

**STATE OF OHIO
THE STATE MEDICAL BOARD
SURRENDER OF CERTIFICATE
TO PRACTICE MEDICINE AND SURGERY**

I, ARNALDO ROLDAN-ROLDAN, 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.

I, ARNALDO ROLDAN-ROLDAN, M.D., do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice medicine and surgery, No. 35-024960, to the State Medical Board of Ohio, thereby relinquishing all rights to practice medicine and surgery in Ohio.

I understand that as a result of the surrender herein that 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. 35-024960, or issuance of any other certificate pursuant to Chapters 4730., 4731., 4760. or 4762., Ohio Revised Code, on or after the date of signing 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.

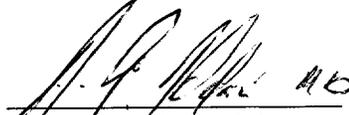
I, ARNALDO ROLDAN-ROLDAN, M.D., hereby release the State Medical Board of Ohio, its members, employees, agents and officers, jointly and severally, from any and all liability arising from the within matter.

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.

I stipulate and agree that I am taking the action described herein in lieu of formal disciplinary proceedings pursuant to Section 4731.22(B)(6), Ohio Revised Code, based upon my having prescribed controlled substances and other dangerous drugs to one patient for a period of years without having performed appropriate examination of the patient or having maintained appropriate medical records.

Surrender
ARNALDO ROLDAN-ROLDAN, M.D.
Page 2

Signed this 30 day of JANUARY, 2001.

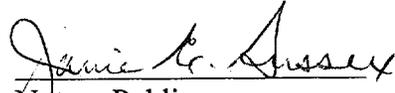


Signature of Physician

Witness

Witness

Sworn to and subscribed before me this 30 day of January, 2001.



Notary Public

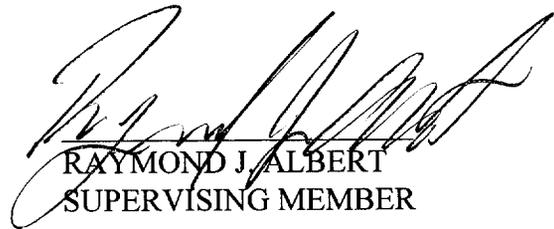
JANIE E. SUSSEX
Notary Public, State of Ohio

SEAL

(This form must be either witnessed or notarized)
My Commission Expires October 3, 2005

Accepted by the State Medical Board of Ohio:


ANAND G. GARG, M.D.
SECRETARY


RAYMOND J. ALBERT
SUPERVISING MEMBER

2/13/01
DATE

2/13/01
DATE

AD, DA, IC, NS, JIF.
10/17/89
JWC
NRU
FINAL APPEALABLE ORDER

IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO

IN THE MATTER OF: : CASE NO. 88CV-08-5155
: :
ARNALDO ROLDAN-ROLDAN, M.D. : JUDGE CLOSE

JUDGMENT ENTRY

For the reasons stated in this Court's Decision Filed on August 30, 1989, the Order of the State Medical Board of Ohio is hereby AFFIRMED, costs to Appellant.

TERMINATED
89 OCT 10 AM 10:47

MICHAEL L. CLOSE, JUDGE

APPROVED:

Submitted 9/7/89 - No response.

DOUGLAS MACGILLIVRAY
MacGillivray & Heaton
325 North Main Street
Bellefontaine, Ohio 43311
(513) 593-8725
Attorney for Appellant

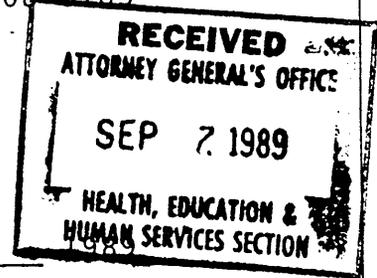
John C. Dowling

JOHN C. DOWLING (DOW08)
Assistant Attorney General
Health, Education, and Human
Services Section
30 E. Broad St., 15th Floor
Columbus, Ohio 43266-0410
(614) 466-8600
Attorney for Appellee

7454S

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

IN THE MATTER OF: : CASE NO. 88CV 08 5185
ARNALDO ROLDAN-ROLDAN, M.D., : JUDGE CLOSE



D E C I S I O N

Rendered this 29 day of August

CLOSE, J.

This case is before the Court on administrative appeal from an Order of the State Medical Board suspending Appellant's license to practice medicine.

The record shows that the Decision of the Board was primarily based upon its assessment of the credibility of Appellant as concerns conflicting statements by him.

It is not the function of the Common Pleas Court to act as a second trier of the fact. It is the Court's function to determine whether the Board's Order is supported by reliable, probative, and substantial evidence and whether it is in accordance with law.

