



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

March 14, 2007

Philip L. Creps, D.O.
5838 Colony Drive North
Saginaw, MI 48638

Dear Doctor Creps:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Gretchen L. Petrucci, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on March 14, 2007, including motions approving and confirming the Findings of Fact and Conclusions 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 must be taken to the Franklin County Court of Common Pleas.

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

THE STATE MEDICAL BOARD OF OHIO

Lance A. Talmage
Lance A. Talmage, M.D. RW
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3933 4658 8688
RETURN RECEIPT REQUESTED

Cc: Elizabeth Y. Collis, Esq.
CERTIFIED MAIL NO. 91 7108 2133 3933 4658 8695
RETURN RECEIPT REQUESTED

Mailed 4-11-07

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on March 14, 2007, including motions approving and confirming the Findings of Fact and Conclusions 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 Philip L. Creps, 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.

Lance A. Talmage RW
Lance A. Talmage, M.D.
Secretary

(SEAL)

March 14, 2007
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

PHILIP L. CREPS, D.O.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on March 14, 2007.

Upon the Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner, designated in this Matter 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 of Ohio for the above date.

It is hereby ORDERED, that:

- A. **REPRIMAND:** Philip L. Creps, D.O., is REPRIMANDED.
- B. **PREVIOUS BOARD ORDER:** All terms and conditions set forth in the February 8, 2006, Board Order shall remain in effect.
- C. **REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS:** Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Creps shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Creps shall provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments. This requirement shall continue until Dr. Creps receives from the Board written notification of his successful completion of probation pursuant to the February 8, 2006, Board Order.

- D. **REQUIRED REPORTING TO OTHER STATE LICENSING AUTHORITIES:** Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Creps shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Creps shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration of any professional license. Further, Dr. Creps shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt, unless otherwise determined by the Board. This requirement shall continue until Dr. Creps receives from the Board written notification of his successful completion of probation pursuant to the February 8, 2006, Board Order.

This Order shall become effective immediately upon the mailing of notification of approval by the Board.

(SEAL)

Lance A. Talmage

Lance A. Talmage, M.D. RW
Secretary

March 14, 2007

Date

**REPORT AND RECOMMENDATION
IN THE MATTER OF PHILIP L. CREPS, D.O.**

The Matter of Philip L. Creps, D.O., was heard by Gretchen L. Petrucci, Hearing Examiner for the State Medical Board of Ohio, on January 4, 2007.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated October 11, 2006, the State Medical Board of Ohio [Board] notified Philip L. Creps, D.O., that it had proposed to take disciplinary action against his certificate to practice osteopathic medicine and surgery in Ohio. The Board's action was based on the allegation that the Missouri State Board of Registration for the Healing Arts [Missouri Board] entered into a settlement agreement with Dr. Creps and, as a result, reprimanded Dr. Creps, based in part on fraud, deception, and misrepresentation in Dr. Creps' application for a Missouri license.

The Board further alleged that the Missouri settlement agreement action constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that language is used in Section 4731.22(B)(22), Ohio Revised Code. (State's Exhibit 1A)

- B. By letter filed on October 26, 2006, Dr. Creps requested a hearing. (State's Exhibit 1B)

II. Appearances

- A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Barbara J. Pfeiffer, Assistant Attorney General.
- B. On behalf of the Respondent: Elizabeth Y. Collis, Esq.

EVIDENCE EXAMINED

I. Testimony Heard

Philip L. Creps, D.O.

II. Exhibits Examined

A. State's Exhibits

1. State's Exhibits 1A through 1G: Procedural Exhibits.
2. State's Exhibit 2: Copy of the August 22, 2006, settlement agreement between the Missouri State Board of Registration for the Healing Arts and Dr. Creps.
3. State's Exhibit 3: Copies of documents maintained by the Board in the previous *Matter of Philip L. Creps, D.O.*

B. Respondent's Exhibits

1. Respondent's Exhibit A: Dr. Creps' academic transcript from Michigan State University.
2. Respondent's Exhibit B: December 13, 2006, letter from Dr. Creps to Michigan State University, redacted in part.
3. Respondent's Exhibit C: December 21, 2006, letter of recommendation from the Associate Dean/Student Services of Michigan State University.

SUMMARY OF THE EVIDENCE

All exhibits and transcripts of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

Background

1. Philip L. Creps, D.O., testified that he originally started his medical training in 1973 at the Medical College of Ohio at Toledo [MCO], which is now known as the University of Toledo College of Medicine. He was dismissed from that school in 1978 due to academic difficulty. He began his medical training anew at the Michigan State University College of Osteopathic Medicine [MSU/COM] in 1980. While attending that medical school, he was placed on academic probation on several occasions, he was dismissed for academic difficulties on several occasions, and he took a break for financial reasons. He earned his medical degree nearly 11 years later, in 1991. (Hearing Transcript [Tr.] at 17-26)

2. Dr. Creps then completed a one-year internship, a post-graduate year (PGY 1), in 1992 at the Riverside Osteopathic Hospital in Trenton, Michigan. Next, he completed a second PGY 1 year and a PGY 2 year at Metro Health Hospital in Cleveland, Ohio. Then, in early 1995, he transferred to Indiana University and completed a PGY 3 year in 1996. He also completed a child and adolescent psychiatry fellowship in 1997. Altogether, Dr. Creps completed seven post-graduate years. (Tr. at 27-29) A more detailed explanation of Dr. Creps' many years of medical and post-graduate coursework and training at several institutions and the various difficulties he encountered is set forth in the Board's February 8, 2006, decision in the previous *Matter of Philip L. Creps, D.O.* [*Creps I*]. (State's Exhibit [St. Ex.] 3)

Dr. Creps testified that he holds three board certifications: "a board certification in osteopathic medicine," "a board certification in osteopathic psychiatry," and "special qualifications in child and adolescent psychiatry with the osteopathic neurologists and psychiatrists." (Tr. at 26, 66)

3. Dr. Creps is currently employed as a psychiatrist in Saginaw, Michigan. He works for a company called Synergy, providing consulting psychiatric services at nursing homes and to medical students. He is also on the clinical faculty at Michigan State University. (Tr. at 16-17)
4. Dr. Creps has held licenses in Indiana, Michigan, Missouri, Ohio and Pennsylvania. His Missouri license has recently lapsed due to non-renewal. His Pennsylvania license has also lapsed. He currently holds active medical licenses in Indiana and Michigan, and a suspended license in Ohio. (Tr. at 26, 29-30, 65; St. Ex. 3)

Ohio Board's Previous Disciplinary Action

5. In July 2005, the Board notified Dr. Creps that it had proposed to take disciplinary action against his certificate to practice osteopathic medicine and surgery in Ohio. Following an evidentiary hearing, the Board issued a decision in *Creps I* on February 8, 2006. The Board concluded that, in June 1992, Dr. Creps inaccurately described to the Board his dates of attendance at MCO and his reason for not completing his medical education there. The Board further concluded that, in March 1993, Dr. Creps falsely reported to the Board that he had not been dismissed or put on probation by a medical school. Next, the Board concluded that, in October 2003, Dr. Creps again falsely reported, in an application seeking hospital privileges at Toledo Hospital and Toledo Children's Hospital, that he had not been subject to disciplinary action by an education or training program. As a result, the Board found that Dr. Creps had violated Sections 4731.22(A) and (B)(5), Ohio Revised Code. (St. Ex. 3)

The Board decided to permanently revoke Dr. Creps' certificate, stay that revocation, and suspend his certificate for an indefinite period of time, not less than two years. Additionally, the Board required Dr. Creps to attend professional and personal ethics courses, and to pass the COMVEX-USA or another similar examination. The Board directed Dr. Creps to notify the following persons or entities of the Board's decision: his current and future employers; all hospitals at which he holds or applies for privileges or appointments; and other state licensing agencies in which he currently holds a professional license, where he applies for reinstatement

or restoration of a professional license, or where he applies for a new professional license. Upon reinstatement or restoration of Dr. Creps' Ohio certificate, the Board ruled that the certificate will be subject to probationary terms, conditions, and limitations for at least three years. (St. Ex. 3)

6. As directed by the Board, Dr. Creps notified the other states in which he was licensed of the Board's decision. Afterward, the regulatory agencies in Michigan and Missouri disciplined Dr. Creps. As of the date of hearing, Indiana had not pursued any disciplinary action. (Tr. at 31-32, 51, 65; St. Ex. 2)

Missouri Board's 2006 Disciplinary Action

7. On August 22, 2006, the Missouri State Board of Registration for the Healing Arts [Missouri Board] entered into a settlement agreement with Dr. Creps. As a result, the Missouri Board publicly reprimanded Dr. Creps, based in part on fraud, deception, and misrepresentation to the Missouri Board in Dr. Creps' application for a Missouri license. Dr. Creps filed that application in June 2003 and the Missouri Board issued a license to Dr. Creps in February 2004. (St. Ex. 2)
8. Specifically, the August 22, 2006, settlement agreement between the Missouri Board and Dr. Creps reflects the following stipulations of facts:
 - Due to the unusual length of Dr. Creps' osteopathic training, the Missouri Board asked him for an explanation.
 - In a letter dated July 22, 2003, Dr. Creps stated to the Missouri Board that the reason his osteopathic training "spanned 10 years" was due to the following three breaks in his training: (a) a break in training in 1982 because his first wife filed for separation; (b) another break (date unspecified) for financial reasons while he worked; and (c) a final break (date unspecified) before he divorced his first wife.
 - Based upon the information that Dr. Creps submitted to the Missouri Board in his letter dated July 22, 2003, the Missouri Board issued Dr. Creps a license to practice medicine.
 - The Missouri Board later discovered that: (a) on December 11, 1981, Dr. Creps was dismissed from MSU/COM for academic performance reasons and he was later reinstated, on academic probation, on January 25, 1982; (b) on March 19, 1982, Dr. Creps was again dismissed from MSU/COM and he was later reinstated, on academic probation, on June 26, 1984; and (c) on March 15, 1985, Dr. Creps was again dismissed from MSU/COM and he was later reinstated, on academic probation, on January 16, 1989.

- Because the Missouri Board issued a license to Dr. Creps based on the facts he furnished to the Missouri Board in the letter dated July 22, 2003, the issuance of that license was based on fraud, deception and misrepresentation and constituted a cause for the Missouri Board to discipline Dr. Creps' license pursuant to Revised Statutes of Missouri §334.100.2(3).

(St. Ex. 2 at 4-5)

Dr. Creps' Response

9. Dr. Creps testified that he now realizes that the information that he gave the Ohio and Missouri Boards was not accurate and complete. He also testified that he now realizes that he should have pointed out the academic probation periods and dismissals that occurred. Dr. Creps notes also that he has developed a more accurate and complete written explanation of what transpired during his many years of medical training at MCO and MSU/COM. He acknowledged his past errors and expressed great remorse for not accurately and completely explaining the events. (Tr. at 35-36, 42, 62)

However, Dr. Creps also points out that MSU/COM does not identify the academic probation periods and dismissals in the official MSU/COM academic transcript or the dean's letter of recommendation. (Respondent's Exs. A, C; Tr. at 38-41, 58)

10. Dr. Creps explained that, although he has not worked in Ohio for several years, he would like to keep his Ohio license because he has family and property in Ohio. (Tr. at 47-48)

FINDINGS OF FACT

1. On or about February 8, 2006, the Board issued an Order in the *Matter of Philip L. Creps, D.O.*, which imposed a permanent revocation of Dr. Creps' Ohio certificate to practice osteopathic medicine and surgery, stayed that revocation subject to an indefinite suspension for at least two years, imposed conditions for reinstatement, and imposed subsequent probationary terms, conditions, and limitations for at least three years. The February 2006 Board Order was based upon Dr. Creps' failure to provide complete and accurate information on his original application for Ohio medical licensure and on his application for hospital medical staff membership and staff privileges pertaining to actions taken against him by two medical schools. The February 2006 Board Order was also based upon Dr. Creps' failure to provide complete and accurate information on his 1992 request for application forms.
2. On or about August 22, 2006, the Missouri State Board of Registration for the Healing Arts [Missouri Board] entered into a settlement agreement with Dr. Creps and publicly reprimanded Dr. Creps' Missouri license, based in part on fraud, deception, and misrepresentation to the Missouri Board in Dr. Creps' application for a Missouri license.

