure that these reports are forwarded to the Board on a quarterly basis, or as otherwise directly by the Board.
 - G. Dr. Mann shall have a supervising physician, approved by the Board, who shall monitor him and provide the Board with reports on the doctor's progress and status. Dr. Mann is to ensure that said reports are forwarded to the Board on a quarterly basis. In the event that the designated supervising physician becomes unable or unwilling to serve as the supervising physician, Dr. Mann must immediately so notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable.
 - H. Dr. Mann shall have a third party present while examining or treating patients.

- I. Dr. Mann shall submit blood or urine specimens for analysis without prior notice at such times as the Board may request.
 - J. Dr. Mann shall maintain participation in an alcohol and drug rehabilitation program, such as AA or Caduceus, acceptable to the Board, no less than three (3) times per week, or as otherwise directed by the Board. At Dr. Mann's appearances before the Board or its designated representative, Dr. Mann shall submit acceptable documentary evidence of continuing compliance with this program.
 - K. In the event that Dr. Mann should leave Ohio for three continuous months, or reside or practice outside the State, he must notify the Board in writing of the dates of departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary period, unless otherwise determined by motion of the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.
 - L. Dr. Mann shall provide a copy of this Order to all employers and the Chief of Staff at each hospital where he has, applies for, or obtains privileges.
4. If Dr. Mann violates the terms of this Order in any respect, the Board, after giving Dr. Mann notice and the opportunity to be heard, may set aside the stay order and impose the revocation of Dr. Mann's certificate.
 5. Upon successful completion of probation, Dr. Mann's certificate will be fully restored.

This ORDER shall become effective thirty (30) days from the date of mailing of notification of approval by the State Medical Board of Ohio. In the thirty (30) day interim, Dr. Mann shall not undertake the care of any patient not already under his care.

(SEAL)


Carla S. O'Day, M.D.
Secretary


Date

REPORT AND RECOMMENDATION
IN THE MATTER OF STEVEN C. MANN, D.O.

The Matter of Steven C. Mann, D.O., came on for hearing before me, Wanita J. Sage, Esq., Hearing Examiner for the State Medical Board of Ohio, on June 11, 1992.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Basis for Hearing

A. By letter of March 11, 1992 (State's Exhibit #1), the State Medical Board notified Steven C. Mann, D.O., that it proposed to take disciplinary action against his certificate to practice osteopathic medicine and surgery in Ohio for one or more of the following reasons:

1. The Board alleged that, in July, 1988, Dr. Mann entered into a Consent Agreement with the State Medical Board, based on a long-term history of alcohol abuse and several incidents of indecent exposure. The Consent Agreement stated that he would obey all federal, state, and local laws.
2. The Board further alleged that, on or about October 20, 1991, while driving in downtown Ashland, Dr. Mann engaged in masturbation and exposed his erect penis to two young women after asking them if they needed a ride. Dr. Mann admitted to this conduct when interviewed by two police officers on October 21, 1991, and in the Quarterly Declaration he submitted to the Board on November 26, 1991, pursuant to his Consent Agreement, he admitted that he "broke state law in Ashland, Ohio, on 10/20/91."

Dr. Mann's acts, conduct, and/or omissions were alleged to constitute "commission of an act that constitutes a misdemeanor in this state regardless of the jurisdiction in which the act was committed, if the act involves moral turpitude", as that clause is used in Section 4731.22(B)(14), Ohio Revised Code, to wit: Section 2907.09, Ohio Revised Code, "Public indecency", and/or "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", as that clause is used in Section 4731.22(B)(15), Ohio Revised Code. Dr. Mann was advised of his right to request a hearing in this Matter.

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- B. By document filed with the State Medical Board on April 8, 1992 (State's Exhibit #1a), Douglas E. Graff, Esq., requested a hearing on behalf of Dr. Mann.

II. Appearances

- A. On behalf of the State of Ohio: Lee I. Fisher, Attorney General, by Odella Lampkin, Assistant Attorney General
- B. On behalf of the Respondent: Douglas E. Graff, Esq.

III. Testimony Heard

- A. The State presented no witnesses.
- B. Presented by the Respondent
 - 1. Robert W. Birch, Ph.D.
 - 2. Steven C. Mann, D.O.
 - 3. Nanette Mann

IV. Exhibits Examined

In addition to State's Exhibits #1 and #1a, noted above, the following exhibits were identified and admitted into evidence in this Matter:

- A. Presented by the State
 - 1. State's Exhibit #2: April 9, 1992, letter to Douglas E. Graff, Esq., from the State Medical Board, advising that a hearing initially set for April 22, 1992, was postponed pursuant to Section 119.09, Ohio Revised Code.
 - 2. State's Exhibit #3: April 9, 1992, letter to Attorney Graff, scheduling the hearing for May 21, 1992.
 - 3. State's Exhibit #4: May 19, 1992, Entry granting the Respondent's motion for continuance and rescheduling the hearing for June 11, 1992.
 - 4. State's Exhibit #5: July 13, 1988, Consent Agreement between Steven Craig Mann, D.O., and the State Medical Board of Ohio.

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5. State's Exhibit #6: November 26, 1991, letter from Dr. Mann, purporting to be his Quarterly Declaration pursuant to his Consent Agreement.
6. State's Exhibit #7: Certified copy of docket sheet and judgment order of the Ashland Municipal Court in State v. Mann, Case No. 91-CR-B-1134.
7. State's Exhibit #8: Stipulation of facts entered into by the State and the Respondent.

B. Presented by the Respondent

1. Respondent's Exhibit A: June 9, 1992, letter from Todd E. Fuller, Bishop, Church of Jesus Christ of Latter-Day Saints, in support of Dr. Mann.
2. Respondent's Exhibit B: Curriculum vitae of Robert W. Birch, Ph.D.
3. Respondent's Exhibit C: April 29, 1992, letter from Robert W. Birch, Ph.D., with regard to his counseling of Dr. Mann.

