

CONSENT AGREEMENT

BETWEEN

HAROLD J. WILSON, M.D.

AND

THE STATE MEDICAL BOARD OF OHIO

This CONSENT AGREEMENT is entered into by and between HAROLD J. WILSON, M.D., and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731, Ohio Revised Code.

HAROLD J. WILSON, M.D., enters into this Agreement being fully informed of his rights under Chapter 119, Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudication hearing on the issues considered herein.

This CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions and understandings:

1. HAROLD J. WILSON, M.D., ADMITS that on June 16, 1982, he received a Notice of Opportunity of Hearing dated June 16, 1982 alleging that he had violated the following provisions of the Ohio Revised Code: 4731.22(B)(1); 4731.22(B)(2); 4731.22(B)(3); 4731.22(B)(6); 4731.22(B)(8).

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, HAROLD J. WILSON, M.D., knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, to the following terms, conditions and limitations:

- A. HAROLD J. WILSON, M.D., shall permanently retire from the practice of medicine on or before December 10, 1988.
- B. HAROLD J. WILSON, M.D., or a physician in his employ, shall personally supervise and participate in the treatment of his patients. Each and every office visit or other patient contact shall be recorded in the patient's file and shall be signed or initialed by Dr. Wilson or a physician in his employ.

If in the discretion of the Secretary of THE STATE MEDICAL BOARD OF OHIO, HAROLD J. WILSON, M.D., appears to have violated or breached any terms or conditions of this Agreement, THE STATE MEDICAL BOARD OF OHIO reserves the right to institute formal

disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Agreement.

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

It is AGREED and UNDERSTOOD by and between both parties that this CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code.

HAROLD J. WILSON, M.D., hereby releases THE STATE MEDICAL BOARD, its members, employees, agents, officers and representatives, individually and collectively, jointly and severally, from any and all liability arising from the within matter.

FOR LICENSEE

FOR THE STATE MEDICAL BOARD

Harold J. Wilson, M.D.
HAROLD J. WILSON, M.D.
LICENSEE

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

*approval of
Dr. Buchan*

10-29-87
DATE

10/29/87
DATE

Paul D. Cassidy
R. William Meeks
R. WILLIAM MEEKS
ATTORNEY FOR DR. WILSON

John H. Buchan, D.P.M.
JOHN H. BUCHAN, D.P.M.
SUPERVISING MEMBER

October 29, 1987
DATE

10/29/87
DATE

Chris J. Costantini
CHRISTOPHER J. COSTANTINI
ASSISTANT ATTORNEY GENERAL

October 29, 1987
DATE

Sandy

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

January 10, 1985

Harold J. Wilson, M.D.
28 West Henderson Road
Columbus, Ohio 43214

Dear Doctor Wilson:

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

You are unable to practice according to acceptable and prevailing standards of care by reason of illness, excessive use of alcohol, excessive use of controlled substances, drugs, or chemicals, or as a result of a mental or physical condition.

Pursuant to Section 4731.22(B)(15), Ohio Revised Code, effective August 27, 1982, the Ohio Medical Board may limit, revoke, suspend, refuse to register or reinstate a certificate or reprimand or place on probation the holder of a certificate for one or more of the reasons listed above.

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, that request must be made within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

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

January 10, 1985
Page 2

Harold J. Wilson, M.D.

In the event that there is no request for such hearing made within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Enclosed for your examination is a copy of Section 4731.22, Ohio Revised Code.

Very truly yours,



Henry G. Cramblett, M.D.
Secretary

HGC:caa

enclosure

CERTIFIED MAIL NO. P 569 361 952
RETURN RECEIPT REQUESTED

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

June 16, 1982

Harold J. Wilson, M.D.
28 West Henderson Road
Columbus, OH 43214

Dear Doctor Wilson:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine under the provisions of Section 4731.22, Ohio Revised Code, whether or not to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine or surgery for one or more of the following reasons:

1. On or about the following dates you did authorize the prescriptions listed for the Schedule IV Controlled Substance, Talwin, and for the prescription drug, Narcan, for the patients who are named in the enclosed Patient Key (to be withheld from public disclosure). Such prescriptions were telephoned to the dispensing pharmacy with your approval by one Barbara Devine, your employee or professional associate, who was solely or primarily responsible for the prescribing decisions made. You authorized such prescriptions without first seeing, evaluating, or physically examining the patients, and you did not attempt to ascertain whether the patients did in fact receive the substances prescribed.