CONCLUSION OF LAW

The Missouri Board action constitutes “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that language is used in Section 4731.22(B)(22), Ohio Revised Code.

* * * * *

Dr. Creps has repeatedly attempted to “spin” the truth in order to obtain desired medical authorizations or privileges from various entities. After several disciplinary proceedings in different states, Dr. Creps seems now to realize what it means to accurately and completely explain his medical education difficulties. Despite that realization, it should be noted that Dr. Creps’ inaccurate and incomplete explanation to the Missouri Board in 2003 is the fourth known instance in which Dr. Creps did not accurately and completely address his medical education difficulties. Dr. Creps proposes a ruling in this matter that is similar to what Missouri imposed, a public reprimand. That sanction would be inappropriate for a fourth impropriety. In the alternative, Dr. Creps proposes an indefinite suspension of at least two years and that he receive “credit” for the period that his Ohio certificate has already been suspended. However, the Hearing Examiner considers this impropriety to be another, additional impropriety that was not contemplated at the time the previous sanction was imposed in Ohio. For that reason, she does not recommend that the Board grant Dr. Creps “credit” for the period of time in which his Ohio certificate has already been suspended. Rather, additional suspension and probation time should be imposed. Taking into consideration the fact that Dr. Creps is approaching the end of the first year of the current suspension, the Hearing Examiner concludes that an indefinite suspension of at least two years from the effective date of this Order is appropriate. After reinstatement or restoration, Dr. Creps’ certificate should be subject to probationary terms, conditions and limitations for at least four years.

PROPOSED ORDER

It is hereby ORDERED that:

- A. **PERMANENT REVOCATION, STAYED; SUSPENSION:** The certificate of Philip L. Creps, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED. Such revocation is STAYED, and Dr. Creps’ certificate shall be SUSPENDED for an indefinite period of time, but not less than two years from the effective date of this Order.
- B. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Creps’ certificate to practice osteopathic

medicine and surgery until all of the following conditions have been met:

1. **Application for Reinstatement or Restoration**: Dr. Creps shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
2. **Obey the Law**: Dr. Creps shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which he is practicing.
3. **Professional Ethics Course**: At the time he submits his application for reinstatement or restoration, Dr. Creps shall provide acceptable documentation of successful completion of a course or courses dealing with professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Creps submits the documentation of successful completion of the course or courses dealing with professional ethics, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

4. **Personal Ethics Course**: At the time he submits his application for reinstatement or restoration, Dr. Creps shall provide acceptable documentation of successful completion of a course or courses dealing with personal ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Creps submits the documentation of successful completion of the course or courses dealing with personal ethics, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

5. **COMVEX-USA**: Prior to submitting his application for reinstatement or restoration, Dr. Creps shall take and pass the COMVEX-USA or any similar written examination which the Board may deem appropriate to assess Dr. Creps' clinical competency.

C. **PROBATION**: Upon reinstatement or restoration, Dr. Creps' certificate shall be subject to

the following PROBATIONARY terms, conditions, and limitations for a period of at least four years:

1. **Obey the Law:** Dr. Creps shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which he is practicing.
2. **Declarations of Compliance:** Dr. Creps shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which Dr. Creps' certificate is restored or reinstated. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. **Personal Appearances:** Dr. Creps shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which Dr. Creps' certificate is restored or reinstated, or as otherwise directed by the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
4. **Noncompliance Will Not Reduce Probationary Period:** In the event Dr. Creps is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.

- D. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Creps' certificate will be fully restored.
- E. **REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS:** Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Creps shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Creps shall provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments. This requirement shall continue until Dr. Creps receives from the Board written notification of his successful completion of probation.
- F. **REQUIRED REPORTING TO OTHER STATE LICENSING AUTHORITIES:** Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Creps shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently

holds any professional license. Dr. Creps shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration of any professional license. Further, Dr. Creps shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt, unless otherwise determined by the Board. This requirement shall continue until Dr. Creps receives from the Board written notification of his successful completion of probation.

- G. **VIOLATION OF THE TERMS OF THIS ORDER:** If Dr. Creps violates the terms of this Order in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.
- H. **SUPERSEDE PREVIOUS BOARD ORDER:** This Order shall supersede the terms and conditions set forth in the February 8, 2006, Board Order.

This Order shall become effective immediately upon mailing notification of approval by the Board.

Gretchen L. Petrucci
Hearing Examiner



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

EXCERPT FROM THE DRAFT MINUTES OF MARCH 14, 2007

REPORTS AND RECOMMENDATIONS

Dr. Kumar announced that the Board would now consider the Reports and Recommendations appearing on its agenda. He asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Paula Clark Adkins, M.D.; Thomas Leon Gemmer, P.A.; Jeffrey Michael Halter, M.D.; Jeffrey Vaughn Meyer, M.D.; Alan J. Parks, M.D.; Arthur Richard Schramm, M.D.; Philip L. Creps, D.O.; Mark Allen Davis, M.T.; Basma Ricaurte, M.D.; Albert W. Smith, III, M.D.; and Lovsho Phen, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Kumar	- aye

Dr. Kumar asked whether each member of the Board understands 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:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye

Dr. Steinbergh - aye
Dr. Kumar - aye

Dr. Kumar noted that, in accordance with the provision in Section 4731.22(F)(2), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters. They may, however, participate in the matters of Dr. Halter and Dr. Ricaurte, as those cases are not disciplinary in nature and concern only the doctors' qualifications for licensure. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

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

.....
PHILIP L. CREPS, D.O.

Dr. Kumar directed the Board's attention to the matter of Philip L. Creps, D.O. He advised that objections were filed to Hearing Examiner Petrucci's Report and Recommendation and were previously distributed to Board members.

Dr. Kumar continued that a request to address the Board has been timely filed on behalf of Dr. Creps. Five minutes would be allowed for that address.

Terri-Lynne Smiles, Esq., addressed the Board on behalf of Elizabeth Y. Collis, her partner and Dr. Creps' attorney. She stated that Dr. Creps intended to be present today, but ran into some difficulties on his way to Columbus, and will not be present. Ms. Smiles stated that she has the comments that Dr. Creps prepared, and she will summarize them for the Board.

Ms. Smiles reminded the Board that, in 2006, it imposed a suspension for at least two years on Dr. Creps for failing to provide accurate information on his Ohio applications in 1992 and 1993, and to the Toledo Hospital in 2003. They are here today on a settlement agreement Dr. Creps entered into with the Missouri Board of Registration. In the Missouri settlement agreement, the Missouri Board reprimanded Dr. Creps for failing to provide pretty much the same information on a Missouri license application in 2003. It was the same information that he did not provide the Ohio Board, and it was in the same timeframe as the time that he did not provide information to the Ohio Board. Ms. Smiles stated that Dr. Creps deeply regrets this and wants to assure the Board that, since this has been brought to his attention, and since being before this Board, he has fully disclosed all of the information on all of his applications, and he is making sure that he is very accurate in all of his statements to all of his Boards.

Ms. Smiles stated that Dr. Creps hopes that the Board will consider as a mitigating factor the fact that this occurred prior to the Ohio Board's taking action and bringing the problem to Dr. Creps' attention. She

added that they would like to suggest to this Board that, in light of the fact that they're talking about a slightly different action, happening with a different state, but the same timeframe and the same omission that he made in Ohio, it might be appropriate for this Board to take no further action against Dr. Creps. If the Board feels that some action is appropriate, they ask that any suspension run concurrently with the one that is currently in place.

Dr. Kumar asked whether the Assistant Attorney General wished to respond.

Ms. Pfeiffer stated that she did. She stated that she would like to briefly recap this case because she thinks that, procedurally, it could be just a little bit confusing. Ms. Pfeiffer advised that, initially, the Ohio Board, in February 2006, issued an Order against Dr. Creps for falsification in his applications over different years prior to that time. He was disciplined. When that Order was issued, Missouri picked it up. Missouri did a "bootstrap" action regarding the Ohio discipline, and, at the same time, looked back to its application process and found that in the past Dr. Creps had lied to them, too. They included that in their action, which was resolved with a reprimand. The case before the Board at this time is a "bootstrap" of that Missouri reprimand.

Ms. Pfeiffer stated that she believes that there is some merit and strength in the contention that it was similar conduct, albeit a different a state to which he misrepresented. She stated that she would in no way try to belittle that behavior or conduct, but added that the conduct that took place in Missouri did take place well in advance of this Board's 2006 Order. Ms. Pfeiffer stated that the Board's 2006 Order is a significant Order.

Ms. Pfeiffer stated that she just wanted to clarify what happened. She doesn't think that there's a dispute that Dr. Creps misrepresented in Missouri and is here on a "bootstrap."

Dr. Buchan asked whether Ms. Pfeiffer would agree that the misrepresentation in Missouri was equivalent to the misrepresentation in Ohio in terms of the application processes.

Ms. Pfeiffer stated that, in general, she would.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF PHILIP L. CREPS, D.O. DR. ROBBINS SECONDED THE MOTION.

Dr. Kumar stated that he would now entertain discussion in the above matter.

Dr. Steinbergh stated that she thinks all of the Board members are probably familiar with Dr. Creps and the action the Board took in February 2006. The Board disciplined him because of fraud in his application to the State of Ohio. After the Board disciplined him, subsequently, Missouri did pick up on that and they assessed him. She added that, although it's not really in the materials before the Board, the Michigan Osteopathic Board did the same thing. Dr. Creps is currently practicing in Michigan.

Dr. Steinbergh stated that Dr. Creps lied in his applications to all of these states. Because of the fact that all of these fraudulent applications did come at the same time, and because the Board already disciplined him, she would like to propose an alternative Order.

DR. STEINBERGH MOVED TO AMEND THE CONCLUDING PARAGRAPH AFTER THE FIVE STARS TO READ AS FOLLOWS:

Dr. Creps has repeatedly attempted to “spin” the truth in order to obtain desired medical authorizations or privileges from various entities. After several disciplinary proceedings in different states, Dr. Creps seems now to realize what it means to accurately and completely explain his medical education difficulties. Although the prior Board action did not address misrepresentations Dr. Creps may have made in applications for licensure in other states, it is not surprising that we now find that he “spun” the truth in Missouri much as he did in Ohio. However, it should be noted that Dr. Creps’ inaccurate and incomplete explanation to the Missouri Board occurred in 2003, before the initiation of this Board’s first action. Had he continued to make similar misrepresentations after this Board initiated its first action in July 2005, a severe sanction would be in order. Under the circumstances detailed herein, a lesser sanction is appropriate, given the serious discipline already imposed in *Creps I*.

DR. STEINBERGH FURTHER MOVED TO AMEND THE PROPOSED ORDER BY SUBSTITUTING THE FOLLOWING:

It is hereby ORDERED that:

- A. **REPRIMAND:** Philip L. Creps, D.O., is REPRIMANDED.
- B. **PREVIOUS BOARD ORDER:** All terms and conditions set forth in the February 8, 2006, Board Order shall remain in effect.
- C. **REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS:** Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Creps shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Creps shall provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments. This requirement shall continue until Dr. Creps receives from the Board written notification of his successful completion of probation pursuant to the February 8, 2006, Board Order.

