

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio 43215

November 13, 1985

Jack T. Fleury-Ehrhart, M.D.
4 Second Street
Pittsfield, Massachusetts 01201

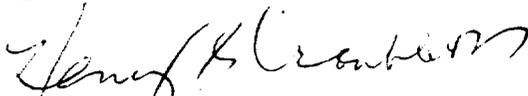
Dear Doctor Fleury-Ehrhart:

Please find enclosed a certified copy of the Entry of Order, the Report and Recommendation of Lauren Lubow, Attorney, Hearing Officer, State Medical Board of Ohio; a certified copy of the Motion by the State Medical Board, meeting in regular session on November 6, 1985, confirming and approving said Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

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 stated above, 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 (15) days after the date of mailing of this letter and in accordance with Section 119.12, Revised Code.

THE STATE MEDICAL BOARD OF OHIO


Henry G. Cramblett, M.D.
Secretary

HGC:em

Enclosures

CERTIFIED MAIL NO. P 569 361 944
RETURN RECEIPT REQUESTED

cc: Ralph Cianflone, Jr., Esq.

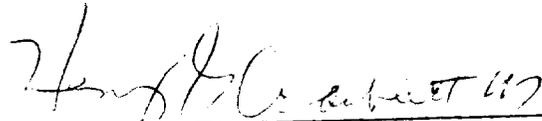
CERTIFIED MAIL NO. P 569 361 945
RETURN RECEIPT REQUESTED

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio 43215

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 Lauren Lubow, Attorney, Hearing Officer, State Medical Board of Ohio; and the attached copy of the Motion by the State Medical Board, meeting in regular session on November 6, 1985, approving and confirming said Report and Recommendation as the Findings and Order of the State Medical Board constitutes a true and complete copy of the Findings and Order of the State Medical Board in the matter of Jack T. Fleury-Ehrhart, M.D., as it appears in the Journal of the State Medical Board of Ohio.

(SEAL)



Henry G. Cramblett, M.D.
Secretary

November 13, 1985
Date

STATE OF OHIO
THE STATE MEDICAL BOARD

REPORT AND RECOMMENDATION
IN THE MATTER OF JACK T. FLEURY-EHRHART, M.D.

Pursuant to motion of the State Medical Board of Ohio on June 11, 1985, the matter of Jack T. Fleury-Ehrhart, M.D., came before me, Lauren Lubow, Esq., as Hearing Officer.

INTRODUCTION AND SUMMARY OF EVIDENCE

1. In November, 1985, the State Medical Board of Ohio received a licensure registration application (renewal) from Jack T. Fleury-Ehrhart, M.D., which indicated that the doctor had been convicted of a felony and had had disciplinary action initiated against him by the Board of Registration in Medicine of the Commonwealth of Massachusetts, hereinafter "Massachusetts Board." (State's Exhibit #1)
2. The State Medical Board of Ohio notified Dr. Fleury-Ehrhart by letter dated May 9, 1985 (State's Exhibit #2), that it proposed it take disciplinary action against him for the following reasons:
 - A. That on or about October 24, 1984, Dr. Fleury-Ehrhart had been convicted of indecent assault and battery, a felony, in the Superior Court of Berkshire County, Pittsfield, Massachusetts; and
 - B. That on or about October 31, 1984, Dr. Fleury-Ehrhart's license to practice medicine and surgery in Massachusetts had been summarily suspended, and that on or about November 21, 1984, his license had been suspended pending the outcome of an adjudication hearing.
3. By letter received June 4, 1985, Dr. Fleury-Ehrhart requested a hearing on the Board's proposed action through his attorney, Ralph Cianflone, Jr. (State's Exhibit #3)
4. The State Medical Board advised Dr. Fleury-Ehrhart by letter dated June 17, 1985, that a hearing had been set for June 17, 1985, but had been postponed upon the Board's own motion pursuant to its authority under Section 119.09, Ohio Revised Code. (State's Exhibit #4)
5. Dr. Fleury-Ehrhart was notified by letter dated July 29, 1985, of the hearing scheduled for September 27, 1985. (State's Exhibit #5)

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6. Assistant Attorney General Christopher Culley appeared on behalf of the State at the September 27, 1985 hearing. Dr. Fleury-Ehrhart was not present at the hearing and did not appear through counsel; however, Mr. Culley advised that he had previously been contacted by Mr. Cianflone, who had requested the submission to the record of the letter marked as State's Exhibit #3.
7. The above noted exhibits were identified and admitted to the record. Mr. Culley proceeded by identifying the following documents to establish the validity of the State's allegations:
 - A. State's Exhibit #6 consists of certified copies of the records of the Massachusetts Board which reflect the summary suspension of Dr. Fleury-Ehrhart's license in October, 1984, and continuation of that suspension in November, 1985. These documents indicate that the Massachusetts Board based its actions on Dr. Fleury-Ehrhart's October 24, 1984 felony conviction for sexually molesting a patient during the course of gynecological examinations.
 - B. State's Exhibit #7 is a certified copy of the Journal Entry of the Superior Court of Berkshire County, Pittsfield, Massachusetts, which reflects the conviction of Dr. Fleury-Ehrhart and includes the terms of sentencing imposed by that court.
 - C. State's Exhibit #8 is a certified copy of the decision rendered by the Appeals Court for the Commonwealth of Massachusetts upholding Dr. Fleury-Ehrhart's conviction.
8. State's Exhibits #6, #7 and #8 were admitted to the record.

