



# State Medical Board of Ohio

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

September 14, 2005

John Carl Gaetano, D.O.  
1550 Woodhurst Avenue  
Mayfield Heights, OH 44124

Dear Doctor Gaetano:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on September 14, 2005.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal may be taken only 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 a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within fifteen days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

Very truly yours,

Lance A. Talmage, M.D.  
Secretary

LAT/blt  
Enclosures

CERTIFIED MAIL # 7003 0500 0002 4333 4758  
RETURN RECEIPT REQUESTED

MAILED 9-15-05



# State Medical Board of Ohio

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

## CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry, approved by the State Medical Board meeting in regular session on September 14, 2005, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of John Carl Gaetano, D.O., as it appears in the Journal of the State Medical Board of Ohio.

This Certification is made by the authority of the State Medical Board of Ohio in its behalf.

(SEAL)

Lance A. Talmage, M.D.  
Secretary

September 14, 2005

Date

**THE STATE MEDICAL BOARD OF OHIO**

**IN THE MATTER OF**

\*

\*

**JOHN CARL GAETANO, D.O.**

\*

**FINDINGS, ORDER AND JOURNAL ENTRY**

On July 28, 2005, the State Medical Board of Ohio [Board] sent to John Carl Gaetano, D.O., a letter via certified mail, return receipt requested, stating that the Board had reason to believe that Dr. Gaetano was unable to practice osteopathic medicine and surgery according to acceptable and prevailing standards of care pursuant to Section 4731.22(B)(26), Ohio Revised Code, to wit: “[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice.”

The letter further indicated that this determination was based upon one or more of the following reasons:

- (1) On or about October 24, 2003, Dr. Gaetano was arrested by officers from the Montgomery County, Ohio, Sheriff’s Office and charged with the following: Carrying a Concealed Weapon, in violation of Section 2923.12, Ohio Revised Code, a felony of the fourth degree; Drug Abuse, in violation of Sections 2925.11, Ohio Revised Code, a misdemeanor of the third degree; and Possession of Drug Paraphernalia, in violation of Section 2925.14, Ohio Revised Code, a misdemeanor of the fourth degree. According to the incident report from the Montgomery County Sheriff’s Office, at the time of his arrest, Dr. Gaetano had the following items on or about his person: a bag of marijuana; two and one-half pills found to contain codeine; and three pills found to contain methocarbamol. A search of Dr. Gaetano’s vehicle resulted in the seizure of the following items: a second bag of marijuana; a metal pipe with marijuana residue; and a .38 caliber five-shot revolver with four live rounds, a holster and a speed loader with five live rounds.
- (2) On or about January 8, 2004, in the municipal court for Montgomery County Area One located in New Lebanon, Ohio, Dr. Gaetano entered a plea of guilty to and was convicted of Disorderly Conduct/Public Intoxication, a misdemeanor of the fourth degree, in lieu of the previously charged offenses of Drug Abuse and Possession of Drug Paraphernalia, as set forth in Paragraph 1 above.
- (3) On or about February 12, 2004, in the Court of Common Pleas for Montgomery County, Ohio, Dr. Gaetano entered a plea of guilty to Carrying a Concealed

Weapon, in violation of Section 2923.12, Ohio Revised Code, a felony of the fourth degree, and was found to be eligible for intervention in lieu of conviction. Dr. Gaetano was ordered to undergo a period of rehabilitation for three years, obtain appropriate drug treatment, complete a chemical dependency education program and submit to random drug and alcohol screens. On or about May 21, 2004, during an appearance at the Montgomery County Adult Probation Department, Dr. Gaetano was found to have a 3½ inch folding knife on his person. A search of Dr. Gaetano's vehicle resulted in the seizure of the following items: two knives, a chisel, a martial arts stick, a .22 caliber magazine and ammunition. A search of Dr. Gaetano's residence resulted in the seizure of the following items: a loaded 9 mm Browning semi-automatic firearm, a loaded .40 caliber Desert Eagle IMI semi-automatic firearm, and a marijuana pipe with marijuana residue. Further, Dr. Gaetano's drug screen tested positive for marijuana. On or about July 26, 2004, in the Court of Common Pleas for Montgomery County, the court terminated Dr. Gaetano's eligibility for intervention in lieu of conviction, accepted his previously entered plea of guilty to Carrying a Concealed Weapon, a felony of the fourth degree, convicted him of said offense, and sentenced him to a prison term of six months.