FINDINGS OF FACT

1. On July 13, 1988, Steven C. Mann, D.O., entered into a Consent Agreement with the State Medical Board. According to its terms, Dr. Mann entered into this Consent Agreement as a condition of eligibility for licensure to practice medicine and surgery in Ohio, and in lieu of formal proceedings based upon violations of Section 4731.22(B), Ohio Revised Code. The Agreement set forth Dr. Mann's admissions that he had abused alcohol excessively from 1973 to approximately Fall, 1979; that he had never undergone any formal treatment for alcohol abuse, but had stopped drinking in 1980 after getting married and entering the Mormon Church; and that he had received treatment in 1977 and 1979, at two different mental health centers, for emotional problems relating to his drinking and inability to accept responsibilities that go along with relationships. Those and other treatments were also related to his pleas of guilty to charges of indecent exposure or similar offenses in 1977, 1979, and 1981.

By entering into the Consent Agreement, Dr. Mann agreed to various probationary terms, conditions, and limitations. Among other things, he agreed to "obey all federal, state and local laws..."

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These facts are established by State's Exhibits #5 and #8 and the testimony of Dr. Mann.

2. On or about October 20, 1991, while driving in downtown Ashland, Ohio, Dr. Mann engaged in masturbation and exposed his erect penis to two young women after asking them if they needed a ride. Dr. Mann admitted this conduct when he was interviewed by two police officers on October 21, 1991. Further, in a November 26, 1991, letter, which Dr. Mann submitted as his Quarterly Declaration pursuant to his Consent Agreement, he admitted that he "broke the state law in Ashland Ohio on 10/20/91."

These facts are established by State's Exhibits #6 and #8 and the stipulations of the parties (Tr. at 5-6).

3. As a result of the incident in Ashland, Dr. Mann was charged with Public Indecency, a fourth degree misdemeanor pursuant to Section 2907.09(A)(1), Ohio Revised Code. On or about May 28, 1992, pursuant to his plea of no contest, Dr. Mann was found guilty as charged. By Judgment Order filed in the Ashland Municipal Court on May 29, 1992, Dr. Mann was sentenced to serve 30 days in the Ashland County Jail, with jail time suspended subject to his compliance with the conditions of a two-year probation. As one condition of the court-imposed probation, Dr. Mann was required to continue counseling and to follow his counselor's advice and recommendations.

These facts are established by State's Exhibit #7.

4. Robert W. Birch, Ph.D., a licensed clinical psychologist who specializes in marital and sexual concerns, has been Dr. Mann's counselor since March 30, 1992. Dr. Mann went to Dr. Birch on his own initiative, prior to his conviction, following a referral from Dr. Richard Pelham of the OSMA Physicians Effectiveness Program. Between the time of the October, 1991, incident in Ashland and his March, 1992, referral to Dr. Birch, Dr. Mann had also voluntarily sought and received treatment at Golden Valley Health Center in Minneapolis, River Oak Hospital in New Orleans, and Talbott Recovery Center in Atlanta, Georgia. Before the Ashland incident, he had been in outpatient therapy with Dr. Ronald C. Moomaw, whom he saw on a quarterly basis pursuant to his July, 1988, Consent Agreement.

These facts are established by Respondent's Exhibits B and C, the testimony of Dr. Birch (Tr. at 15-16, 27-31, 33-34, 42-43, 62-64), and the testimony of Dr. Mann (Tr. at 70-78, 80-81).

5. According to Robert Birch, Dr. Mann suffers from a compulsive sexual disorder, specifically, paraphilia with exhibitionism. Exhibitionism is a very powerful compulsion, with roots going back to childhood experiences. The rehabilitation "track record" for

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exhibitionists in general is terrible. It is very difficult for the exhibitionist to give up such behavior, and secrecy has been a part of the exhibitionist's unacceptable sexual acting out for years. The therapist should never trust such patients, but should keep asking and looking, endeavoring by the therapist's own diligence to keep the exhibitionist diligent. The vast majority of exhibitionists drop out of treatment programs prematurely, and most of those relapse. Of the approximately 20 exhibitionists Dr. Birch has treated in the past five years, only two (10%) have stayed in treatment. Those two have not relapsed.

These facts are established by the testimony of Dr. Birch (Tr. at 16-19, 27, 39, 51-55, 58, 60-61).

6. Despite the grim picture for rehabilitation of exhibitionists in general, it was the opinion of Dr. Robert Birch that Dr. Mann's prognosis for maintaining recovery was very favorable. This prognosis was based on assumptions that Dr. Mann would stay in treatment, continue to talk with caregivers, continue individual therapy, keep his marriage in perspective, and maintain a stable life. Appropriate supervision and identification of triggering factors would also be important elements in maintaining recovery. In Dr. Birch's opinion, the fact that Dr. Mann's exhibitionistic behavior was better organized and less out of control than that of many exhibitionists indicated a more favorable prognosis than would apply to the majority of men who are arrested for exhibitionism. Dr. Birch acknowledged, however, that the majority of such exhibitionists were not under consent agreements with their regulatory and licensing boards. The fact that Dr. Mann had engaged in inappropriate sexual acting out while under Consent Agreement with the State Medical Board spoke to the power of his compulsion and the inadequacy of his previous treatment. Nevertheless, Dr. Birch felt that Dr. Mann had now achieved a meaningful start toward maintaining recovery.

Dr. Birch's treatment approach would focus on Dr. Mann's total interpersonal systems, not just on Dr. Mann individually. In Dr. Birch's opinion, Dr. Mann now has strong support systems in place. Dr. Birch found no evidence that Dr. Mann's exhibitionism was, or had ever been, a problem in his practice, or that the nature of the average medical practice would be a triggering factor for such behavior. Classic "triggers" for exhibitionists include high stress, depression, and feelings of loneliness. Thus, the number of hours Dr. Mann worked could be a stressor that would prompt relapse, but the nature of practice itself would not be a stressor. Long working hours that impacted on the marriage and "rippled out" or situations in which Dr. Mann felt exploited should be avoided.

These facts are established by the testimony of Dr. Birch (Tr. at 16-20, 22-26, 32-36, 41-42, 44-51, 58-60).

