

STATE OF OHIO
THE STATE MEDICAL BOARD

PERMANENT SURRENDER OF CERTIFICATE
TO PRACTICE MEDICINE AND SURGERY

I, Emil W. Mozola, M.D., am aware of my rights to representation by counsel, the right of being formally charged and having a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein, after being fully advised by legal counsel.

I, Emil W. Mozola, M.D., do hereby voluntarily, knowingly, intelligently, and permanently surrender my certificate to practice medicine and surgery, No. 35-013873 (expiration date: 9/30/96) to the State Medical Board of Ohio, thereby permanently relinquishing all rights to practice medicine and surgery in Ohio. This surrender shall be effective as of midnight April 19, 1996.

I understand that as a result of the surrender herein, I am no longer permitted to practice medicine and surgery in any form or manner in the State of Ohio.

I agree that I shall be ineligible for, and shall not apply for, reinstatement of certificate to practice medicine and surgery, No. 35-013873 or issuance of any other certificate pursuant to Chapters 4730. or 4731., Ohio Revised Code, on or after the date of signing of this Surrender of Certificate to Practice Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

I hereby authorize the State Medical Board of Ohio to enter upon its Journal an Order revoking my certificate to practice medicine and surgery, No. 35-013873, in conjunction with which I expressly waive the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board Members vote to revoke said certificate, and further expressly and forever waive all rights as set forth in Chapter 119., Ohio Revised Code, including but not limited to my right to counsel, right to a hearing, right to present evidence, right to cross-examine witnesses, and right to appeal the Order of the Board revoking my certificate to practice medicine and surgery.

I certify that I do not hold a license or certificate to practice medicine in any other state. I stipulate and agree that I will not apply for or otherwise seek such licensure or certificate in any other state.

I, Emil W. Mozola, M.D., stipulate and agree that I am taking the action described herein in lieu of further formal disciplinary proceedings in accordance with R.C. Chapter 119 and R.C. 4731.22 for the matters described in the Notice of Opportunity for Hearing dated December 6, 1995. I further stipulate and admit to the following facts, and none of the other facts contained in said Notice, which is attached hereto as Exhibit A and incorporated herein by this reference, to wit: that I dispensed desiccated thyroid to Patients 1-4 and 7-14, as indicated on the patient key attached to the Notice of Opportunity for Hearing letter, as a component of a weight-loss regimen, and that such practice constitutes a violation of R.C. 4731.22(B)(2) and

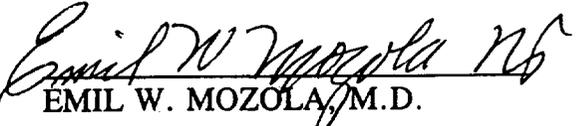
(B)(6). I further acknowledge that my conduct in dispensing medication to patients also constituted violations of R.C. 4731.22(B)(2), (B)(6), and (B)(20).

I, Emil W. Mozola, M.D., hereby release the State Medical Board of Ohio, its members, employees, agents and officers, jointly and severally, from any and all liability arising from the within matter.

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

Further, this information may be reported to appropriate organizations, data banks, and governmental bodies.

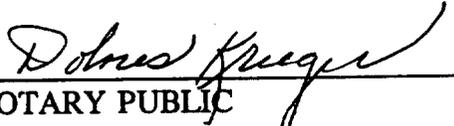
Signed this 19 day of April, 1996.


EMIL W. MOZOLA, M.D.

WITNESS

WITNESS

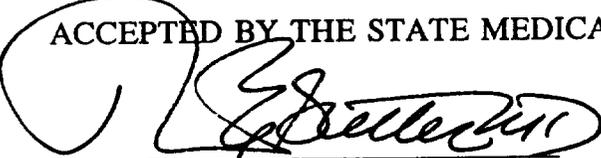
Sworn to and subscribed in my presence on this 19th day of April, 1996.

