

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF * CASE NUMBERS:
* 13-CRF-075, 13-CRF-079
JAMES PATRICK BRESSI, D.O. * AND 14-CRF-105

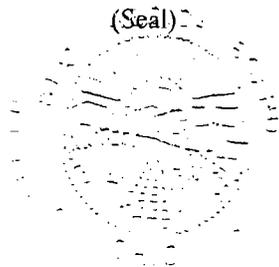
ORDER AND ENTRY

On August 15, 2013, the State Medical Board issued a Notice of Summary Suspension and Opportunity for Hearing to James Patrick Bressi, D.O., which included allegations that Dr. Bressi had engaged in inappropriate sexual contact with several patients, including Patient 4. If proven, the foregoing would constitute grounds for disciplinary action pursuant to Sections 4731.22(B)(10) and/or 4731.22(B)(20), Ohio Revised Code. Dr. Bressi requested a hearing, which is currently scheduled to begin on January 20, 2015. To date, however, no presentation of evidence has commenced.

Subsequently, the Board obtained further investigatory information and determined that it would be administratively inefficient to pursue the allegations pertaining to Patient 4 at this time.

Therefore, it is hereby ORDERED that all alleged violations relating to Patient 4 as further described in the aforementioned Notice of Summary Suspension and Opportunity for Hearing issued to James Patrick Bressi, D.O., be and are hereby DISMISSED WITHOUT PREJUDICE.

This Order is entered by the State Medical Board of Ohio and on its behalf.



Mark A. Bechtel
Mark A. Bechtel, M.D.
Secretary

12-10-14
Date

Bruce R. Saferin
Bruce R. Saferin, D.P.M.
Supervising Member

12-10-14
Date

CERTIFIED MAIL NO. 91 7199 9991 7034 8392 6101
RETURN RECEIPT REQUESTED

Douglas Graff, Esq.
CERTIFIED MAIL NO. 91 7199 9991 7034 8392 6118
RETURN RECEIPT REQUESTED

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

(614) 466-3934

med.ohio.gov

September 10, 2014

Case number: 14-CRF- 105

James Patrick Bressi, D.O.
2468 Victoria Parkway
Hudson, OH 44236

Dear Doctor Bressi:

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

- (1) On or about August 29, 2014, in the case of State of Ohio v. James P. Bressi, Case No. CR 2013-08-2314, Summit County Court of Common Pleas, the jury rendered its verdict and you were found guilty of one count of Sexual Imposition, in violation of Section 2907.06, Ohio Revised Code.

Pursuant to the provisions of Chapter 2950 of the Ohio Revised Code, a violation of Section 2907.06, Ohio Revised Code, constitutes a sexually oriented offense, and an individual who has been convicted of Section 2907.06, Ohio Revised Code, is a Tier I sex offender who has a statutory duty to register for fifteen years.

- (2) The aforementioned jury's verdict related to Patient 2, as identified in the attached Patient Key. (Patient Key is confidential and shall be withheld from public disclosure.) By being found guilty of Sexual Imposition, in violation of Section 2907.06, Ohio Revised Code, you engaged in "sexual misconduct" with Patient 2, as that term is defined in Rule 4731-26-01, Ohio Administrative Code

The facts as alleged in paragraph (1) above, individually and/or collectively, constitute a "plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of

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practice,” as that clause is used in Section 4731.22(B)(11), Ohio Revised Code, and/or a “plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude,” as that clause is used in Section 4731.22(B)(13), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, 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,” as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Rule 4731-26-02, Ohio Administrative Code. Pursuant to Rule 4731-26-03(A), Ohio Administrative Code, a violation of Rule 4731-26-02, Ohio Administrative Code, also violates Section 4731.22(B)(6), Ohio Revised Code, which is “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 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 days of the time of mailing of this notice.