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7. In view of the extra caution needed because of Dr. Mann's profession and accountability to the State Medical Board, Dr. Robert Birch would recommend that Dr. Mann remain in intensive therapy for at least one year. Dr. Birch has already treated Dr. Mann for approximately three months. He would anticipate continuing another three months with weekly psychotherapy, alternating individual sessions and conjoint sessions with Dr. and Mrs. Mann. After that, the sessions would be every other week for another six months, then every three weeks to a month for approximately one year. As individual therapy began to decrease, involvement with self-help groups might be indicated, as it would be important that Dr. Mann be periodically confronted by and confront the idea that his behavior has been exploitive; exhibitionism is not victimless, but offends and exploits women, human beings.

Dr. Birch would also recommend some sort of supervisory arrangement, with a peer who was aware of Dr. Mann's history checking with Dr. Mann periodically for support purposes and as a reminder. The support person might also occasionally check with the treating therapist. Dr. Birch would also recommend that the Board maintain some surveillance of Dr. Mann for at least three years, even though that might extend beyond his period of active treatment and into the time where only periodic checkups to assess Dr. Mann's mental health were necessary.

These facts are established by the testimony of Dr. Birch (Tr. at 20-23, 26, 31-32, 55-58).

8. By the terms of his July, 1988, Consent Agreement, Dr. Mann also agreed to abstain completely from the use of alcohol. Dr. Robert Birch stated that he had no reason to believe that Dr. Mann had any current problem with alcohol. Dr. Mann's testimony at hearing, however, indicated that he had not abstained completely from the use of alcohol since 1988. Dr. Mann stated that he had never been diagnosed as an alcoholic or been treated for alcoholism. He did not believe that his exhibitionism and alcohol problems were related, except that alcohol lowered his inhibitions and control. He believed that the Board construed his admission that he drank excessively in college to mean that he was an alcoholic. Dr. Mann does not believe in drinking, and has not been drunk for over twelve years, since converting to the Mormon Church. He indicated, however, that he had drunk wine coolers occasionally during a period when he was having problems in his marriage. He had drunk only approximately 10 wine coolers over the last 10 years, and it had been over a year ago since he had drunk the last one.

These facts are established by State's Exhibit #5, the testimony of Dr. Birch (Tr. at 36-37), and the testimony of Dr. Mann (Tr. at 84-86).

9. After the October, 1991, incident in Ashland, Dr. Mann voluntarily withdrew from medical practice to enter inpatient treatment at Golden Valley Health Center. In the November 26, 1991, letter Dr. Mann submitted as his Quarterly Declaration to the State Medical Board, he stated that he would refrain from seeing patients until the Medical Board had given him its approval. At hearing, however, Dr. Mann indicated that he was currently practicing medicine on a free-lance basis, filling in for physicians on vacation.

These facts are established by State's Exhibit #6 and the testimony of Dr. Mann (Tr. at 86-87).

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10. Dr. Mann wants to continue the practice of medicine. He believes his present therapy with Dr. Birch is helpful, and that he has the support network necessary to maintain his recovery. He is willing to comply with reasonable restrictions on his license and with long-term monitoring. He is currently exploring employment possibilities, including small town practice, a residency in family practice, or an opportunity to practice under a supervised relationship. Dr. Mann indicated that the stress of his prior practice at an inter-city clinic had not been good for him. The work itself had not triggered his relapse, but the extended working hours and feelings of being exploited may have been triggering factors.

These facts are established by the testimony of Dr. Mann (Tr. at 78-83).

11. The testimony of Mrs. Mann indicated that she is willing to support Dr. Mann in his recovery.

These facts are established by the testimony of Nanette Mann (Tr. at 87-92).

CONCLUSIONS

1. The acts, conduct, and/or omissions of Steven C. Mann, D.O., as set forth in Finding of Fact #2, above, constitute "commission of an act that constitutes a misdemeanor in this state regardless of the jurisdiction in which the act was committed, if the act involves moral turpitude", as that clause is used in Section 4731.22(B)(14), Ohio Revised Code, to wit: Section 2907.09, Ohio Revised Code, "Public indecency." In fact, subsequent to the Board's citation letter, Dr. Mann was convicted of violating Section 2907.09(A)(1), which prohibits a person from recklessly exposing his private parts or engaging in masturbation under circumstances in which his conduct is likely to be viewed by and affront others. As Dr. Birch's testimony indicated, public

indecentcy, a misdemeanor offense, is not a victimless crime. Dr. Mann's conduct affronted and exploited two young women. Such exploitation constitutes an act involving moral turpitude.

2. The acts, conduct, and/or omissions of Dr. Mann, as set forth in Findings of Fact #1 through #3, above, violated the conditions of limitation placed by his Consent Agreement with the State Medical Board and, thus, constitute "violation of the conditions of limitation placed by the Board upon a certificate to practice...", as that clause is used in Section 4731.22(B)(15), Ohio Revised Code.

* * * * *

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It is apparent that Dr. Mann is remorseful, and that he has voluntarily gone to great lengths to seek appropriate treatment for his compulsive sexual disorder. While Dr. Mann's problems evoke compassion, exhibitionism is an exploitive behavior unacceptable in a physician. Dr. Mann, who has a long-term history of similar incidents, violated the trust the Board placed in him when it granted him a license subject to his compliance with the terms of a Consent Agreement. Dr. Mann's testimony indicated that he had also used alcohol in violation of his Consent Agreement, and that he had returned to work, contrary to the representation in his November, 1991, Quarterly Declaration. While it is possible that Dr. Mann has now found an appropriate treatment program for his compulsive sexual disorder, Dr. Birch's testimony indicated that the success rate is not high for rehabilitation of exhibitionists. Although there is no evidence that Dr. Mann manifested exhibitionistic behavior in the course of his medical practice, such behavior in any arena reflects poorly on the profession and cannot be tolerated in a licensee of this Board. This Board has in the past supported rehabilitation of physicians in the area of chemical dependency. Even in that area, however, it is the Board's stated policy that impairment shall not excuse acts which result in conviction or which potentially have an adverse impact on other individuals. Dr. Mann was convicted of public indecentcy, and the acts which led to that conviction illustrate that this was not a victimless crime. This Board is obligated to set standards for the profession. It is not obligated to rehabilitate a physician who has repeatedly engaged in exploitive behavior, where the risk of recurrence of such behavior is high.

