

STATE OF OHIO  
THE STATE MEDICAL BOARD OF OHIO  
77 SOUTH HIGH STREET  
17TH FLOOR  
COLUMBUS, OHIO 43215

December 9, 1988

Earl G. Solomon, M.D.  
3543 Amber Acres #406W  
Cincinnati, Ohio 45237

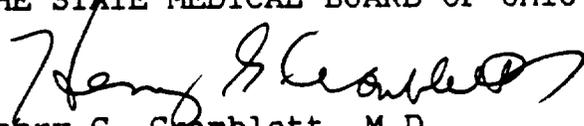
Dear Doctor Solomon:

Please find enclosed copies of the Entry of Order; the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of the Minutes of the State Medical Board, meeting in regular session on December 7, 1988, including Motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal may be taken to the Franklin County Court of Common Pleas only.

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 (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

  
Henry G. Cramblett, M.D.  
Secretary

HGC:em  
Enclosures

CERTIFIED MAIL NO. P 746 514 635  
RETURN RECEIPT REQUESTED

cc: Russell W. Whittenburg, Esq.

CERTIFIED MAIL NO. P 746 514 636  
RETURN RECEIPT REQUESTED

Mailed 12/19/88

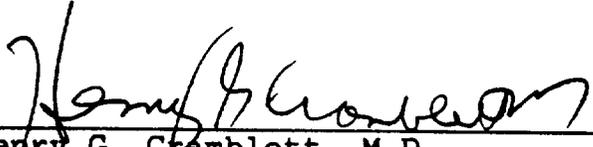
STATE OF OHIO  
STATE MEDICAL BOARD

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, State Medical Board; and attached excerpt of Minutes of the State Medical Board, meeting in regular session on December 7, 1988, including Motions approving and confirming said Report and Recommendation as the Findings and Order of the State Medical Board, constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Earl G. Solomon, M.D., 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.

(SEAL)

  
\_\_\_\_\_  
Henry G. Cramblett, M.D.  
Secretary

December 16, 1988

\_\_\_\_\_  
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF                   \*  
   \*  
EARL G. SOLOMON, M.D.           \*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 7th day of December, 1988.

Upon the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, Medical Board, in this matter designated pursuant to R.C. 4731.23, a true copy of which is attached hereto and incorporated herein, and upon approval and confirmation by vote of the Board on December 7, 1988, the following Order is hereby entered on the Journal of the State Medical Board for the 7th day of December, 1988.

It is hereby ORDERED:

1. That the application of Earl G. Solomon, M.D., for restoration of his certificate to practice medicine and surgery in the State of Ohio shall be DENIED.
2. Within sixty (60) days of the effective date of this Order, or as otherwise approved by the Board, Dr. Solomon shall commence appropriate treatment, as determined by an informed assessment of his current needs in accordance with the recommendations of Howard H. Sokolov, M.D., as set forth in the report identified at hearing as State's Exhibit #11. Such assessment and treatment shall be by a provider or providers approved in advance by the State Medical Board. Prior to the initial assessment, Dr. Solomon shall provide the approved provider with copies of the Board's Findings of Fact (including all documents incorporated therein by reference), Conclusions of Law, and Order in the matter, and the Board may provide any other documentation from the hearing record which it may deem appropriate or helpful to that provider. Within ten (10) days after completion of the initial assessment, Dr. Solomon shall cause a written report to be submitted to the State Medical Board from the approved provider, which written report shall include:
  - a. A detailed plan of recommended treatment based upon the provider's informed assessment of Dr. Solomon's current needs; and

Earl G. Solomon, M.D.