D. REQUIRED REPORTING TO OTHER STATE LICENSING AUTHORITIES:

Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Creps shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Creps shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration of any professional license. Further, Dr. Creps shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt, unless otherwise determined by the Board. This requirement shall continue until Dr. Creps receives from the Board written notification of his successful completion of probation pursuant to the February 8, 2006, Board Order.

This Order shall become effective immediately upon the mailing of notification of approval by the Board.

DR. EGNER SECONDED THE MOTION.

Dr. Egner stated that she is in favor of this amendment, and she added that she came to the same conclusions as Dr. Steinbergh. She stated that she supposes that, at the time of the original hearing, Dr. Creps could have informed the Board that he made the same misrepresentations he made in Ohio in every other state in which he held a license or applied for a license. She added, however, that Dr. Creps is a liar and she wouldn't expect him to volunteer that information unless he had been asked that specific question at hearing, which he was not. She commented that she is not surprised that he withheld the information, and she's not surprised that he told the same lie in every other state in which he holds a license. Dr. Egner stated that reprimanding Dr. Creps today does not elevate her opinion of Dr. Creps. She thinks that he needs to stay with the recommendation that the Board imposed in 2006.

Dr. Egner continued that she is extremely disappointed that Dr. Creps is not here today. She stated that she doesn't know the reason for his absence, but added that this would be a pretty important place to be today. She added that his absence will not alter her judgment, but she does think that, when physicians are given the opportunity to come before the Board, they should avail themselves of that opportunity. Had he told this lie subsequent to his earlier hearing, she would feel very differently about this. If Dr. Creps were not 100 percent honest from the time of his original hearing with this Board, he definitely should be back before the Board.

Dr. Buchan stated that he couldn't in his heart of hearts do more than what the Order described. He stated that he does agree with the amendment. Dr. Buchan added that it would have served him well to have had Dr. Creps here today. He would feel that Dr. Creps might get it. Dr. Buchan stated that, for all he knows, Dr. Creps is still the liar today that he was yesterday. Dr. Buchan stated that he does agree with the proposed amendment, and he hopes that Dr. Creps gets the message and can rehabilitate himself in the

process.

Dr. Steinbergh stated that she doesn't disagree with what Dr. Buchan has said, but noted that Dr. Creps did come to his hearing. She added that she thinks that he does understand the seriousness of his actions. Dr. Steinbergh commented that she does agree that his appearance before the Board today would let her feel better about that.

A vote was taken on Dr. Steinbergh's motion to amend:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- nay
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

The motion carried.

DR. BUCHAN MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF PHILIP L. CREPS, D.O. MS. SLOAN SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Buchan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

The motion carried.

Dr. Egner noted that Dr. Creps will be doing probationary appearances, and she asked that his next appearance be before the full Board, rather than with just the Secretary and Supervising Member. Other Board members agreed with the suggestion.



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

October 11, 2006

Philip L. Creps, D.O.
214 Ashbury Court
South Bend, IN 46615-2695

Dear Doctor Creps:

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 February 8, 2006, the Board issued an Order [2006 Ohio Order] which imposed a permanent revocation of your Ohio certificate to practice osteopathic medicine and surgery, stayed such revocation subject to an indefinite suspension for at least two years, and further imposed conditions for reinstatement and subsequent probationary terms, conditions, and limitations for at least three years. The 2006 Ohio Order was based upon your failure to provide complete and accurate information on your original application for Ohio medical licensure and on your application for hospital medical staff membership and staff privileges pertaining to actions taken against you by two medical schools.
- (2) On or about August 22, 2006, the Missouri State Board of Registration for the Healing Arts [Missouri Board] entered into a Settlement Agreement between the Missouri State Board of Registration for the Healing Arts and Philip L. Creps, D.O., [Missouri Settlement Agreement] reprimanding your Missouri license based in part on your fraud, deception and misrepresentation to the Missouri Board in applying for your Missouri license. A copy of the Missouri Settlement Agreement is attached hereto and incorporated herein.

The Missouri Settlement Agreement, as alleged in paragraph (2) above, constitutes “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to

Mailed 10-12-06

renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4731.22(B)(22), 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.

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,



Lance A. Talmage, M.D.
Secretary

LAT/blt
Enclosures

CERTIFIED MAIL # 7004 2510 0006 9801 8326
RETURN RECEIPT REQUESTED



State Medical Board Of Ohio

77 South High Street, 17th floor * Columbus, Ohio 43215-6127 * (614) 466-3934

<http://www.med.ohio.gov>

David.Katko@Med.State.Oh.US

FACSIMILE TRANSMITTAL COVER SHEET

FROM: David Katko/cad
Compliance Section Enforcement Attorney

TELEPHONE NUMBER: 614) 728-3676

FACSIMILE NUMBER: 614) 728-5946/644-1464

TO: Rose Evers, Verifications Clerk
Missouri State Board of Registration for the Healing Arts

TELEPHONE NUMBER: (573) 751-0108

FACSIMILE NUMBER: (573) 751-3166

TOTAL NUMBER OF PAGES (INCLUDING THIS COVER PAGE): 1

DATE: September 20th, 2006

<u>NAME</u>	<u>SSN</u>	<u>DOB</u>
Creps, Philip, D.O.	[REDACTED]	[REDACTED]

We have received information that your Board may have taken an action against the above named individual(s).

We would appreciate receiving certified copies of your final action and the related documents to include complaints/accusation and a certified copy of verification of licensure.

Please mail to my attention at the above address. Thank you for your prompt attention to this matter. If you have any questions, please call me (direct) at (614) 728-3676, 8:00 A.M. to 5:00 P.M.

This facsimile contains confidential material. Should you receive this fax in error or if any pages were not received, please notify the sender at the above telephone number.

OHIO STATE MEDICAL BOARD

SEP 25 2006

RECEIVED

AUG 21 2006

BOARD OF
HEALING ARTS

**SETTLEMENT AGREEMENT BETWEEN THE MISSOURI
STATE BOARD OF REGISTRATION FOR THE HEALING ARTS
AND PHILIP L. CREPS, D.O.**

Come now Philip L. Creps, D.O., (hereinafter the "Licensee") and the State Board of Registration for the Healing Arts (hereinafter the "Board") and enter into this agreement for the purpose of resolving the question of whether Dr. Crep's license as a physician and surgeon will be subject to discipline. Licensee and the Board jointly stipulate and agree that a final disposition of this matter may be effectuated as described below pursuant to § 621.045, RSMo.

1. Licensee acknowledges that he understands the various rights and privileges afforded by law, including the right to a hearing of the charges against him; the right to appear and be represented by legal counsel; the right to have all charges against him proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against him; the right to present evidence on his own behalf; the right to a decision based upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against the Licensee; and subsequently, the right to a disciplinary hearing before the Board at which time evidence may be presented in mitigation of discipline. Having been advised of these rights provided to the Licensee by operation of law, the Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this agreement and agrees to abide by the terms of this document as they pertain to him.

2. The Licensee acknowledges that he may, at the time this agreement is effective or within fifteen days thereafter, submit this agreement to the Administrative

OHIO STATE MEDICAL BOARD

SEP 25 2006

Hearing Commission for determination that the facts agreed to by the parties constitute grounds for discipline of the Licensee's license.

3. The Licensee acknowledges that he has been informed of his right to consult legal counsel in this matter.

4. The parties stipulate and agree that the disciplinary order agreed to by the Board and the Licensee in Part III herein is based only on the agreement set out in Parts I and II herein. The Licensee understands that the Board may take further disciplinary action against him based on facts or conduct not specifically mentioned in this document that are either now known to the Board or may be discovered.

5. The Licensee understands and agrees that the Missouri State Board of Registration for the Healing Arts will maintain this agreement as an open record of the Board as required by Chapters 334, 610, 620 and 621, RSMo, as amended.

I. JOINT STIPULATION OF FACTS

Based upon the foregoing, the Board and the Licensee herein jointly stipulate to the following:

6. The State Board of Registration for the Healing Arts is an agency of the State of Missouri created and established pursuant to §334.120, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.

7. The Licensee is licensed by the Board as a physician and surgeon, License Number 2004001631. License was first issued on February 1, 2004. Licensee's license is current, and was current and active at all times relevant herein.

Count I

8. On or about June 17, 2003, the Licensee submitted his application for licensure with the Board.

9. On this application, the Licensee indicated that he obtained his degree in osteopathic medicine from Michigan State University, College of Osteopathic Medicine (hereinafter "MSU/COM") eleven (11) years after initially matriculating. On the application, he indicated that he began his training in August 1980 and graduated in June 1991.

10. Due to the unusual length of the Licensee's osteopathic training, the Board asked him for an explanation.

11. In a letter dated July 22, 2003, the Licensee stated to the Board that his osteopathic training "spanned 10 years" was due to the following three breaks in his training:

- a) a break in training in 1982 because his first wife filed for separation;
- b) another break (date unspecified) for financial reasons while he worked; and
- c) a final break (date unspecified) before he divorced his first wife.

12. Based upon the information that the Licensee submitted to the Board in his letter dated July 22, 2003, the Board issued the Licensee a license to practice medicine.

13. The Board later discovered that, on December 11, 1981, the Licensee was dismissed from MSU/COM for academic performance reasons. He was later reinstated, on academic probation, on January 25, 1982.

14. The Board later discovered that, on March 19, 1982, the Licensee was again dismissed from MSU/COM. He was later reinstated, on academic probation, on June 26, 1984.

15. The Board later discovered that, on March 15, 1985, the Licensee was again dismissed from MSU/COM. He was later reinstated, on academic probation, on January 16, 1989.

16. Because the Board issued a license to the Licensee based on the facts he furnished to the Board in the letter dated July 22, 2003, the issuance of this license was based on fraud, deception, and misrepresentation and constitutes a cause for the Board to discipline the Licensee's license pursuant to §334.100.2(3).

Count II

17. On February 8, 2006, the State Medical Board of Ohio placed the Licensee's Ohio medical license on permanent revocation. This permanent revocation was modified to indefinite suspension for at least two years.

18. The suspension of the Licensee's Ohio medical license constitutes a cause for the Board to discipline his Missouri license pursuant to §334.100.2(8):

II. JOINT CONCLUSIONS OF LAW

19. Cause exists to discipline Licensee's license pursuant to Sections and 334.100.2(3) and (8), RSMo Cum. Supp. 2005, which state:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of

OHIO STATE MEDICAL BOARD

SEP 25 2006

registration or authority, permit or license for any one or any combination of the following causes:

....

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

....

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for a license or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the armed forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

....

20. The Licensee's conduct, as established by the foregoing facts, falls within the intendments of § 334.100.2, RSMo.

21. Cause exists for the Board to take disciplinary action against the Licensee's license under § 334.100.2, RSMo.

III. JOINT AGREEMENT ON DISCIPLINE

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under the

authority of §621.110 RSMo 2000. This agreement, including the disciplinary order, will be effective immediately on the date entered and finalized by the Board. The following are the terms of the disciplinary order:

22. Medical license number 2004001631, issued by the Board to the Licensee, is hereby PUBLICLY REPRIMANDED.

23. If the Licensee is licensed in other jurisdictions, then he shall notify, in writing, the medical licensing authorities of those jurisdictions, within fifteen (15) days of the effective date of this settlement agreement, of the Licensee's disciplinary status in Missouri. The Licensee shall forward a copy of this written notice to the Board contemporaneously with sending it to the relevant licensing authority.