Report and Recommendation
In the Matter of Steven C. Mann, D.O.
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PROPOSED ORDER

It is hereby ORDERED that the certificate of Steven C. Mann, D.O., to practice osteopathic medicine and surgery in Ohio shall be permanently REVOKED.

This Order shall become effective thirty (30) days from the date of mailing of notification by the State Medical Board of Ohio.

Wanita J. Sage
Attorney Hearing Examiner

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EXCERPT FROM THE MINUTES OF AUGUST 12, 1992

REPORTS AND RECOMMENDATIONS

Dr. Gretter announced that the Board would now consider the Findings and Orders appearing on the Board's agenda.

Dr. Gretter asked whether each member of the Board had received, read, and considered the hearing record, the Proposed Findings, Conclusions, and Orders, and any objections filed in the matters of Steven C. Mann, D.O., and Rupert H. May, M.D. A roll call was taken:

ROLL CALL:	Dr. O'Day	- aye
	Mr. Albert	- aye
	Dr. Stienecker	- aye
	Mr. Jost	- abstain
	Dr. Kaplansky	- aye
	Dr. Heidt	- aye
	Dr. Hom	- aye
	Dr. Agresta	- aye
	Dr. Gretter	- aye

Dr. Gretter asked whether each member of the Board understood 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. O'Day	- aye
	Mr. Albert	- aye
	Dr. Stienecker	- aye
	Mr. Jost	- abstain
	Dr. Kaplansky	- aye
	Dr. Heidt	- aye
	Dr. Hom	- aye
	Dr. Agresta	- aye
	Dr. Gretter	- aye

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

Mr. Jost left the meeting at this time.



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IN THE MATTER OF STEVEN C. MANN, D.O.

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REPORT AND RECOMMENDATION IN THE MATTER OF STEVEN C. MANN, D.O.

Dr. Gretter stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and order in the above matter. No objections were voiced by Board members present.

Dr. Gretter stated that it is his understanding that ex parte communication may have been attempted on behalf of Dr. Mann with respect to this matter. He asked the Board members to indicate whether or not they had been contacted or if such contact had been attempted.

Dr. O'Day stated that she had not been contacted.

Mr. Albert stated that he received a letter.

Dr. Stienecker stated that he had not been contacted.

Dr. Kaplansky stated that he received one letter and one phone call, each from a different person.

Dr. Heidt stated that he received one letter.

Dr. Hom stated that she received one letter and two phone calls.

Dr. Agresta stated that he had received one letter.

Dr. Gretter stated that he had received one letter.

Mr. Albert commented that he did not read the letter after seeing who sent it.

Dr. Gretter advised Mr. Graff that there is not a court reporter present, but instead the Board's minutes serve as the Board's official record of the meeting. Mr. Graff stated that he did not have any objection to the absence of a court reporter.

Dr. Gretter reminded Mr. Graff that the Board members have read the entire hearing record, including the exhibits and any objections filed. He added that the Board will not retry the case at this time, and that pursuant to Section 4731.23(C), Revised Code, oral arguments made at this time are to address the proposed findings of fact and conclusions of the hearing examiner. Dr. Gretter stated that Mr. Graff would be allowed approximately five minutes for his address.

Mr. Graff indicated that Dr. and Mrs. Mann were present in the Board room. He added that he has filed objections to the Hearing Officer's Report and Recommendation in this matter, but he would like to raise the issue of ex parte communication. Mr. Graff stated that he is aware that a letter was sent out on behalf of Dr. Mann, but



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this was not done at Mr. Graff's direction. Mr. Graff apologized to the Board members for the attempted contacts.

Mr. Graff stated that Dr. Mann believes that significant errors of fact were incorporated into the Hearing Officer's report. Dr. Mann applied for licensure in Ohio and at the time of application voluntarily told the Board about his disease of paraphilia. Dr. Mann made this condition clear to the Board at the time of his original licensure application, and provided the Board with information resulting in his entering into a Consent Agreement with the Board. Subsequently, the Board charged Dr. Mann with violating the terms of the Consent Agreement. Mr. Graff continued that during the hearing there was much testimony concerning Dr. Mann and his condition.

Mr. Graff stated that he recently attended an A.B.A. meeting in San Francisco at which the topic of how licensing boards deal with individuals and impairment problems was discussed. The A.B.A. listed three factors that it felt to be important in considering the handling of such cases: 1. the individual's prognosis for recovery; 2. the support systems in place for the individual; and 3. possibility of harm to patients or clients by the individual.

Mr. Graff stated that the transcript shows that Dr. Mann's chances for recovery are outstanding. Expert testimony by Robert W. Birch, Ph.D., a clinical psychologist specializing in marital and and sexual concerns, indicates that Dr. Mann is an outstanding candidate for full recovery. Dr. Mann has undergone five and one-half months of intensive psychotherapy to form the foundation for his recovery. Dr. Mann also has a strong support system. He not only has the support of his family and his church, he also has a strong system of support to provide maintenance of his recovery through his current employer, Dr. Kenneth Carpenter. Dr. Carpenter wrote letters to certain Board members on Dr. Mann's behalf. Dr. Carpenter has indicated a willingness to make any accommodations the Board wishes in monitoring Dr. Mann throughout his recovery.

Mr. Graff stated that Dr. Mann has been honest about his need for oversight. He has not had any problems, except for one isolated incident, in more than ten years. Dr. Mann continues to serve a vital role in his church and in his community. His services as a physician have been unchallenged. There is no evidence of danger to the public by Dr. Mann's continued practice. Dr. Birch's testimony and other evidence before the Board shows that Dr. Mann's medical practice is not a trigger mechanism for his disease, nor has it manifested itself in the practice, nor has the practice contributed to the disease or hindered his recovery.