<u>Patient</u>	<u>Date</u>	<u>Substance</u>	<u>Vials</u>
(1)	1-9-82	Talwin 10 cc, 30 mg/cc	4
	1-16-82	Talwin 10 cc, 30 mg/cc	4
	1-31-82	Talwin 10, cc 30 mg/cc	5
	2-2-82	Talwin 10 cc, 30 mg/cc	4
	2-5-82	Talwin 10 cc, 30 mg/cc	5
	3-5-82	Talwin 10 cc, 30 mg/cc	4
	3-24-82	Talwin 10 cc, 30 mg/cc	3
	4-5-82	Talwin 10 cc, 30 mg/cc	3
(2)	1-12-82	Talwin 10 cc, 30 mg/cc	4
	1-16-82	Talwin 10 cc, 30 mg/cc	2
	3-18-82	Talwin 10 cc, 30 mg/cc	3
(3)	2-10-82	Talwin 10 cc, 30 mg/cc	5
	2-22-82	Talwin 10 cc, 30 mg/cc	2
	3-5-82	Talwin 10 cc, 30 mg/cc	4

<u>Patient</u>	<u>Date</u>	<u>Substance</u>	<u>Vials</u>
	3-13-82	Talwin 10 cc, 30 mg/cc	4
	3-24-82	Talwin 10 cc, 30 mg/cc	3
	4-5-82	Talwin 10 cc, 30 mg/cc	3
	4-10-82	Talwin 10 cc, 30 mg/cc	3
(4)	2-28-82	Talwin 10 cc, 30 mg/cc	4
	3-13-82	Talwin 10 cc, 30 mg/cc	2
	4-10-82	Talwin 10 cc, 30 mg/cc	4 (refill for 2 vials)
	5-3-82	Talwin 10 cc, 30 mg/cc	4 (refill five times)
(5)	3-18-82	Talwin 10 cc, 30 mg/cc	3
	3-30-82	Talwin 10 cc, 30 mg/cc	3
(6)	5-3-82	Narcan (Naloxone) 1 cc .4 mg/cc	10 Ampules

Such acts in the above Paragraph (1), individually and/or collectively, constitute "permitting one's name or one's certificate of registration to be used by a person, group, or corporation when the individual concerned is not actually directing the treatment given" as that clause is used in Section 4731.22 (B)(1), Ohio Revised Code.

Further, such acts in the above Paragraph (1), individually and/or collectively, constitute "failure to use reasonable care discrimination in the administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease" as that clause is used in section 4731.22 (B)(2), Ohio Revised Code.

Further, such acts in the above Paragraph (1), individually and/or collectively, constitute "selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes", as that clause is used in Section 4731.22 (B)(3), Ohio Revised Code.

Further, such acts in the above Paragraph (1), individually and/or collectively, constitute "a departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established" as that clause is used in Section 4731.22 (B)(6), Ohio Revised, Code.

Further, such acts in the above Paragraph (1), individually and/or collectively, constitute "knowingly maintaining a professional connection or association with a person who is in violation of this chapter or rules of the board or with a person who knowingly aids, assists, procures, or advises an unlicensed person to practice medicine contrary to this chapter or rules of the board" as that clause is used in Section 4731.22 (B)(8), Ohio Re-

vised Code.

2. On or about April 28, 1981 one Charles Eley paid a visit to your office, complaining that he was "tired all the time". Mr. Eley was seen on this visit by your employee, Mr. William J. Strandwitz, who had Mr. Eley complete a patient questionnaire, asked him a number of questions regarding his diet, and extensively examined his eyes using the process of "iridology". Mr. Strandwitz diagnosed Mr. Eley as suffering from hypoglycemia, which he advised was causing the tired feeling. Mr. Strandwitz further advised Mr. Eley of other bodily infirmities he detected, and advised that the patient was "headed for" diabetes. Mr. Strandwitz gave Mr. Eley detailed dietary instructions which he advised would alleviate the problems, and dispensed to him one hundred (100) tablets of Hypogest, a prescription drug. Mr. Eley was charged thirty-five dollars for his visit and twelve dollars and fifty cents for the medication dispensed. Mr. Strandwitz is not licensed to practice medicine or surgery, or any of its branches in the State of Ohio. At no time during the office visit did you see or examine the patient or consult with Mr. Strandwitz.

Such acts in Paragraph (2) above, individually and/or collectively, constitute "permitting one's name or one's certificate of registration to be used by a person, group, or corporation when the individual concerned is not actually directing the treatment given" as that clause is used in Section 4731.22 (B)(1), Ohio Revised Code.