24. The Licensee shall notify, within fifteen (15) days of the effective date of this settlement agreement, all hospitals, nursing homes, out-patient centers, surgical centers, clinics, and all other facilities where the Licensee practices or has privileges, of his disciplinary status. The Licensee shall notify any physician assistants or other allied health care professionals he supervises of the disciplinary action imposed. Notification shall be in writing and the Licensee shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Board for verification by the Board or its designated representative.

25. For purposes of this agreement, unless otherwise specified in this agreement, all reports, documentation, evaluations, notices, or other materials required to be submitted to the Board in this agreement shall be forwarded to The State Board of

OHIO STATE MEDICAL BOARD

SEP 25 2006

Registration for the Healing Arts, Attention: Investigations, P.O. Box 4, Jefferson City, Missouri 65102.

26. In the event The State Board of Registration for the Healing Arts determines that the Licensee has violated any term or condition of this agreement, the Board may in its discretion, vacate this agreement and impose such further discipline as the Board shall deem appropriate.

27. This agreement does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 334, RSMo, by the Licensee not specifically mentioned in this document.

28. No additional order shall be entered by this Board pursuant to the preceding paragraph of this agreement without notice and an opportunity for hearing before this Board as a contested case in accordance with the provisions of Chapter 536, RSMo. If any alleged violation of this agreement occurred during the disciplinary period, the parties agree that the Board may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred and, if so, may impose further disciplinary action. The Licensee agrees and stipulates that the Board has continuing jurisdiction to hold a hearing to determine if a violation of this agreement has occurred.

29. If the Board determines that the Licensee has violated a term or condition of this settlement agreement, the Board may elect to pursue any lawful remedies afforded it and is not bound by this agreement in its election of remedies concerning that violation.

30. The Licensee hereby waives and releases the Board, its members, and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to any claims for attorneys fees and expenses, including any claims pursuant to §536.087, RSMo, or any claim arising under 42 USC 1983, which may be based upon, arise out of, or relate to any of the matters raised in this agreement, or from the negotiation or execution of this agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this agreement in that it survives in perpetuity even in the event that any court of law deems this agreement or any portion thereof void or unenforceable.

31. In consideration of the foregoing, the parties consent to the termination of any further proceedings based upon the facts set forth herein.

LICENSEE

Philip L. Creps, D.O. 8/15/06
Philip L. Creps, D.O. Date

Attorney for Licensee Date
Missouri Bar No. _____

BOARD

Tina Steinman 8/22/06
Tina Steinman Date
Executive Director

Sreenu Dandamudi 8/22/06
Sreenu Dandamudi Date
General Counsel, MO Bar No. 50734

EFFECTIVE THIS 22 DAY OF August, 2006.

OHIO STATE MEDICAL BOARD
SEP 25 2006



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

February 8, 2006

Philip L. Creps, D.O.
214 Ashbury Court
South Bend, IN 46615-2695

Dear Doctor Creps:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Sharon W. Murphy, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on February 8, 2006, including motions approving and confirming the Findings of Fact and Conclusions 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 must be taken to the Franklin County Court of Common Pleas.

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

THE STATE MEDICAL BOARD OF OHIO

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 7003 0500 0002 4329 7572
RETURN RECEIPT REQUESTED

Cc: Ted Kurt, Esq.
CERTIFIED MAIL NO. 7003 0500 0002 4329 7558
RETURN RECEIPT REQUESTED

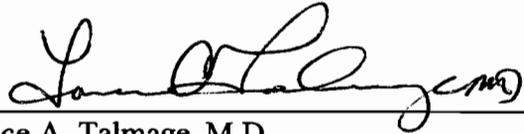
Elizabeth Y. Collis, Esq.
CERTIFIED MAIL NO. 7003 0500 0002 4329 7886
RETURN RECEIPT REQUESTED

Mailed 3-3-06

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on February 8, 2006, including motions approving and confirming the Findings of Fact and Conclusions 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 Philip L. Creps, 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.



Lance A. Talmage, M.D.
Secretary

(SEAL)

February 8, 2006
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

PHILIP L. CREPS, D.O.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on February 8, 2006.

Upon the Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner, designated in this Matter 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 of Ohio for the above date.

It is hereby ORDERED that:

- A. **PERMANENT REVOCATION, STAYED; SUSPENSION:** The certificate of Philip L. Creps, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED. Such revocation is STAYED, and Dr. Creps' certificate shall be SUSPENDED for an indefinite period of time, but not less than two years.
- B. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Creps' certificate to practice osteopathic medicine and surgery until all of the following conditions have been met:
 - 1. **Application for Reinstatement or Restoration:** Dr. Creps shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
 - 2. **Obey the Law:** Dr. Creps shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which he is practicing.

3. **Professional Ethics Course**: At the time he submits his application for reinstatement or restoration, Dr. Creps shall provide acceptable documentation of successful completion of a course or courses dealing with professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Creps submits the documentation of successful completion of the course or courses dealing with professional ethics, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

4. **Personal Ethics Course**: At the time he submits his application for reinstatement or restoration, Dr. Creps shall provide acceptable documentation of successful completion of a course or courses dealing with personal ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Creps submits the documentation of successful completion of the course or courses dealing with personal ethics, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

5. **COMVEX-USA**: Prior to submitting his application for reinstatement or restoration, Dr. Creps shall take and pass the COMVEX-USA or any similar written examination which the Board may deem appropriate to assess Dr. Creps' clinical competency.

C. **PROBATION**: Upon reinstatement or restoration, Dr. Creps' certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least three years:

1. **Obey the Law**: Dr. Creps shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which he is practicing.
2. **Declarations of Compliance**: Dr. Creps shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating

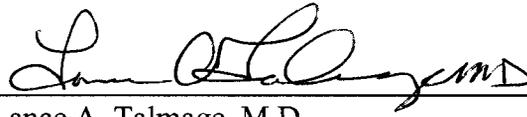
whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which Dr. Creps' certificate is restored or reinstated. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

3. **Personal Appearances**: Dr. Creps shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which Dr. Creps' certificate is restored or reinstated, or as otherwise directed by the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
 4. **Noncompliance Will Not Reduce Probationary Period**: In the event Dr. Creps is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.
- D. **TERMINATION OF PROBATION**: Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Creps' certificate will be fully restored.
- E. **REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS**: Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Creps shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Creps shall provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments. This requirement shall continue until Dr. Creps receives from the Board written notification of his successful completion of probation.
- F. **REQUIRED REPORTING TO OTHER STATE LICENSING AUTHORITIES**: Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Creps shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Creps shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration or restoration of any professional license. Further, Dr. Creps shall provide this Board with a copy of

the return receipt as proof of notification within thirty days of receiving that return receipt, unless otherwise determined by the Board. This requirement shall continue until Dr. Creps receives from the Board written notification of his successful completion of probation.

This Order shall become effective immediately upon the mailing of notification of approval by the Board.

(SEAL)



Lance A. Talmage, M.D.
Secretary

February 8, 2006

Date

2006 JAN 11 P 12:52

**REPORT AND RECOMMENDATION
IN THE MATTER OF PHILIP L. CREPS, D.O.**

The Matter of Philip L. Creps, D.O., was heard by Sharon W. Murphy, Esq., Hearing Examiner for the State Medical Board of Ohio, on November 7, 2005.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated July 13, 2005, the State Medical Board of Ohio [Board] notified Philip L. Creps, D.O., that it had proposed to take disciplinary action against his certificate to practice osteopathic medicine and surgery in Ohio. The Board based its proposed action on allegations that Dr. Creps had provided false information in his application forms for licensure in Ohio and for staff privileges in Ohio hospitals. The Board further alleged that Dr. Creps' conduct constitutes violations of Sections 4731.22(A) and 4731.22(B)(5), Ohio Revised Code. Accordingly, the Board advised Dr. Creps of his right to request a hearing in this matter. (State's Exhibit 1A)
- B. On July 20, 2005, the Board received a written hearing request submitted by Dr. Creps. (State's Exhibit 1B)

II. Appearances

- A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Kyle C. Wilcox, Assistant Attorney General.
- B. On behalf of the Respondent: Ted Kurt, Esq.

EVIDENCE EXAMINED

I. Testimony Heard

Philip L. Creps, D.O.

II. Exhibits Examined

- A. Presented by the State
 - 1. State's Exhibits 1A through 1E and 1G through 1L: Procedural exhibits.

2. State's Exhibit 2: Certified copies of documents regarding Dr. Creps maintained by the Board.
3. State's Exhibit 3: Certified copies of documents regarding Dr. Creps maintained by ProMedica Health System, Toledo, Ohio.
4. State's Exhibit 5: A May 20, 2005, letter to the Board from Dennis W. Bicknell, Registrar, Medical College of Ohio, Toledo, Ohio.
5. State's Exhibit 5: Dr. Creps' transcripts from the Medical College of Ohio.
6. State's Exhibit 6: Certified copies of documents regarding Dr. Creps maintained by Michigan State University, East Lansing, Michigan.
7. State's Exhibit 8: An August 18, 2004, letter to the Board from Mr. Kurt, with attachments.
8. State's Exhibit 9: Copy of the State Medical Board of Ohio's Closing Argument.

PROFFERED MATERIALS

At the close of the hearing, the parties requested an opportunity to submit written closing arguments. Accordingly, the Hearing Examiner set forth a schedule by which the parties' written closing arguments would be filed. The State filed the State Medical Board of Ohio's Closing Argument on November 21, 2005, and the document was admitted to the record as State's Exhibit 9. The Respondent was allowed until December 5, 2005 to submit his written closing argument; nevertheless, the Respondent has not submitted any closing argument. Therefore, the hearing record closed on December 6, 2005. (See Hearing Transcript [Tr.] at 9, 83-85)

SUMMARY OF THE EVIDENCE

All exhibits and transcripts of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

1. Philip L. Creps, D.O., enrolled at the Medical College of Ohio [MCO] in Toledo, Ohio, on September 10, 1973. While enrolled at that school, Dr. Creps was granted multiple leaves of absence for personal reasons, as follows:
 - Dr. Creps was granted a leave of absence beginning May 1, 1974.

- Dr. Creps was returned to the first year class on September 9, 1974.
- Dr. Creps was granted another leave of absence beginning November 11, 1974.
- Dr. Creps was returned to the first year class on July 7, 1976. He participated in coursework through, at least, June 24, 1977.
- Dr. Creps was granted a third leave of absence on July 5, 1977.
- Dr. Creps was returned to class on August 22, 1977. He participated in coursework through at least September 23, 1977.

(St. Ex. 5 at 2) During his leaves of absence, he also attended the University of Toledo, Bethany Bible College in Santa Cruz, California, and the University of California. On May 30, 1978, Dr. Creps was dismissed from MCO due to academic failure. (State's Exhibits [St. Exs.] 4 through 6)

2. Dr. Creps enrolled at the Michigan State University College of Osteopathic Medicine [MSU/COM] in East Lansing, Michigan, on June 16, 1980. He graduated on June 7, 1991. During these eleven years, the following events took place:
 - On December 11, 1981, Dr. Creps was dismissed from MSU/COM for academic performance reasons.
 - On January 25, 1982, he was reinstated by MSU/COM and was placed on academic probation.
 - On March 19, 1982, Dr. Creps was again dismissed from MSU/COM.
 - On April 5, 1982, Dr. Creps appeared before the Committee on Student Evaluation [COSE] where his academic dismissal was upheld.
 - On May 28, 1982, Dr. Creps filed a grievance concerning two of his grades.
 - During the summer of 1982, two of Dr. Creps' grades were changed to passing.
 - On August 16, 1982, Dr. Creps petitioned COSE for a reinstatement hearing based on the grade changes. It was determined that his performance was still below retention level and the request for a reinstatement hearing was denied.
 - On June 21, 1984, Dr. Creps appeared before COSE for a reinstatement hearing; reinstatement was recommended.
 - On June 26, 1984, Dr. Creps was reinstated and placed on academic probation.