The Court concludes that the above criteria is satisfied and the Order is SUSTAINED.


MICHAEL L. CLOSE, JUDGE

Appearances:

DOUGLAS MacGILLIVRAY, Esq., Counsel for Dr. Roldan
CHERYL J. NESTER, AAG., Counsel for Appellee

STATE OF OHIO
THE STATE MEDICAL BOARD OF OHIO
65 SOUTH FRONT STREET
SUITE 510
COLUMBUS, OHIO 43266-0315

July 15, 1988

Arnaldo Roldan-Roldan, M.D.
300 Napoleon Street
Huntsville, Ohio 43224

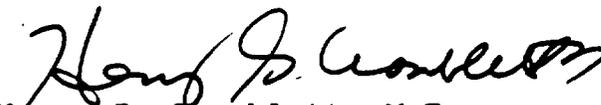
Dear Doctor Roldan-Roldan:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Mark E. Kouns, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of the Minutes of the State Medical Board, meeting in regular session on July 13, 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 746 510 420
RETURN RECEIPT REQUESTED

cc: Douglas D. MacGillivray, Esq.

CERTIFIED MAIL NO. P 746 510 421
RETURN RECEIPT REQUESTED

Mailed 7/20/88

STATE OF OHIO
THE STATE MEDICAL BOARD OF OHIO
65 SOUTH FRONT STREET
SUITE 510
COLUMBUS, OHIO 43266-0315

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 Mark E. Kouns, Attorney Hearing Examiner, State Medical Board; and attached excerpt of Minutes of the State Medical Board, meeting in regular session on July 13, 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 Arnaldo Roldan-Roldan, 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

July 15, 1988

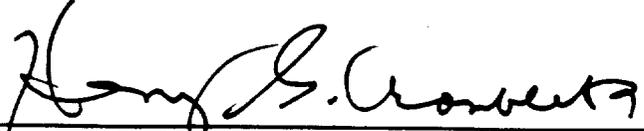
Date

Arnaldo Roldan-Roldan, M.D.

- D. Upon reinstatement, Dr. Roldan's certificate to practice shall be subject to the following terms, conditions and limitations for a minimum of five (5) years:
- (a) Dr. Roldan shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
 - (b) Dr. Roldan shall submit quarterly declarations under penalty of perjury stating whether there has been compliance with all the conditions of the probation.
 - (c) Dr. Roldan shall appear for interviews before the full Board or its designated representatives at three (3) month intervals, or as otherwise requested by the Board.
 - (d) In the event that Dr. Roldan should leave Ohio for three (3) continuous months, or reside or practice outside the State, Dr. Roldan 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 probation.
 - (e) If Dr. Roldan violates probation in any respect, the Board after giving Dr. Roldan notice and opportunity to be heard, may set aside the stay order and impose the revocation of his certificate to practice medicine and surgery.
 - (f) Upon successful completion of probation, Dr. Roldan's certificate will be fully restored.

This Order shall become effective thirty (30) days after the mailing of notification of approval by the State Medical Board of Ohio as provided by law.

(SEAL)


Henry G. Cramblett, M.D.
Secretary

July 15, 1988

Date

REPORT AND RECOMMENDATION
IN THE MATTER OF ARNALDO ROLDAN-ROLDAN, M.D.

JUN 30 1988

The Matter of Arnaldo Roldan-Roldan, M.D., (hereinafter referred to as the Respondent) came on for hearing before me, Mark E. Kouns, Attorney Hearing Examiner for the State Medical Board of Ohio, (hereinafter referred to as the Board) on the 31st day of May, 1988, pursuant to the provisions of Chapters 119. and 4731. of the Ohio Revised Code.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Mode of Conduct

During the course of the hearing, the rules of evidence were relaxed so as to afford both the Board and the Respondent wide latitude in the offering of evidence as well as inquiring of the witnesses through both direct and cross-examination. The Attorney Hearing Examiner observed the demeanor of each witness as they testified and considered the same in weighing their testimony and credibility.

II. Basis for Hearing

By letter of October 14, 1987, (State's Exhibit #1), the Board notified Respondent that it intended to determine whether or not to limit, revoke, suspend, refuse to register or reinstate Respondent's certificate to practice medicine and surgery or to reprimand or place Respondent on probation based upon allegations that:

- (1) During the period from the latter half of August, 1987 through September 30, 1987, Respondent had employed as a medical assistant an individual (Ellis Pritchett) who was not registered as a Physician's Assistant nor licensed to practice medicine or surgery nor any of its related branches nor physical therapy in the State of Ohio;

- (2) The Respondent had instructed and permitted Ellis Pritchett to examine and treat patients as well as prescribe dangerous drugs to said patients, including occasions when Respondent was absent from the office;
- (3) That Respondent's conduct constituted violations of Sections 4731.22(B)(1), (B)(2), (B)(3), and (B)(6), Ohio Revised Code. The Board further notified Respondent of his opportunity to request a hearing and of his right to be represented by counsel; and
- (4) That Respondent had the right to request a hearing and to be represented by counsel.