Further, such acts in Paragraph (2) above, individually and/or collectively, constitute "failure to use reasonable care discrimination in the administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease" as that clause is used in Section 4731.22 (B)(2), Ohio Revised Code.

Further, such acts in Paragraph (2) above, individually and/or collectively, constitute "a departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established" as that clause is used in Section 4731.22 (B)(6), Ohio Revised Code.

3. On or about October 29, 1981, Mr. Eley paid a return visit to your office to be seen by Mr. Strandwitz, pursuant to Mr. Strandwitz' suggestion at the April 28, 1981 visit. On this visit Mr. Strandwitz examined Mr. Eley's eyes, asked whether he had followed his instructions (Mr. Eley replied that he had), and advised that he now had a "thyroid problem". Mr. Strandwitz then left the room, and returned a short time later accompanied by you. You felt Mr. Eley's throat with your fingers for about ten seconds, advised Mr. Strandwitz that you concurred with his diagnosis, then left the room. Mr. Strandwitz proceeded to dispense to Mr. Eley fifty-six tablets of prescription thyroid medication, which he advised should be taken one-a-day. Mr. Eley was charged thirty dollars for this visit.

Such acts in Paragraph (3) above, individually and/or collectively, constitute "failure to use reasonable care discrimination in the administration of drugs, or failure to employ

acceptable scientific methods in the selection of drugs or other modalities for treatment of disease" as that clause is used in Section 4731.22 (B)(2), Ohio Revised Code.

Further, such acts in Paragraph (3) above, individually and/or collectively, constitute "a departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established" as that clause is used in Section 4731.22 (B)(6), Ohio Revised Code.

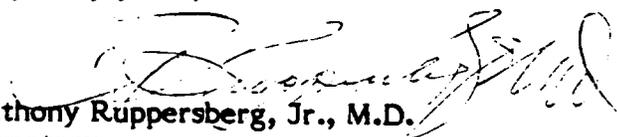
Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you may request a hearing on this matter. If you wish to request such a hearing, that request must be made within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event there is no request for such hearing made within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine.

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

Very truly yours,


Anthony Ruppertsberg, Jr., M.D.
Secretary

AR:ls

Enclosure

CERTIFIED MAIL NO. P30 5155411
RETURN RECEIPT REQUESTED

COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

Dr. Harold J. Wilson

Appellant

vs.

Case No. 76CV-06-2595

Dr. Sanford J. Press, M.D.,
et al.

Appellees

DECISION

The State of Ohio and its counsel herein stipulated that the 2nd day of July, 1980.

GIBLIE, J. The Hearing Officer also said in much two or three times on this cause comes before the Court on appeal from an order of the State Medical Board of Ohio issued June 21, 1976, suspending appellant's license to practice medicine.

The proceedings before the Hearing Officer for the Board concerned various complaints against appellant by reason of appellant's use of an appliance referred to throughout as Myo-Flex, an electronic device which appellant used in the treatment of cataracts, along with other methods of treatment.

The charges upon which hearings were held by the Board's Hearing Officer were:

Charge No. 2:

"On or about July 16, 1973, you undertook the treatment of one Marie L. Mitchell for cataracts or lens opacity of the eye. This treatment consisted of the use of the Edwards Myo-Flex Appliance, though the use of such an appliance is not recommended for the treatment of cataracts or lens opacity and is not proper treatment for such conditions."

Charge No. 3:

"On or about July 16, 1973, you undertook the treatment of one Marie L. Mitchell for cataracts or lens opacity of the eye. ***such treatment consisted of the use of an Edwards Myo-Flex appliance,

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FRANKLIN COUNTY, OHIO

though the use of such an appliance is not recommended for the treatment of cataracts or lens opacity. Such use was experimental or investigational in nature and was performed without the informed consent of Marie L. Mitchell."

"Charge No. 4: Such use of the Edwards Myo-Flex device

of "Such use (of the Edwards Myo-Flex appliance on Marie L. Mitchell) was experimental in nature and was performed by you without an investigation of such use through animal experimentation."

The State of Ohio through its counsel herein stipulated that the safety of the Myo-Flex device was not in question in the hearings. The Hearing Officer also said as much two or three times on the record.

There was credible evidence that use of the Myo-Flex device was safe. However, the stipulation of the safety of the device in

treating patients renders the issue of the lack of animal experimentation moot and eliminates any necessary consideration of

Charge No. 4. Similarly, the issue of informed consent to treatment, the real reason for which being the safety of the patient, is also disarmed, and although appellant's evidence that he obtained informed consent from his patient Marie L. Mitchell and others easily outweighs in reliability, substantiation and probative effect the evidence against appellant on this issue, the matter

was placed beyond consideration by the stipulation of the safety of the Myo-Flex device.