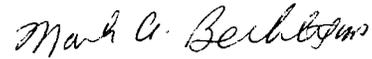
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at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

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

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

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Mark A. Bechtel, M.D.
Secretary

MAB/MRB/pev
Enclosures

CERTIFIED MAIL #91 7199 9991 7033 2020 9084
RETURN RECEIPT REQUESTED

cc: John R. Irwin, J.D., M.D.
17458 Lakesedge Trail
Chagrin Falls, OH 44023

CERTIFIED MAIL #91 7199 9991 7033 2020 9091
RETURN RECEIPT REQUESTED

cc: Douglas E. Graff
Graff & McGovern, L.P.A.
604 East Rich Street
Columbus, OH 43215

CERTIFIED MAIL #91 7199 9991 7033 2020 9107
RETURN RECEIPT REQUESTED

**IN THE MATTER OF
JAMES PATRICK BRESSI, D.O.**

14-CRF-105

**SEPTEMBER 10, 2014, NOTICE OF
OPPORTUNITY FOR HEARING -
PATIENT KEY**

**SEALED TO
PROTECT PATIENT
CONFIDENTIALITY AND
MAINTAINED IN CASE
RECORD FILE.**

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

Case No. 13-CRF-075 AND
13-CRF-079

*

JAMES PATRICK BRESSI, D.O.

ORDER AND ENTRY

On August 15, 2013, the State Medical Board of Ohio issued a Notice of Summary Suspension and Opportunity for Hearing to James Patrick Bressi, D.O., which included allegations that Dr. Bressi had engaged in inappropriate sexual contact with multiple patients, including Patient 2. If proven, the foregoing would constitute the commission of an act that constitutes a felony and would support disciplinary action pursuant to Sections 4731.22(B)(6), (B)(10), and (B)(20), Ohio Revised Code. In addition, the Board alleged the Dr. Bressi failed to cooperate in an investigation conducted by the Board under 4731.22(F), Ohio Revised Code, as charged under Section 4731.22(B)(34), Ohio Revised Code.

Subsequently, the Board received further information that Dr. Bressi was found guilty by a jury of his peers of one misdemeanor count of Sexual Imposition in regards to Patient 2. As the trial court has not found Dr. Bressi guilty of a felony relating to his conduct with Patient 2, pursuant to Section 4731.22(D), Ohio Revised Code, the Board no longer retains jurisdiction to allege felonious conduct with respect to Patient 2.

Therefore, it is hereby ORDERED that all alleged violations relating to Patient 2 as further described in the August 15, 2013, Notice of Summary Suspension and Opportunity for Hearing issued to James Patrick Bressi, D.O., be and are hereby DISMISSED WITHOUT PREJUDICE. The Board specifically reserves the right to issue further notice of formal disciplinary charges relating to Dr. Bressi's above referenced conviction and/or conduct as it relates to Patient 2 which may be charged under any provision of Section 4731.22, Ohio Revised Code, other than Section 4731.22(B)(10), Ohio Revised Code.

This Order is entered by the State Medical Board of Ohio and on its behalf.

So ORDERED this 10th day of September 2014.

-(SEAL)

Mark A. Bechtel, M.D.

Mark A. Bechtel, M.D.
Secretary

9/9/2014

Date

Bruce R. Saferin, D.P.M.
Supervising Member

9-9-14

Date

cc: Douglas E. Graff, Esq.
604 East Rich Street
Columbus, OH 43215-5431

CERTIFIED MAIL NO. 91 7199 9991 7032 2971 2258
RETURN RECEIPT REQUESTED

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

(614) 466-3934

med.ohio.gov

September 12, 2013

Case number: 13-CRF- 079

James Patrick Bressi, D.O.
2468 Victoria Parkway
Hudson, OH 44236

Dear Doctor Bressi:

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

- (1) On or about August 15, 2013, you executed a Voluntary Surrender of Controlled Substances Privileges [Voluntary Surrender] to the U.S. Department of Justice – Drug Enforcement Administration, based on your alleged failure to comply with the Federal requirements pertaining to controlled substances, and as an indication of your good faith in desiring to remedy any incorrect or unlawful practices on your part. A copy of the Voluntary Surrender is attached hereto and incorporated herein.

The Voluntary Surrender as alleged in paragraph (1) above, constitute “[t]he revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice,” as that clause is used in Section 4731.22(B)(24), 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 days of the time of mailing of this notice.

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

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

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

Copies of the applicable sections are enclosed for your information.

