

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

September 15, 1989

Djuro Obradovic, M.D.
5261 Hollister Street
Columbus, Ohio 43220

Dear Doctor Obradovic:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Joan Irwin Fishel, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of the Minutes of the State Medical Board, meeting in regular session on September 13, 1989, including Motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board.

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

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO


Henry G. Cramblett, M.D.
Secretary

HGC:em
Enclosures

CERTIFIED MAIL NO. P 746 514 777
RETURN RECEIPT REQUESTED

cc: John T. Belton, Esq.

CERTIFIED MAIL NO. P 746 514 778
RETURN RECEIPT REQUESTED

Handwritten initials

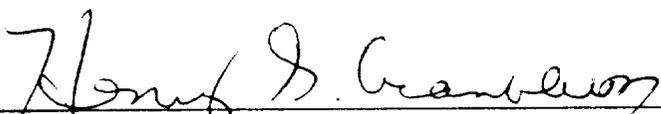
STATE OF OHIO
STATE MEDICAL BOARD

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of Joan Irwin Fishel, Attorney Hearing Examiner, State Medical Board; and attached excerpt of Minutes of the State Medical Board, meeting in regular session on September 13, 1989, 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 Djuro Obradovic, 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

September 15, 1989

Date

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REPORT AND RECOMMENDATION
IN THE MATTER OF DJURO OBRADOVIC, M.D.

The Matter of Djuro Obradovic, M.D., came on for hearing before me, Joan Irwin Fishel, Esq., Hearing Examiner for the State Medical Board of Ohio, on July 5, 1989.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Basis for Hearing

A. By letter dated January 11, 1989 (State's Exhibit #6), the State Medical Board notified Djuro Obradovic, M.D., that it proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board alleged that on two occasions, March, 1988, and July, 1988, Dr. Obradovic purchased 1,000 Meprobamate tablets (400 mg.) from Interstate Drug Exchange. It also alleged that Dr. Obradovic had indicated to a Board Investigator that he was not in active practice and that the drugs were purchased for use by Patient 1 (identified in the Patient Key attached to State's Exhibit #6). The Board further alleged that Dr. Obradovic initially denied, then admitted to the Board Investigator that he occasionally took one of the tablets to sleep. Finally, the Board alleged that Dr. Obradovic indicated to the Investigator that he did not keep any records on the dispensing of the Meprobamate tablets and that his wife had flushed the remainder from July, 1988, down the toilet.

The Board alleged that these acts and/or omissions constituted:

1. "Failure to use reasonable care discrimination in the administration of drugs", as that clause is used in Section 4731.22(B)(2), Ohio Revised Code;
2. "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;
3. "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;
4. "Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the Board", as that clause is used in Section 4731.22(B)(20), to wit: Rule 4731-11-02(D), Ohio Administrative Code. Pursuant to Rule 4731-11-02(F), Ohio Administrative Code, a violation of any provision of that Rule also violates Sections 4731.22(B)(2) and 4731.22(B)(6), Ohio Revised Code;

5. "Commission of an act that constitutes a felony in this state regardless of the jurisdiction in which the act was committed", as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Section 2925.03, Ohio Revised Code (Trafficking in Drugs); and
 6. "Commission of an act that constitutes a misdemeanor in this state regardless of the jurisdiction in which the act was committed, if the act was committed in the course of practice", as that clause is used in Section 4731.22(B)(12), Ohio Revised Code, to wit: Section 3719.07, Ohio Revised Code (Records of Controlled Substances).
- B. By letter received by the State Medical Board on February 9, 1989 (State's Exhibit #5), Dr. Obradovic requested a hearing.

II. Appearances

- A. On behalf of the State of Ohio: Anthony J. Celebrezze, Jr., Attorney General, by Rachel L. Belenker, Assistant Attorney General
- B. On behalf of the Respondent: John T. Belton, Esq.

III. Testimony Heard

- A. Presented by the State
 1. Colonel Jay Hunter, Investigator for the State Medical Board
 2. Djuro Obradovic, M.D., as on cross-examination
- B. Presented by the Respondent
 1. Joseph Obradovic, son of Dr. Obradovic
 2. Djuro Obradovic, M.D.