- b. Any reports upon which the treatment recommendation is based, including reports of a physical examination and appropriate testing to rule out organic reasons for Dr. Solomon's conditions.
3. The Board shall not consider restoration of Dr. Solomon's certificate to practice unless and until all of the following minimum requirements are met:
  - a. Dr. Solomon shall submit an application for restoration accompanied by appropriate fees;
  - b. Dr. Solomon shall not make such application for at least twelve (12) months from the effective date of this Order;
  - c. Dr. Solomon shall provide the Board with documentation acceptable to the Board evidencing compliance with the plan of recommended treatment required under paragraph 2a, above.
  - d. In addition, Dr. Solomon shall provide the Board with written reports from two (2) psychiatrists acceptable to the Board indicating that Dr. Solomon's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. Each report shall describe with particularity the basis for this determination and shall set forth any recommended limitations upon his practice.
  - e. In the event that Dr. Solomon has not been engaged in the active practice of medicine or surgery for a period in excess of two (2) years prior to the date of his application, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Solomon's fitness to resume practice.
4. Upon restoration, Dr. Solomon's certificate to practice shall be subject to the following probationary terms, conditions, and limitations for a period of five (5) years:

Earl G. Solomon, M.D.

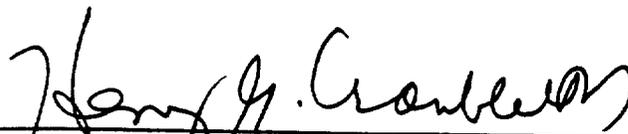
- a. Dr. Solomon shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
- b. Dr. Solomon shall submit quarterly declarations under penalty of perjury stating whether there has been compliance with all the conditions of probation.
- c. Dr. Solomon shall appear for interviews before the full Board or its designated representative at three (3) month intervals, or as otherwise requested by the Board.
- d. Dr. Solomon shall continue psychiatric treatment with a psychiatrist approved by the Board, at such intervals as are deemed appropriate by the treating psychiatrist but not less than once per month, until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require quarterly reports from the approved treating psychiatrist. Dr. Solomon shall ensure that these reports are forwarded to the Board on a quarterly basis, or as otherwise directed by the Board.
- e. In the event that Dr. Solomon should leave Ohio for three (3) continuous months, or reside or practice outside the state, Dr. Solomon must notify the State Medical Board in writing of the dates of departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary period.
- f. If Dr. Solomon violates probation in any respect, the Board, after giving Dr. Solomon notice and an opportunity to be heard, may impose any sanction it deems appropriate, up to and including the revocation of his certificate to practice.
- g. Upon successful completion of probation, Dr. Solomon's certificate will be fully restored.

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Earl G. Solomon, M.D.

This Order ~~shall~~ become effective immediately upon the mailing of notification of approval by the State Medical Board of Ohio.

(SEAL)



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Henry G. Cramblett, M.D.  
Secretary

December 16, 1988

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Date

NOV 6 1988

REPORT AND RECOMMENDATION  
IN THE MATTER OF EARL G. SOLOMON, M.D.

The Matter of Earl G. Solomon, M.D., came on for hearing before me, Wanita J. Sage, Esq., Hearing Examiner for the State Medical Board of Ohio, on October 11, 1988.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Basis for Hearing

- A. By letter of May 11, 1988 (State's Exhibit #1), the State Medical Board notified Earl G. Solomon, M.D., that it proposed either to refuse to reinstate or to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board alleged that Dr. Solomon was suffering from "inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills", as that clause is used in Section 4731.22(B)(19), Ohio Revised Code. Dr. Solomon was advised of the basis for the Board's allegation and of his right to request a hearing in this Matter.
- B. By letter received by the State Medical Board on June 6, 1988 (State's Exhibit #2), Donald J. Mooney, Jr., Esq., requested a hearing on behalf of Dr. Solomon.

II. Appearances

- A. On behalf of the State of Ohio: Anthony J. Celebrezze, Jr., Attorney General, by Cheryl J. Nester, Assistant Attorney General
- B. On behalf of the Applicant: Russell W. Whittenburg, Esq.

