



# STATE MEDICAL BOARD OF OHIO

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

December 10, 1993

Eli I. Schneider, M.D.  
980 Avondale Avenue  
Cincinnati, Ohio 45229

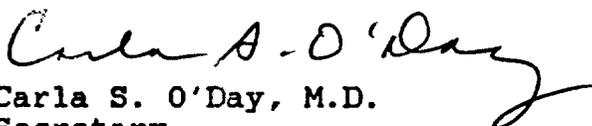
Dear Doctor Schneider:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of R. Gregory Porter, Esq., 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 8, 1993, including a Motion approving and confirming the Findings of Fact, amending the Conclusions of Law of the Hearing Examiner, and adopting an amended Order.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal 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

  
Carla S. O'Day, M.D.  
Secretary

CSO:em  
Enclosures

CERTIFIED MAIL RECEIPT NO. P 741 123 920  
RETURN RECEIPT REQUESTED

cc: J. Robert Andrews, Esq.

CERTIFIED MAIL P 741 123 921  
RETURN RECEIPT REQUESTED

*Mailed 12-23-93*



## STATE MEDICAL BOARD OF OHIO

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### 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 R. Gregory Porter, Attorney Hearing Examiner, State Medical Board; and an excerpt of Minutes of the State Medical Board, meeting in regular session on December 8, 1993, including a Motion approving and confirming the Findings of Fact, amending the Conclusions of Law of the Hearing Examiner, and adopting an amended Order, constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Eli I. Schneider, 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)

*Carla S. O'Day, M.D.*  
Carla S. O'Day, M.D.  
Secretary

*12/15/93*  
\_\_\_\_\_  
Date



# STATE MEDICAL BOARD OF OHIO

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

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

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ELI I. SCHNEIDER, M.D.

\*

## ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on the 8th day of December, 1993.

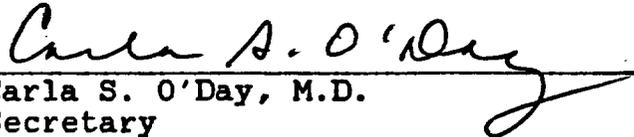
Upon the Report and Recommendation of R. Gregory Porter, Hearing Examiner, Medical Board, in this matter designated pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification, approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that Eli Irwin Schneider, M.D., be REPRIMANDED.

Further, the certificate of Eli Irwin Schneider, M.D., to practice medicine and surgery in Ohio shall be permanently LIMITED and RESTRICTED as follows:

1. Dr. Schneider shall hereby cease the practice of medicine and surgery in the State of Ohio.
2. Dr. Schneider shall be ineligible for, and shall not apply for, renewal, reinstatement or restoration of his certificate to practice medicine and surgery in the State of Ohio, or for issuance of any other certificate pursuant to Chapters 4730. or 4731., Ohio Revised Code. Any such application shall be considered null and void and shall not be processed by the Board.

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

  
Carla S. O'Day, M.D.  
Secretary

Date

(SEAL)

12/15/93

STATE MEDICAL BOARD  
OF OHIO

REPORT AND RECOMMENDATION  
IN THE MATTER OF ELI IRWIN SCHNEIDER, M.D.

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The Matter of Eli Irwin Schneider, M.D., came on for hearing before me, R. Gregory Porter, Esq., Hearing Examiner for the State Medical Board of Ohio, on September 10, 1993.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Basis for Hearing

- A. By letter of June 16, 1993 (State's Exhibit #1), the State Medical Board notified Eli Irwin Schneider, M.D., that it proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board alleged that, on or about May 20, 1993, in the Franklin County Court of Common Pleas, Dr. Schneider pleaded guilty to one count of violation of Section 2913.40(B), Ohio Revised Code, Medicaid Fraud, a felony of the third degree. The Board alleged that such acts, conduct, and/or omissions constituted "a plea of guilty to, or a judicial finding of guilt of, a felony," as that clause is used in Section 4731.22(B)(9), Ohio Revised Code; "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code; and/or "obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice," as that clause is used in Section 4731.22(B)(8), Ohio Revised Code.