- (4) On or about April 22, 2005, Dr. Gaetano advised a Board investigator that his last use of marijuana was in November of 2004, and that he had never been evaluated or received treatment for chemical dependence.

The July 28, 2005, certified letter from the Board further notified John Carl Gaetano, D.O., that, pursuant to Section 4731.22(B)(26), Ohio Revised Code, he was ordered to submit to a three-day inpatient evaluation. The three-day inpatient evaluation was scheduled to begin on Monday, August 29, 2005, at 10:00 a.m., at Glenbeigh Hospital, 2863 St. Rte. 45, Rock Creek, Ohio.

The July 28, 2005, certified letter from the Board additionally notified Dr. Gaetano that failure of an individual to submit to an examination as directed constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control. Finally, the letter notified Dr. Gaetano that if he failed to submit to the examination, and such failure was not due to circumstances beyond his control, the Board would be authorized to enter a default and final order without the taking of testimony or presentation of evidence.

Dr. Gaetano was duly notified of the examination order and its scheduled date. The certified letter return receipt is signed by Dr. Gaetano and dated August 15, 2005. Dr. Gaetano failed to appear for the chemical dependency evaluation that the Board scheduled for him. On August 29, 2005, the Board received notice from Glenbeigh Hospital, by both telephone and faxed letter, confirming Dr. Gaetano's failure to appear for the examination as ordered by the Board. At no time did Dr. Gaetano inform the Board that his failure to appear was due to circumstances beyond his control.

WHEREFORE, in consideration of the affidavits of Kathleen S. Peterson, Enforcement Attorney, and Debra L. Jones, Continuing Medical Education and Renewal Officer, copies of which are attached hereto and fully incorporated herein, and pursuant to Section 4731.22(B)(26), Ohio Revised Code, the Board hereby FINDS that John Carl Gaetano, D.O., has admitted the truth of the allegations set forth in the July 28, 2005, letter from the Board to Dr. Gaetano. The Board further FINDS that Dr. Gaetano is unable to practice osteopathic medicine and surgery according to acceptable and prevailing standards of care pursuant to Section 4731.22(B)(26), Ohio Revised Code, to wit: “[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice.”

WHEREFORE, it is hereby ORDERED that:

1. The certificate of Dr. Gaetano to practice osteopathic medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time.
2. The Board shall not consider reinstatement of Dr. Gaetano’s certificate to practice osteopathic medicine and surgery unless and until all of the following conditions are met:
  - a. Dr. Gaetano shall submit an application for reinstatement, accompanied by appropriate fees, if any;
  - b. Dr. Gaetano shall demonstrate to the satisfaction of the Board that he can resume practice in compliance with acceptable and prevailing standards of care under the provisions of such a certificate. Such demonstration shall include but shall not be limited to the following:
    - i. Certification from a treatment provider approved under Section 4731.25, Ohio Revised Code, that Dr. Gaetano has successfully completed any required inpatient treatment, including at least twenty-eight days of inpatient or residential treatment for chemical dependence, as set forth in Rules 4731-16-02(B)(4)(a) and 4731-16-08(A)(13), Ohio Administrative Code.
    - ii. Evidence of continuing full compliance with a post-discharge aftercare contract with a treatment provider approved under Section 4731.25, Ohio Revised Code. Such evidence shall include, but not be limited to, a copy of the signed aftercare contract. The aftercare contract must comply with Rule 4731-16-10, Ohio Administrative Code.
    - iii. Two written reports indicating that Dr. Gaetano’s ability to practice has been assessed and that he has been found capable of practicing

according to acceptable and prevailing standards of care. The reports shall be made by physicians knowledgeable in the area of addictionology and who are either affiliated with a current Board-approved treatment provider or otherwise have been approved in advance by the Board to provide an assessment of Dr. Gaetano. Prior to the assessments, Dr. Gaetano shall provide the evaluators with copies of patient records from any evaluations and/or treatment that he has received, and a copy of this Order. The reports from the evaluators shall include any recommendations for treatment, monitoring, or supervision of Dr. Gaetano, and any conditions, restrictions, or limitations that should be imposed on Dr. Gaetano's practice. The reports shall also describe the basis for the evaluator's determinations. All reports required pursuant to this paragraph shall be based upon examinations occurring within the three months immediately preceding any application for reinstatement.