On November 10, 1987, the Board received a letter from Douglas Mac Gillivray, Attorney at Law, advising the Board that Respondent had retained said counsel to represent him in the instant matter, denying the allegations contained in the Board's citation letter of October 14, 1987, and requesting a hearing on behalf of Respondent.

III. Appearance of Counsel

- A. On behalf of the State Medical Board of Ohio: Anthony J. Celebrezze, Jr., Attorney General of Ohio, by Cheryl Nester, Esq., Assistant Attorney General.
- B. On behalf of the Respondent: Douglas D. Mac Gillivray, Esq.
- C. On behalf of witness Ellis Pritchett, Marc S. Triplett, Esq.

IV. Testimony Heard

- A. Presented by the State
 1. Arnaldo Roldan-Roldan, M.D., Respondent, as upon cross-examination.
 2. Ellis Pritchett, former employee of Respondent's.
 3. Charles A. Eley, Investigator, State Medical Board of Ohio.
 4. David D. Avery, Enforcement Agent, Ohio State Board of Pharmacy.

5. Jeff Cooper, Detective Sergeant with the Logan County, Ohio Sheriff's Department.
6. Nancy Driscoll, medical assistant to Respondent.
7. Beverly Wallace, Respondent's office secretary.

B. Presented by the Respondent

1. Arnaldo Roldan-Roldan, M.D., Respondent

V. Exhibits Offered, Admitted and Considered

A. Presented by the State

1. State's Exhibit #1: A copy of the Board's citation letter dated October 14, 1987, addressed from the Board to Respondent in which the Board notified Respondent of: the charges against him; the alleged conduct upon which the same were based; of his right to request a hearing; and of his right to counsel. Attached to and forming a part of the exhibit was a Patient Key.
2. State's Exhibit #2: A copy of a letter dated November 9, 1987, addressed from Douglas Mac Gillivray, Attorney at Law, to the Board and received in the offices of the Board on November 10, 1987, in which said counsel advised that he represented Respondent, denied the allegations against Respondent and requested a hearing.
3. State's Exhibit #3: A copy of a letter dated November 13, 1987, addressed from the Board's Case Control Officer to counsel for Respondent in response to counsel's letter of November 9, 1987, initially setting Respondent's hearing for November 23, 1987 at 1:30 P.M. and thereafter postponing the same to a date to be determined and announced in the future.

4. State's Exhibit #4: A copy of a letter dated February 8, 1988, addressed from the undersigned Attorney Hearing Examiner to Counsel for Respondent scheduling Respondent's hearing for May 31, 1988, at 9:00 A.M. in the offices of the Board.
5. State's Exhibit #5: A copy of a prescription form for the individual identified in the Patient Key as Patient #1.
6. State's Exhibit #6: A copy of a prescription form for the individual identified in the Patient Key as Patient #2.
7. State's Exhibit #7: A copy of a statement given by Respondent to Charles A. Eley, Investigator for the Board, on 9/30/87.
8. State's Exhibit #8: A copy of a statement dated 9/30/87 given by the Respondent to Detective Sergeant Jeff Cooper of the Logan County Sheriff's Department.
9. State's Exhibit #9: A copy of a sworn statement from Ellis Pritchett given to David Avery, Enforcement Agent, Ohio State Board of Pharmacy on September 30, 1987, at the Logan County Sheriff's Department, Bellfontaine, Ohio.
10. State's Exhibit #10: A copy of a notarized statement dated September 23, 1987, from Beverly S. Wallace.
11. State's Exhibit #12: A copy of a certificate from the Secretary of the Board dated September 18, 1987, certifying that a carefully examination of the Board's records failed to disclose that one Ellis Pritchett had been issued a certificate to practice medicine or surgery or any of its branches or as Physician's Assistant in the State of Ohio.

12. State's Exhibit #14: A copy of a notarized statement dated September 28, 1987, given to David Avery, Enforcement Agent, Ohio State Board of Pharmacy by Nancy Driscoll.
13. State's Exhibit #15: A copy of a notarized statement signed by Beverly S. Wallace, dated 28 Sept., 87 and given to David D. Avery, Ohio State Board of Pharmacy at the Logan County Sheriff's Department, Bellfontaine, Ohio.