- On December 7, 1984, academic probation was officially continued.
- On March 15, 1985, Dr. Creps was again dismissed from MSU/COM.
- On March 28, 1985, Dr. Creps appeared before COSE for a reinstatement hearing; reinstatement was not recommended.
- On December 19, 1988, Dr. Creps petitioned the Dean for reinstatement.
- On January 6, 1989, Dr. Creps appeared before COSE for a reinstatement hearing; reinstatement was recommended. It was further determined that Dr. Creps must complete a full year of didactic work prior to beginning clerkships in the Winter Quarter 1991.
- On January 16, 1989, Dr. Creps was reinstated and placed on academic probation.
- On June 9, 1989, academic probation was officially continued.
- On September 1, 1989, academic probation was officially continued.
- On December 8, 1989, academic probation was officially continued.
- On March 16, 1990, academic probation was terminated.

(St. Ex. 6 at 2-5)

3. On June 19, 1992, Dr. Creps submitted to the Board a Request for Application Forms. By signing the Request for Application Forms, Dr. Creps certified that the statements he had made in completing that document were strictly true in every respect. (St. Ex. 2 at 8)

In the “Medical School of Graduation” section of the Request for Application Forms, Dr. Creps listed MSU/COM. In the “Other Medical Schools Attended” section of the Request for Application Forms, Dr. Creps indicated that he had attended MCO. Nevertheless, Dr. Creps also reported that the reason he had not obtained a medical degree from MCO was because he had “transferred.” Moreover, Dr. Creps listed his dates of attendance at MCO as July 1973 to March 1977. (St. Ex. 2 at 4-5)

Dr. Creps did not mention the fact that he had been dismissed from MCO on May 30, 1978. (St. Ex. 2 at 4-5)

4. On March 5, 1993, Dr. Creps submitted to the Board an Application for Certificate – Medicine or Osteopathic Medicine [License Application]. By signing the License Application, he certified that the statements he had made in completing that document were true. (St. Ex. 2 at 21) Nevertheless, despite numerous dismissals and frequent placement

on probation, Dr. Creps answered “No” in response to Question 4 in the “Additional Information” section of his License Application. Question 4 asks the following:

Have you ever resigned from, withdrawn from, or have you ever been warned by, censured by, disciplined by, been put on probation by, been requested to withdraw from, dismissed from, been refused renewal of a contract by, or expelled from, a medical school, clinical clerkship, externship, preceptorship, or graduate medical education?

(St. Ex. 2 at 18)

5. On October 28, 2003, Dr. Creps caused to be submitted an application for medical staff membership and staff privileges to the Toledo Hospital and Toledo Children’s Hospital. By signing the application, Dr. Creps certified that the information he provided was true and complete. (St. Ex. 3 at 16) In the application, however, Dr. Creps answered “No” in response to the following question:

DISCIPLINARY ACTIONS

Have any of the following ever been, or are any of them currently in the process of being, involuntarily or voluntarily terminated, denied, revoked, suspended, reduced, limited, placed on probation, not renewed, or voluntarily relinquished, or have you voluntarily or involuntarily withdrawn or failed to proceed with an application for any of the following? * * *
Education/Training Program

(St. Ex. 3 at 14) Dr. Creps did not mention that he had been dismissed on numerous occasions and placed on probation for extended periods of time while attending MSU/COM. (St. Ex. 3)

6. At hearing, Dr. Creps testified that he had attended Bowling Green State University and graduated in 1973 with a Bachelor’s degree in chemistry and pre-med. He further testified that:

Subsequently, [I] went intermittently to Medical College of Ohio from, I believe, September of 1973 until about May of ‘70 – no, I think September of ‘77 and during that time, beginning in 1974, I also attended the University of Toledo. Beginning in 1976, after briefly attending Bethany Bible College in Santa Cruz, California, at the University of Toledo I finished a second bachelor’s degree summa cum laude with an honor citation in psychology. That was in December of 1980.

I also worked on a Master's thesis in biology, specifically animal physiology, and completed all of the work but the thesis. * * * In 1986, [I] completed an Associates of Science in computers and math at the Community College of Aurora in Aurora, Colorado, and I think that was summa cum laude. And then in June of 1980, I attended Michigan State University and attended it intermittently until I graduated in June of 1991 with a Doctor of Osteopathy degree.

(Hearing Transcript [Tr.] at 13-14)

Dr. Creps stated that he had completed a rotating osteopathic internship at Riverside Osteopathic Hospital in Trenton, Michigan. Thereafter, he transferred to a psychiatric residency at the Case Western Reserve University MetroHealth Medical Center in Cleveland, Ohio. Dr. Creps testified that he had repeated the first postgraduate year in order to qualify for certification in psychiatry by both the osteopathic and allopathic boards. In addition, Dr. Creps testified that he had left the MetroHealth Medical Center in February 1995 and transferred to a residency at the Indiana University Medical Center in Indianapolis. He stated that he had completed his psychiatry residency at that institution in September 1996. Finally, Dr. Creps testified that he had participated in a child and adolescent psychiatry fellowship, and completed it in October 1997.

(Tr. at 14-15)

Dr. Creps testified that, because he had received a National Health Service Corps scholarship, he had served as a psychiatrist for three years in a community mental health center in Northeastern Indiana. Thereafter, in February 2000, Dr. Creps accepted a part-time position at a community mental health center in South Bend, Indiana. He resigned that position in September 2003. (Tr. at 15-16)

Dr. Creps further testified that, in 2003, he had submitted an application to ProMedica Health Systems, requesting privileges at Toledo Hospital and Toledo Children's Hospital. He stated that he had been hired by Harbor Behavioral Health Care to be the Director of Child Psychiatric Services. He added that Harbor Behavioral Health Care was an agency that contracted with Toledo Hospital and Toledo Children's Hospital to provide psychiatric services. (Tr. at 16-17)

Dr. Creps testified that he had obtained temporary privileges at Toledo Hospital in January 2004, but that those privileges had been suspended on March 7 or 8, 2004. He stated that, although he had moved into a new house in Ohio on March 13, 2004, he had been terminated from his position at Harbor Behavioral Health Care three days later. Moreover, on April 28, 2004, Dr. Creps received notice by certified mail that his application for privileges at Toledo Hospital and Toledo Children's Hospital had been denied. (Tr. at 17-18)

7. Dr. Creps testified regarding the Board's allegations that he had made false, fraudulent, or misleading statements in his applications to the Board and the Toledo hospitals, as follows:

- a. First, Dr. Creps testified regarding his answer in the Request for Application Forms by which he had indicated that he had been enrolled at MCO from July 1973 to March 1977. Dr. Creps testified that he disputed having been enrolled at MCO from September 1977 until May 30, 1978. He stated that he had not attended a class at MCO after September 1977. Nevertheless, Dr. Creps did not explain why he had reported a transfer date of March 1977, rather than a last date of classes of September 1977 and a dismissal date of May 1978. (Tr. at 25-26, 66-68)

Dr. Creps also acknowledged that he had inaccurately reported the date he started at MCO. He concluded that his false reporting of dates had been "just inaccuracies from [his] own recall." (Tr. at 66-67)

In addition, regarding the date he claimed to have ended his association with MCO, Dr. Creps explained that he had been given a failing grade on a course that ended in September 1977. He had considered the grade unfair because, on the morning of the final examination, he had been ill and unable to take the exam. Thereafter, the course director refused to give Dr. Creps the examination, and he had been subject to academic dismissal without being allowed to take an examination to show his competence or lack thereof. Therefore, Dr. Creps concluded that he had left MCO in September 1977. (Tr. at 25-26, 66-67)

When asked if it was his testimony that he had not been dismissed from MCO on May 30, 1978, Dr. Creps testified, "No, that is not my testimony. I was unilaterally, by MCO, dismissed on May 30, 1978, and may I add, with -- with my own disagreement with them." (Tr. at 27)

- b. Second, Dr. Creps testified regarding his answer in the Request for Application Forms, by which he had indicated that the reason he had not received a medical degree from MCO was because he had "transferred" to the University of Toledo. Dr. Creps stated that, in his opinion, he had transferred to the University of Toledo where he had been "simultaneously taking classes" since 1975. Dr. Creps acknowledged that his opinion regarding the termination of his relationship with MCO differed from the school's opinion. He added that, even though he had not agreed with the school's determination, he had not disputed it because he "decided to let sleeping dogs lie and move forward with [his] life." (Tr. at 24, 27)
- c. Third, Dr. Creps testified regarding the answer in his License Application, by which he had denied ever being dismissed or put on probation while in medical school. Dr. Creps admitted that his answer had been an error, and stated that he would "take full responsibility" for that "error." (Tr. at 28-48)

- d. Fourth, Dr. Creps testified regarding his denial in the application for privileges at Toledo Hospital and Toledo Children's Hospital that any educational program had taken disciplinary action against him. Dr. Creps testified that he had not been aware that the question had been answered negatively, because someone else had completed the application. He stated that he had been given the blank application form and had been told to sign it before it was completed. He stated he had signed it because he had been told to hurry up and get it done. Therefore, he had had no chance to review the completed application before it was submitted to ProMedica. He acknowledged, nevertheless, that he had been responsible to ensure that the information contained in the application was truthful. (Tr. at 49-52)

Despite that, Dr. Creps further testified that he believes his answer to the question may have been accurate. He explained that the question never specifically used the word "dismissed." Therefore, he testified that, even today, he would have difficulty knowing how to properly answer that question. When reminded that the question also asks if he had ever been placed on probation, Dr. Creps acknowledged that he should have answered "Yes." (Tr. at 50-51)

- e. Finally, although not addressed in the notice of opportunity for hearing, Dr. Creps testified that he had also provided additional inaccurate information in his license application. Dr. Creps acknowledged that he had reported attending MSU/COM from 1980 to 1991 without interruption. In fact, in he had attended MSU/COM only intermittently during those years and had done a number of other things during that time. Nevertheless, he had not documented the other activities, which he had been obligated to do when completing the License Application. (Tr. at 76-77)
8. Dr. Creps was asked if his dismissal from Toledo Hospital had followed from his inaccurate answers on the application for privileges. Dr. Creps answered that, if it had not been the answers on his application, it would have been something else. He stated that the medical staff had not wanted him. He also stated that he had walked into a political turmoil involving the previous director of psychiatric services. In addition, he stated that he had been called to a medical executive committee meeting during the week in which he had been very ill. At the executive committee meeting, he admitted that he had made a mistake on the application and, as a result of that admission, his application for privileges had been denied without any right to appeal. (Tr. at 52-54)
9. Dr. Creps testified that he is currently employed by Medical Doctors Associates as a locum tenens psychiatrist in East Central Indiana. Dr. Creps testified that he treats both inpatient and outpatient clients, and his practice includes adult, adolescent and child psychiatric patients. (Tr. at 11, 19) Dr. Creps is licensed to practice in Ohio, Indiana, Michigan, and Missouri. Dr. Creps testified that he had not faced disciplinary action in any state prior to the current action. (Tr. at 12, 75)

10. Dr. Creps testified that, in completing these applications, he had not intended to mislead anyone regarding his academic history. (Tr. at 60-61, 68, 70, 73-74)

FINDINGS OF FACT

1. On June 19, 1992, Philip L. Creps, D.O., submitted to the Board a Request for Application Forms. By signing the Request for Application Forms, Dr. Creps certified that the statements provided therein were strictly true in every respect.