IV. Exhibits Examined

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

- A. Presented by the State
 1. State's Exhibit #1: Entry dated May 8, 1989, granting Respondent's continuance request and rescheduling the hearing for July 5, 1989.
 2. State's Exhibit #2: Respondent's motion for continuance received by the State Medical Board on May 4, 1989.

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3. State's Exhibit #3: February 27, 1989, letter to Dr. Obradovic from the State Medical Board scheduling the hearing for May 9, 1989.
4. State's Exhibit #4: February 13, 1989, letter to Dr. Obradovic from the State Medical Board advising that a hearing initially set for February 22, 1989, was postponed pursuant to Section 119.09, Ohio Revised Code.
5. State's Exhibit #7: Record of controlled substance purchase by Dr. Obradovic from the Interstate Drug Exchange of 1,000 Meprobamate 400 mg. tablets for the period March 1, 1988, to March 31, 1988.
6. State's Exhibit #8: Record of controlled substance purchase by Dr. Obradovic from Interstate Drug Exchange of 1,000 Meprobamate 400 mg. tablets for the period July 1, 1988, to July 31, 1988.
7. State's Exhibit #9: Four-page excerpt from Facts and Comparisons, February, 1984, describing Meprobamate.
8. State's Exhibit #10: Packet of documents, including: copy of a Report and Recommendation in the Matter of Djuro Obradovic, M.D., dated March 23, 1984; excerpt from the minutes of the Board meeting of April 11, 1984; and copy of the April 11, 1984, Entry of Order reprimanding Dr. Obradovic.

B. Presented by the Respondent

The Respondent presented no exhibits in this Matter.

V. Other Matters

- A. By Entry dated July 21, 1989, the hearing record was reopened for the submission of a complete copy of State's Exhibit #10, as the copy submitted at hearing was missing several pages. A complete copy was submitted and marked as State's Exhibit #10 on July 25, 1989, and the record is hereby considered closed as of that date. The July 21, 1989, Entry is hereby made a part of the record.
- B. For the Board's own information, copies of the following Sections of the Ohio Revised Code are hereby admitted into the record as indicated:

1. Board Exhibit #1: Section 2925.01
2. Board Exhibit #2: Section 2925.03
3. Board Exhibit #3: Section 3719.07
4. Board Exhibit #4: Section 3719.99

FINDINGS OF FACT

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1. In March of 1988, and in July of 1988, Dr. Obradovic ordered Meprobamate 400 mg. tablets from the Interstate Drug Exchange. On each occasion he ordered 1,000 tablets.

These facts are established by State's Exhibits #7 and #8, the testimony of Mr. Hunter (Tr. 22), and the testimony of Dr. Obradovic (Tr. 45).

2. According to Facts and Comparisons, a standard pharmaceutical reference manual, Meprobamate, a Schedule IV controlled substance, although mildly tranquilizing with some muscle relaxant properties, is indicated solely for the management of anxiety disorders or for the short term relief of the symptoms of anxiety. This reference warns that physical and psychological dependence and abuse may occur, and that prolonged use should be avoided. The usual daily dosage for adults is 1,200 to 1,600 mg. per day. The drug has not been shown to be effective in long-term use (greater than four months).

With a maximum usual daily dosage of 1,600 mg., the "bulk amount" of Meprobamate, as defined by Section 2925.01(E)(8), Ohio Revised Code, would be 48,000 mg. On two occasions, Dr. Obradovic possessed 400,000 mg. of Meprobamate, an amount exceeding eight times the bulk amount of the drug.

These facts are established by State's Exhibit #9 and Board Exhibit #1.

3. In September of 1988, Colonel Jay Hunter, an investigator for the State Medical Board, spoke to Dr. Obradovic at Dr. Obradovic's home. Dr. Obradovic told Mr. Hunter that he had purchased the Meprobamate for his wife and that she took two tablets per day. Dr. Obradovic did not give Mr. Hunter a reason for her use of the Meprobamate. Dr. Obradovic originally told Mr. Hunter that he did not take any of the Meprobamate; however, after further discussion, he stated that he occasionally took a tablet of it for sleep.