B. Presented by the Respondent

1. Respondent's Exhibit A: A copy of the patient records for the individual identified in the Patient Key as Patient #1 for the dates of August 27, 1987 through September 18, 1987.
2. Respondent's Exhibit B: A copy of the patient records for the individual identified in the Patient Key as Patient #1 for the dates of July 2, 1987 through August 13, 1987.
3. Respondent's Exhibit D: A copy of the patient records for the individual identified in the Patient Key as Patient #2 for the dates of July 23, 1987 through September 18, 1987.
4. Respondent's Exhibit-E: A copy of a written statement from Respondent to his Counsel prepared for testimony before the Grand Jury of Logan County, Ohio.
5. Respondent's Exhibit-F: A copy of a transcript of the testimony given by Respondent before the Grand Jury for Logan County, Ohio, on December 8, 1987.

6. Respondent's Exhibit-G: A copy of a MOTION and JUDGMENT ENTRY filed in Case No.: 87 CR 62, Common Pleas Court of Logan County, Ohio with the Clerk of said Court on May 20, 1988, dismissing the criminal indictment against Respondent, together with a copy of a Certificate of Official Capacity attached thereto and forming a part of the exhibit.

FINDINGS OF FACT

1. The State Medical Board of Ohio had jurisdiction over both the subject matter and the Respondent in the instant proceeding.

(This fact is established by reference to State's Exhibits #1, #2, #3, and #4, and the provisions of Chapter 119. and 4731. of the Ohio Revised Code).

2. For approximately one and one-half years Respondent was employed at Parsons Medical Clinic in Columbus, Ohio terminating said employment at the end of July, 1987. At the same time Respondent was employed at Parsons Medical Clinic he continued to maintain a private practice in Huntsville, Ohio. While employed at Parsons Medical Clinic, Respondent made the acquaintance of one Ellis Pritchett whom Respondent knew to be employed at the Parsons Medical Clinic as a medical assistant. In August, 1987, Respondent began practicing medicine and surgery on a full-time basis in Huntsville, Ohio.

(These facts are established by the testimony of Respondent at page 18, line 15 through page 22, line 19, inclusive of the transcript).

3. In August, 1987, Respondent hired Ellis Pritchett to work in Respondent's medical offices in Huntsville, Ohio. Among other things, Mr. Pritchett duties while employed at Respondent's office including assisting in office management, seeing patients, performing physical therapy on patients, assisting in computerizing office operations, recording patients' blood pressures and temperatures, writing down patients' complaints, and treating patients.

(These facts are established by the testimony of Respondent as set forth at page 6, line 23 through page 8, line 16, inclusive of Respondent's Exhibit F and the testimony of Respondent at page 24, line 2 through page 25, line 21, inclusive of the transcript).

4. At the time Respondent hired Ellis Pritchett in Respondent's Huntsville, Ohio office Respondent knew that Ellis Pritchett was not licensed in the State of Ohio as a Physician's Assistant, nor as a physical therapist, nor was Ellis Pritchett registered to practice any other branch of medicine.

(These facts are established by the testimony of Respondent at page 23, line 10 through page 24, line 1, inclusive of the transcript, as well as the testimony of the Respondent as set forth at page 13, line 3 through line 17, inclusive of Respondent's Exhibit F).

5. Up to and including September 18, 1987, Ellis Pritchett had not been issued a Certificate to practice medicine or surgery, or any of its branches, or to practice as a Physician's Assistant, by the Board.

(This fact is established by reference to State's Exhibit #12).

6. Respondent instructed, permitted, and authorized Ellis Pritchett to see, and examine patients and to sign prescriptions on Respondent's behalf.

(These facts are established by the testimony of Respondent at page 26, line 1 through page 27, line 17, inclusive of the transcript; the testimony of Charles A. Eley at page 47, line 6 through page 48, line 12, inclusive of the transcript; the testimony of David D. Avery at page 71, line 7 through page 72, line 9, inclusive of the transcript; the testimony of Detective Sargeant Jeff Cooper at page 101, line 23 through page 103, line 14, inclusive of the transcript; together with reference to State's Exhibits #7, #8 and #15).

7. Ellis Pritchett treated Respondent's patients by among other things, placing heat packs on the patients' back and giving the patients physical therapy.

(This fact is established by the testimony of Nancy Driscoll at page 121, line 14 through line 22, inclusive of the transcript and the testimony of Beverly Wallace at page 134, line 15 through line 23, inclusive of the transcript).

8. On September 14, 1987, without Respondent being then and there present, Ellis Pritchett saw patients in the examining rooms of the Respondent's office, one of the two patients being the individual identified and referred to in the Patient Key as Patient #1. On September 14, 1987, without Respondent being present in the office Ellis Pritchett wrote prescriptions for four dangerous drugs upon one prescription form for Patient #1 and then signed Respondent's name to the prescription form.