Mr. Graff stated that it is in the public's best interest that Dr. Mann be permitted to continue practicing medicine. Dr. Mann meets all three of the A.B.A. factors. Mr. Graff stated that the proposed Order for permanent revocation is not supported



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by the record as a whole. Finding of Fact No. 7 outlines a suggested plan of treatment for Dr. Mann, which consists of one year of intensive psychotherapy and combined counseling with his wife. Dr. Mann has been in that recovery process for five and one-half months, and he was out of practice while undergoing treatment with Dr. Birch an additional five months. Dr. Mann removed himself from practice and didn't return until there was a clear indication that he was no longer a danger. Mr. Graff stated that the Hearing Officer's proposed Order does not provide support for Dr. Mann, nor does it allow him to return to the practice of medicine.

Dr. Stephens joined the meeting at this time.

Dr. Gretter asked Dr. Stephens whether he had received, read, and considered the hearing record, the Proposed Findings, Conclusions, and Orders, and any objections filed in the matters of Steven C. Mann, D.O., and Rupert H. May, M.D. Dr. Stephens indicated that he had.

Dr. Gretter asked Dr. Stephens whether he understood 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. Dr. Stephens stated that he did.

Dr. Gretter asked Dr. Stephens whether or not he had been contacted or if such contact had been attempted on behalf of Dr. Mann. Dr. Stephens stated that he doesn't know whether he received anything or not, adding that when such items come to him, he doesn't read them, but throws them away.

Dr. Gretter asked Ms. Lampkin whether she wished to respond to Mr. Graff's statements.

Ms. Lampkin stated that Dr. Mann did stipulate and admit to the factual allegations contained in the Board's March 11, 1992 notice of opportunity for hearing. The events for which the Board charged Dr. Mann occurred on October 20, 1991. While driving in downtown Ashland, Ohio, Dr. Mann exposed himself to two women. He admitted his conduct to two officers, as well as at the time of the hearing. Dr. Mann also wrote the Board a letter indicating that he broke the law in Ashland on October 20, 1991.

Ms. Lampkin stated that the Board's 1988 Consent Agreement with Dr. Mann was based on his problem with alcohol. Under the terms of the Agreement, Dr. Mann was to have a supervising physician, undergo blood and urine screenings, and obtain psychiatric and psychological testing. The evidence in the transcript shows that this was done. Ms. Lampkin stated that Mr. Graff suggests that the Board adopt the A.B.A. factors. She argued against the Board's adoption of these factors. The issues involved have been noted in the Hearing Officer's Report and Recommendation, and the Board does



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not need to adopt the A.B.A. factors as the only ones involved in Orders concerning rehabilitation. Ms. Lampkin concluded that the Board must determine the appropriate sanction based upon the facts as found by the Hearing Officer.

DR. HOM MOVED TO APPROVE AND CONFIRM MS. SAGE'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF STEVEN C. MANN, D.O. DR. HEIDT SECONDED THE MOTION.

Dr. Gretter asked whether there were any questions concerning the proposed findings of fact, conclusions, and order in the above matter.

DR. HOM MOVED THAT THE PROPOSED ORDER IN THE MATTER OF STEVEN C. MANN, D.O., BE AMENDED BY SUBSTITUTING THE FOLLOWING:

It is hereby ORDERED that:

1. The certificate of Steven C. Mann, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED. Such revocation is STAYED, and Dr. Mann's certificate is hereby SUSPENDED for an indefinite period of time, but not less than one (1) year.
2. The State Medical Board shall not consider reinstatement of Dr. Mann's certificate to practice unless and until all of the following minimum requirements are met:
 - A. Dr. Mann shall submit an application for reinstatement, accompanied by appropriate fees. Dr. Mann shall not make such application for at least one (1) year from the effective date of this Order.
 - B. Within 60 days of the effective date of this Order, or as otherwise approved by the board, Dr. Mann shall commence appropriate treatment, as determined by an informed assessment of Dr. Mann's current needs. Such assessment and treatment shall be by a psychiatrist approved in advance by the State Medical Board. Prior to the initial assessment, Dr. Mann shall provide the approved psychiatrist with copies of the Board's Findings and Order in this Matter, and the Board may provide any other documentation from the hearing record which it may deem appropriate or helpful to that psychiatrist. Within ten (10) days after the completion of the initial assessment, Dr. Mann shall cause a written report to be submitted to the State Medical Board from the approved psychiatrist, which report shall include:
 - 1) A detailed plan of recommended treatment based upon the approved psychiatrist's informed assessment of Dr. Mann's current needs; and



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- 2) Any reports upon which the treatment recommendation is based, including reports of physical examination and psychological or other testing.
 - C. Dr. Mann shall provide documentation acceptable to the State Medical Board of continuing psychiatric counseling at intervals as deemed appropriate by the treating psychiatrist approved by the Board pursuant to paragraph B, above.
 - D. Dr. Mann shall provide the Board with current written reports of evaluation by two (2) psychiatrists acceptable to the Board indicating that Dr. Mann's ability to practice has been assessed and that Dr. Mann has been found capable of practicing in accordance with acceptable and prevailing standards of care. Each report shall describe with particularity the bases for this determination and shall set forth any recommended limitations upon Dr. Mann's practice.
 - E. Dr. Mann shall submit to the Board and receive its approval for a plan of practice in Ohio which, unless and until otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Mann's activities will be directly supervised and overseen by another physician approved by the Board.
 - F. In the event that Dr. Mann has not been engaged in the active practice of osteopathic medicine and surgery for a period in excess of two (2) years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Mann's fitness to resume practice.
3. Upon reinstatement, Dr. Mann's certificate shall be subject to the following PROBATIONARY terms, conditions and limitations for at least five (5) years:
 - A. Dr. Mann shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio.
 - B. Dr. Mann shall submit quarterly declarations under penalty of perjury stating whether or not there has been compliance with all the provisions of probation.
 - C. Dr. Mann shall appear in person for interviews before the full Board or its designated representative at three (3) month intervals, or as otherwise directed by the Board.