Further, there is no charge against appellant that he improperly charged fees for ineffective treatment.

Charge No. 2 therefore was the only allegation which remained before the Board for decision at the conclusion of the hearings.

Relax rules as we may for administrative hearings, the record of the hearings herein is replete with impermissible hearsay and irrelevancy.

The issue the Board had to decide therefore, was whether or not Dr. Harold Wilson, as a part of his treatment of cataract patients used a medically inefficacious device, and, if so, was his conduct in doing so grossly immoral and unprofessional? Neither side of this case produced evidence in its respective favor which could be considered reliable, substantial or probative. Since the Court must find the Board's order supported by reliable, substantial and probative evidence in order to affirm it, we must find the order unsupported and it will be reversed.

Drs. Wilson and Raiford are the only two medical witnesses who had any familiarity with the Myo-Flex machine, and their knowledge of it was slight. Summarizing the testimony of other medical witnesses and patients, no one was able to say any harm was done by the use of the machine, a slight preponderance is shown for some minute improvement in vision of some patients and the value of placebo effect is recognized by both sides of the case. Board of Ohio. Let it be imagined that this Court condones unethical practice of any profession or the application of untested remedies by members of the healing arts, let it be noted that all statements and conclusions in this decision are based upon what was presented in the voluminous record, reduced to the relatively few facts pertinent to the limited issue before the Board.

Had there been evidence which proved appellant to have

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used a medically inefficacious device in the treatment of cataracts, it might have been considered unprofessional conduct but far from anything as interesting as "grossly immoral".

To keep the total record of the case as clear as it may be, the Court hereby sustains appellant's motion to strike Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 17 and testimony relating thereto and sustains appellant's motion to exclude reference to the cross-examination of Dr. Morgan Raiford, since none of these effects were admitted in evidence.

In light of the Court's ruling on the validity of the Board's decision, appellant's motion to set aside and hold for naught the final order of the State Medical Board of Ohio is found moot and is discharged.

Further, the Court, having found from the record ample ground upon which to reverse the Board's order, is of the opinion that there exists no necessity to approach the constitutional question raised by appellant, although it does appear that the State Legislature has indeed delegated the power in Section 4731. 22(B) (15) Revised Code, governing the practice of medicine to the American Medical Association.

The final order of the State Medical Board of Ohio issued June 21, 1976, pertaining to Dr. Harold Wilson is reversed, set aside and held for naught.

William T. Gillie, Judge

STATE OF OHIO
THE STATE MEDICAL BOARD

AND

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

Dr. Harold J. Wilson, M.D. :
Appellant, :
-vs- : Case No.
Dr. Sanford J. Press, M.D. :
Chairman, The State Medical :
Board :
and :
The State Medical Board :
of Ohio :
Appellees :

NOTICE OF APPEAL FILED ON BEHALF
OF THE APPELLANT PURSUANT TO R.C. 119.12

Now comes the Appellant, Dr. Harold J. Wilson, M.D., and hereby gives notice pursuant to R.C. 119.12 of his appeal to the Court of Common Pleas of Franklin County, Ohio, from the final Order of the Appellees, which final Order was entered on the 21st day of June, 1976.

Appellant says further that a true and complete copy of said final Order is marked Exhibit "A", is attached hereto, and is incorporated herein by reference as though fully rewritten herein.

The grounds for this appeal are that:

1. The Order is not supported by reliable, probative and substantial evidence; and is contrary to law.

2. The Order is not in accordance with law, is arbitrary and unreasonable, and its entry constitutes a violation of the laws of Ohio, and the Fourteenth Amendment to the Constitution of the United States.

3. The Board erred in overruling Appellant's Motion to Disqualify the Board.

4. The Hearing Examiner erred in overruling Appellant's Motion to Dismiss Charges 3 and 4 of the Board's Statement of Charges.

5. The Hearing Examiner erred in overruling Appellant's Motion to Designate Hearing Examiner.

6. R.C. 4731.22(F) is unconstitutional in that it represents an unlawful delegation of legislative authority to a private association and, in addition, is constitutionally infirm on grounds of vagueness.

7. The Board's proceedings amount to rule-making by adjudication.

8. The Hearing Examiner abused his discretion and, accordingly, acted prejudicially by rendering inconsistent rulings on evidentiary objections apparent on the face of the record.