III. Testimony Heard

The following were called as witnesses by the State:

- A. Debra L. Jones, Chief of Continuing Medical Education, Records, and Renewal, State Medical Board
- B. Brenda E. Hoffman, Receptionist, State Medical Board
- C. Sandra Gilbert, Administrative Assistant, State Medical Board
- D. John Rohal, Assistant Director, State Medical Board

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IV. Exhibits Examined

In addition to those noted above, the following exhibits were identified and admitted into evidence in this Matter:

A. Presented by the State

1. State's Exhibit #3: June 7, 1988, letter to Donald J. Mooney, Jr., Esq., from the State Medical Board advising that a hearing initially set for June 17, 1988, was postponed pursuant to Section 119.09, Ohio Revised Code.
2. State's Exhibit #4: June 23, 1988, letter to Attorney Mooney from the State Medical Board scheduling the hearing for August 12, 1988.
3. State's Exhibit #5: August 11, 1988, Entry of this Hearing Examiner continuing the hearing for administrative reasons and rescheduling it for October 11, 1988.
4. State's Exhibit #6: September 20, 1988, letter to Attorney Mooney from the State Medical Board advising of the location for the October 11, 1988, hearing.
5. State's Exhibit #7: Dr. Solomon's April 28, 1987, Application for Restoration of Certificate to Practice Medicine and Surgery.
6. State's Exhibit #8: September 8, 1980, letter to the Massachusetts Board of Registration in Medicine from Daniel J. O'Connor, M.D., Chairman, Central Professional Service Committee, Blue Shield of Massachusetts, enclosing Findings and Rulings of the Central Professional Service Committee in the matter of Earl G. Solomon, M.D.
7. State's Exhibit #9: June 4, 1981, letter to the Massachusetts Board of Registration in Medicine from James J. Dineen, M.D., Massachusetts General Hospital, enclosing a report of his physical evaluation of Dr. Solomon.
8. State's Exhibit #10: May 29, 1982, letter to the Massachusetts Board of Registration in Medicine from Lawrence Hartmann, M.D., with regard to his psychiatric evaluation of Dr. Solomon.
9. State's Exhibit #11: May 5, 1988, report of Dr. Solomon's evaluation at the Forensic Psychiatry Center, Netcare Corporation.
10. State's Exhibit #12: Tape recording and transcript of a September 1, 1987, telephone conversation between Sandy Gilbert, State Medical Board, and Dr. Solomon.

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B. Presented by the Applicant

1. Respondent's Exhibit A: September 20, 1988, report of Dr. Solomon's evaluation by Robert J. McDevitt, M.D.

V. Post-Hearing Additions to the Record

Subsequent to the hearing in this Matter, by notice dated October 12, 1988, counsel for both the State and the Applicant were provided an opportunity to submit written legal briefs on the issue of the legality of the recording of a conversation with the knowledge of only one of the parties to that conversation. Counsel were advised that a showing of illegality of such recording would provide grounds for reconsideration of the admissibility of State's Exhibit #12. Although counsel for the Applicant declined that opportunity, a written brief submitted by the State indicated that the tape recording of the September 1, 1987, telephone conversation between Ms. Gilbert and Dr. Solomon was legal. Upon the Hearing Examiner's own motion, the following documents are hereby admitted to the record in this Matter:

- A. October 12, 1988, letter to Mr. Whittenburg and Ms. Nester from the Hearing Examiner inviting them to submit written legal briefs on the issue of "the legality of recording a conversation with the knowledge of only one of the parties to the conversation."
- B. October 25, 1988, letter from Ms. Rachel L. Belenker, Assistant Attorney General, enclosing a legal brief in response to the October 12, 1988, notice.
- C. October 25, 1988, letter from Mr. Whittenburg, Esq., declining the opportunity to submit a written brief in response to the October 12, 1988, notice.

VI. Other Matters

- A. Section 119.09, Ohio Revised Code, states: "An agency may postpone or continue any adjudication hearing upon the application of any party or upon its own motion." Such language would indicate that the grant of a motion for continuance is discretionary.
- B. Counsel for the Applicant advised at hearing that a motion for withdrawal of Dr. Solomon's application had been filed with the Board on October 11, 1988. Having received no subsequent notice of either the grant or the denial of such motion, the Hearing Examiner presents the following Findings, Conclusions, and Proposed Order in this Matter.

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FINDINGS OF FACT

1. On or about April 28, 1987, Earl G. Solomon, M.D., submitted to the State Medical Board of Ohio an application for restoration of his certificate to practice medicine and surgery in Ohio.