Very truly yours,



J. Craig Strafford, M.D., M.P.H.
Secretary

JCS/MRB/pev
Enclosures

CERTIFIED MAIL #91 7199 9991 7031 0423 6060
RETURN RECEIPT REQUESTED

cc: John Irwin, Esq.
17458 Lakesedge Trail
Bainbridge, OH 44023

CERTIFIED MAIL #91 7108 2123 3936 3067 4622
RETURN RECEIPT REQUESTED

James Patrick Bressi, D.O.
Page 3

cc: Douglas Graff, Esq.
604 East Rich Street
Columbus, OH 43215-5341

CERTIFIED MAIL #91 7108 2133 3936 3067 4615
RETURN RECEIPT REQUESTED

VOLUNTARY SURRENDER OF CONTROLLED SUBSTANCES PRIVILEGES

File No.

18-12-2512

With the understanding that I am not required to surrender my controlled substances privileges, I freely and under no duress, implied or express, execute this document and choose to take the actions described herein.

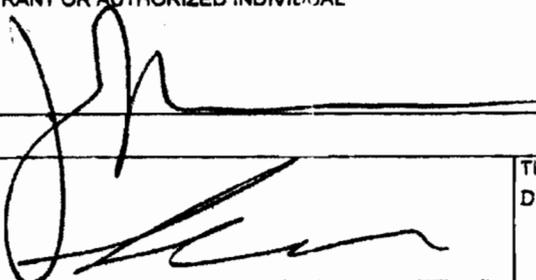
- In view of my alleged failure to comply with the Federal requirements pertaining to controlled substances, and as an indication of my good faith in desiring to remedy any incorrect or unlawful practices on my part;
- In view of my desire to terminate handling of controlled substances listed in schedule(s) _____;

I hereby voluntarily surrender my Drug Enforcement Administration Certificate of Registration, unused order forms, and all my controlled substances listed in Schedule(s) II-V as evidence of my intent to relinquish my privilege to handle controlled substances listed in Schedule(s) II-V.

I understand that submission of this document to DEA, including any employee of DEA, shall result in the immediate termination of my registration (and if not all controlled substances privileges are surrendered, be issued a new registration certificate limited to Schedule(s) II-V).

I understand that I am not entitled to a refund of any payments made by me in connection with my registration.

I understand that, beginning on the date that I sign below, I am not authorized to order, manufacture, distribute, possess, dispense, administer, prescribe, or engage in any other controlled substance activities whatsoever, except (if applicable) as limited above.

NAME OF REGISTRANT (Print) <i>D. James Bressi</i>	ADDRESS OF REGISTRANT <i>4301 Alien Road, #300 Stow, OH</i>
DEA REGISTRATION NO. <i>B81531107</i>	
SIGNATURE OF REGISTRANT OR AUTHORIZED INDIVIDUAL 	DATE <i>8/15/13</i>
WITNESSES	
NAME AND DATE <i>Scott A. Brinka</i>	TITLE <i>Diversion Investigator</i>
NAME AND DATE <i>Dawn Smith 8/15/13</i>	TITLE <i>Enforcement Investigator</i>

PRIVACY ACT

AUTHORITY: Section 301 of the Controlled Substances Act of 1970 (21 U.S.C 821).
PURPOSE: Permit voluntary surrender of controlled substances.
ROUTINE USES: The Controlled Substances Act Registration Records produce special reports as required for statistical analytical purposes. Disclosures of information from this system are made to the following categories of users for the purposes stated:
 A. Other Federal law enforcement and regulatory agencies for law enforcement and regulatory purposes.
 B. State and local law enforcement and regulatory agencies for law enforcement and regulatory purposes.
 C. Persons registered under the Controlled Substances Act (21 U.S.C. 822 and 957) for the purpose of verifying the registration of customers and practitioners.
EFFECT: Submission of this information is voluntary. There is no effect on the individual if not provided.

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

(614) 466-3934

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August 15, 2013

Case number: 13-CRF- 075

James Patrick Bressi, D.O.
2468 Victoria Parkway
Hudson, OH 44236

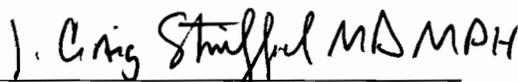
Dear Doctor Bressi:

Enclosed please find certified copies of the Entry of Order, the Notice of Summary Suspension and Opportunity for Hearing, and the Motion by the State Medical Board of Ohio made at a conference call on August 15, 2013, scheduled pursuant to Section 4731.22(G), Ohio Revised Code, adopting the Order of Summary Suspension and issuing the Notice of Summary Suspension and Opportunity for Hearing.