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- D. Dr. Mann shall abstain completely from the personal use or possession of drugs, except those prescribed, administered or dispensed to him by another person so authorized by law, who has full knowledge of his history of chemical dependency and emotional problems.
- E. Dr. Mann shall abstain completely from the use of alcohol.
- F. Dr. Mann shall continue psychiatric treatment with a psychiatrist approved by the Board, at such intervals as are deemed appropriate by the treating psychiatrist, but not less than once per month, or as otherwise directed by the Board, until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require quarterly reports from the approved treating psychiatrist. Dr. Mann shall ensure that these reports are forwarded to the Board on a quarterly basis, or as otherwise directed by the Board.
- G. Dr. Mann shall have a supervising physician, approved by the Board, who shall monitor him and provide the Board with reports on the doctor's progress and status. Dr. Mann is to ensure that said reports are forwarded to the Board on a quarterly basis. In the event that the designated supervising physician becomes unable or unwilling to serve as the supervising physician, Dr. Mann must immediately so notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable.
- H. Dr. Mann shall have a third party present while examining or treating patients.
- I. Dr. Mann shall submit blood or urine specimens for analysis without prior notice at such times as the Board may request.
- J. Dr. Mann shall maintain participation in an alcohol and drug rehabilitation program, such as AA or Caduceus, acceptable to the Board, no less than three (3) times per week, or as otherwise directed by the Board. At Dr. Mann's appearances before the Board or its designated representative, Dr. Mann shall submit acceptable documentary evidence of continuing compliance with this program.
- K. In the event that Dr. Mann should leave Ohio for three continuous months, or reside or practice outside the State, he must notify the Board in writing of the dates of departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this



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probationary period, unless otherwise determined by motion of the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.

- L. Dr. Mann shall provide a copy of this Order to all employers and the Chief of Staff at each hospital where he has, applies for, or obtains privileges.
4. If Dr. Mann violates the terms of this Order in any respect, the Board, after giving Dr. Mann notice and the opportunity to be heard, may set aside the stay order and impose the permanent revocation of Dr. Mann's certificate.
5. Upon successful completion of probation, Dr. Mann's certificate will be fully restored.

This ORDER shall become effective thirty (30) days from the date of mailing of notification of approval by the State Medical Board of Ohio. In the thirty (30) day interim, Dr. Mann shall not undertake the care of any patient not already under his care.

Dr. Hom stated that although Dr. Mann's problems never affected patient care, it is obvious with his history that a relapse might be detrimental to his patients. The requirement to have a third party present during physical examinations would be a deterrent and would address the Board's concerns regarding Dr. Mann's behavior with patients.

Dr. Hom stated that Dr. Mann has been forthcoming about his problem, but she did feel that his failure to comply with the terms of the Consent Agreement was a violation of the Board's trust. This is part of the reason she is asking for a minimum one-year suspension period. Dr. Hom stated that she did not feel that simply restating the terms of the earlier Agreement would be sufficient in view of the violation of those terms. A penalty for non-compliance with the Agreement is appropriate in this case.

DR. KAPLANSKY SECONDED DR. HOM'S MOTION.

Dr. Hom stated that she doesn't believe the Board should be unduly penalizing people, but Dr. Mann did violate his Agreement in two known ways, and in possibly a third. Considering mitigating circumstances, a minimum one-year penalty was appropriate in this case and is a good balance. Dr. Hom commented that traditionally the Board would give the physician one chance and then revoke the license if the physician does not comply. Dr. Mann needs to understand that his



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violation was a serious offense. If the Board does not consider violations of its consent agreements as serious, the Board will not be able to enforce any of its agreements. A penalty must be imposed and a minimum one-year suspension is appropriate in this case.

Dr. Stienecker indicated that Dr. Birch testified that the recovery rate for Dr. Mann's condition is not high. Dr. Stienecker disagreed with that, because he didn't feel the Board should get into the position of describing an acceptable success rate for various problems it faces. Dr. Stienecker suggested that a year might make it a little long for the Board to be able to judge whether there has been a rehabilitative process occurring.

Dr. Hom stated that if Dr. Mann had another incident it would be pretty obvious. She added that the one-year suspension may be stressful for Dr. Mann, but Dr. Mann should have recognized that he could have easily lost his license for this. That by itself was apparently not sufficient at that point to dissuade him. He obviously has a significant compulsive component and that is one of the reasons her Order requires a psychiatric evaluation for chronic compulsive disorders or other things that might be occurring in this situation that Dr. Birch may not have recognized since his specialty is so specific.

DR. STIENECKER MOVED TO AMEND PARAGRAPH 1 OF DR. HOM'S PROPOSED AMENDED ORDER TO CHANGE THE INDEFINITE PERIOD OF SUSPENSION TO NOT LESS THAN SIX (6) MONTHS.

Dr. Stienecker stated that, although the Board is not obligated to rehabilitate physicians who repeatedly engage in behavior where the risk of recidivism is high, he doesn't believe the Board should write someone off because that person is at higher risk than someone else. Dr. Stienecker indicated that he would be more inclined to try to get the physician back to work sooner than over a year's time.

DR. AGRESTA SECONDED DR. STIENECKER'S MOTION TO AMEND DR. HOM'S MOTION.

Dr. Kaplansky spoke in support of Dr. Stienecker's amendment, stating that the Board has the obligation to rehabilitate physicians. Rehabilitation takes place over the extent of a lifetime, but it is more important that the physician get back to work so that he can earn a living.

Dr. Heidt referred to Dr. Birch's testimony that Dr. Mann's prognosis is favorable. Dr. Heidt stated that it doesn't appear that the prognosis is favorable in view of the fact that Dr. Mann violated his earlier Consent Agreement. Dr. Heidt stated that the Board is taking a big risk with Dr. Mann. He added that he is not adverse to taking another risk, but thinks the violation of an earlier Agreement is a serious thing. Dr. Heidt stated that a minimum one-year suspension would be appropriate in this case.