(These facts are established by reference to the provisions of Section 4729.02(D) of the Ohio Revised Code; State's Exhibits #5 and #6; together with the testimony of Beverly Wallace at page 133, line 1 through page 137, line 9, inclusive of the transcript).

9. The actions of Ellis Pritchett in seeing two patients on September 14, 1987, without the Respondent being present in the offices and the actions of Ellis Pritchett in writing four prescriptions for dangerous drugs for Patient #1, and thereafter signing Respondent's name to the prescription form was done at the instruction of and with the permission and consent of Respondent.

(These facts are established by reference to State's Exhibits #7, #8, and #15; the testimony of Charles Eley, at page 47, line 6 through page 48, line 12, inclusive of the transcript; the testimony of David D. Avery at page 71, line 9 through page 72, line 9, inclusive of the transcript; and the testimony of Detective Sergeant Jeff Cooper at page 101, line 23 through page 103, line 14, inclusive of the transcript).

10. On September 18, 1987, Ellis Pritchett wrote upon one prescription form three separate prescriptions, each being for dangerous drugs to the individual identified in the Patient Key as Patient #2 by completing the prescription form and thereafter signing Respondent's name to the same.

(These facts are established by reference to the provisions of Section 4729.02(D) of the Ohio Revised Code; State's Exhibit #6; the testimony of David D. Avery at page 85, line 10 through page 86, line 3, inclusive of the transcript; the testimony of Beverly Wallace at page 133, line 1 through page 137, line 9, inclusive of the transcript; and the testimony of Nancy Driscoll, at page 117, line 18 through line 23, inclusive of the transcript).

11. Ellis Pritchett's actions on September 18, 1987, in completing and signing Respondent's name to the prescription form for Patient #2 (State's Exhibit #6), were done at the instruction of and with the permission of the Respondent.

(These facts are established by reference to State's Exhibits #6, #7, #8, and #15, together with the testimony of Charles A. Eley at page 47, line 6 through page 48, line 12, inclusive of the transcript; the testimony of David D. Avery at page 71, line 9 through page 72, line 9, inclusive of the transcript; and the testimony of Detective Sergeant Jeff Cooper at page 101, line 23 through page 103, line 14, inclusive of the transcript).

CONCLUSIONS OF LAW

1. Respondent violated Sections 4731.22(B)(1) and (B)(2) of the Ohio Revised Code by instructing and authorizing Ellis Pritchett to see and examine patients and to prescribe drugs by signing Respondent's name to prescriptions.

Rule 4731-4-03(C), Ohio Administrative Code, prohibits a physician's assistant from prescribing medications and from signing or stamping prescriptions on behalf of the employing physician. Even if Ellis Pritchett had been properly registered as a physician's assistant with the Board, which he was not, Respondent could not have lawfully delegated to Ellis Pritchett the authority to sign Respondent's name to prescriptions. The Respondent delegated to Ellis Pritchett the authority to engage in activities which are some of the same activities which constitute the practice of medicine as defined in Section 4731.34 of the Ohio Revised Code.

On September 14, 1987, Respondent, through his instructions and authorization, permitted Ellis Pritchett to use Respondent's name and certificate of registration to direct the treatment being given patients by means of prescribing drugs to said patients. In so doing, Respondent knowingly and willfully substituted his judgment for that of the legislature and the Board on the issue of who is qualified to practice medicine. On September 14, 1987, during the time in which Ellis Pritchett was seeing patients in Respondent's office and prescribing drugs to said patients, Respondent was not present in the office. Again, on September 18, 1987 Ellis Pritchett acting upon Respondent's prior instructions and authorization prescribed drugs to Patient #2. Such a delegation of authority by Respondent to an individual such as Ellis Pritchett, whom the record fails to disclose had any license, or registration to practice medicine or any of its related branches in Ohio, constituted on Respondent's part a failure to use reasonable care in the administration of drugs and a failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease.

2. Respondent violated Section 4731.22(B)(6) of the Ohio Revised Code, by instructing and authorizing Ellis Pritchett to see patients and prescribe drugs by signing Respondent's name to prescriptions. The legislature through the enactment of Chapters 4730. and 4731. of the Ohio Revised Code and the Board through adoption of Chapter 4731-4 of the Ohio Administrative Code, have established certain guidelines regulating the activities of physician's assistants and the use by physicians of physician's assistants. In authorizing Ellis Pritchett to see patients and prescribe drugs for the same by signing Respondent's name, Respondent departed from and failed to conform to, minimal standards of similar practitioners under the same or similar circumstances as prescribed by the legislature and the Board. Although in the instant case there was no showing of actual injury or harm to a patient, such a showing is not required to establish a violation of Section 4731.22(B)(6).