You are advised that continued practice after receipt of this Order shall be considered practicing without a certificate, in violation of Section 4731.43, Ohio Revised Code.

Pursuant to Chapter 119, Ohio Revised Code, you are hereby advised that you are entitled to a hearing on the matters set forth in the Notice of Summary Suspension and Opportunity for Hearing. If you wish to request such hearing, that request must be made in writing and be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice. Further information concerning such hearing is contained within the Notice of Summary Suspension and Opportunity for Hearing.

THE STATE MEDICAL BOARD OF OHIO



J. Craig Strafford, M.D., M.P.H.
Secretary

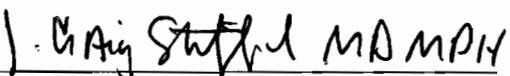
JCS/MRB/pev
Enclosures

Mailed 8-15-13

CERTIFICATION

I hereby certify that the attached copies of the Entry of Order of the State Medical Board of Ohio and the Motion by the State Medical Board, in a conference call on August 15, 2013, to Adopt the Order of Summary Suspension and to Issue the Notice of Summary Suspension and Opportunity for Hearing, constitute true and complete copies of the Motion and Order in the Matter of James Patrick Bressi, D.O., Case number: 13-CRF-076 as they appear in the Journal of the State Medical Board of Ohio.

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



J. Craig Strafford, M.D., M.P.H., Secretary

(SEAL)

August 15, 2013

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :
 :
JAMES PATRICK BRESSI, D.O. :
 :
CASE NUMBER: 13-CRF- 075 :

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 15th day of August 2013.

Pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of J. Craig Strafford, M.D., M.P.H., Secretary, and Mark A. Bechtel, M.D., Supervising Member; and

Pursuant to their determination, based upon their review of the information supporting the allegations as set forth in the Notice of Summary Suspension and Opportunity for Hearing, that there is clear and convincing evidence that Dr. Bressi, has violated Sections 4731.22(B)(10), (B)(20), (B)(34), and/or (B)(6), Ohio Revised Code, as alleged in the Notice of Summary Suspension and Opportunity for Hearing that is enclosed herewith and fully incorporated herein; and,

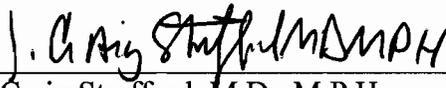
Pursuant to their further determination, based upon their review of the information supporting the allegations as set forth in the Notice of Summary Suspension and Opportunity for Hearing, that Dr. Bressi's continued practice presents a danger of immediate and serious harm to the public;

The following Order is hereby entered on the Journal of the State Medical Board of Ohio for the 15th day of August 2013:

It is hereby ORDERED that the certificate of James Patrick Bressi, D.O., to practice osteopathic medicine and surgery in the State of Ohio be summarily suspended.

It is hereby ORDERED that Dr. Bressi, shall immediately cease the practice of osteopathic medicine and surgery in Ohio and immediately refer all active patients to other appropriate physicians.

This Order shall become effective immediately.



J. Craig Strafford, M.D., M.P.H.
Secretary

(SEAL)

August 15, 2013
Date

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

(614) 466-3934

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EXCERPT FROM TELECONFERENCE OF AUGUST 15, 2013

CONFERENCE CALL OF AUGUST 15, 2013 TO CONSIDER THE SUMMARY SUSPENSION OF A CERTIFICATE

JAMES PATRICK BRESSI, D.O. – ORDER OF SUMMARY SUSPENSION AND NOTICE OF OPPORTUNITY FOR HEARING

.....

Mr. Kenney moved to enter an Order of Summary Suspension in the matter of James Patrick Bressi, D.O., in accordance with Section 4731.22(G), Ohio Revised Code, and to issue the Notice of Summary Suspension and Opportunity for Hearing to Dr. Bressi. Dr. Sethi seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Dr. Sethi	- aye
	Dr. Talmage	- abstain
	Mr. Kenney	- aye
	Ms. Elsass	- aye
	Mr. Gonidakis	- aye

The motion carried.