Dr. Schneider was advised of his right to request a hearing in this Matter.

- B. By letter received by the State Medical Board on July 15, 1993 (State's Exhibit #2), J. Robert Andrews, Esq., requested a hearing on behalf of Dr. Schneider.

II. Appearances

- A. On behalf of the State of Ohio: Lee I. Fisher, Attorney General, by Lili C. Kaczmarek, Assistant Attorney General.
- B. On behalf of the Respondent: J. Robert Andrews, Esq.

III. Testimony Heard

- A. Presented by the State
- No witnesses were presented.

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B. Presented by the Respondent

Eli I. Schneider, M.D.

IV. Exhibits Examined

In addition to State's Exhibits #1 and #2, noted above, the following exhibits were identified and admitted into evidence in this Matter:

A. Presented by the State

1. State's Exhibit #3: July 16, 1993 letter to J. Robert Andrews, Esq., from the State Medical Board, advising that a hearing initially set for July 29, 1993 was postponed pursuant to Section 119.09, Ohio Revised Code.
2. State's Exhibit #4: July 19, 1993 letter to Attorney Andrews from the State Medical Board, scheduling the hearing for September 10, 1993.
3. State's Exhibit #5: Certified copy of Waiver of Indictment, filed on May 26, 1993 in the Court of Common Pleas of Franklin County, Ohio, in case captioned State of Ohio v. Eli Schneider. (2 pp.)
4. State's Exhibit #6: Certified copy of Entry of Guilty Plea setting forth Dr. Schneider's plea of guilty to one count of Medicaid Fraud, a violation of Section 2913.40(B), Ohio Revised Code, a felony of the third degree.
5. State's Exhibit #7: Certified copy of Criminal Disposition Sheet in State v. Schneider.
6. State's Exhibit #8: Certified copy of May 20, 1993 Bill of Information charging Dr. Schneider with one count of Medicaid Fraud. (2 pp.)
7. State's Exhibit #9: Certified copy of May 25, 1993 Negotiated Plea Agreement in State v. Schneider. (2 pp.)
8. State's Exhibit #10: Copy of July 16, 1993 Entry in State v. Schneider, setting forth the sentencing of Dr. Schneider to one and one-half years of incarceration, which was suspended on the condition that Dr. Schneider comply with the terms of a three-year probation. (4 pp.)

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B. Presented by the Respondent

Respondent's Exhibit A: Collection of documents presented by the Respondent in a loose-leaf binder, with the pages divided into three sections. The pages have been numbered by the Hearing Examiner for the convenience of the Board. The first section (pp. 1-7) consists of copies of documents related to State v. Schneider. The second section (pp. 8-26) consists of an interoffice memorandum from the Ohio Attorney General's office regarding Dr. Schneider, several copies of Medicaid Claim Form 6780 prepared by Dr. Schneider's office, and various related documents. The third section (pp. 27-97) contains: Dr. Schneider's discharge papers from the Armed Forces (pp. 27, 28), letters in support of Dr. Schneider regarding his criminal case (pp. 29-35), and medical records and related documents concerning Dr. Schneider's recent health problems (pp. 36-97).

V. Post-Hearing Admissions to the Record

Upon the Hearing Examiner's own motion, the following additional documents are hereby admitted to the record in this Matter:

1. Board Exhibit A: September 14, 1993 joint motion of the State and the Respondent to hold the hearing record open for 30 days for purposes of settlement negotiations, pursuant to Rule 4731-13-17(A), Ohio Administrative Code. (2 pp.)
2. Board Exhibit B: September 15, 1993 Entry construing the September 14, 1993 joint motion as a joint notice of continuing settlement negotiations pursuant to Rule 4731-13-17(A), Ohio Administrative Code.
3. Board Exhibit C: Section 2913.40, Ohio Revised Code, entitled "Medicaid fraud." (2 pp.)

VI. Other Matters

On September 14, 1993, the hearing record in this Matter was reopened for a period of thirty (30) days to allow the parties to continue settlement negotiations pursuant to Rule 4731-13-17(A), Ohio Administrative Code. Because the Hearing Examiner did not receive notice of settlement, the hearing record closed again on October 14, 1993.