3. The definition of the practice of medicine in Section 4731.34, Ohio Revised Code, encompasses within its terms the ability or the authorization for a practitioner to determine by the exercise of sound medical judgment when drugs may be prescribed or administered for legal and legitimate therapeutic purposes. By authorizing Ellis Pritchett to sign his name to prescriptions Respondent engaged in a course of conduct which permitted an individual without a license to and whom had minimum training to determine when and for what purposes drugs would be prescribed to patients. Such conduct on the part of the Respondent constitutes selling, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes as defined in Section 4731.22(B)(3) of the Ohio Revised Code.

Respondent, at hearing, through his testimony attempted to discount his prior written and oral admissions to Charles Eley, David D. Avery and Detective Sergeant Jeff Cooper. Respondent would have the Board dismiss the credibility of his previous admissions on the grounds that the same were motivated by his desire to help his friend Ellis Pritchett get out of jail. Such an approach would require an inquiry be made into the motive behind each declaration of every physician rather than being able to take a physician's statement to be the truth on its face.

Respondent further seeks to discount his formal admissions and statements by arguing that at the time he made the same he had not been shown copies of the prescriptions which Ellis Pritchett had written (see Respondent's testimony at page 175, line 11 through line 19 of the transcript). Such an approach avoids the ultimate question, that being whether Respondent ever authorized Ellis Pritchett to sign Respondent's name to any prescriptions. The credibility of Respondent's statements at the Logan County Sheriff's Department does not rise or fall on whether Respondent was or was not shown the prescriptions in question. Respondent was not at the sheriff's department to demonstrate his qualifications in the area of analyzing the handwriting of Ellis Pritchett. Rather, the Respondent was asked simple questions to determine whether in fact he had given Ellis Pritchett authorization to write and sign Respondent's name to prescriptions.

Respondent's testimony establishes clearly that he realized at the time he made his admissions and statements that the focus of the inquiry which was taking place at the sheriff's department was upon whether or not he had authorized Ellis Pritchett to write and sign Respondent's name to prescriptions. (Tr. at page 175, line 2 through line 6, inclusive and page 175, line 20 through page 176, line 1, inclusive). Such a limited emphasis of inquiry on the part of law enforcement officials made the task of responding much simpler, i.e., Respondent either did or did not so authorize Ellis Pritchett.

Respondent has not alleged that he was under any duress or that he was coerced at the time he made his statements.

The limited focus of the investigative inquiry made when coupled with the absence of duress and coercion provide sufficient circumstantial guarantees of trustworthiness to find the admissions and statements made by Respondent to have been the truth. Standing in further support of the conclusion that the actions of Ellis Pritchett in seeing and prescribing drugs to patients on September 14, 1987, while Respondent was absent from the office were carried out pursuant to the instructions and with the authorization of Respondent is the entry in the patient record of Patient #1 (Respondent's Exhibit A) were the dates of 9/14/87 and 9/18/87.

At hearing, the Respondent identified the entry for 9/14/87 as being in the handwriting of Ellis Pritchett (Tr. at page 191, line 16 through page 192, line 22). Respondent testified that he had seen Patient #1 on 9/18/87. (Tr. at page 185, line 5 through line 9, inclusive). Respondent would have the Board believe that the first time he became aware that Ellis Pritchett had seen Patient #1 on 9/14/87 was when he was told the same at the sheriff's office. (Tr. at page 174, line 20 through page 175, line 1). A cursory review by Respondent on 9/18/87 of the preceding entry in Patient #1's chart (Respondent's Exhibit A) for the date of 9/14/87 would have revealed that Patient #1 was seen by Ellis Pritchett on 9/14/87. Yet, Respondent would have the Board believe that he first became aware of Ellis Pritchett having seen Patient #1 when Respondent was at the sheriff's office on 9/30/87. That Respondent actually saw Patient #1's file (Respondent's Exhibit A) is not subject to question as Respondent authorized in writing a prescription to Patient #1 on 9/18/87 as evidenced on the patient chart.

JUN 30 1988

PROPOSED ORDER

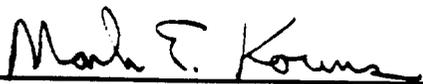
It is hereby ORDERED that:

1. The license of Arnaldo Roldan-Roldan, M.D., to practice medicine and surgery in the State of Ohio be REVOKED. Such revocation is stayed, and Dr. Roldan's license is hereby suspended for a period of two (2) years;
2. Arnaldo Roldan-Roldan, M.D., shall not be eligible to prescribe, administer, order and dispense controlled substances during the above stated two (2) year period.
3. The Board shall not consider reinstatement of Dr. Roldan's certificate to practice unless and until all of the following minimum requirements are met:
 - A. Dr. Roldan shall submit an application for reinstatement accompanied by appropriate fees.
 - B. Dr. Roldan shall not make such application for at least twenty-four (24) months from the effective date of this Order.
 - C. Dr. Roldan shall take and pass the SPEX examination or any similar examinations which the Board may deem appropriate to assess his clinical competency.
 - D. Upon reinstatement, Dr. Roldan's certificate to practice shall be subject to the following terms, conditions and limitations for a minimum of five (5) years:
 - (a) Dr. Roldan shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
 - (b) Dr. Roldan shall submit quarterly declarations under penalty of perjury stating whether there has been compliance with all the conditions of the probation.