In the "Medical School of Graduation" section of the Request for Application Forms, Dr. Creps listed the Michigan State University, College of Osteopathic Medicine [MSU/COM]. In the "Other Medical Schools Attended" section of the Request for Application Forms, Dr. Creps indicated that he had attended the Medical College of Ohio [MCO]. Nevertheless, Dr. Creps also reported that the reason that he had not obtained his medical degree from MCO was because he had "transferred." In addition, Dr. Creps inaccurately listed his dates of attendance at MCO as July 1973 to March 1977. In fact, Dr. Creps had been enrolled at MCO until May 30, 1978, when he was dismissed due to academic failure.

2. On March 5, 1993, Dr. Creps submitted to the Board an Application for Certificate – Medicine or Osteopathic Medicine [License Application]. By signing the License Application, Dr. Creps certified that the information provided therein was true. Nevertheless, in completing the License Application, Dr. Creps falsely answered "No" in response to a question that asked, among other things, whether he had ever been dismissed from or put on probation by a medical school. He did so despite the following events that had taken place during his medical education:

- On May 30, 1978, Dr. Creps was dismissed from MCO due to academic failure;
- In December 1981, he was dismissed from MSU/COM for academic performance reasons;
- On January 25, 1982, he was reinstated by MSU/COM and placed on academic probation;
- On March 19, 1982, he was dismissed from MSU/COM for academic performance reasons;
- On June 26, 1984, he was reinstated by MSU/COM and placed on academic probation;
- On December 7, 1984, he was continued on academic probation at MSU/COM;

- On March 15, 1985, he was dismissed from MSU/COM for academic performance reasons;
 - On January 16, 1989, he was reinstated by MSU/COM and placed on academic probation.
3. On October 28, 2003, Dr. Creps caused an application for medical staff membership and staff privileges to be submitted to the Toledo Hospital and Toledo Children's Hospital. By signing the application, Dr. Creps certified that the information he provided was true and complete. Nevertheless, despite his disciplinary history, as noted in Findings of Fact 2, above, Dr. Creps answered "No" in response to a question that asked whether he had ever been the subject of disciplinary action, including termination or being placed on probation, by an educational or training program.

CONCLUSIONS OF LAW

1. The conduct of Philip L. Creps, D.O., as set forth in Findings of Fact 1 and 2, constitutes "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code, as in effect prior to March 9, 1999.
2. The conduct of Dr. Creps, as set forth in Findings of Fact 1 and 2, constitutes "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code, as in effect prior to March 9, 1999.
3. The conduct of Dr. Creps, as set forth in Findings of Fact 3, constitutes "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code, as in effect on and after March 9, 1999.

* * * * *

Dr. Creps repeatedly misrepresented significant difficulties he had experienced during his medical education and training. Moreover, the evidence supports the conclusion that these false statements in applications related to the practice of medicine were made with an intention to hide his academic difficulties. It is highly incredible that a physician would forget or fail to comprehend that, during his medical education, he had suffered multiple disciplinary actions, after such a significant and protracted history of dismissals, applications for reinstatement, reinstatement hearings, probation, and subsequent dismissals.

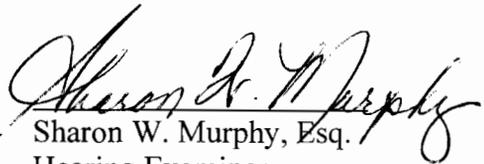
Misrepresentations made during the process of application for licensure are of greater significance since there is a good possibility that, had the truth been known at the time, the Board would not have granted a certificate to Dr. Creps. In this case, the original misrepresentation is only compounded by the recent, but similar, misrepresentations in his application for hospital privileges. Clearly, Dr. Creps cannot be trusted to tell the truth when his self-interest is at stake, which presents a great potential for harm to the citizens of Ohio. Therefore, such conduct warrants permanent revocation of his certificate to practice in this state.

PROPOSED ORDER

It is hereby ORDERED that:

The certificate of Philip L. Creps, D.O., to practice osteopathic medicine and surgery in the State of Ohio is PERMANENTLY REVOKED.

This Order shall become effective immediately upon the mailing of notification of approval by the Board.


Sharon W. Murphy, Esq.
Hearing Examiner



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

EXCERPT FROM THE DRAFT MINUTES OF FEBRUARY 8, 2006

REPORTS AND RECOMMENDATIONS

Dr. Robbins announced that the Board would now consider the findings and orders appearing on the Board's agenda. He noted that the case of Jabir Kamal Akhtar, M.D., which was scheduled for this meeting, would be considered at a later time due to the inability to achieve service of the Report and Recommendation on Dr. Akhtar.

Dr. Robbins asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Mark A. Campano, M.D.; Philip L. Creps, D.O.; Ruth Ann Holzhauser, M.D.; John Bruce Payne, D.O.; Alberto Pena, M.D.; and Joseph Aloysius Ridgeway IV, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Steinbergh	- aye
	Dr. Robbins	- aye

Dr. Robbins asked whether each member of the Board understands 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:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye

Dr. Steinbergh - aye
Dr. Robbins - aye

Dr. Robbins noted that, in accordance with the provision in Section 4731.22(F)(2), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

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

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

.....
PHILIP L. CREPS, D.O.

Dr. Robbins directed the Board's attention to the matter of Philip L. Creps, D.O. He advised that objections were filed to Hearing Examiner Murphy's Report and Recommendation and were previously distributed to Board members.

Dr. Robbins continued that a request to address the Board has been timely filed on behalf of Dr. Creps. Five minutes would be allowed for that address.

Dr. Creps was accompanied by his attorneys, Elizabeth Y. Collis and Ted Kurt.

Ms. Collis advised that she and Mr. Kurt have presented their position on this case in their objections to the Report and Recommendation. She stated that Dr. Creps would like to address the Board.

Dr. Creps thanked the Board for the opportunity to appear before it today. He stated that he's never had cause to appear before a medical board, and he prays that he never has cause in the future. Dr. Creps apologized to the Board for giving it any reason to even have to question the status of his licensure in Ohio. He knows that he finds himself here today based on answers he made on applications for licensure with this Board many years ago, and on an application that he completed for hospital privileges in Toledo in 2003.

Dr. Creps stated that he would like to briefly discuss his three applications and the answers that he provided on them. He stated that in 1992 he completed a request for application form with the Board. On it he listed the dates of his attendance for six courses at the Medical College of Ohio (MCO) from 1973 until 1977. At hearing, evidence was presented to show that he was registered as a student until 1978. As

he was not enrolled in any course work in 1978, he never even thought to list those dates on this application. He certainly never meant to mislead the Board by providing those dates on his application.

Dr. Creps continued that, on the same application, under the same question, he also listed that he was transferred from MCO. "Transferred" was not listed to be dishonest or to mislead the Board, but because it was chronologically accurate. He did, in fact, transfer from MCO to the University of Toledo. This answer, with hindsight, now appears incomplete in explaining why he transferred. Dr. Creps stated that, if he meant to deceive the Ohio Board about MCO, he would not have listed MCO on the pre-application at all.

Dr. Creps stated that the second application question that was addressed at the hearing was on his 1993 application for licensure in Ohio. On question 4, it asked whether he ever "resigned from or was dismissed" from medical school. In answering this application, he incorrectly answered "no" to this question. He stated that this answer was wrong; he should have taken more time and care in completing this application, but he did not. Dr. Creps apologized for that. Thirteen years after completing this one question on his Ohio application, he knows that he did not answer the question incorrectly because he was trying to hide anything from the Board or because he was trying to deceive the Board in any way with MCO and Michigan State University (MSU) already on his applications.

Dr. Creps continued that in 2003 he applied for hospital privileges at Toledo Hospital and Toledo Children's Hospital. On the application for privileges, he provided the hospital with an incorrect answer to the question as to whether any disciplinary action had been taken against him while in his education and training program. Dr. Creps stated that a secretary for Harbor Behavioral Health Care completed the application for him. At Harbor's insistence, he signed the application before it was completed in order to obtain his privileges quickly. Dr. Creps stated that he understands now that this was wrong, as he stated at the hearing. He takes full responsibility for his error. He should never have let someone else complete the application for him, and he certainly should not sign a document before it is completed.

Dr. Creps added that, when he signed the application, although he did not read it in a lot of detail, and he saw the heading, "Disciplinary Actions," it never hit him that this would be a question to which he would have to answer "yes." He stated that he never saw his dismissal at MCO and MSU as disciplinary. He saw this decision as being based on poor academic performance. To him, the word, "disciplinary," applies when you do something wrong in a program, like cheating, a felony or poor patient care. He has no history of felonies or chemical dependence.

Dr. Creps stated that he certainly did not mean to answer questions wrong on the three applications because he was trying to mislead the Board or the hospitals. He certainly has never tried to provide information about his education and training that was not accurate. All potential employers, all hospitals at which he applied for privileges, and all states in which he has a license are now aware of these problems. He knows that in his early medical education he had a lot of academic problems, and it took him longer than most to get through medical school. He had two tries at it: First at MCO and then he finished at MSU. He graduated in 1991, and has since passed six Board exams with three Board certifications without incident.

Dr. Creps stated that he enjoys working as a physician, and his patients enjoy the service and professionalism he can provide to them. Dr. Creps stated that it would be a grave loss to the citizens of Ohio to lose him. His subspecialty in child psychiatry is highly needed, and his rural background helps him in his service in physician manpower shortage areas. Dr. Creps asked that the Board not believe the Hearing Examiner's opinion that, because he did not answer questions better on three applications, that he cannot honestly and professionally practice medicine in Ohio. Dr. Creps stated that he "goofed." Clearly, the sanctions recommended by the Hearing Examiner are out of line with similar cases cited in his objections. Dr. Creps stated that he accepts the sanction under Section III.C of the Disciplinary Guidelines. There is neither motive nor evidence of fraud here for disciplinary guidelines under III.B, nor publication of his errors to support disciplinary guidelines under III.D or III.E.

Dr. Creps thanked the Board for its time.

Dr. Robbins asked whether the Assistant Attorney General wished to respond.

Mr. Wilcox advised that Dr. Creps' deception with this Board goes back to his initial request for application in 1992. At that time he informed the Board that he attended MCO, but he didn't get a medical degree there because he had "transferred." In reality, Dr. Creps attended MCO until May 30, 1978, at which time he was dismissed due to academic failure. Mr. Wilcox advised that, in March 1993, Dr. Creps submitted to the Board a license application. He certified that the information contained in that application was true. He was asked in the application if he'd ever been dismissed from or put on probation by a medical school. Dr. Creps answered "no" to this question, despite a long history of being dismissed and placed on probation at two medical schools. Mr. Wilcox stated that he believes that the question was clear, as was the intent of Dr. Creps. Dr. Creps was purposely attempting to hide his history of academic failures. There is no ambiguity here. This is not a case where a university may or may not have placed an applicant on a short period of probation at one time, such that the student may have legitimately forgotten about it.

Mr. Wilcox stated that, in this case, the Board has a physician who was dismissed from two different medical schools for academic failure. Dr. Creps then embarked upon a ten-year odyssey to obtain his medical degree from MSU. In the course of these ten years, Dr. Creps was dismissed from school, reinstated and placed on academic probation at least three different times before finally earning his degree in 1991. This long history of academic trouble is obviously something one would not forget or simply gloss over, if asked about, on an important application. Given these facts, it is apparent that Dr. Creps wanted to conceal his history from the Board, and he intentionally lied about his past medical school problems on his application for licensure.

Mr. Wilcox stated that, given that these applications were filled out 13 years ago, one might be inclined to say that it was an isolated incident and that Dr. Creps should be given a break; however, recently in his application for staff privileges submitted to the Toledo Hospital in October 2003, Dr. Creps again was asked about prior discipline in an educational program, including whether he had been terminated or placed

on probation. Again, Dr Creps said, "no," completely misleading the Toledo Hospital about his academic past.