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FINDINGS OF FACT

1. On or about May 20, 1993, Eli Irwin Schneider, M.D., was charged by Bill of Information with violating Section 2913.40(B), Ohio Revised Code, between January 1, 1989 and June 30, 1992, by knowingly making, or causing to be made, false or misleading statements or representations to the Ohio Department of Human Services, Medicaid Division, for use in obtaining over \$5,000.00 in reimbursement from the Ohio Medical Assistance Program, to wit: submitting invoices to the State of Ohio for medical services which were not in fact provided to the Medicaid recipients for which they were billed, contrary to the rules and regulations of the Medicaid Program and the State of Ohio. Pursuant to Section 2913.40(E), Ohio Revised Code, such offense constitutes a felony of the third degree.

These facts are established by State's Exhibit #8, and Board Exhibit C.

2. On or about May 25, 1993, Dr. Schneider and the State of Ohio, through its Attorney General, entered into a Negotiated Plea Agreement. By its terms, Dr. Schneider agreed to plead guilty by Bill of Information to one count of Medicaid Fraud, a felony of the third degree. Among other things, the State agreed that there would be no further related criminal or civil actions brought against Dr. Schneider. Of the \$220,752.04 seized from Dr. Schneider in 1992, \$100,000.00 was returned to him, and the remainder was divided among various government agencies for investigative costs, restitution, and settlement.

These facts are established by State's Exhibit #9.

3. On or about May 25, 1993, Dr. Schneider pled guilty as charged to one felony count of Medicaid Fraud.

These facts are established by State's Exhibits #6 and #7.

4. On or about June 25, 1993, Dr. Schneider was sentenced to one and one-half years of incarceration, which was suspended on the condition that Dr. Schneider comply with the terms of a three-year probation. Among other things, Dr. Schneider was required to pay a fine of \$1,500.00 and to comply with the terms of the Negotiated Plea Agreement. The court found that Dr. Schneider had zero days of jail time credit.

On or about August 13, 1993, Dr. Schneider was found to have complied with the terms of his probation, except for the three-year

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time element. The Court's previous sentencing order was modified to "time served," and Dr. Schneider was discharged from probation.

These facts are established by State's Exhibit #10, and Respondent's Exhibit A, pg. 7.

5. Dr. Schneider testified at the present hearing that he had a general practice for 40 years in an area of Cincinnati known as "Over-the-Rhine," which he described as the toughest neighborhood in Cincinnati. He stated that, at the time his legal troubles began, around October, 1992, he was seeing approximately 60 patients per day, three days per week. According to Dr. Schneider, approximately 40% to 50% of his patients were on Medicaid.

Dr. Schneider stated that his system for Medicaid billing was to use a single code, regardless of the service provided. "For simplicity," he left it to the State to sort out, because the codes were constantly changing. He said that he had no familiarity with billing procedures, or the codes used to bill Medicaid, and relied on his office staff to do the billings in accordance with a system developed by Dr. Schneider's brother. Dr. Schneider testified that he billed \$15.00 per office call, and never charged extra for services such as urinalysis, blood sugars, or extra injections. He knew that, by using a single code, he would be underbilling in some cases and overbilling in others. He felt it would average out, and there wouldn't be much over. He referred to Respondent's Exhibit A, pp. 10-15 as typical of the claim forms sent to Medicaid by his office.

Dr. Schneider said that sometime around October 1, 1992, his office was raided by about a dozen agents from various government agencies. Approximately \$220,000.00 was seized from his bank accounts by these authorities, an amount he described as a large proportion of his net worth. After his sentencing for Medicaid Fraud, \$100,000.00 was returned to Dr. Schneider pursuant to the Negotiated Plea Agreement.

Dr. Schneider stated that he is somewhat embittered about the prosecution and the way it was handled; however, he did not deny that there were overbillings done by his office, nor did he deny that he was responsible, "because I obviously didn't oversee it like I should have." He testified that he has not actively practiced medicine since his office was raided, and said that he has no intention of returning to practice. Dr. Schneider asked that the Board allow him to retain his license, as a matter of personal pride.