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Dr. O'Day stated that if the Board isn't going to revoke Dr. Mann's license, she has no problem with it imposing a suspension of six months or less. Dr. O'Day agreed with the Hearing Officer's conclusions that Dr. Mann's behavior was not a victimless act. His behavior was very exploitative of women, and is a repeat of past behavior. Dr. O'Day stated that, as she reads Dr. Birch's report, Dr. Mann may well relapse in the future. Dr. O'Day stated that she would love to help Dr. Mann, but she is concerned about the women in this state who may be victimized by him, whether or not in the course of his practice, but particularly in the course of his practice.

Mr. Albert agreed with Dr. O'Day's statements, but added that he supported Dr. Hom's amendment which imposes a minimum one-year suspension. Mr. Albert stated that he has attended conferences on this subject, and the rate of recovery is poor. The Board is now giving Dr. Mann another chance. A year out of practice is not out of line. Mr. Albert added that Dr. Mann is lucky to leave the Board without his license being revoked. Mr. Albert stated that he is willing to support Dr. Hom's program of probation since Dr. Mann does have a strong system of support from his family and his church. He added that if Dr. Mann ever comes back to the Board again, he won't be so kind.

Dr. Stephens spoke in favor of Dr. Stienecker's amendment.

In response to Dr. Hom's questions, Mr. Graff stated that Dr. Mann was out of practice from October 20, 1991, to April 29, 1992, when Dr. Birch stated that he would be eligible to return to practice. He has returned to part-time practice.

Dr. Hom stated that, should Dr. Mann again violate the terms of the Board's Order, the Board can, after sending him a notice of opportunity for hearing and holding a hearing, impose the revocation. She added that revocation is the maximum penalty available to the Board. She added that the threat of revocation is also the best motivator the Board has.

Dr. O'Day stated that Dr. Mann has repeatedly engaged in exploitative behavior. She added that the Board is not obligated to rehabilitate, but if it chooses to do so, it should do it the right way and not impose a suspension that will cause undue stress. Dr. Mann is already in therapy for his condition. Dr. O'Day stated that she sees nothing to gain in imposing a suspension. If the Board is going to let him practice in one year, it might as well let him practice now.

Dr. Gretter asked whether there is a point in this illness where successful recovery becomes more likely. He noted that in the case of alcoholics, the farther away from having had a drink they are, the better the chances of recovery.

Dr. Agresta stated that he doesn't believe anyone has the answer to that question.



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Dr. Hom noted that it had been several years since Dr. Mann's last incident of misbehavior.

Dr. Stienecker stated that Dr. Mann's actions were no more exploitative than those of physicians with other illnesses, with the exception that this case has sexual overtones. Dr. Stienecker suggested that the Board may wish to put Dr. Mann on probation forever since the success rate with this illness is so low.

Dr. Hom asked whether six months is enough time for observation in this case. She stated that six-month suspensions in cases such as this are not so much for punitive purposes as they are to observe how the physician does in that six months. She stated that a year would be better and give the Board a better opportunity to observe Dr. Mann before it allows him to return to seeing patients.

Dr. Agresta stated that the Board does not know what time frame is involved in this. Dr. Mann might be fine for two years, and then run into problems after two years and one day. Dr. Agresta stated that he doesn't believe revocation is appropriate at this time, but added that the Board must place a certain amount of faith in its decision and in the licensee.

Mr. Graff stated that Dr. Mann's supervising physician and Dr. Birch have expressed a willingness to assist the Board with any additional monitoring it may wish.

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

ROLL CALL VOTE:	Dr. O'Day	- aye
	Mr. Albert	- nay
	Dr. Stienecker	- aye
	Dr. Stephens	- nay
	Mr. Jost	- abstain
	Dr. Kaplansky	- aye
	Dr. Heidt	- nay
	Dr. Hom	- nay
	Dr. Agresta	- aye
	Dr. Gretter	- aye

The motion carried.

Dr. Hom asked whether the Board would be more comfortable with a longer period of probation.

Dr. Gretter noted that her proposed amendment states a minimum probationary period of five years. The probation could go beyond that time if the Board deems it necessary.



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A roll call vote was taken on Dr. Hom's motion, as amended:

ROLL CALL VOTE:	Dr. O'Day	- aye
	Mr. Albert	- nay
	Dr. Stienecker	- aye
	Dr. Stephens	- nay
	Mr. Jost	- abstain
	Dr. Kaplansky	- aye
	Dr. Heidt	- aye
	Dr. Hom	- aye
	Dr. Agresta	- aye

The motion carried.

DR. KAPLANSKY MOVED TO APPROVE AND CONFIRM MS. SAGE'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF STEVEN C. MANN, D.O. DR. STIENECKER SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. O'Day	- aye
	Mr. Albert	- nay
	Dr. Stienecker	- aye
	Dr. Stephens	- nay
	Mr. Jost	- abstain
	Dr. Kaplansky	- aye
	Dr. Heidt	- aye
	Dr. Hom	- aye
	Dr. Agresta	- aye

The motion carried.



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March 11, 1992

Steven C. Mann, D.O.
360 DePauw Court
Gahanna, OH 43230

Dear Doctor Mann:

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 to limit, revoke, suspend, refuse to register or reinstate your certificate to practice osteopathic medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- (1) On or about July 13, 1988 you entered into a Consent Agreement with the State Medical Board of Ohio. This Consent Agreement was based on a long-term history of alcohol abuse and several incidents of indecent exposure and was entered into in lieu of formal disciplinary proceedings based upon violations of Section 4731.22(B), Ohio Revised Code. A copy of the aforementioned Consent Agreement is attached hereto and incorporated herein.

Clause 1 of the aforementioned Consent Agreement states that you "shall obey all federal, state and local laws"

- (2) On or about October 20, 1991, while driving in downtown Ashland, Ohio, you engaged in masturbation and exposed your erect penis to two young women after asking them if they needed a ride.