Mr. Wilcox stated that, given Dr. Creps' actions regarding these important applications, the question becomes whether the Board can effectively monitor him in a meaningful way. To the State's knowledge, Dr. Creps has practiced without controversy for many years; however, it is important to remember the field in which Dr. Creps practices. As a psychiatrist, the emphasis on honest dealing with patients is essential to the practice. How can the Board trust that Dr. Creps will be honest with his patients if he cannot be honest on his credentialing applications? Honesty is probably the most important attribute in psychiatry, if not in the medical profession in general; and Dr. Creps has demonstrated a pattern of being dishonest. Given Dr. Creps' pattern of deception over the years, Mr. Wilcox would have to agree with the Proposed Order of permanent revocation.

DR. KUMAR MOVED TO APPROVE AND CONFIRM MS. MURPHY'S FINDINGS OF FACT, CONCLUSIONS, AND PROPOSED ORDER IN THE MATTER OF PHILIP L. CREPS, D.O. MR. BROWNING SECONDED THE MOTION.

Dr. Robbins stated that he would now entertain discussion in the above matter.

Dr. Buchan stated that he is conflicted by this case. As he reviewed the record, he really felt that the Proposed Order of permanent revocation was harsh. Dr. Buchan suggested that a revocation might be more appropriate. His conflict has to do with Dr. Creps' character and misrepresentation. Dr. Buchan added that he was not convinced by Dr. Creps' statement to the Board. Dr. Buchan stated that character matters, and this Board stands on that. Physicians are held to that standard.

Dr. Egner stated that she thinks that the character issue is really the heart of this case. Being dismissed from a medical school is not something that anyone would forget. She added that one also knows the distinction between being dismissed and transferring. The academic probation that Dr. Creps had multiple times at MSU also had to be quite an ordeal to go through. To not list that is just unreasonable. Dr. Creps' reasoning today was that if he really had meant to lie, he would have told a bigger lie. Dr. Egner stated that that's not reasonable. Dr. Egner concluded that, when the Hearing Examiner says that Dr. Creps cannot be trusted to tell the truth when his self-interest is at stake, that presents a great potential harm to the citizens of Ohio. Dr. Egner stated that she believes that that is the crux of the case. Dr. Egner added that the Board has had other cases where, if you look just at the act, the act itself may not by itself merit permanent revocation, yet permanent revocation was appropriate. In light of the character issue in this case, she thinks that permanent revocation is appropriate.

Dr. Kumar stated that he was also conflicted in this case. On one hand, he looks at a physician who had great difficulty in an academic career in medical school, but persisted. Although it took him 13 to 14 years to pass through medical school, he did pass, and the Board does not know of any problems he's had in his practice. Dr. Kumar stated that he was hoping when Dr. Creps came in that he would actually admit that he did mislead on all the applications instead of still indicating that he didn't understand what was meant

by “disciplinary action.” Dr. Kumar stated that it bothers him that Dr. Creps still hasn’t realized that what he was doing was absolutely wrong.

Dr. Kumar continued that, at the same time, there are other things that are in Dr. Creps’ favor. He stated that he would be in favor of amending the order to impose a stayed permanent revocation, ethical courses, etc. If the other Board members feel otherwise, he can vote for permanent revocation on this case.

Dr. Davidson stated that she would like to respond to one point made in Dr. Creps’ objections. She referred the Board to the following language on page 4 of the objections:

In the Conclusion of Law section of the R&R, Ms. Murphy also argued that Dr. Creps “... presents a great potential for harm to the citizens of Ohio.” (R&R at 11) This conclusion is also not supported by the hearing examiner’s findings of fact. Evidence concerning whether an applicant who misrepresents his academic record presents a potential for harm to the citizens of Ohio was not proffered at the hearing. A conclusion of law based not on the evidence but on the hearing examiner’s mere opinion should be stricken from the R&R and, accordingly, should not be regarded by the Board.

Dr. Davidson stated that this may be a legal matter, but she didn’t feel that she needed to have that reproved to her. She noted that the *New England Journal of Medicine* just came out with an article that resubstantiated the data, the conclusion and the fact that Board members know as a true statement. Dr. Davidson stated that she didn’t need evidence in the hearing record to believe that Dr. Creps’ misrepresentations presented a great potential harm to the citizens of Ohio.

Dr. Steinbergh stated that she does agree that this was a conflicted case, but this physician has lied. He fraudulently applied for licensure in the state. He continued to lie and no one was catching up with him. Now the Board has caught up with him. Over the years that he went to two different medical schools, he also went on to get educated. He attended the University of Toledo, he briefly attended Bethany Bible College in Santa Cruz, CA, and he finished another bachelor’s degree in psychology. Dr. Creps has a long educational career. Dr. Steinbergh stated that she sort of got the sense that medicine was a bit more of a hobby than it was a real commitment. She doesn’t see other physicians who have spent that number of years. He’s had problems academically. He’s also floated in and out of other areas. Dr. Steinbergh stated that she read Dr. Creps’ objections to the Report and Recommendation, and she really felt that all of these objections and all of the things he has done indicate to her that he didn’t take his licensure seriously. The Board has said before that having a degree is an academic achievement, but it does not give one the right to practice medicine. The character issue is very, very important to this Board.

Dr. Steinbergh stated that, whether or not Dr. Creps takes ethical responsibility in his own practice is a question for the Board. She stated that she doesn’t think that he’ll have any trouble getting a job because of all of his other academic achievements, but she doesn’t believe that it would be appropriate for this Board to continue his licensure in this state. Dr. Steinbergh stated that she agrees with the Report and Recommendation.

Dr. Buchan stated that there is the matter of permanent revocation versus revocation. He stated that he's prepared to be lenient in this case.

DR. BUCHAN MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF PHILIP L. CREPS, D.O., TO REMOVE THE WORD "PERMANENT." MR. BROWNING SECONDED THE MOTION.

Dr. Steinbergh spoke against the motion. She stated that she would like to know what the Board would gain or what would change, noting that Dr. Creps has been so dishonest during all this period of time. She added that he still doesn't recognize that he's been dishonest. He admits the answers were wrong, but she feels it is clear that he didn't give the Board the right answers because he clearly didn't want the Board to know and he clearly didn't take his applications seriously.

Mr. Browning stated that he believes that what Dr. Buchan is saying is that there's a mismatch between the crime and the punishment. These were unnecessary lies. He could have, in all likelihood, been licensed if he'd told the truth. Dr. Creps didn't get it, and he still doesn't get it. Dr. Creps could have come here today and been more forthcoming about the past. Had he, Board members might have voted to do something less than permanent revocation, because the crime and the punishment don't quite fit. Mr. Browning stated that, when thinking about permanent revocation, one thinks about something a lot more serious than lying about his or her academic record when, in fact, he or she graduated from medical school. It took a long time, but Dr. Creps made it. Mr. Browning stated that he is supportive of Dr. Buchan's recommendation.

Dr. Kumar stated that he is, in a way, in favor of some leniency, but his problem with pure revocation is that Dr. Creps could come back next week and apply again. The Board would have to go through this whole process again.

Mr. Browning stated that he would have to have a story to tell, and he probably wouldn't have a story to tell next week.

Dr. Kumar again suggested a stayed permanent revocation, suspending for a period of time, and then making him take courses, and be on a probationary period for monitoring purposes. That way, at least, the Board will be making him do things and will be able to monitor him.

Dr. Buchan stated that he's interested in revoking this license. He's not interested in rehabilitating Dr. Creps.

Dr. Steinbergh suggested discouraging Dr. Creps from applying for a period of time.

Dr. Buchan asked for a vote on the proposed amendment. He stated that he wants Dr. Creps to take responsibility for what he's done and his misrepresentations, and he doesn't feel that today. He won't feel

it next week, he suspects. If, at some period of time, Dr. Creps tells a different story, he may reconsider.

Dr. Davidson asked whether the Board could discourage him from applying for relicensure for a set period of time. She stated that she thinks that the Board has discussed this before, but she can't remember what the advice from the Attorney General's office was.

Ms. Thompson stated that she believes that Mr. Pratt addressed the Board on this issue a couple of years ago.

Mr. Pratt stated that he believes that he did advise the Board previously. There was some concern about putting conditions on when one can reapply after revocation. He indicated that he would have to consider this issue again before advising the Board.

A vote was taken on Dr. Buchan's motion to amend:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- nay
	Dr. Talmage	- abstain
	Dr. Buchan	- aye
	Dr. Kumar	- nay
	Mr. Browning	- aye
	Ms. Sloan	- nay
	Dr. Davidson	- nay
	Dr. Steinbergh	- nay

The motion failed.

DR. KUMAR MOVED TO AMEND THE PROPOSED ORDER BY ENTERING A STAYED PERMANENT REVOCATION, A MINIMUM ONE-YEAR SUSPENSION, AND THREE YEARS' PROBATION WITH THE USUAL PROBATIONARY TERMS, INCLUDING ETHICAL COURSES, BOTH PROFESSIONAL AND PERSONAL. DR. DAVIDSON SECONDED THE MOTION.

Dr. Steinbergh suggested tabling the matter to draft language for an alternative order and to print it out so that all Board members can review it.

Mr. Albert left the meeting at this time.

Dr. Buchan asked that the Board discuss the proposed amendment before tabling it for drafting an alternative order.

Dr. Buchan spoke against the proposed amendment, stating that he is not interested in taking the

responsibility to rehabilitate in this case. He thinks that the misrepresentation and character issues override that. He would speak in favor of permanent revocation at this point.

Dr. Egner again stated that she thinks that this is more serious than just filling out an application. It is evident by the fact that on his Toledo Hospital application he denies any occurrence of disciplinary action, termination or probation by an educational institution. She stated that that's a very clear question, and that is far more recent than his past applications. Dr. Egner stated that she just feels that he cannot be trusted, and nothing he said today makes her feel any differently about that.

Ms. Sloan agreed, adding that when she looks at the populations for whom he would be caring, she believes this should be a permanent revocation.

Dr. Robbins stated that the Board will have to vote on the motion, and he asked whether everyone understands it.

Ms. Schmidt advised that she needs to know what "the usual terms" would be for the record. She commented that one Board member's "usual terms" may differ from another Board member's.

Dr. Buchan agreed that the terms need to be clear and the matter should be tabled. He again stated that he's not interested in tabling this.

Dr. Egner stated that if Dr. Kumar would withdraw his motion, the Board could proceed with the original motion to approve and confirm. She commented that the Board can't vote on Dr. Kumar's motion without more clarity about the details. If the vote on the original Proposed Order is defeated, the Board can then go back to Dr. Kumar's motion.

DR. KUMAR WITHDREW HIS MOTION TO AMEND. DR. DAVIDSON, AS SECOND, AGREED.

A vote was taken on Dr. Kumar's motion to approve and confirm:

Vote:	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Buchan	- aye
	Dr. Kumar	- nay
	Mr. Browning	- nay
	Ms. Sloan	- aye
	Dr. Davidson	- nay
	Dr. Steinbergh	- aye
	Dr. Robbins	- aye

Needing six votes to pass, the motion failed.

DR. KUMAR MOVED TO AMEND THE PROPOSED ORDER BY ENTERING A STAYED PERMANENT REVOCATION, A MINIMUM ONE-YEAR SUSPENSION, AND THREE YEARS' PROBATION WITH PROBATIONARY TERMS, INCLUDING ETHICAL COURSES, BOTH PROFESSIONAL AND PERSONAL. DR. DAVIDSON SECONDED THE MOTION. DR. DAVIDSON SECONDED THE MOTION.

Dr. Robbins stated that he would now entertain discussion in the above matter.