These facts are established by State's Exhibit #9, Respondent's Exhibit A, pp. 10-15, and the testimony of Dr. Schneider (Tr. at 14-45).

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CONCLUSIONS

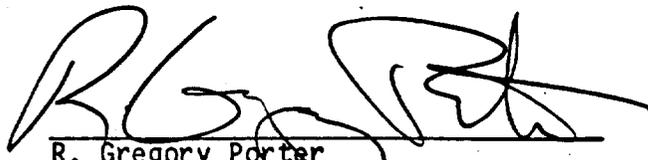
1. As set forth in Findings of Fact #1 and #3, above, Dr. Schneider was, on May 25, 1993, in the Common Pleas Court of Franklin County, found guilty of Medicaid Fraud, a felony of the third degree. Such conviction constitutes "a plea of guilty to, or a judicial finding of guilt of, a felony," as that clause is used in Section 4731.22(B)(9), Ohio Revised Code, to wit: Medicaid Fraud, in violation of Section 2913.40(B), Ohio Revised Code.
2. The acts, conduct, and/or omissions of Dr. Schneider that led to his conviction, as set forth in Findings of Fact #1 and #5, above, constitute "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code, and/or "the obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice," as that clause is used in Section 4731.22(B)(8), Ohio Revised Code.

\* \* \* \* \*

It is truly regrettable that Dr. Schneider, who apparently dedicated many years to serving an underprivileged area of his community, should have acted in such a way as to violate a criminal statute. Nevertheless, this Board is responsible for enforcing standards for those individuals holding licensure as physicians in Ohio, and the public has a right to expect the highest degree of trustworthiness from members of the medical profession. A physician's conviction of a felony offense raises a concern that the physician might abuse the trust inherent in professional status, and diminishes the profession's standing in the public's eyes. Trust is essential in doctor-patient relationships to ensure that treatment will be accepted and advice followed. Those physicians who violate this trust, and the trust of the public at large, by committing felony offenses merit the severest sanction.

PROPOSED ORDER

It is hereby ORDERED that the certificate of Eli Irwin Schneider, M.D., to practice medicine and surgery in the State of Ohio shall be permanently REVOKED. This Order shall become effective immediately upon the mailing of notification of approval by the State Medical Board of Ohio.

  
R. Gregory Porter  
Attorney Hearing Examiner



# STATE MEDICAL BOARD OF OHIO

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EXCERPT FROM THE MINUTES OF DECEMBER 8, 1993

## REPORTS AND RECOMMENDATIONS

Dr. Agresta announced that the Board would now consider the findings and orders appearing on the Board's agenda.

Dr. Agresta asked whether 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: Clyde D. Brown, M.D.; Eli I. Schneider, M.D.; and Yih-shu Tseng, M.D. A roll call was taken:

ROLL CALL:	Dr. O'Day	- nay
	Mr. Albert	- aye
	Dr. Stienecker	- aye
	Dr. Gretter	- aye
	Dr. Stephens	- aye
	Dr. Heidt	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Mr. Sinnott	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Dr. Agresta	- aye

Dr. Agresta asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Dr. O'Day	- aye
	Mr. Albert	- aye
	Dr. Stienecker	- aye
	Dr. Gretter	- aye
	Dr. Stephens	- aye
	Dr. Heidt	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Mr. Sinnott	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Dr. Agresta	- aye



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IN THE MATTER OF ELI I. SCHNEIDER, M.D.

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In accordance with the provision in Section 4731.22(C)(1), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters.

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

.....

## REPORT AND RECOMMENDATION IN THE MATTER OF ELI I. SCHNEIDER, M.D.

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

Dr. Agresta advised Mr. Andrews that there is not a court reporter present, but instead the Board's minutes serve as the Board's official record of the meeting. Mr. Andrews stated that he did not have any objection to the absence of a court reporter.

Dr. Agresta reminded Mr. Andrews that the Board members have read the entire hearing record, including the exhibits and any objections filed. He added that the Board will not retry the case at this time, and that pursuant to Section 4731.23(C), Revised Code, oral arguments made at this time are to address the proposed findings of fact and conclusions of the hearing examiner. Dr. Agresta stated that Mr. Andrews would be allotted approximately five minutes for his address.