This fact is established by State's Exhibit #7 and by the testimony of Debra L. Jones (Tr. at 13-14).

2. In the course of checking Dr. Solomon's credentials with reference to his restoration application, the State Medical Board of Ohio requested information regarding Dr. Solomon from the Massachusetts Board of Registration in Medicine. In response, that Board provided the documents identified at hearing as State's Exhibits #8, #9, and #10, the contents of which are fully incorporated herein by reference.

These facts are established by the testimony of Debra Jones (Tr. at 13-18), the testimony of John Rohal (Tr. at 40-42) and by State's Exhibits #7 through #10.

3. On August 13, 1987, during the course of a telephone conversation with the receptionist of the State Medical Board of Ohio concerning his restoration application, after complaining that the Board had not returned several phone calls he had placed, Dr. Solomon stated that he had a gun which was licensed in Massachusetts, but not in Ohio, and that he wasn't "an ordinary guy." In addition, Dr. Solomon volunteered that he liked to ski and made further references to his gun. He made no specific threat in relation to this gun.

These facts are established by the testimony of Brenda E. Hoffman (Tr. at 24-31).

4. On August 13, 1987, during the course of a subsequent telephone conversation with an administrative assistant of the State Medical Board of Ohio, Dr. Solomon stated that he had a large gun collection and that the FBI was aware he was allowed to carry a gun. Dr. Solomon further stated that he was not threatening the administrative assistant, and that so far all he had shot in Ohio were ducks.

These facts are established by the testimony of Sandra Gilbert (Tr. at 32-33).

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5. On September 1, 1987, during the course of a telephone conversation with an administrative assistant of the State Medical Board of Ohio, Dr. Solomon stated that he was going to file a disability insurance claim due to his inability to obtain an Ohio license. He indicated that he would never have moved from Massachusetts to Ohio if he had thought that it would constitute his becoming disabled. When the administrative assistant asked what Dr. Solomon meant by "disabled," Dr. Solomon stated that she was "not too smart" if she didn't understand, and that he couldn't believe she was "so stupid" that she didn't understand what he was talking about. Dr. Solomon then said he had wanted to speak to Mr. Bumgarner "because...this is no joke, and you're talking to somebody who is fairly creatively aggressive." After further assertions regarding his aggressiveness, Dr. Solomon stated that he had "some fairly high responsibilities, both federally and otherwise," and that he did not intend to be stopped by "some clerk in some office." Dr. Solomon went on to say that he didn't want to make any inappropriate kinds of threats, but that in such a humiliating situation other physicians without his intestinal fortitude might kill themselves. He stated that he had no intention of doing that, but that he intended to metaphorically kill whomever was standing in his way. He again asked to speak to Mr. Bumgarner, continuing, "I'm not threatening anybody, but if this is not well advised, somebody's head is going to roll, metaphorically again, and it's not going to be mine...." He further stated that the situation was "potentially very volatile" and that he was "having to lie to people" because of it.

This September 1, 1987, telephone conversation was tape recorded by the administrative assistant without the knowledge of Dr. Solomon. The transcript of this recording, identified at hearing as State's Exhibit #12, is fully incorporated herein by reference.

These facts are established by the testimony of Sandra Gilbert (Tr. at 33-39) and by State's Exhibit #12 (see the October 25, 1988, brief of Assistant Attorney General Belenker with regard to the legality of the tape recording).

6. Pursuant to an Order of the State Medical Board, Dr. Solomon underwent psychiatric evaluation by Howard H. Sokolov, M.D., on February 29 and March 11, 1988, and psychological testing by Kristen E. Haskins, Psy.D., on March 11, 1988. A report of this evaluation and testing was forwarded to the State Medical Board on May 5, 1988. That report, identified at hearing as State's Exhibit #11, is fully incorporated herein by reference.