JUN 30 1986

- (c) Dr. Roldan shall appear for interviews before the full Board or its designated representatives at three (3) month intervals, or as otherwise requested by the Board.
- (d) In the event that Dr. Roldan should leave Ohio for three (3) continuous months, or reside or practice outside the state, Dr. Roldan 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 probation.
- (e) If Dr. Roldan violates probation in any respect, the Board after giving Dr. Roldan notice and opportunity to be heard, may set aside the stay order and impose the revocation of his certificate to practice medicine and surgery.
- (f) Upon successful completion of probation, Dr. Roldan's certificate will be fully restored.

This Order shall become effective thirty (30) days after the mailing of notification of approval by the State Medical Board of Ohio as provided by law.



Mark E. Kouns
Attorney Hearing Examiner

EXCERPT FROM THE MINUTES OF JULY 13, 1988

REPORTS AND RECOMMENDATIONS

Dr. Stephens advised that the Findings and Orders appearing on this day's agenda are those in the matters of Dr. William F. Clayton, Jr., Dr. Stuart M. Berger, Dr. Steven M. Kordis, Dr. Michael Henry Frankel, Dr. Donald Jacob, Dr. Robert A. Thomas, Dr. Lemuel Stewart, Dr. Thomas DiMauro and Dr. Arnaldo Roldan-Roldan.

He further advised that since distribution of the Board's agenda materials, the Board had received objections in the matters of Dr. Jacob and Dr. Roldan-Roldan, which appear in each Member's table file. Time was given to the Board to review these documents.

.....

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 in the matters of Dr. Stuart M. Berger, Dr. Steven M. Kordis, Dr. Michael Henry Frankel, Dr. Robert A. Thomas, Dr. Lemuel Stewart and Dr. Thomas DiMauro. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- aye
	Dr. Gretter	- aye
	Dr. Agresta	- aye
	Dr. Rothman	- aye
	Dr. Rauch	- aye
	Mr. Albert	- aye
	Dr. O'Day	- aye
	Ms. Rolfes	- nay
	Mr. Jost	- aye
	Dr. Stephens	- aye

Ms. Rolfes stated she had not read the materials regarding Dr. Thomas DiMauro; otherwise her vote is aye.

.....

REPORT AND RECOMMENDATION IN THE MATTER OF ARNALDO ROLDAN-ROLDAN, M.D.

.....

MS. ROLFES MOVED TO TABLE THE MATTER OF ARNALDO ROLDAN-ROLDAN, M.D., TO ALLOW FOR TIME TO READ THE OBJECTIONS. DR. O'DAY SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Gretter	- aye
	Dr. Agresta	- aye
	Dr. Rothman	- aye
	Dr. Rauch	- abstain
	Mr. Albert	- aye
	Dr. O'Day	- aye
	Ms. Rolfes	- aye
	Mr. Jost	- aye

The motion carried.

.....
MR. JOST MOVED TO REMOVE THE MATTER OF ARNALDO ROLDAN-ROLDAN, M.D., FROM THE TABLE. DR. O'DAY SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- aye
	Dr. Gretter	- aye
	Dr. Agresta	- aye
	Dr. Rothman	- aye
	Dr. Rauch	- aye
	Mr. Albert	- aye
	Dr. O'Day	- aye
	Ms. Rolfes	- aye
	Mr. Jost	- aye

The motion carried.

Dr. Stephens stated that objections have been filed in this matter and appear in the table file. Dr. Stephens 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.

MR. JOST MOVED TO APPROVE THE RESPONDENT'S MOTION TO REMAND THE HEARING IN THE MATTER OF ARNALDO ROLDAN-ROLDAN, M.D. MS. ROLFES SECONDED THE MOTION.