Mr. Andrews indicated that he would address the Board briefly, after which Dr. Schneider would also address the Board.

Mr. Andrews stated that he found the Board's discussion of the previous case intriguing. For those Board members who haven't spent a lot of time with CPT codes, he has. For those who haven't had representatives of the F.B.I., police and Attorney General go through their offices, Dr. Schneider has. For those who haven't had \$200,000.00 taken from their accounts and used as leverage against them, Dr. Schneider has. Mr. Andrews asked that the Board not revoke Dr. Schneider's license. Dr. Schneider is not going to practice medicine actively in the future. However, after 40 years of distinguished practice, he would like to end his career with "Dr." before his name.

Dr. Schneider thanked the Board for the opportunity to clarify the circumstances in this case, which has subjected his family and him to emotional stress, and has damaged his finances. He was told years ago that billing code changes were made.



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EXCERPT FROM THE MINUTES OF DECEMBER 8, 1993  
IN THE MATTER OF ELI I. SCHNEIDER, M.D.

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His office nurse was unable to get the changed codes from Columbus, despite repeated attempts. The office was forced to use the old billing codes. Shortly thereafter his nurse underwent surgery and experienced postoperative complications. The substitute nurse took over the billing and was able to get the proper billing codes. The previous bills were paid by mistake. There was little change in the amount received under the new billing codes. Dr. Schneider stated that he has records of large numbers of bills which were properly submitted and never paid. He never billed for services not rendered. Dr. Schneider stated that he is not excusing his actions, but only giving the Board the circumstances leading to his plea of guilty to charges against him. He entered a guilty plea on advice of counsel in order to avoid years of litigation. He asked why, if the State found the billing erroneous, he wasn't notified about the deficiencies, rather than a task force descending on his office. He asked whether this was to be the pattern of the future.

Dr. Schneider concluded by asking that the Board allow him to maintain his medical license, even though he is retired.

Dr. Agresta asked Ms. Kaczmarek whether she wished to respond.

Ms. Kaczmarek stated that Dr. Schneider did plead guilty to a third degree felony. The Report and Recommendation is supported by the facts of the case. The Board may, however, consider mitigating factors in reaching its decision.

DR. GRETTER MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF ELI I. SCHNEIDER, M.D. DR. STEPHENS SECONDED THE MOTION.

Dr. Agresta asked whether there were any questions concerning the proposed findings of fact, conclusions, and order in the above matter.

Dr. Heidt stated that Dr. Schneider has practiced in one of the real problem areas of Cincinnati. It is a poor neighborhood, replete with all sorts of crime, drugs, etc. Dr. Schneider has given 40 years of great service to the area. He has "committed a problem" in that he charged \$15.00 for an office call on every case and billed according to what he thought was the right code. He did have a problem, but he has served the community well.

DR. HEIDT MOVED THAT THE CONCLUSIONS IN THE MATTER OF ELI IRWIN SCHNEIDER, M.D., BE AMENDED BY DELETING THE FINAL UNNUMBERED PARAGRAPH IN ITS ENTIRETY.

DR. HEIDT FURTHER MOVED THAT THE PROPOSED ORDER IN THE MATTER OF ELI IRWIN SCHNEIDER, M.D., BE AMENDED BY SUBSTITUTING THE FOLLOWING:

It is hereby ORDERED that, although sufficient basis exists to support the



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EXCERPT FROM THE MINUTES OF DECEMBER 8, 1993  
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imposition of disciplinary action in this matter, it is the view of the State Medical Board of Ohio that no further action is warranted. Accordingly, it is hereby ORDERED that this matter be DISMISSED.

DR. GARG SECONDED THE MOTION.

Dr. Stienecker stated that a couple of points about this case bother him. He applauds Dr. Schneider for his 40 years of work. He thinks, though, that Dr. Schneider's response to the problems of the management of medicine, including coding practices, passed him by in the last ten years or so. Dr. Stienecker stated that Dr. Schneider was remiss in failing to keep up with that part of his practice.