9. Other errors apparent on the face of the record.

DATED: 6/29/76

CRABBE, BROWN, JONES, POTTS
and SCHMIDT
42 East Gay Street
Columbus, Ohio 43215
(614) 228-5511

By:

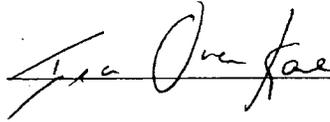
Ira Owen Kane
Ira Owen Kane (KAN04)

and

E. Joel Wesp
E. Joel Wesp (WES02)

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a copy of the foregoing Notice of Appeal Filed on Behalf of the Appellant Pursuant to R.C. 119.12 was served by hand delivery to Terry L. Tataru, Esq., (TAT01), Asst. Attorney General, State Office Tower, 30 East Broad Street, Columbus, Ohio 43215 and mailed, postage prepaid to The State Medical Board of Ohio, attn. William Lee, Administrator, 180 East Broad Street, Columbus, Ohio 43215, this 29th day of June, 1976.



STATE OF OHIO
THE STATE MEDICAL BOARD

SUITE 1006
180 EAST BROAD STREET
COLUMBUS, OHIO 43215

June 21, 1976

Harold J. Wilson, M.D.
28 West Henderson Road
Columbus, Ohio 43214

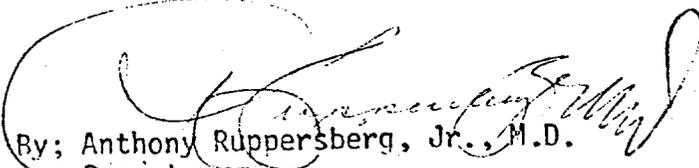
Dear Dr. Wilson:

Please find enclosed a certified copy of the proposed Findings and Order of Sanford Press, M.D., Member, the Ohio State Medical Board; and a certified copy of the Motion approved by the State Medical Board, meeting in regular session on June 16, 1976, which Motion approves the proposed Findings and Order of Dr. Press.

You are hereby notified that you may appeal this order to the Court of Common Pleas of the county in which your place of business is located, or the county in which you reside. If you are not a resident and have no place of business in this state, you may appeal to the Court of Common Pleas of Franklin County, Ohio.

To appeal as aforesaid, you must file a notice of appeal with the Board setting forth the order appealed from, and the grounds of the appeal. You must also file a copy of such notice with the court. Such notices of appeal shall be filed within fifteen days after the date of mailing of this letter, and in accordance with the requirements of Section 119.12, Revised Code.

The State Medical Board of Ohio


By: Anthony Ruppertsberg, Jr., M.D.
Secretary

AR:dt

CERTIFIED MAIL #155569
RETURN RECEIPT REQUESTED

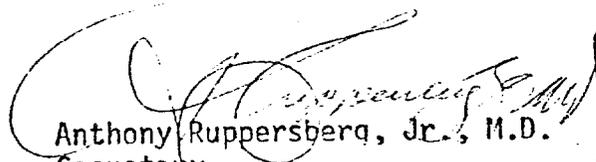
cc: Ira O. Kane, Esq.
E. Joel Weso, Esq.

June 21, 1976

CERTIFICATION

I hereby certify that the attached copy of the proposed Findings and Order of Sanford Press, M.D., Member of the Ohio State Medical Board, in the matter of Harold J. Wilson, M.D., is a true and complete copy of said proposed Findings and Order as they appear in the Journal of the State Medical Board; and that the attached copy of the Motion approved by the State Medical Board, meeting in regular session on June 16, 1976, is a true and complete copy as it appears in the Journal of the State Medical Board.

This certification is made by authority of the Ohio State Medical Board and on its behalf.


Anthony Ruppertsberg, Jr., M.D.
Secretary
The State Medical Board of Ohio

STATE OF OHIO
THE STATE MEDICAL BOARD

June 16, 1976

In re:

The matter of the suspension or revocation of the license to practice medicine of Harold J. Wilson, M.D.

The Findings of Facts:

The findings of facts in the case of Harold J. Wilson, M.D. are as follows:

1. That Doctor Harold J. Wilson did use the Myoflex machine for the treatment of cataracts.
2. The Myoflex machine is not considered a proper therapy for the present treatment of cataracts.
3. Doctor Harold J. Wilson engaged in an experimental program and did not adhere to the prescribed methods for a research program accepted by the medical profession, as for example: animal experimentation and the proper informed consent.