- c. Dr. Gaetano shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Gaetano's chemical dependency or related conditions, or for purposes of complying with this Order, whether such treatment or evaluation occurred before or after the effective date of this Order. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43, Ohio Revised Code and are confidential pursuant to statute.
- d. Dr. Gaetano shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board or, if the Board and Dr. Gaetano are unable to agree on the terms of a written consent agreement, then Dr. Gaetano shall abide by any terms, conditions and limitations imposed by Board Order after a hearing conducted pursuant to Chapter 119., Ohio Revised Code.

Further, upon reinstatement of Dr. Gaetano's certificate to practice osteopathic medicine and surgery in this state, the Board shall require continued monitoring which shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by a Board Order after a hearing conducted pursuant to Chapter 119., Ohio Revised Code. Moreover, upon termination of the consent agreement or Board Order, Dr. Gaetano shall submit to the Board for at least two years annual progress reports made under penalty of Board disciplinary action or criminal prosecution stating whether Dr. Gaetano has maintained sobriety.

3. In the event that Dr. Gaetano has not been engaged in the active practice of osteopathic medicine for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Gaetano's fitness to resume practice.
4. Within thirty days of the effective date of this Order, Dr. Gaetano 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. Further, Dr. Gaetano shall provide a copy of this Order by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement of any professional license. Dr. Gaetano shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
5. Within thirty days of the effective date of this Order, Dr. Gaetano 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. Gaetano 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 Order shall become effective immediately upon the date of mailing of approval by the State Medical Board of Ohio.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 14th day of September, 2005, and the original thereof shall be kept with said Journal.



Lance A. Talmage, M.D.  
Secretary

(SEAL)

September 14, 2005  
Date

AFFIDAVIT

The State of Ohio  
Franklin County, SS

I, Debra L. Jones, being duly cautioned and sworn, do hereby depose and say that:

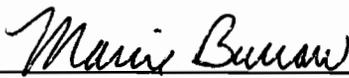
- 1) I am employed by the State Medical Board of Ohio [Board].
- 4) I serve the Board in the position of Continuing Medical Education and Renewal Officer.
- 3) In such position, I am the responsible custodian of all public licensee records maintained by the Board pertaining to individuals who have received certificates issued pursuant to Chapter 4731., Ohio Revised Code.
- 4) I have this day carefully examined the records of the Board pertaining to John Carl Gaetano, D.O.
- 5) Based on such examination, I have found the last known address of record of John Carl Gaetano, D.O., to be:

1550 Woodhurst Avenue  
Mayfield Heights, Ohio 44124

- 6) Further, Affiant Sayeth Naught.

  
\_\_\_\_\_  
Debra L. Jones  
Continuing Medical Education and  
Renewal Officer

Sworn to and signed before me, Marcie Burrow, Notary Public, this 12<sup>th</sup>  
day of September, 2005.

  
\_\_\_\_\_  
Notary Public



MARCIE P. BURROW  
Notary Public, State of Ohio  
My Commission Has No Expiration Date  
Section 147.08 R.C.

AFFIDAVIT

The State of Ohio  
Franklin County, SS

I, Kathleen S. Peterson, being duly cautioned and sworn, do hereby depose and state that the following is true based upon my first-hand knowledge:

- 1) I am an Enforcement Attorney employed by the State Medical Board of Ohio [Board]. My duties include coordinating the investigation of applicants and licensees under the jurisdiction of the Board and assembling the evidence necessary to prove potential violations of the Medical Practices Act of Ohio, Chapter 4731., Ohio Revised Code.
- 2) I coordinated the investigation of John Carl Gaetano, D.O., which resulted in the issuance of an order from the Board for Dr. Gaetano to submit to an examination pursuant to Section 4731.22(B)(26), Ohio Revised Code.
- 3) A letter, which contained the above-referenced Board order and which is attached hereto and incorporated herein, ordered Dr. Gaetano to submit to a three-day inpatient evaluation at Glenbeigh Hospital, 2863 St. Rte. 45, Rock Creek, Ohio, on Monday, August 29, 2005, and was sent certified mail on July 29, 2005.
- 4) The July 29, 2005, certified letter was sent to Dr. Gaetano at the following address: 1550 Woodhurst Avenue, Mayfield Heights, Ohio 44124.
- 5) On August 19, 2005, the Board received a certified mail return receipt, showing that the certified letter to Dr. Gaetano had been delivered to the address set forth in paragraph (4) and had been signed for by John Gaetano. A copy of the certified mail return receipt is attached hereto and incorporated herein.
- 6) On August 29, 2005, I was notified telephonically, by a representative of Glenbeigh Hospital, that Dr. Gaetano failed to appear at Glenbeigh Hospital for the examination that the Board scheduled for him. On August 29, 2005, I received a faxed letter confirming Dr. Gaetano's failure to appear for the examination ordered by the Board. A copy of the letter from Glenbeigh Hospital is attached hereto and incorporated herein.
- 7) At no time did Dr. Gaetano ever contact the Board to explain why he failed to appear for the examination ordered by the Board.