Dr. Obradovic told Mr. Hunter that he had kept no records of either his or his wife's use of the Meprobamate. When Mr. Hunter asked to see what remained of the Meprobamate Dr. Obradovic had purchased, Dr. Obradovic replied that his wife had flushed them down the toilet.

Dr. Obradovic and Mr. Hunter also discussed whether or not Dr. Obradovic was actively practicing medicine. Mr. Hunter testified that Dr. Obradovic had told him that he had worked at a Columbus blood bank in January and February of 1988, and that in 1984 he had worked for about six months in Mansfield.

These facts are established by the testimony of Mr. Hunter (Tr. 21-25).

4. In his February 8, 1989, letter to the Board (State's Exhibit #4), and at hearing, Dr. Obradovic claimed that he had taken the Meprobamate for his psoriasis. He testified that he had taken two tablets in the morning and two in the evening.

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At hearing, Dr. Obradovic claimed that his use of Meprobamate for his psoriasis had been prescribed. The testimony on this point conflicted. Dr. Obradovic originally testified that Dr. Schusemann had prescribed Meprobamate for him (Tr. 53). Later, he testified that Meprobamate had been prescribed by an emergency room physician whose name he could not recall (Tr. 57-58). Although Dr. Obradovic testified that his treating physician, Dr. Rau, had not prescribed Meprobamate, Dr. Obradovic's son testified that Dr. Rau had prescribed Meprobamate for Dr. Obradovic. Dr. Obradovic's February 8, 1989, letter to the Board, states nothing about a prescription for Meprobamate.

Dr. Obradovic testified that he had ordered the Meprobamate from the Interstate Drug Exchange because he had not been able to get his prescription filled. He testified that he had gone to four or five different pharmacies that had not stocked Meprobamate. When asked why he had not asked his physician to order the drug for him from Interstate Drug Exchange, Dr. Obradovic replied that he had not wanted to bother his busy doctor with something so unimportant.

These facts are established by the testimony of Dr. Obradovic (Tr. 52-54, 57-58) and by the testimony of Joseph Obradovic (Tr. 80-81).

5. Dr. Obradovic testified that his wife had taken a Meprobamate tablet on four or five occasions (Tr. 47). Later, he indicated that she had taken them to help her sleep (Tr. 59). Dr. Obradovic testified that, on one occasion, when his wife had been unable to sleep because of terrible chest pains, he had listened to her heart sounds and had felt that nothing serious was wrong. On that occasion, his wife had requested Meprobamate and Dr. Obradovic had supplied it (Tr. 49). Dr. Obradovic testified that his wife had suffered from severe hypertension and had previously had a heart attack. He further testified that once she had been admitted to Harding Hospital for two months where she had been treated with Thorazine (a non-controlled psychotropic drug). In contrast to his earlier testimony that Mrs. Obradovic had taken Meprobamate to help her sleep, Dr. Obradovic later implied that his wife had taken Meprobamate as a substitute for Thorazine because of Thorazine's side effects (Tr. 60).

These facts are established by the testimony of Dr. Obradovic (Tr. 47, 49, 59, 60).

6. Dr. Obradovic testified that he had disposed of excess Meprobamate tablets on two separate occasions. Sometime after the March purchase of tablets, Dr. Obradovic's son accidentally took a Meprobamate tablet, mistaking it for a Tylenol. Dr. Obradovic testified that because of that incident he had been concerned about having excess amounts of the drug around the house, so he had separated the tablets into four containers of 120 tablets each, and had thrown away about 500 tablets. By July of 1988, he had used the remaining 480 tablets and had needed to reorder. Although Dr. Obradovic stated that his wife had flushed the unused Meprobamate from the July order down the toilet, he did not indicate when this occurred or how much of the drug was destroyed.

These facts are established by the testimony of Dr. Obradovic (Tr. 55-56), the testimony of Joseph Obradovic (Tr. 79), and the testimony of Mr. Hunter (Tr. 25).

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7. Dr. Obradovic kept no records regarding either his or his wife's usage of the Meprobamate he purchased and dispensed. He kept no record of his wife's complaints or of his examinations of her. He testified that, since he had never been in private practice, he had never kept dispensing logs for controlled substances.