It is, therefore, my conclusion, having listened to the hearings of both sides in the case of Harold J. Wilson, M.D. and having read the briefs of the attorneys for Dr. Harold J. Wilson and the Assistant Attorney General, Charles Jones that Doctor Harold J. Wilson, a General Practitioner and not a specialist in Ophthalmology, did treat patients with the Myoflex machine for cataracts on elderly patients. The machine, itself, has not been tried by the developers for the treatment of cataracts nor did Dr. Wilson in treating cataracts with the machine, use the accepted procedures known to the entire medical profession for research of a new process of therapy and the use of informed consent by the patient.

IN THE MATTER OF HAROLD J. WILSON, M.D.
June 16, 1976
Page Two

The hearings revealed through testimony, both expert and otherwise, that the therapy by the Ophthalmologist and the accepted therapy, is definitely surgery.

Dr. Harold J. Wilson, by his own admission, entered into an experimental project for the purpose of treating, as well as potentially curing, cataracts. Since he assumed this responsibility, therefore, it behooves him to assume the full responsibility of determining definite procedures for a research program as prescribed by the Medical Profession.

Dr. Harold J. Wilson, upon the advice of the investigators of the Medical Board, did cease and desist from the use of the Myoflex machine.

Therefore, I find--

In the matter of Harold J. Wilson, M.D.--

The matter of Harold J. Wilson, M.D., dated November 21, 1974, under the provisions of Section 4731.22 of the Revised Code and the American Medical Association Code of Ethics, Sections 2, 4, and 7, came for a hearing before me, Sanford Press, M.D., a member of the Ohio State Medical Board, on July 17, 1975 -- July 31, 1975 -- August 13, 1975 -- September 10, 1975 -- October 17, 1975 -- and December 7, 1975.

Upon consideration of all evidence, I make the following findings--

1. Dismissed.
2. Guilty as charged.
3. Guilty as charged.
4. Guilty as charged.
5. Dismissed.
6. Dismissed.

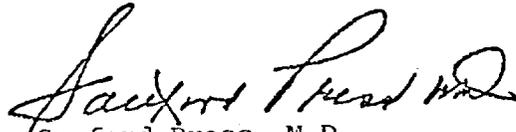
IN THE MATTER OF HAROLD J. WILSON, M.D.

June 16, 1976

Page Three

The order--That the license of Harold J. Wilson, M.D. to practice medicine and surgery in the State of Ohio be and is hereby suspended for nine months and following this period, be on probation and observation of the Ohio State Medical Board or a member thereof for one year.

This suspension to take place on Aug 2, 1976, giving Dr. Harold J. Wilson adequate time to arrange his office affairs.



Sanford Press, M.D.

Hearing Member

June 16, 1976

RE: Harold J. Wilson, M.D.

Dr. Gandy made a motion that the Findings and Order of Sanford Press, M.D., as hearing officer in the case of Harold J. Wilson, M.D., be approved and confirmed.

Dr. Lancione seconded the motion.

ROLL CALL VOTE:	Dr. Brumbaugh	abstain
	Dr. Lancione	aye
	Dr. Gandy	aye
	Dr. Crawford	aye
	Mr. Paulo	nay
	Dr. Cramblett	aye
	Dr. Press	aye

The motion carried.

Dr. Cramblett made a motion that the effective date of suspension be Monday, August 2, 1976.

Dr. Gandy seconded the motion.

ROLL CALL VOTE:	Dr. Brumbaugh	abstain
	Dr. Lancione	aye
	Dr. Gandy	aye
	Dr. Cramblett	aye
	Mr. Paulo	aye
	Dr. Crawford	aye
	Dr. Press	aye

The motion carried.

OLD BUSINESSENFORCEMENTGerald Seltzer, M. D.

Charles Jones, Assistant Attorney General, presented a report concerning Dr. Seltzer's alleged overutilization of services and alleged charging of excessive fees.

Mr. Jones recommended that further investigation be undertaken and the evidence evaluated to determine what action the Board should take.

Dr. Brumbaugh expressed concern for the propriety of the Board determining the validity of fees charged by a practitioner.

After some discussion it was moved and seconded that further investigation be undertaken. Five members voted aye. Dr. Crawford and Dr. Brumbaugh voted no. The motion carried.

Harold Wilson, M. D.

Mr. Lee stated that a citation letter has been drafted and that Dr. Brumbaugh is the prosecuting member. Dr. Press was appointed hearing member, and Dr. Press left the room.