8) Further, Affiant Sayeth Naught.

Kathleen S Peterson

Kathleen S. Peterson  
Enforcement Attorney

Sworn to and signed before me, Marcie Burrow, Notary Public, this  
8th day of September, 2005.

Marcie Burrow

Notary Public



**MARCIE P. BURROW**  
Notary Public, State of Ohio  
My Commission Has No Expiration Date  
Section 147.05 R.C.



# State Medical Board of Ohio

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

July 28, 2005

## Personal and Confidential

John Carl Gaetano, D.O.  
1550 Woodhurst Avenue  
Mayfield Heights, OH 44124

Dear Doctor Gaetano:

The State Medical Board of Ohio [Board] has determined that it has reason to believe that you are in violation of Section 4731.22(B)(26), Ohio Revised Code, to wit:

“[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice.”

This determination is based upon one or more of the following reasons:

- (1) On or about October 24, 2003, you were arrested by officers from the Montgomery County, Ohio, Sheriff's Office and charged with the following: Carrying a Concealed Weapon, in violation of Section 2923.12, Ohio Revised Code, a felony of the fourth degree; Drug Abuse, in violation of Sections 2925.11, Ohio Revised Code, a misdemeanor of the third degree; and Possession of Drug Paraphernalia, in violation of Section 2925.14, Ohio Revised Code, a misdemeanor of the fourth degree. According to the incident report from the Montgomery County Sheriff's Office, at the time of your arrest, you had the following items on or about your person: a bag of marijuana; two and one-half pills found to contain codeine; and three pills found to contain methocarbamol. A search of your vehicle resulted in the seizure of the following items: a second bag of marijuana; a metal pipe with marijuana residue; and a .38 caliber five-shot revolver with four live rounds, a holster and a speed loader with five live rounds.
- (2) On or about January 8, 2004, in the municipal court for Montgomery County Area One located in New Lebanon, Ohio, you entered a plea of guilty to and were convicted of Disorderly Conduct/Public Intoxication, a misdemeanor of the fourth degree, in lieu of the previously charged offenses of Drug Abuse and Possession of Drug Paraphernalia, as set forth in Paragraph 1 above.
- (3) On or about February 12, 2004, in the Court of Common Pleas for Montgomery County, Ohio, you entered a plea of guilty to Carrying a Concealed Weapon, in

violation of Section 2923.12, Ohio Revised Code, a felony of the fourth degree, and you were found to be eligible for intervention in lieu of conviction. You were ordered to undergo a period of rehabilitation for three years, obtain appropriate drug treatment, complete a chemical dependency education program and submit to random drug and alcohol screens. On or about May 21, 2004, during an appearance at the Montgomery County Adult Probation Department, you were found to have a 3½ inch folding knife on your person. A search of your vehicle resulted in the seizure of the following items: two knives, a chisel, a martial arts stick, a .22 caliber magazine and ammunition. A search of your residence resulted in the seizure of the following items: a loaded 9 mm Browning semi-automatic firearm, a loaded .40 caliber Desert Eagle IMI semi-automatic firearm, and a marijuana pipe with marijuana residue. Further, your drug screen tested positive for marijuana. On or about July 26, 2004, in the Court of Common Pleas for Montgomery County, the court terminated your eligibility for intervention in lieu of conviction, accepted your previously entered plea of guilty to Carrying a Concealed Weapon, a felony of the fourth degree, convicted you of said offense and sentenced you to a prison term of six months.

- (4) On or about April 22, 2005, you advised a Board investigator that your last use of marijuana was in November of 2004, and that you had never been evaluated or received treatment for chemical dependence.