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

(614) 466-3934

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NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY FOR HEARING

August 15, 2013

Case number: 13-CRF- 075

James Patrick Bressi, D.O.
2468 Victoria Parkway
Hudson, OH 44236

Dear Doctor Bressi:

The Secretary and the Supervising Member of the State Medical Board of Ohio [Board] have determined that there is clear and convincing evidence that you have violated Sections 4731.22(B)(10), (B)(20), (B)(34), and/or (B)(6), Ohio Revised Code, and have further determined that your continued practice presents a danger of immediate and serious harm to the public, as set forth in paragraphs (1) through (4), below.

Therefore, pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of J. Craig Strafford, M.D., M.P.H., Secretary, and Mark A. Bechtel, M.D., Supervising Member, you are hereby notified that, as set forth in the attached Entry of Order, your certificate to practice osteopathic medicine and surgery in the State of Ohio is summarily suspended. Accordingly, at this time, you are no longer authorized to practice osteopathic medicine and surgery in Ohio.

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

- (1) In or around July 2013, the media reported you had engaged in sexual misconduct involving patients at your medical practice; that a civil lawsuit had been filed against you by multiple patients alleging that you engaged in nonconsensual touching during medical office appointments; and that at least eighteen complaints against you had been filed with police. Based upon these events, on or about August 1, 2013, you were subpoenaed to an office conference with representatives of the Board.
- (2) At this office conference, you stated, in part, the following:

- (a) You denied engaging in any sexual misconduct with patients.
 - (b) You identified yourself as a specialist in osteopathic manipulative therapy [OMT], who often performed OMT on several patients per day while practicing at Summit Pain Specialists, Inc. [Summit Pain]. While describing how you performed OMT, you indicated that such therapy was generally a “crunch-and-punch” procedure requiring only 15 seconds to one minute; but that, in the past, you had broken bones on patients, including ribs and collar bones, utilizing that technique. You also stated that due to many of your female patients’ medical conditions, you perform a slower technique OMT requiring five to fifteen minutes or more.
 - (c) You stated that in or around 2012, a policy was implemented at Summit Pain, prohibiting you from performing OMT on female patients without the presence of a chaperone [chaperone policy]. You further indicated that the chaperone policy was initiated after the practice had received complaints from both patients and staff contending that you had engaged in inappropriate conduct while purportedly treating patients. You acknowledged that after the chaperone policy was initiated, there were instances when you performed OMT on female patients without a chaperone.
 - (d) You stated that you were terminated from your employment at Summit Pain on or about March 14, 2013, due to complaints that you had engaged in inappropriate touching of patients, as well as your violation of the chaperone policy.
 - (e) You also stated that you have performed ozone injections on some of your patients. You indicated that ozone therapy is an alternative medicine therapy involving the injection of “triple oxygen” into a muscle. You further stated that you had administered ozone injections on one or two patients without their knowledge or consent.
- (3) On or about August 5, 2013, the Board obtained documents related to your termination by Summit Pain, including an Executive Summary listing accusations received by the practice from multiple female patients who similarly alleged that you rubbed your erect penis against their palms during OMT procedures and/or inappropriately touched their genital areas. The Executive Summary further indicated that Summit Pain staff members had reported information or observations to management about your inappropriate interactions with patients, and that an insurance provider had suspended your privileges on or about June 20, 2012, due to allegations of your inappropriate behavior with one of their members.
- (4) From in or around 2010 through in or around March 2013, in the course of your osteopathic medical practice, you undertook treatment and provided care to Patients 1 through 5, as identified in the attached Patient Key. (Patient Key is confidential

and shall be withheld from public disclosure.) You perpetrated non-consensual “sexual activity” upon Patients 1 through 5, as that term is defined in Section 2907.01, Ohio Revised Code, and/or engaged in “sexual misconduct” with these patients, as that term is defined in Rule 4731-26-01, Ohio Administrative Code, including but not limited to the following:

- (a) Patient 1 stated that the first sexual activity occurred at the hospital during a medical procedure, when you placed her hand on your erect penis beneath the concealment of your lead apron. During subsequent office appointments, you digitally penetrated Patient 1’s vagina and anus, and had the patient masturbate your erect penis until you ejaculated in her hand. During or about 2012, you began conducting home visits on Patient 1, who is confined to bed. While purportedly performing OMT on Patient 1 during home visits in or about 2013, and despite the presence in the house of a female employee who had accompanied you on at least one of the home visits, you digitally penetrated the patient’s vagina and anus, and had the patient masturbate your penis and perform fellatio upon you until you ejaculated in her mouth on two occasions. On one such occasion, you then wiped your pants with a towel and threw it on Patient 1’s face.
- (b) In or around March 2012, after positioning Patient 2 face down to purportedly perform OMT, you rubbed your erect penis in her open hand. When the patient closed her hand or moved her hand to avoid contact, you repeatedly repositioned her hands at her side and reinitiated contact. Further, you pulled down Patient 2’s pants and touched her vaginal area. When she resisted, you told the patient that it was not for you, but that she needed release. During this encounter, the patient was crying and you closed the exam room door.
- (c) During an office visit in or around early 2013, while purportedly performing OMT on Patient 3, you put your hand in her underwear, squeezed her buttocks and rubbed your erect penis against the patient’s hand for approximately 15 minutes. In addition, on or about five separate office visits, you rubbed your erect penis against the patient’s hand while purportedly performing OMT.
- (d) In or around March 2012, you performed a procedure on Patient 4 who was sedated. After the procedure concluded, Patient 4’s husband observed through a crack in the closed privacy curtain around the bed that you were positioned on top of Patient 4 as she lay face down, with your hands underneath you. After you stood up, you slid your hands down the patient’s pants and began rubbing her buttocks.
- (e) On or about August 8, 2013, Patient 5 reported having a sexual relationship with you for more than two years despite your concurrent physician-patient relationship. Initially, you touched the patient’s genital area and/or had the patient masturbate your erect penis until you ejaculated. At subsequent office visits, you had unprotected vaginal intercourse with Patient 5. Due to her

Summary Suspension & Opportunity for Hearing

James Patrick Bressi, D.O.

Page 4

chronic illness, during some of these incidents Patient 5 was accompanied in the room by her nurses aide, who had been asked to face away from the examination table. Patient 5 also performed fellatio upon you when you were at her home.

Your acts, conduct, and/or omissions as alleged in paragraph (4) above, individually and/or collectively, constitute “[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed,” as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Sexual Battery, in violation of Section 2907.03, Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) through (4) above, individually and/or collectively, 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,” as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Rule 4731-26-02, Ohio Administrative Code. Pursuant to Rule 4731-26-03(A), Ohio Administrative Code, a violation of Rule 4731-26-02, Ohio Administrative Code, also violates Section 4731.22(B)(6), Ohio Revised Code, which is “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.”

Further, your acts, conduct, and/or omissions as alleged in paragraphs (2)(a) and (4) above, individually and/or collectively, constitute a “[f]ailure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue,” as that clause is used in Section 4731.22(B)(34), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (2)(e) above, individually and/or collectively, 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), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, and Chapter 4731., Ohio Revised Code, you are hereby advised that you are entitled to a hearing concerning these matters. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted

Summary Suspension & Opportunity for Hearing
James Patrick Bressi, D.O.
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to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

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

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

Copies of the applicable sections are enclosed for your information.

Very truly yours,


J. Craig Stafford, M.D., M.P.H.
Secretary

JCS/MRB/pev
Enclosures

CERTIFIED MAIL #91 7199 9991 7031 0423 6398
RETURN RECEIPT REQUESTED

DUPLICATE BY PERSONAL SERVICE

cc: John E. Schiller, Esq.
Walter & Haverfeild LLP
1301 East Ninth Street, Suite 3500
Cleveland, OH 44114-1821

CERTIFIED MAIL #91 7199 9991 7031 0423 6381
RETURN RECEIPT REQUESTED

**IN THE MATTER OF
JAMES PATRICK BRESSI, D.O.**

13-CRF-075

**AUGUST 15, 2013, NOTICE OF
SUMMARY SUSPENSION AND
OPPORTUNITY FOR HEARING -
PATIENT KEY**

**SEALED TO
PROTECT PATIENT
CONFIDENTIALITY AND
MAINTAINED IN CASE
RECORD FILE.**