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Among other things, this report indicates that:

- a. Dr. Solomon was admitted to McClean Hospital from the Massachusetts General Hospital Emergency Room on September 8, 1984, because of "an overt episode of major mood disturbance with psychotic thinking." He was discharged on October 3, 1984, with a diagnosis of "bipolar disorder, manic, recovered." Out patient follow-up was arranged and discharge medication was noted as Lithium Carbonate, 1200 mg. per day. In discussing this hospitalization with Dr. Sokolov, Dr. Solomon indicated that it had taken place in 1986, that it had been a voluntary hospitalization in connection with extreme fatigue, and that he had remained in the hospital for a couple of weeks. Although he indicated that Lithium had been recommended for him on an ongoing basis, Dr. Solomon stated that he has not used any regular medication for at least a year.
- b. Throughout the psychiatric evaluation and psychological testing, Dr. Solomon exhibited a striking degree of "digressive speech and tangentiality which, at times, bordered on flight of ideas." However, there was no evidence of delusional thinking.
- c. The psychological tests administered to Dr. Solomon by Dr. Haskins consisted of the Weschsler Memory Scale-Revised, the Minnesota Multiphasic Personality Inventory (MMPI), and the Rorschach. Overall, Dr. Solomon's psychological testing indicated "possible memory impairment, suggestion of a manic-depressive component in his personality and mild to moderate impaired thinking in the form of circumstantial-like ramblings and periodic disjointed thinking which appear related to emotional difficulties and poor emotional control." While this pattern of symptoms could be related to medical/neurological difficulties, they may alternately be due to the presence of a mood disorder which is manic-depressive in nature.
- d. Based upon his psychiatric evaluation of Dr. Solomon, Dr. Sokolov stated that the diagnosis which best seemed to fit Dr. Solomon's current condition was that of a "cyclothymic disorder, reflecting a longstanding mood disorder, but not of such severity as to fulfill the requirements of a bipolar disorder." In Dr. Sokolov's opinion, Dr. Solomon's "significant emotional impairment due to a longstanding, moderately severe, mood disorder" affects his ability to function. Further, particular deficits (including digressive, tangential speech; distractibility; increased anxiety; misinterpretation or overpersonalization; and mild to moderate disordered thinking which appears related to emotional difficulties or poor emotional control) would seriously hamper Dr. Solomon's effectiveness in relating to patients.

These facts are established by State's Exhibit #11.

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7. At the request of Dr. Solomon's attorney, Dr. Solomon was psychiatrically examined on August 18, September 1, and September 16, 1988, by Robert J. McDevitt, M.D. Although Dr. McDevitt noted some fluctuation in Dr. Solomon's mood, he found no "impairment of judgment or difficulty at this point which would preclude the practice of psychiatry in a structured setting."

These facts are established by Respondent's Exhibit A.

#### CONCLUSIONS

The evidence in this Matter substantially indicates that Earl G. Solomon, M.D., suffers from "inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to physical deterioration that adversely affects cognitive, motor, or perceptive skills", as that clause is used in Section 4731.22(B)(19), Ohio Revised Code.

Dr. Sokolov's evaluation indicates that Dr. Solomon's ability to function is affected by a "significant emotional impairment due to a longstanding, moderately severe, mood disorder." Further, Dr. Sokolov's report identified particular deficits which, in his opinion, would seriously hamper Dr. Solomon's effectiveness in relating to patients. Those deficits, as set forth in Finding of Fact #6d, above, would seem particularly pertinent to Dr. Solomon's ability to practice according to acceptable and prevailing standards of care in the field of psychiatry, his area of speciality in the past. State's Exhibits #8 through #10, as well as the testimony and evidence with regard to Dr. Solomon's inappropriate telephone communications with Medical Board staff, not only support the conclusion that Dr. Solomon suffers from impairment of ability to practice by reason of mental or physical illness, but also indicate that such illness is not of recent origin.

It is noted that Dr. McDevitt's somewhat more recent evaluation, done at the request of Dr. Solomon, indicates no finding of impaired judgment or other difficulty which would preclude Dr. Solomon's practice of psychiatry in a "structured setting." However, this report neither provides insight as to what is meant by a "structured setting," nor details the nature or extent of the examinations done by Dr. McDevitt on three different occasions. Therefore, while this report cannot be afforded substantial weight, it would seem significant that it indicates not only that some "fluctuation in mood" was found, but also that limitation of Dr. Solomon's practice to a "structured setting" might be appropriate.