Mr. Lee read the citation letter as follows:

Harold J. Wilson, M. D.
28 West Henderson Road
Columbus, Ohio

Dear Dr. Wilson:

In accordance with Chapter 119, Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not your license to practice medicine should be suspended or revoked under the provisions of Section 4731.22, Revised Code, for the following reasons:

1. On or about July 13, 1973 you examined and treated one H. D. Bingman. The examination and treatment consisted of: a blood pressure test; an examination of the eyes by use of a magnifying glass; the administration of an injection by hypodermic needle; the dispensing of assorted pills. For this examination and treatment you charged, and were paid, sixty-eight dollars (\$68.00). Having regard for the services rendered the patient, such fee was excessive. The charging of an excessive fee constitutes "grossly unprofessional or dishonest conduct" as that phrase is defined in Section 4731.22 (F), Revised Code, because it is a violation of Section 7 of the American Medical Association Code of Ethics:
2. On or about July 16, 1973 you undertook the treatment of one Marie L. Mitchell for cataracts or lens opacity of the eye. This treatment continued through February 27, 1974. Such treatment consisted of the use of an Edwards Myo-Flex appliance, though the use of such an appliance is not recommended for the treatment of cataracts or lens opacity and is not proper treatment for such conditions. Such acts constitute "gross immorality" as that phrase is used in Section 4731.22, Revised Code. Such acts also constitute "grossly unprofessional or dishonest conduct" as that phrase is defined in Section 4731.22 (F), Revised Code, because they are violations of one or more of the following sections of the American Medical Association Code of Ethics: Section 4, Section 7;
3. On or about July 16, 1973 you undertook the treatment of one Marie L. Mitchell for cataracts or lens opacity of the eye. This treatment continued through February 27, 1974. Such treatment consisted of the use of an Edwards Myo-Flex appliance though the use of such an appliance is not recommended for the treatment of cataracts or lens opacity. Such use was experimental or investigational in nature and was performed by you without the informed consent of Marie L. Mitchell. Such an act constitutes "gross immorality" as that phrase is used in Section 4731.22, Revised Code. Such an act also constitutes "grossly unprofessional or dishonest conduct" as that phrase is defined in Section 4731.22 (F), Revised Code, because it is a violation of Section 2 of the American Medical Association Code of Ethics;

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4. On or about July 16, 1973 you undertook the treatment of one Marie L. Mitchell for cataracts or lens opacity of the eye. This treatment continued through February 27, 1974. Such treatment consisted of the use of an Edwards Myo-Flex appliance though the use of such an appliance is not recommended for the treatment of cataracts or lens opacity. Such use was experimental in nature and was performed by you without an investigation of the danger of such use through animal experimentation. Such an act constitutes "gross immorality" as that phrase is used in Section 4731.22, Revised Code. Such an act also constitutes "grossly unprofessional or dishonest conduct" as that phrase is defined in Section 4731.22 (F), Revised Code, because it is a violation of Section 2 of the American Medical Association Code of Ethics;
5. On or about May 31, 1974 you dispensed drugs to one Evelyn Lacher without a prior physical examination. Such an act constitutes "gross immorality" as that phrase is used in Section 4731.22, Revised Code. Such an act also constitutes "grossly unprofessional or dishonest conduct" as that phrase is defined in Section 4731.22 (F), Revised Code, because it is a violation of one or more of the following sections of the American Medical Association Code of Ethics; Section 4, Section 7, Section 10;
6. On or about May 3, 1974 and thereafter through May 19, 1974 you permitted persons who were not licensed to practice medicine to open and conduct your office for the practice of medicine in your absence. Such an act constitutes "gross immorality" as that phrase is used in Section 4731.22, Revised Code. Such an act also constitutes "grossly unprofessional or dishonest conduct" as that phrase is defined in Section 4731.22 (D), Revised Code. Such an act also constitutes "grossly unprofessional or dishonest conduct" as that phrase is defined in Section 4731.22 (F), Revised Code, because it is a violation of one or more of the following sections of the American Medical Association Code of Ethics: Section 4, Section 5, Section 7.

The American Medical Association Code of Ethics, in pertinent part, provides:

SECTION 2

Physicians should strive continually to improve medical knowledge and skill, and should make available to their patients and colleagues the benefits of their professional attainments.

2. EXPERIMENTATION: NEW DRUGS OR PROCEDURES

In order to conform to the ethics of the American Medical Association, three requirements must be satisfied in connection with the use of experimental drugs or procedures:

- (1) the voluntary consent of the person on whom the experiment is to be performed should be obtained;
- (2) the danger of each experiment must be previously investigated by animal experimentation; and
- (3) the experiment must be performed under proper medical protection and management.