Ms. Nester advised that the Board received Mr. MacGillivray's motion in the matter of Dr. Roldan-Roldan yesterday. She stated it was her understanding that the Board staff had spoken with Mr. MacGillivray by telephone and that he had stated that he did not intend to appear at the Board meeting, but that he understood that Ms. Nester would appear and would oppose his motion for remand. She then voiced objections to granting this motion for a number of reasons:

- 1) The motion requested the taking of testimony of Ellis Pritchett; however, Mr. Pritchett had already appeared at the hearing as a witness for the State. The Respondent had not subpoenaed this witness. Ms. Nester stated it is highly unusual to remand for testimony of the State's witness. She added that even if the motion were granted, it would be useless to take the testimony of Mr. Pritchett, since the proposed recommendation is based on Dr. Roldan-Roldan's personal testimony at hearing.
- 2) Further, although Mr. MacGillivray stated that he did not have an opportunity to cross-examine two patients, these patients were not called as witnesses against Dr. Roldan-Roldan. Consequently, he did not have a right to cross-examine these individuals. Ms. Nester concluded that a remand in this case should be denied for these reasons.

MR. JOST WITHDREW HIS MOTION. MS. ROLFES WITHDREW HER SECOND.

DR. O'DAY MOVED TO DENY THE RESPONDENT'S MOTION FOR REMAND IN THE MATTER OF ARNALDO ROLDAN-ROLDAN, M.D. MR. ALBERT SECONDED THE MOTION. A roll call vote was taken:

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ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Gretter	- aye
	Dr. Agresta	- aye
	Dr. Rothman	- aye
	Dr. Rauch	- abstain
	Mr. Albert	- aye
	Dr. O'Day	- aye
	Ms. Rolfes	- aye
	Mr. Jost	- aye

The motion carried.

MR. JOST MOVED TO APPROVE AND CONFIRM MR. KOUNS' PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF ARNALDO ROLDAN-ROLDAN, M.D. DR. O'DAY SECONDED THE MOTION.

Mr. Jost stated that with regard to the credibility of the witnesses in this case, most of them had changed their stories. He pointed out that the Board had to rely on the impressions of the Attorney Hearing Examiner, who had had the opportunity to personally observe the witnesses at the hearing. He added that he found the witnesses' prior written statements to be more credible than their testimony at hearing.

A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Gretter	- aye
	Dr. Agresta	- aye
	Dr. Rothman	- aye
	Dr. Rauch	- abstain
	Mr. Albert	- aye
	Dr. O'Day	- 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

October 14, 1987

Arnaldo Roldan-Roldan, M.D.
Huntsville Medical, Inc.
247 Napoleon
Huntsville, Ohio 43224

Dear Doctor Roldan-Roldan:

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) During the period encompassing approximately the latter half of August, 1987, and extending through September, 30, 1987, you did employ as a medical assistant in your practice, one Ellis Pritchett, an individual not registered as a Physician's Assistant and not licensed to practice medicine or surgery or any of its branches, or physical therapy, in the State of Ohio. During the course of Mr. Pritchett's employment you did instruct and permit him to examine and treat patients at various times, including times when you were absent from your office. Such treatment included the providing of physical therapy and the prescribing and dispensing of drugs.

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," and "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.

STATE OF OHIO
THE STATE MEDICAL BOARD

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Arnaldo Roldan-Roldan, M.D.

October 14, 1987

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.

- (2) The facts alleged in the above paragraph (1) are realleged as if fully restated herein. On or about the dates listed below, pursuant to your instructions and with your consent, Ellis Pritchett did issue prescriptions for the dangerous drugs (as defined by Section 4729.02(D), Ohio Revised Code) indicated, to the patients who are identified in the attached Patient Key (Key to remain sealed to protect patient confidentiality). Said prescriptions were issued by Mr. Pritchett under your purported signature, but were, in fact, signed by him:

<u>Patient 1</u>	<u>Date</u>	<u>Controlled Substance</u>	<u>Amount</u>	<u>Refills</u>
	9/14/87	Chlordiazepoxide 10 mg.	90	
	9/14/87	Darvocet-N 100	100	
	9/14/87	Tagamet 300 mg.	30	
	9/14/87	Dyazide	30	
<u>Patient 2</u>	9/18/87	NegGram 500 mg.	80	x 1
	9/18/87	Lopressor 100 mg.	90	x 1
	9/18/87	Diabinese 250 mg.	60	x 1

Such acts in the above paragraph (2), 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.

STATE OF OHIO
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Arnaldo Roldan Roldan, M.D.

October 14, 1987

Further, such acts in the above paragraph (2), individually and/or collectively, constitute "failure to use reasonable care discrimination in the administration of drugs," and "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, such acts in the above paragraph (2), 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 (2), 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.

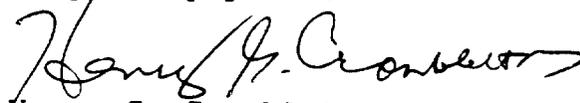
Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, that request must be made within thirty (30) days of the time of mailing of this notice.

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.

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.

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Henry G. Cramblett, M.D.
Secretary

HGC:caa

Enclosures

CERTIFIED MAIL RECEIPT NO. P 026 073 379
RETURN RECEIPT REQUESTED