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Section 4731.22(B)(19), Ohio Revised Code, states, in pertinent part: "If the Board finds a physician unable to practice because of the reasons set forth in this division, the Board shall require such physician to submit to care, counseling, or treatment by physicians approved or designated by the Board, as a condition for initial, continued, reinstated, or renewed licensure to practice." In that regard, the Board may wish to take notice of Dr. Sokolov's treatment recommendations for Dr. Solomon, which would include physical examination and appropriate testing to rule out organic reasons for his conditions, as well as evaluation for the possibility of pharmacological treatment in lieu of psychotherapy (see State's Exhibit #11, pp. 21-22).

PROPOSED ORDER

It is hereby ORDERED that:

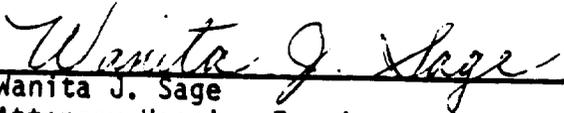
1. The application of Earl G. Solomon, M.D., for restoration of his certificate to practice medicine and surgery in the State of Ohio shall be denied.
2. Within sixty (60) days of the effective date of this Order, or as otherwise approved by the Board, Dr. Solomon shall commence appropriate treatment, as determined by an informed assessment of his current needs in accordance with the recommendations of Howard H. Sokolov, M.D., as set forth in the report identified at hearing as State's Exhibit #11. Such assessment and treatment shall be by a provider or providers approved in advance by the State Medical Board. Prior to the initial assessment, Dr. Solomon shall provide the approved provider with copies of the Board's Findings of Fact (including all documents incorporated therein by reference), Conclusions of Law, and Order in this Matter, and the Board may provide any other documentation from the hearing record which it may deem appropriate or helpful to that provider. Within ten (10) days after completion of the initial assessment, Dr. Solomon shall cause a written report to be submitted to the State Medical Board from the approved provider, which written report shall include:
  - a. A detailed plan of recommended treatment based upon the provider's informed assessment of Dr. Solomon's current needs; and
  - b. Any reports upon which the treatment recommendation is based, including reports of a physical examination and appropriate testing to rule out organic reasons for Dr. Solomon's conditions.

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3. **The Board shall not consider restoration of Dr. Solomon's certificate to practice unless and until all of the following minimum requirements are met:**
  - a. Dr. Solomon shall submit an application for restoration accompanied by appropriate fees;
  - b. Dr. Solomon shall not make such application for at least twelve (12) months from the effective date of this Order;
  - c. Dr. Solomon shall provide the Board with documentation acceptable to the Board evidencing compliance with the plan of recommended treatment required under paragraph 2a, above.
  - d. In addition, Dr. Solomon shall provide the Board with written reports from two (2) psychiatrists acceptable to the Board indicating that Dr. Solomon's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. Each report shall describe with particularity the basis for this determination and shall set forth any recommended limitations upon his practice.
  - e. In the event that Dr. Solomon has not been engaged in the active practice of medicine or surgery for a period in excess of two (2) years prior to the date of his application, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Solomon's fitness to resume practice.
  
4. Upon restoration, Dr. Solomon's certificate to practice shall be subject to the following probationary terms, conditions, and limitations for a period of five (5) years:
  - a. Dr. Solomon shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
  - b. Dr. Solomon shall submit quarterly declarations under penalty of perjury stating whether there has been compliance with all the conditions of probation.
  - c. Dr. Solomon shall appear for interviews before the full Board or its designated representative at three (3) month intervals, or as otherwise requested by the Board.
  - d. Dr. Solomon shall continue psychiatric treatment with a psychiatrist approved by the Board, at such intervals as are deemed appropriate by the treating psychiatrist but not less than once per month, until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require quarterly reports from the approved treating psychiatrist. Dr. Solomon shall ensure that these reports are forwarded to the Board on a quarterly basis, or as otherwise directed by the Board.