By the authority vested in the State Medical Board of Ohio by Section 4731.22(B)(26), Ohio Revised Code, **you are ordered to submit to an examination.** This examination will take place at **Glenbeigh Hospital**, 2863 St. Rte. 45, Rock Creek, Ohio, telephone phone number (440) 563-3400. You are to report to the Glenbeigh Admissions Office, on **Monday, August 29, 2005, at 10:00 A.M.**, for a three-day in-patient evaluation. For driving directions or questions regarding admission procedures, please contact Cathy Chambers, the In-take Coordinator for Glenbeigh, at the above-listed telephone number.

Pursuant to Section 4731.22(B)(26), Ohio Revised Code, you are responsible for the expense of this evaluation. The total estimated cost of this evaluation is \$ 1,800.00. You must present a certified check or money order in this amount made payable to Glenbeigh Hospital to the examiner prior to the beginning of the examination. Failure to present a certified check or money order in the amount specified to the examiner will result in the examination being cancelled, and will be deemed by the Board to be a failure to submit to the examination as directed due to circumstances within your control.

Please be advised that failure to submit to this examination as directed constitutes an admission of the allegations against you unless the failure is due to circumstances beyond

B26 EXAM LETTER  
John Carl Gaetano, D.O.  
Page 3

your control, and that a default and final order may thereupon be entered without the taking of testimony or presentation of evidence.

Copies of the applicable statute sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink that reads "Lance A. Talmage, M.D." The signature is written in a cursive style with a large initial 'L'.

Lance A. Talmage, M.D.  
Secretary

LAT/blt  
Enclosures

CERTIFIED MAIL # 7003 0500 0002 4333 2990  
RETURN RECEIPT REQUESTED

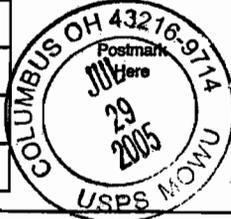
**U.S. Postal Service**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE** *BLT*

7003 0500 0002 4333 2990

Postage	\$ .87
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 4.88</b>



Sent To  
**John Carl Gaetano, D.O.**  
 Street or PO: **1550 Woodhurst Avenue**  
 City: **Mayfield Heights, OH 44124**

PS Form 3800, June 2002 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 7 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the receipt to you.
- Affix this card to the back of the mailpiece or on the front if space permits.

Article Addressed to

**John Carl Gaetano, D.O.**  
**1550 Woodhurst Avenue**  
**Mayfield Heights, OH 44124**

**COMPLETE THIS SECTION ON DELIVERY**

Signature: *[Signature]*  Agent  Addressee  
 Received by (Printed Name): *John Gaetano* Date of Delivery: *8/19/05*  
 Is delivery address different from item 1?  YES  NO  
 If YES, enter delivery address below:  YES  NO

Service type:  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  Signature Required  
 Restricted delivery (extra fee)  YES  NO

Article Number (transfer from service label) **7003 0500 0002 4333 2990**

PS Form 3811, August 2001 Domestic Return Receipt 30239-90-000-1-030

UNITED STATES POSTAL SERVICE



First-Class Mail  
 Postage & Fees Paid  
 USPS  
 Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

**State Medical Board Of Ohio**  
**77 S. High Street 17<sup>th</sup> Floor**  
**Columbus, OH 43215**

2005 AUG 19 A 10:33  
 STATE MEDICAL BOARD OF OHIO



Hospital and Outpatient Centers

2863 ST RT 45  
PO BOX 298  
ROCK CREEK, OHIO 44084-0298  
440-563-3400/FAX 440-563-9619



Accredited  
By  
Joint Commission  
On Accreditation of Healthcare Organizations

STATE MEDICAL BOARD  
OF OHIO

2005 AUG 29 P 2:27

August 29, 2005

KATHLEEN PETERSON  
OHIO STATE MEDICAL BOARD  
77 SOUTH HIGH ST.  
17<sup>TH</sup> FLOOR  
COLUMBUS OH 43215

Re: John Gaetano

Dear Kathleen:

Please be advised that John Gaetano did not show up for his 10:00 a.m. appointment for a three-day evaluation.

If I can be of further assistance, please let me know.

Sincerely,

*Kathy Chambers CCDC III-E*

Kathy Chambers, CCDC III-E  
Intake Coordinator