Dr. Stienecker stated that he agrees with Dr. Heidt, and that this is a problem with a number of the older physicians who do not do well with changes in the management of medicine. It is important that Dr. Schneider states that he has no intention of returning to practice. As far as the matter of dismissing this action, Dr. Stienecker stated that he would like to have some reassurance that Dr. Schneider does intend to remain retired.

Dr. Stienecker stated that the other thing he found difficult to believe as a physician is the negotiated plea agreement with the Attorney General's office, in which they stated there would be no further related criminal or civil actions brought against Dr. Schneider. Dr. Stienecker indicated that, while he realizes that the Board is a different agency, he thinks Dr. Schneider was led down a primrose path to agree to this negotiated bill of information, Medicaid fraud, and then get hit with a licensure problem. Dr. Stienecker stated that he must commiserate with Dr. Schneider on that account.

Dr. Stienecker suggested amending the proposed amendment to require a guarantee that Dr. Schneider would not return to practice.

Dr. Stephens agreed that a permanent revocation would not be indicated in this case; however, there should be something on the record indicating that this, in fact, has been a problem. A crime was committed for which Dr. Schneider has made restitution. Dr. Stephens stated that he would want a reprimand at the very least imposed in this case, with some notation that Dr. Schneider would remain retired.

DR. STEPHENS MOVED TO AMEND DR. HEIDT'S PROPOSED AMENDMENT BY DELETING DR. HEIDT'S LAST PARAGRAPH AND IMPOSING A REPRIMAND WITH THE STIPULATION THAT DR. SCHNEIDER NOT PRACTICE MEDICINE AGAIN. DR. GARG SECONDED THE MOTION.

Dr. Agresta suggested that the matter be tabled to allow time for the proposed amendment to be drafted in written form for Board review.



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DR. STEPHENS MOVED TO TABLE THE MATTER OF ELI I. SCHNEIDER, M.D. DR. GARG SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. O'Day	- aye
	Mr. Albert	- aye
	Dr. Stienecker	- aye
	Dr. Gretter	- aye
	Dr. Stephens	- aye
	Dr. Heidt	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Mr. Sinnott	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

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DR. STIENECKER MOVED TO REMOVE THE MATTER OF ELI I. SCHNEIDER, M.D., FROM THE TABLE. DR. HEIDT SECONDED SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Mr. Albert	- aye
	Dr. Stienecker	- aye
	Dr. Gretter	- aye
	Dr. Stephens	- aye
	Dr. Heidt	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Mr. Sinnott	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

DR. STIENECKER MOVED THAT THE CONCLUSIONS IN THE MATTER OF ELI IRWIN SCHNEIDER, M.D., BE AMENDED BY DELETING THE LAST THREE SENTENCES OF THE FINAL UNNUMBERED PARAGRAPH.

DR. STIENECKER FURTHER MOVED THAT THE PROPOSED ORDER IN THE MATTER OF ELI IRWIN SCHNEIDER, M.D., BE AMENDED BY SUBSTITUTING THE FOLLOWING:

It is hereby ORDERED that Dr. Eli Irwin Schneider be REPRIMANDED.



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EXCERPT FROM THE MINUTES OF DECEMBER 8, 1993  
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Further, the certificate of Dr. Eli Irwin Schneider to practice medicine and surgery in Ohio shall be permanently LIMITED and RESTRICTED as follows:

1. Dr. Schneider shall hereby cease the practice of medicine and surgery in the State of Ohio.
2. Dr. Schneider shall be ineligible for, and shall not apply for, renewal, reinstatement or restoration of his certificate to practice medicine and surgery in the State of Ohio, or for issuance of any other certificate pursuant to Chapters 4730. or 4731., Ohio Revised Code. Any such application shall be considered null and void and shall not be processed by the Board.

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

DR. HEIDT SECONDED THE MOTION.

Dr. Stienecker stated that the effect of the Order is to reprimand Dr. Schneider and to limit his license by restricting him from the practice of medicine. He noted that Dr. Schneider has already restricted himself from practice. The Order also makes Dr. Schneider ineligible for license renewal or reinstatement.

Dr. Heidt noted that under this Order Dr. Schneider will no longer need to obtain C.M.E. credits.

