

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 1006
180 East Broad Street
Columbus, Ohio 43215

November 11, 1976

Benjamin W. Butler, M.D.
2052 Collingwood Boulevard
Toledo, Ohio 43620

Dear Doctor Butler:

Please find enclosed herewith a copy of the proposed Findings and Order of Sanford Press, M.D., President, the State Medical Board of Ohio, as they have been entered in the Journal of the Ohio State Medical Board and a certified copy of the Motion approved by the State Medical Board of Ohio, meeting in regular session on November 10, 1976, approving and confirming the proposed Findings and Order of Sanford Press, M.D., in the subject matter.

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

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

The State Medical Board of Ohio


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

AR:em

CERTIFIED MAIL NO. 41763
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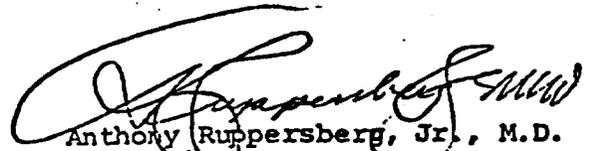
STATE OF OHIO
THE STATE MEDICAL BOARD

November 11, 1976

CERTIFICATION

I hereby certify that the attached copy of the proposed Findings and Order of Sanford Press, M.D., President of the State Medical Board of Ohio, is a true and complete copy of said proposed Findings and Order as they appear in the Journal of the State Medical Board; and that the attached copy of the Motion approved by the State Medical Board, meeting in regular session on November 10, 1976, is a true and complete copy as it appears in the Journal of the State Medical Board.

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


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

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THE STATE MEDICAL BOARD
Suite 1006
180 East Broad Street
Columbus, Ohio 43215

November 10, 1976

Benjamin W. Butler, M.D.
2052 Collingwood Boulevard
Toledo, Ohio 43620

Dear Doctor Butler:

Of the Citation of Benjamin W. Butler, M.D.:

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

1. A. On or about June 14, 1976, in the United States District Court for the Northern District of Ohio, Western Division, a Judgment Order was entered against you on two (2) counts of a felony, to wit: you did unlawfully, knowingly, and willfully make and cause to be made false statements and representations of material facts for the purpose of causing payments to be made under the provisions of Title XVIII of the Social Security Act, as amended, in violation of Title 18, United States Code, Section 1001.
- B. Pursuant to Section 4731.22(B) (10), Revised Code, conviction of a felony committed not in the course of practice, is grounds to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine and surgery. This charge has been dismissed.
- C. Pursuant to Section 4731.22(B) (11), Revised Code, conviction of a felony committed in the course of practice is grounds to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine and surgery.
- D. Further, such acts constitute a violation of Section 4731.22 (B) (15), Revised Code, as violations of one or both of the following sections of the American Medical Association Code of Ethics: Section 4; Section 7.

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The Findings of Facts:

It is, therefore, my conclusion, having listened to the hearings of both sides in the case of Benjamin W. Butler, M.D., and having read the transcript and reviewed the arguments of the attorney for Benjamin W. Butler, M.D., and the Assistant Attorney General, it is my feeling that due to the inadequate number of personnel in the office, that this probably hinges upon the fact that it could possibly be associated to some extent with that of a secretarial, clerical error. I am, also, presenting to you a letter written by Dr. Benjamin W. Butler to the Board, of which each one of you have a copy of the same and may be able to draw your own conclusions relative to this matter.

Therefore, I find --

In the matter of Benjamin W. Butler, M.D. --

In the matter of Benjamin W. Butler, M.D., dated July 14, 1976, under the provisions of Section 4731.22 of the Revised Code and the American Medical Association Code of Ethics, Sections 4 and 7, came for a hearing before me, Sanford Press, M.D. a member of the Ohio State Medical Board, on September 16, 1976.

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

- 1A Guilty as charged.
- 1B This charge is dismissed.
- 1C Guilty as charged.
- 1D Guilty as charged.

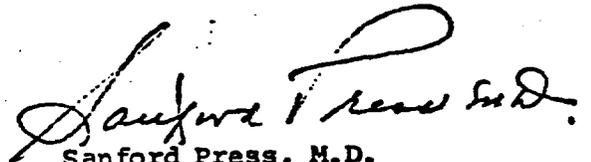
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The Findings in order --:

That the license of Benjamin W. Butler, M.D. to practice medicine and surgery in the State of Ohio be and is hereby suspended for two months and following this period, be on probation and observation of the Ohio State Medical Board, or a member thereof, for a period of one year.

This suspension to take place on January 1, 1977, giving Dr. Benjamin W. Butler adequate time to arrange his office affairs.



Sanford Press, M.D.
Hearing Member
State Medical Board of Ohio

STATE OF OHIO
THE STATE MEDICAL BOARD

November 10, 1976

RE: Approval of Findings and Order
In the Matter of Benjamin W. Butler, M.D.

Dr. Brumbaugh made a motion to approve and confirm the Findings and Order of Sanford Press, M.D., as hearing officer in the case of Benjamin W. Butler, M.D. Dr. Cramblett seconded the motion.

ROLL CALL VOTE:	Dr. Lancione	-	aye
	Dr. Cover	-	aye
	Dr. Gandy	-	abstain
	Dr. Crawford	-	aye
	Mr. Paulo	-	aye
	Dr. Cramblett	-	aye
	Dr. Brumbaugh	-	aye
	Dr. Ruppertsberg	-	aye

The motion carried.

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 1006
180 East Broad Street
Columbus, Ohio 43215

July 14, 1976

Benjamin W. Butler, M.D.
2052 Collingwood Boulevard
Toledo, OH 43620

Dear Doctor Butler:

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

1. On or about June 14, 1976, in the United States District Court for the Northern District of Ohio, Western Division, a Judgment Order was entered against you on two (2) counts of a felony, to wit: you did unlawfully, knowingly, and willfully make and cause to be made false statements and representations of material facts for the purpose of causing payments to be made under the provisions of Title XVIII of the Social Security Act, as amended, in violation of Title 18, United States Code, Section 1001.

Pursuant to Section 4731.22(B)(10), Revised Code, conviction of a felony committed not in the course of practice is grounds to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine and surgery.

Pursuant to Section 4731.22(B)(11), Revised Code, conviction of a felony committed in the course of practice is grounds to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine and surgery.

Further, such acts constitute a violation of Section 4731.22 (B)(15), Revised Code, as violations of one or both of the following sections of the American Medical Association Code of Ethics: Section 4; Section 7.

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Benjamin W. Butler, M.D.
July 14, 1976
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The American Medical Association Code of Ethics, in pertinent part, provides:

SECTION 4

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

SECTION 7

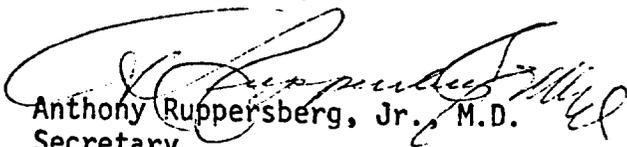
In the practice of medicine a physician should limit the source of his professional income to medical services actually rendered by him, or under his supervision, to his patients. His fee should be commensurate with the services rendered and the patient's ability to pay. He should neither pay nor receive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

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

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

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

Very truly yours,


Anthony Ruppertsberg, Jr., M.D.
Secretary

AR/cjp

CERTIFIED MAIL #861351
RETURN RECEIPT REQUESTED

cc: Sanford Press, M.D.
Terry Tataru, Assistant Attorney