3. ETHICAL GUIDELINES FOR CLINICAL INVESTIGATION

The following guidelines are intended to aid physicians in fulfilling their ethical responsibilities when they engage in the clinical investigation of new drugs and procedures.

- (1) A physician may participate in clinical investigation only to the extent that his activities are a part of a systematic program competently designed, under accepted standards of scientific research, to produce data which is scientifically valid and significant.

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- (2) In conducting clinical investigation, the investigator should demonstrate the same concern and caution for the welfare, safety and comfort of the person involved as is required of a physician who is furnishing medical care to a patient independent of any clinical investigation.
- (3) In clinical investigation primarily for treatment --
 - A. The physician must recognize that the physician-patient relationship exists and that he is expected to exercise his professional judgement and skill in the best interest of the patient.
 - B. Voluntary consent must be obtained from the patient, or from his legally authorized representative if the patient lacks the capacity to consent, following: (a) disclosure that the physician intends to use an investigational drug or experimental procedure, (b) a reasonable explanation of the nature of the drug or procedure to be used, risks to be expected, and possible therapeutic benefits, (c) an offer to answer any inquiries concerning the drug or procedure, and (d) a disclosure of alternative drugs or procedures that may be available.
 - i. In exceptional circumstances and to the extent that disclosure of information concerning the nature of the drug or experimental procedure or risks would be expected to materially affect the health of the patient and would be detrimental to his best interests, such information may be withheld from the patient. In such circumstances such information shall be disclosed to a reasonable relative or friend of the patient where possible.
 - ii. Ordinarily, consent should be in writing, except where the physician deems it necessary to rely upon consent in other than written form because of the physical or emotional state of the patient.
 - iii. Where emergency treatment is necessary and the patient is incapable of giving consent and no one is available who has authority to act on his behalf, consent is assumed.
- (4) In clinical investigation primarily for the accumulation of scientific knowledge --
 - A. Adequate safeguards must be provided for the welfare, safety and comfort of the subject.
 - B. Consent, in writing, should be obtained from the subject, or from his legally authorized representative if the subject lacks the capacity to consent, following: (a) a disclosure of the fact that an investigational drug or procedure is to be used, (b) a reasonable explanation of the nature of the procedure to be used and risks to be expected, and (c) an offer to answer any inquiries concerning the drug or procedure.
 - C. Minors or mentally incompetent persons may be used as subjects only if:
 - i. The nature of the investigation is such that mentally competent adults would not be suitable subjects.
 - ii. Consent, in writing, is given by a legally authorized representative of the subject under circumstances in which an informed and prudent adult would reasonably be expected to volunteer himself or his child as a subject.
 - D. No person may be used as a subject against his will.

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SECTION 4

The Medical profession should safeguard the public and itself against physicians deficient in moral character or professional competence. Physicians should observe all laws, uphold the dignity and honor of the profession and accept its self-imposed disciplines. They should expose, without hesitation, illegal or unethical conduct of fellow members of the profession.

SECTION 5

A Physician may choose who he will serve. In an emergency, however, he should render service to the best of his ability. Having undertaken the care of a patient, he may not neglect him; and unless he has been discharged he may discontinue his services only after giving adequate notice. He should not solicit patients.

SECTION 7

In the practice of medicine a physician should limit the source of his professional income to medical services actually rendered by him, or under his supervision, to his patients. His fee should be commensurate with the services rendered and the patient's ability to pay. He should neither pay nor receive a commission for referral of patients. Drugs, remedies or appliances may be dispensed or supplied by the physician provided it is in the best interests of the patient.

SECTION 10

The honored ideals of the medical profession imply that the responsibilities of the physician extend not only to the individual, but also to society where these responsibilities deserve his interest and participation in activities which have the purpose of improving both the health and the well-being of the individual and the community.

You are advised that you are entitled to a hearing in this matter if you request such hearing within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event there is no request for such hearing made within thirty days of the time of mailing of this notice, the State Medical Board may, upon consideration of this matter, revoke or suspend your license in your absence.

Very truly yours,

Anthony Ruppertsberg, Jr., M. D.
Secretary

CERTIFIED MAIL #221710
RETURN RECEIPT REQUESTED

Dr. Timmins moved to approve and confirm the citation letter as read by Mr. Lee.

Dr. Gandy seconded the motion.

Dr. Cramblett called for a roll call vote.

Dr. Brumbaugh	aye
Dr. Crawford	aye
Dr. Gandy	aye
Dr. Lancione	aye
Dr. Ruppertsberg	aye
Dr. Timmins	aye

The motion carried.