FINDINGS OF FACT

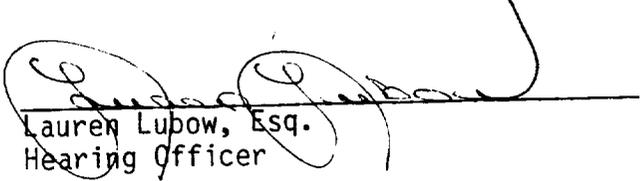
1. On or about October 24, 1984, Jack T. Fleury-Ehrhart, M.D., was convicted in the Superior Court of Berkshire County, Pittsfield, Massachusetts, of indecent assault and battery, a felony. Said conviction was based upon Dr. Fleury-Ehrhart's sexually molesting a patient during gynecological examinations. (State's Exhibits #6 and #7)
2. On or about October 31, 1984, the Massachusetts Board summarily suspended Dr. Fleury-Ehrhart's medical license on the basis of his felony conviction. (State's Exhibit #6)
3. On or about November 21, 1984, the Massachusetts Board ordered that Dr. Fleury-Ehrhart's license be suspended pending a Board decision subsequent to an adjudication hearing. (State's Exhibit #6)
4. Dr. Fleury-Ehrhart's conviction in the Superior Court of Berkshire County was upheld by the Appeals Court for the Commonwealth of Massachusetts on or about July 23, 1985. (State's Exhibit #8)

CONCLUSIONS

1. Dr. Jack T. Fleury-Ehrhart's felony conviction in the Superior Court of Berkshire County, Pittsfield, Massachusetts, of indecent assault and battery constitutes a violation of Section 4731.22(B)(9), Ohio Revised Code, to wit: "Conviction of a felony whether or not committed in the course of practice."
2. The summary suspension of Dr. Fleury-Ehrhart's medical license by the Massachusetts Board on the basis of his felony conviction constitutes a violation of Section 4731.22(B)(18), to wit: "The revocation or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state for an action that would have been a violation of" Chapter 4731. of the Ohio Revised Code.

PROPOSED ORDER

It is hereby ORDERED that the application for registration of Jack T. Fleury-Ehrhart, M.D., be denied, and that his license to practice medicine and surgery in the State of Ohio be considered revoked.


Lauren Lubow, Esq.
Hearing Officer

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STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
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EXCERPT FROM THE MINUTES OF NOVEMBER 6, 1985

REPORT AND RECOMMENDATION IN THE MATTER OF JACK T. FLEURY-EHRHART, M.D.

Ms. Thompson remained out of the room. Ms. Maxwell left the room at this time.

Dr. Rauch asked if each member of the Board had received, read, and considered the hearing record, the proposed findings and order, and any objections filed to the proposed findings and order in the matter of Jack T. Fleury-Ehrhart, M.D. A roll call was taken:

ROLL CALL:	Dr. Cramblett	- abstain
	Dr. Lancione	- aye
	Dr. O'Day	- aye
	Dr. Buchan	- aye
	Dr. Lovshin	- aye
	Ms. Rolfes	- aye
	Dr. Oxley	- aye
	Dr. Barnes	- aye
	Dr. Stephens	- aye

.....
DR. BARNES MOVED TO APPROVE AND CONFIRM MS. LUBOW'S FINDINGS OF FACT, CONCLUSIONS AND PROPOSED ORDER IN THE MATTER OF JACK T. FLEURY-EHRHART, M.D. DR. STEPHENS SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Lancione	- aye
	Dr. O'Day	- aye
	Dr. Buchan	- aye
	Dr. Lovshin	- aye
	Ms. Rolfes	- aye
	Dr. Oxley	- aye
	Dr. Barnes	- aye
	Dr. Stephens	- aye

The motion carried.

Buchan
H.D.
Potential!

**STATE OF OHIO
THE STATE MEDICAL BOARD**
Suite 510
65 South Front Street
Columbus, Ohio 43215

May 9, 1985

Jack Fleury-Ehrhart, M.D.
4 Second Street
Pittsfield, MA 01201

Dear Doctor Fleury-Ehrhart:

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, Ohio Revised Code, whether or not to limit, revoke, suspend, refuse to register, refuse to reinstate, reprimand or place on probation your certificate to practice medicine and surgery in Ohio for one or more of the following reasons:

1. On or about October 24, 1984 you were convicted of indecent assault and battery in the Superior Court of Berkshire County, Pittsfield, Massachusetts. Said conviction is a felony.
2. On or about October 31, 1984 your certificate of registration to practice medicine and surgery in the state of Massachusetts was summarily suspended. On or about November 21, 1984 your certificate of registration to practice medicine and surgery in Massachusetts was suspended pending Board decision subsequent to an adjudicatory hearing.

The conviction as alleged in paragraph 1 and actions constituting said conviction constitute a violation of Section 4731.22(B)(9), Ohio Revised Code, to wit: Conviction of a felony whether or not committed in the course of practice.

The acts alleged in paragraph 2 individually and or collectively constitute the revocation or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state for an action that would also have been a violation of this chapter as that phrase is used in Section 4731.22(B)(18), Ohio Revised Code, to wit: Section 4731.22(B)(9), Ohio Revised Code, conviction of a felony whether or not committed in the course of practice.

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

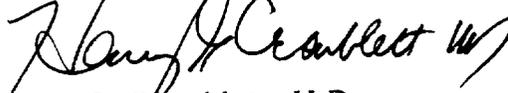
You are further advised that you are entitled to appear at such a hearing in person, or by your attorney, or you may present your position, arguments, or contentions in writing, or that at the hearing you may present evidence and examine witnesses appearing for or against you.

May 9, 1985

In the event there is no request for such a hearing made within thirty (30) days of the time of mailing of this notice, the State Medical Board of Ohio 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 or surgery in the State of Ohio.

Copies of all referenced statutes are enclosed.

Very truly yours,



Henry G. Cramblett, M.D.
Secretary

HGC:jmb

Enclosures:

CERTIFIED MAIL #P569 361 777
RETURN RECEIPT REQUESTED