Dr. Stienecker stated that this allows him to let his license lapse.

Mr. Sinnott suggested that it might be appropriate to hear from Dr. Schneider and his counsel about this proposal. He indicated that he does not believe the Board is addressing Dr. Schneider's request. The Proposed Order is tantamount to revocation.

Dr. Agresta stated that the Board is not here to negotiate an agreement with Dr. Schneider.

Mr. Sinnott stated that the Board is telling Dr. Schneider that it is taking his license away and he can't reapply for it.

Dr. Stephens stated that the Board is not taking the license away. If a physician retires, and he lets his license lapse, he can maintain his wall certificate.

Mr. Sinnott stated that the Order prohibits Dr. Schneider from future medical practice.



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Ms. Berry stated that Dr. Schneider will be permitted to keep his certificate, but it will lapse.

Dr. Stephens stated that, with revocation, a doctor loses his wall certificate. This way, Dr. Schneider will be able to keep his certificate.

Dr. Stienecker stated that the thrust of Dr. Schneider's objection was that he would lose his self-esteem by having his license taken away. This doesn't take away his license. It allows it to lapse.

Mr. Sinnott stated that when the license expires, Dr. Schneider will no longer be a medical doctor.

Dr. Stienecker disagreed, stating that he will not be permitted to practice but will still be a medical doctor. Dr. Schneider has requested that the Board not revoke his license.

Dr. Garg stated that, no matter how the Order is worded, it is still a revocation.

Mr. Sinnott stated that he thought Dr. Schneider wanted to live the rest of his life as a licensed physician. He doesn't believe the Proposed Order does what was intended.

Dr. Stephens said that it allows Dr. Schneider to leave practice without having someone go to his office, say he is no longer a legitimate doctor, and take his wall certificate and wallet card away. It allows him to retire and let his license lapse.

Dr. Gretter called the question.

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

ROLL CALL VOTE:	Mr. Albert	- abstain
	Dr. Stienecker	- aye
	Dr. Gretter	- aye
	Dr. Stephens	- aye
	Dr. Heidt	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Mr. Sinnott	- nay
	Dr. Garg	- nay
	Dr. Steinbergh	- aye

The motion carried.



## STATE MEDICAL BOARD OF OHIO

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

EXCERPT FROM THE MINUTES OF DECEMBER 8, 1993  
IN THE MATTER OF ELI I. SCHNEIDER, M.D.

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DR. STIENECKER MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF ELI I. SCHNEIDER, M.D. MS. NOBLE SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Mr. Albert	- abstain
	Dr. Stienecker	- aye
	Dr. Gretter	- aye
	Dr. Stephens	- aye
	Dr. Heidt	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Mr. Sinnott	- nay
	Dr. Garg	- nay
	Dr. Steinbergh	- aye

The motion carried.



# STATE MEDICAL BOARD OF OHIO

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

June 16, 1993

Eli Irwin Schneider, M.D.  
980 Avondale Avenue  
Cincinnati, OH 45229

Dear Doctor Schneider:

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) On or about May 20, 1993, by Bill of Information, you pleaded guilty in the Franklin County Court of Common Pleas to one count of a violation of Section 2913.40(B) of the Revised Code, to wit, Medicaid Fraud, a felony of the third degree.

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "a plea of guilty to, or a judicial finding of guilt of, a felony," as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

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

Further, your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "obtaining of, or attempting to obtain money or anything of value by fraudulent misrepresentations in the course of practice," as that clause is used in Section 4731.22(B)(8), 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.

*Mailed 6/17/93*

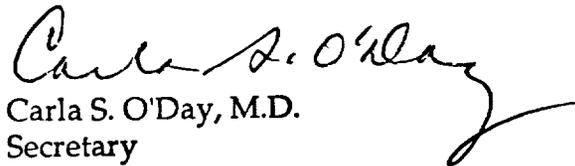
June 16, 1993

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 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,

  
Carla S. O'Day, M.D.  
Secretary

CSO:jmb

Enclosures:

CERTIFIED MAIL #P 348 885 236  
RETURN RECEIPT REQUESTED