You admitted to this conduct when interviewed by two police officers on October 21, 1991. Further, in your Quarterly Declaration submitted to the Board on November 26, 1991 pursuant to the above-mentioned Consent Agreement, you admitted that you "broke state law in Ashland Ohio on 10/20/91."

Your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "commission of an act that constitutes a misdemeanor in this state regardless of the jurisdiction in which the act was committed, if the act involves moral turpitude," as that clause is used in Section 4731.22(B)(14), Ohio Revised Code, to wit: Ohio Revised Code Section 2907.09 Public indecency.

Mailed 3/12/92

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Steven Mann, D.O.
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Your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively constitute "violations of the conditions of limitations 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," as that clause is used in Section 4731.22(B)(15) of the Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. 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 (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 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 (30) 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, suspend, refuse to register or reinstate your certificate to practice osteopathic medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Henry G. Cramblett, M.D.
Secretary

HGC:jmb

Enclosures:

CERTIFIED MAIL #P 055 326 017
RETURN RECEIPT REQUESTED

CONSENT AGREEMENT
BETWEEN
STEVEN CRAIG MANN, D.O.
AND
THE STATE MEDICAL BOARD OF OHIO

THIS CONSENT AGREEMENT is entered into by and between STEVEN CRAIG MANN, D.O. and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

STEVEN CRAIG MANN, D.O. enters into this Agreement being fully informed of his rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

- A. THE STATE MEDICAL BOARD OF OHIO, is empowered by Section 4731.22(B), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for impairment 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.
- B. THE STATE MEDICAL BOARD OF OHIO enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Section 4731.22(B) and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731 of the Revised Code, whether occurring before or after the effective date of this Agreement.
- C. STEVEN CRAIG MANN, D.O. shall be eligible for licensure to practice medicine and surgery in the State of Ohio upon acceptance of this Consent Agreement and ratification by THE STATE MEDICAL BOARD OF OHIO, as well as receipt of a report acceptable to the Board pursuant to paragraph 10 of this Agreement.
- D. STEVEN CRAIG MANN, D.O. ADMITS that he abused alcohol excessively from 1973 to approximately the Fall of 1979. DOCTOR MANN ADMITS that he has never undergone any formal treatment for his alcohol abuse, but stopped drinking in 1980 after getting married and entering the Mormon Church.
- E. STEVEN CRAIG MANN, D.O., ADMITS that he received treatment at Southeast Wyoming Mental Health Center, Inc., Laramie, Wyoming in the Spring of 1977. DOCTOR MANN ADMITS that he also received treatment at Davis County Mental Health, Bountiful, Utah in the Fall of 1979. In the Fall of 1981 DOCTOR MANN ADMITS he was charged with a misdemeanor similar to indecent exposure in Salt Lake City, Utah. All of these treatments were for emotional problems relating to his drinking and inability to accept responsibilities that go along with relationships.
- F. STEVEN CRAIG MANN, D.O. ADMITS to being charged in the Spring of 1977; the Fall of 1979; and the Fall of 1981 with indecent exposure or similar offenses. Upon pleading guilty to these charges he did receive counseling, including that noted in paragraph E above.

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Page Two
Consent Agreement
Steven Craig Mann, D.O.

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, STEVEN CRAIG MANN, D.O. knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD) to the following probationary terms, conditions and limitations:

1. DOCTOR MANN shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio.
2. DOCTOR MANN shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to him by another person so authorized by law, who has full knowledge of his history of chemical dependency and emotional problems.
3. DOCTOR MANN shall abstain completely from the use of alcohol.
4. In the event that DOCTOR MANN should leave Ohio for three continuous months, or reside or practice outside the State, he must notify the BOARD in writing of the dates of departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this period under the Consent Agreement.
5. DOCTOR MANN shall submit quarterly declarations under penalty of perjury stating whether there has been compliance with all the conditions of this Consent Agreement.
6. DOCTOR MANN shall appear in person for interview before the full BOARD or its designated representative at three (3) month intervals, or as otherwise requested by the BOARD.
7. DOCTOR MANN shall have a supervising physician, approved by the BOARD, who shall monitor him and provide the BOARD with reports on the doctor's progress and status. DOCTOR MANN is to ensure that said reports are forwarded to the BOARD on a quarterly basis. In the event that the designated supervising physician becomes unable or unwilling to serve as the supervising physician, DOCTOR MANN must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable.
8. The BOARD retains the right to require DOCTOR MANN to submit blood or urine specimens for analysis without prior notice.
9. DOCTOR MANN AGREES to have a psychological and/or psychiatric evaluation performed by Ronald C. Moomaw, D.O., Doctors North Hospital, or another physician acceptable to the Board, with a report to be issued to the Board with respect to his previous actions, current status, and recommendation for followup, prior to issuance of his license.
10. DOCTOR MANN AGREES to comply with any recommendations for treatment or counseling resulting from the evaluation outlined in paragraph 10 above.

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Steven Craig Mann, D.O.
Consent Agreement

The above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties. However, this Agreement shall remain in force for a minimum of five (5) years prior to any request for termination of said Agreement.

If, in the discretion of the Secretary of THE STATE MEDICAL BOARD OF OHIO, DOCTOR MANN appears to have violated or breached any terms or conditions of this Agreement, THE STATE MEDICAL BOARD OF OHIO reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Agreement.

Any action initiated by the BOARD based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

STEVEN CRAIG MANN, D.O. hereby releases THE STATE MEDICAL BOARD OF OHIO, its Members, Employees, Agents, Officers and Representatives jointly and severally from any and all liability arising from the within matter.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code.

The terms and conditions of this Agreement shall become effective immediately upon the last date of signature below.

Steven C Mann, D.O.
STEVEN CRAIG MANN, D.O.

7/13/88
DATE

Henry G. Cramblett
HENRY G. CRAMBLETT, M.D.
Secretary

7/13/88
DATE

John E. Rauch, D.O.
JOHN E. RAUCH, D.O.
Supervising Member

7/13/88
DATE

Cheryl J. Nester
CHERYL J. NESTER, Esquire
Assistant Attorney General