- e. In the event that Dr. Solomon should leave Ohio for three (3) continuous months, or reside or practice outside the state, Dr. Solomon must notify the State Medical Board in writing of the dates of departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary period.
- f. If Dr. Solomon violates probation in any respect, the Board, after giving Dr. Solomon notice and an opportunity to be heard, may impose any sanction it deems appropriate, up to and including the revocation of his certificate to practice.
- g. Upon successful completion of probation, Dr. Solomon's certificate will be fully restored.

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

  
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Wanita J. Sage  
Attorney Hearing Examiner

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EXCERPT FROM THE MINUTES OF DECEMBER 7, 1988

REPORTS AND RECOMMENDATIONS

Mr. Culley, Ms. Belenker, and Ms. Thompson left the meeting at this time.

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Dr. Stephens asked if each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of Carol Ann Ruff, Earl G. Solomon, M.D., James M. Thomson, Jr., M.D., and Harvey Rodman, M.D. A roll call was taken:

ROLL CALL:	Dr. Cramblett	- aye
	Dr. Gretter	- aye
	Dr. Barnes	- aye
	Dr. Kaplansky	- aye
	Dr. Agresta	- aye
	Dr. Rothman	- aye
	Dr. Rauch	- aye
	Mr. Albert	- aye
	Ms. Rolfes	- aye
	Mr. Jost	- aye
	Dr. Stephens	- aye

.....

REPORT AND RECOMMENDATION IN THE MATTER OF EARL G. SOLOMON, M.D.

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DR. BARNES MOVED TO GRANT DR. SOLOMON'S REQUEST TO WITHDRAW HIS APPLICATION. DR. GRETTTER SECONDED THE MOTION.

.....

A roll call vote was taken on Dr. Barnes' motion:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Gretter	- nay
	Dr. Barnes	- nay
	Dr. Kaplansky	- nay
	Dr. Agresta	- nay
	Dr. Rothman	- nay
	Dr. Rauch	- abstain
	Mr. Albert	- nay
	Ms. Rolfes	- nay
	Mr. Jost	- nay

The motion failed.

EXCERPT FROM THE MINUTES OF DECEMBER 7, 1988  
RE: EARL G. SOLOMON, M.D.

MR. ALBERT MOVED TO APPROVE AND CONFIRM MS. SAGE'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF EARL G. SOLOMON, M.D. MS. ROLFES SECONDED THE MOTION.

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A roll call vote was taken on Mr. Albert's motion:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Gretter	- aye
	Dr. Barnes	- aye
	Dr. Kaplansky	- aye
	Dr. Agresta	- aye
	Dr. Rothman	- aye
	Dr. Rauch	- abstain
	Mr. Albert	- aye
	Ms. Rolfes	- aye
	Mr. Jost	- aye

The motion carried.

STATE OF OHIO  
THE STATE MEDICAL BOARD  
65 South Front Street  
Suite 510  
Columbus, Ohio 43266-0315

May 11, 1988

Earl G. Solomon, M.D.  
3543 Amber Acres Drive #406W  
Cincinnati, Ohio 45237

Dear Doctor Solomon:

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) You suffer from "inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to physical deterioration that adversely affects cognitive, motor, or perceptive skills", as that clause is used in Section 4731.22(B)(19), Ohio Revised Code. Evidence indicating your inability to practice according to acceptable and prevailing standards of care includes that listed in numbered paragraphs 1 through 6 of the attached letter of September 9, 1987 from the Secretary of the State Medical Board to you, which are incorporated by reference as if fully restated herein, and the May 5, 1988 report of Netcare Corporation Forensic Psychiatry Center, based on examinations and evaluations performed pursuant to request by the State Medical Board.

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 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 the 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.

STATE OF OHIO  
THE STATE MEDICAL BOARD

May 11, 1988

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Earl G. Solomon, M.D.

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 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,

  
Henry G. Cramblett, M.D.  
Secretary

HGC:caa

enclosures

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