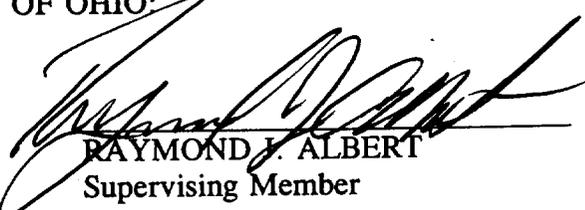

NOTARY PUBLIC

DOLORES KREEGER, NOTARY PUBLIC
State of Ohio
My Commission Expires Nov. 26, 1996

(This form must be either witnessed OR notarized)

ACCEPTED BY THE STATE MEDICAL BOARD OF OHIO:


THOMAS E. GRETTTER, M.D.
Secretary


RAYMOND J. ALBERT
Supervising Member

4/25/96
DATE

4/7/96
DATE



STATE MEDICAL BOARD OF OHIO

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

December 6, 1995

Emil W. Mozola, M.D.
7111 Brecksville Road
Independence, OH 44131

Dear Doctor Mozola:

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 one or more of the following reasons:

- 1) In the course of your treatment of Patients 1-14 (as indicated on the attached Patient Key - Key confidential to be withheld from public disclosure) you regularly utilized controlled substance anorectics in an improper manner. Examples of such improper utilization include, but are not limited to, the following:
 - a) You failed to determine whether the patient had made a good-faith effort to lose weight before initiating treatment;
 - b) On many occasions you dispensed dosages of the controlled substance anorectics which exceeded the F.D.A. approved labeling for the products;
 - c) You utilized the controlled substance anorectics on a long-term basis which deviated from the F.D.A. approved labeling for the products; and
 - d) You routinely continued to utilize controlled substance anorectics when Patients 2-14 failed to lose weight.
- 2) In the routine course of your treatment of Patients 1-4 and 7-14, you improperly utilized armor thyroid, desicated thyroid from a pork or bovine

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source. Such improper utilization included, but is not limited to, the following:

- a) You utilized armor thyroid as a component of your weight loss regimen. Although utilization of thyroid therapy is indicated in patients who are hypothyroid, have thyroid cancer or have a thyroid nodule, such therapy is not indicated for the treatment of obesity;
 - b) You utilized armor thyroid without employing appropriate diagnostic tests substantiating the need for such medication; and
 - c) You continued to utilize armor thyroid without conducting appropriate followup diagnostic tests substantiating the need for such continued utilization.
- 3) In your practice of medicine, you failed to maintain a record of all controlled substances dispensed.

Your acts, conduct, and/or omissions as alleged in paragraph (1)(a) above, individually and/or collectively, constitute "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: 4731-11-04(B)(1), Ohio Administrative Code. Pursuant to Rule 4731-11-04(C), Ohio Administrative Code, violation of Rule 4731-11-04, Ohio Administrative Code, also violates Sections 4731.22(B)(2), (3) and (6), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1)(b) and (c) above, individually and/or collectively, constitute "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: 4731-11-04(B), Ohio Administrative Code. Pursuant to Rule 4731-11-04(C), Ohio Administrative Code, violation of Rule 4731-11-04, Ohio Administrative Code, also violates Sections 4731.22(B)(2), (3) and (6), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (1)(d) above, individually and/or collectively, constitute "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: 4731-11-04(B)(5)(a) and (b), Ohio Administrative Code. Pursuant to Rule 4731-11-04(C), Ohio Administrative Code,

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violation of Rule 4731-11-04, Ohio Administrative Code, also violates Sections 4731.22(B)(2), (3) and (6), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "(f)ailure to use reasonable care discrimination in the administration of drugs," and/or "failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease," as those clauses are used in Section 4731.22(B)(2), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged 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.

Further, your acts, conduct, and/or omissions as alleged in paragraph (3) above, individually and/or collectively, constitute "(c)ommission of an act that constitutes a misdemeanor in this state regardless of the jurisdiction in which the act was committed, if the act was committed in the course of practice," as that clause is used in Section 4731.22(B)(12), Ohio Revised Code, to wit: Section 3719.07, Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (3) above, individually and/or collectively, constitute "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: 4731-11-02(E), Ohio Administrative Code, to wit: Section 3719.07, Ohio Revised Code. Pursuant to Rule 4731-11-02(E), ~~Ohio Administrative Code~~, violation of Rule 4731-11-02(E), Ohio Administrative Code, also violates Sections 4731.22(B)(2) and (6), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

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

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon

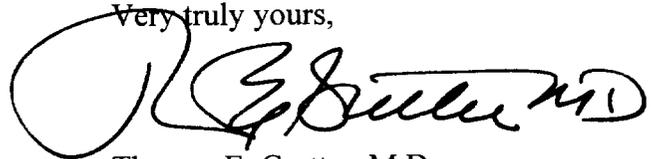
EMIL W. MOZOLA, M.D.
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consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink, appearing to read "T. E. Gretter, M.D.", written in a cursive style.

Thomas E. Gretter, M.D.
Secretary

TEG/bjm
Enclosures

CERTIFIED MAIL # P 348 886 997
RETURN RECEIPT REQUESTED

rev.2/15/95