Dr. Steinbergh stated that she thinks that the suspension is too short. She would agree to terms that would suspend him to at least two years or 24 months, at which time, in order for Dr. Creps to move into the probationary period, he would have to pass the SPEX or COMVEX, whichever he prefers.

Dr. Kumar stated that he doesn't disagree with Dr. Steinbergh. He stated that, if other Board members would prefer a two-year suspension, he would amend his motion.

Mr. Browning stated that he would support a two-year suspension.

Dr. Steinbergh stated that she sees this as a rather egregious case of lying. There is a huge character issue here. If Dr. Creps had made an error about the MCO issue in 1997 and 1998, and we caught up with it, there would not be this issue. But the whole record in this case shows a man who had significant academic difficulties, persisted in other areas, eventually got back into school, but continued to lie about what happened. You don't do that when you're honest. There's a reason why you lie. If you tell the truth, there's no question that the Board would react differently. Dr. Steinbergh noted the portion in the objections that addresses the Hearing Examiner's comment that the assumption that Dr. Creps' medical license in Ohio would have been in jeopardy, had he been honest with the Board. Dr. Steinbergh stated that, if there's honesty in application, the Board will then take a look. It definitely stimulates the Board to investigate. Depending upon how the Board feels about that, when it sees a physician who has been honest in his or her application, even though there have been mistakes in life, the Board has had the tendency to forgive that and at least understand that that physician took on the ethical responsibility. The Board doesn't see that here. What it sees is continuous lying. Dr. Steinbergh stated that she doesn't think that suspending Dr. Creps' license for a year is it.

Dr. Robbins stated that he totally agrees with what Dr. Steinbergh is saying. What bothers him about this case is that this happened 30 years ago. It didn't just disappear. Anybody who has come to terms with this would have written an addendum to any application, explaining in detail what he or she has been through. The fact that he didn't do that, and checked the questions incorrectly, absolutely goes to character.

Dr. Kumar agreed. He stated that he was really disappointed when Dr. Creps, in his address before the Board, still called wordsmithing. Dr. Kumar stated that, at the same time, he also agrees with Dr. Buchan that the punishment doesn't fit the crime completely. Dr. Kumar stated that he would agree to change his motion to a stayed permanent revocation, suspension for two years, probationary terms for another three

years, professional and ethical courses, and passing the SPEX or COMVEX.

Dr. Steinbergh indicated that it should also include all the usual terms.

DR. STEINBERGH MOVED TO TABLE THE MOTION FOR DR. KUMAR TO WORK WITH STAFF ON PREPARING THE ALTERNATE ORDER. DR. KUMAR SECONDED THE MOTION. A vote was taken:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Steinbergh	- aye

The motion carried.

.....

At this time the Board took a brief recess. When the meeting reconvened, Mr. Albert was not present.

.....

DR. KUMAR MOVED TO REMOVE THE MATTER OF PHILIP L. CREPS, D.O., FROM THE TABLE. MS. SLOAN SECONDED THE MOTION. A vote was taken:

Vote:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Steinbergh	- aye
	Dr. Robbins	- aye

The motion carried.

**DR. KUMAR MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF DR. CREPS
BY SUBSTITUTING THE FOLLOWING:**

AMENDED PROPOSED ORDER

It is hereby ORDERED that:

- A. **PERMANENT REVOCATION, STAYED; SUSPENSION:** The certificate of Philip L. Creps, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED. Such revocation is STAYED, and Dr. Creps' certificate shall be SUSPENDED for an indefinite period of time, but not less than two years.
- B. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Creps' certificate to practice osteopathic medicine and surgery until all of the following conditions have been met:
1. **Application for Reinstatement or Restoration:** Dr. Creps shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
 2. **Obey the Law:** Dr. Creps shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which he is practicing.
 3. **Professional Ethics Course:** At the time he submits his application for reinstatement or restoration, Dr. Creps shall provide acceptable documentation of successful completion of a course or courses dealing with professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Creps submits the documentation of successful completion of the course or courses dealing with professional ethics, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of

medicine in the future.

4. **Personal Ethics Course**: At the time he submits his application for reinstatement or restoration, Dr. Creps shall provide acceptable documentation of successful completion of a course or courses dealing with personal ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Creps submits the documentation of successful completion of the course or courses dealing with personal ethics, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

5. **SPEX OR COMVEX-USA**: Prior to submitting his application for reinstatement or restoration, Dr. Creps shall take and pass the SPEX examination or the COMVEX-USA or any similar written examination which the Board may deem appropriate to assess Dr. Creps' clinical competency.
- C. **PROBATION**: Upon reinstatement or restoration, Dr. Creps' certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least three years:
1. **Obey the Law**: Dr. Creps shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which he is practicing.
 2. **Declarations of Compliance**: Dr. Creps shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which Dr. Creps' certificate is restored or reinstated. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

3. **Personal Appearances:** Dr. Creps shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which Dr. Creps' certificate is restored or reinstated, or as otherwise directed by the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
 4. **Noncompliance Will Not Reduce Probationary Period:** In the event Dr. Creps is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.
- D. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Creps' certificate will be fully restored.
- E. **REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS:** Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Creps shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Creps shall provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments. This requirement shall continue until Dr. Creps receives from the Board written notification of his successful completion of probation.
- F. **REQUIRED REPORTING TO OTHER STATE LICENSING AUTHORITIES:** Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Creps shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Creps shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration of any professional license. Further, Dr. Creps shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return

receipt, unless otherwise determined by the Board. This requirement shall continue until Dr. Creps receives from the Board written notification of his successful completion of probation.

This Order shall become effective immediately upon the mailing of notification of approval by the Board.

DR. DAVIDSON SECONDED THE MOTION.

Dr. Robbins stated that he would now entertain discussion in the above matter.

Dr. Kumar reviewed the terms of his proposed motion with the Board.

Dr. Steinbergh referred to paragraph (B)(5), stating that there is a movement that will be discussed at the Federation meeting to require osteopathic physicians to take the COMVEX-USA as opposed to SPEX since the latter exam does not test the physician on osteopathic medicine.

DR. KUMAR AGREED TO REMOVE THE REFERENCES TO SPEX FROM HIS PROPOSED ALTERNATIVE ORDER. DR. DAVIDSON, AS SECOND, AGREED.

Dr. Egner asked what the probationary period would accomplish.

Dr. Kumar stated that he believes completing the probationary terms and making probationary appearances will continue to remind Dr. Creps of the Board's concerns, and to remind him that he has to grow up.

Dr. Buchan stated that he spoke against the amendment earlier because he was in favor of strictly revoking Dr. Creps' license and leaving it up to Dr. Creps to prove his honesty to the Board. He does, however, appreciate the probationary terms, which will allow the Board to challenge him if necessary.

A vote was taken on Dr. Kumar's motion to amend:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- nay
	Dr. Talmage	- abstain
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- nay
	Dr. Davidson	- aye
	Dr. Steinbergh	- aye
	Dr. Robbins	- aye

The motion carried.

MR. BROWNING MOVED TO APPROVE AND CONFIRM MS. MURPHY'S FINDINGS OF FACT, CONCLUSIONS, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF PHILIP L. CREPS, D.O. DR. DAVIDSON SECONDED THE MOTION.

Dr. Robbins stated that he would now entertain further discussion in the above matter.

Dr. Steinbergh stated that Dr. Creps has to somehow come to terms with his inability to be honest. She stated that his lying, quite frankly, is so egregious that if he doesn't understand and take responsibility for it, it will catch up with him again. She stated that she will vote for the amended Proposed Order, but warned Dr. Creps that he will never be done with this Board if he doesn't change his ways. He must be honest.

A vote was taken:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- nay
	Dr. Davidson	- aye
	Dr. Steinbergh	- aye

The motion carried.



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

July 13, 2005

Philip L. Creps, D.O.
214 Ashbury Ct.
South Bend, IN 46615-2695

Dear Doctor Creps:

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 June 19, 1992, you submitted to the Board a Request for Application Forms [Request]. By signing the Request, you certified that the statements provided therein were strictly true in every respect.

In the "Medical School of Graduation" section of the Request you listed the Michigan State University, College of Osteopathic Medicine [Michigan State], located in East Lansing, Michigan. In the "Other Medical Schools Attended" section of the Request you indicated that you had attended the Medical College of Ohio at Toledo and that the reason that your medical degree was not received from Medical College of Ohio was "Transferred." Further, you listed your dates of attendance as July 1973 to March 1977.

In fact, you were enrolled at the Medical College of Ohio until on or about May 30, 1978, at which time you were dismissed due to academic failure.

- (2) On or about March 5, 1993, you submitted to the Board an Application for Certificate – Medicine or Osteopathic Medicine [License Application]. By signing the License Application, you certified that the information provided therein was true.

You answered "No" in response to question number 4 in the "Additional Information" section of your License Application, which asks:

Have you ever resigned from, withdrawn from, or have you ever been warned by, censured by, disciplined by, been put on probation by, been

Mailed 7/14/05

requested to withdraw from, dismissed from, been refused renewal of a contract by, or expelled from, a medical school, clinical clerkship, externship, preceptorship, or graduate medical education?

In fact:

- on or about May 30, 1978, you were dismissed from the Medical College of Ohio due to academic failure;
 - in or about December 1981, you were dismissed from Michigan State for academic performance reasons;
 - on or about January 25, 1982, you were reinstated by Michigan State and were placed on academic probation;
 - on or about March 19, 1982, you were dismissed from Michigan State for academic performance reasons;
 - on or about June 26, 1984, you were reinstated by Michigan State and were placed on academic probation;
 - on or about December 7, 1984, you were continued on academic probation at Michigan State;
 - on or about March 15, 1985, you were dismissed from Michigan State for academic performance reasons;
 - on or about January 16, 1989, you were reinstated by Michigan State, effective Winter Term, 1990, and placed on academic probation.
- (3) On or about October 28, 2003, you caused to be submitted an application for medical staff membership and staff privileges to the Toledo Hospital and Toledo Children's Hospital. By signing the application, you certified that the information provided by you was true and complete. You answered "No" in response to a question that asks:

DISCIPLINARY ACTIONS

Have any of the following ever been, or are any of them currently in the process of being involuntarily or voluntarily terminated, denied, revoked, suspended, reduced, limited, placed on probation, not renewed, or voluntarily relinquished, or have you voluntarily or involuntarily withdrawn or failed to proceed with an application for any of the following? . . . Education/Training Program

In fact:

- on or about May 30, 1978, you were dismissed from the Medical College of Ohio due to academic failure;
- in or about December 1981, you were dismissed from Michigan State for academic performance reasons;

- on or about January 25, 1982, you were reinstated by Michigan State and were placed on academic probation;
- on or about March 19, 1982, you were dismissed from Michigan State for academic performance reasons;
- on or about June 26, 1984, you were reinstated by Michigan State and were placed on academic probation;
- on or about December 7, 1984, you were continued on academic probation at Michigan State;
- on or about March 15, 1985, you were dismissed from Michigan State for academic performance reasons;
- on or about January 16, 1989, you were reinstated by Michigan State, effective Winter Term, 1990, and placed on academic probation.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code, as in effect prior to March 9, 1999.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code, as in effect prior to March 9, 1999.

Your acts, conduct, and/or omissions as alleged in paragraph (3) above, individually and/or collectively, constitute "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code, as in effect on and after March 9, 1999.

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,



Lance A. Talmage, M.D.
Secretary

LAT/blt
Enclosures

CERTIFIED MAIL # 7003 0500 0002 4333 3041
RETURN RECEIPT REQUESTED

cc: Ted Kurt, Esq.
4024 Nantucket Street
Toledo, Ohio 43623

CERTIFIED MAIL # 7003 0500 0002 4333 3072
RETURN RECEIPT REQUESTED