Dr. Obradovic claimed that he did not know that Meprobamate is a controlled substance; he believed it to be a very mild anti-anxiety agent, with no side effects, to which addiction was virtually impossible. He testified that he had freely administered Meprobamate to soldiers in Korea. He further claimed that he did not know the difference between a controlled and a noncontrolled substance.

These facts are established by the testimony of Dr. Obradovic (Tr. 45-46, 49-51, 63-65).

8. Dr. Obradovic is retired from the federal government. He was a medical officer in the Korean War. He has never worked in a private practice. He worked on a contract basis for a Cleveland corporation doing mainly psychiatric work from 1984 to February 1988 and worked in a Columbus blood bank for two months in early 1988. At the time of the hearing, Dr. Obradovic had not worked since approximately February, 1988. He testified that since February, 1988, he had been too ill to work because of his generalized rheumatism (Tr. 96) and severe anxiety (Tr. 43).

These facts are established by the testimony of Dr. Obradovic (Tr. 41-44, 50, 83, 93).

9. In 1979, while living in the State of Wisconsin, Dr. Obradovic purchased and dispensed Dexedrine to his wife for neurotic depression and Demerol to himself for migraine headaches. He had purchased 1,000 Dexedrine and 100 Demerol. The Wisconsin Medical Board, concluding that Dr. Obradovic had acted outside the bounds of the law and other than in the course of legitimate professional practice, ordered that he be reprimanded. The New Jersey Medical Board also took disciplinary action against Dr. Obradovic based on Wisconsin's Findings and Order. Based on the action of the Wisconsin Board, Dr. Obradovic was reprimanded by this Board on April 11, 1984. At that time, the Ohio Board concluded that Dr. Obradovic had failed to use reasonable care discrimination in the administration of drugs, had departed from or failed to conform to minimal standards of care of similar practitioners under the same or similar circumstances, and had violated professional ethics.

These facts are established by State's Exhibit #10.

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CONCLUSIONS OF LAW

1. The acts, conduct and/or omissions of Dr. Obradovic as set forth in Findings of Fact #1, #2, #3, #4, #6, and #7, above, constitute violations of:
 - a. Section 4731.22(B)(2), Ohio Revised Code: "Failure to use reasonable care discrimination in the administration of drugs";
 - b. Section 4731.22(B)(6), Ohio Revised Code: "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";
 - c. Section 4731.22(B)(3), Ohio Revised Code: "Selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes";
 - d. Section 4731.22(B)(20), Ohio Revised Code: "Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rules promulgated by the Board," to wit: Rule 4731-11-02(D), Ohio Administrative Code: "A physician shall complete and maintain accurate medical records reflecting his examination, evaluation, and treatment of all his patients. Patient medical records shall accurately reflect the utilization of any controlled substances in the treatment of a patient and shall indicate the diagnosis and purpose for which the controlled substance is utilized, and any additional information upon which the diagnosis is based." Pursuant to Rule 4731-11-02(F), Ohio Administrative Code, a violation of any provision of Rule 4731-11-02 also violates Sections 4731.22(B)(2) and 4731.22(B)(6), Ohio Revised Code;
 - e. Section 4731.22(B)(12), Ohio Revised Code: "Commission of an act that constitutes a misdemeanor in this State regardless of the jurisdiction in which the act was committed, if the act was committed in the course of practice," to wit: Section 3719.07(E), Ohio Revised Code: "Every practitioner or other person, except a pharmacist, manufacturer, or wholesaler, authorized to administer or use controlled substances shall keep a record of all controlled substances received, administered, dispensed, or used which shall contain: (1) A description of all controlled substances received, the quantity of controlled substances received, the name and address of the person from whom received, and the date of receipt; (2) The kind and quantity of controlled substances administered, dispensed, or used, the date of administering, dispensing, or using, the name and address to whom or for whose use...the controlled substance was administered, dispensed, or used." Section 3719.99(C), Ohio Revised Code, provides that violators of Section 3719.07, Ohio Revised Code, are guilty of a first degree misdemeanor.

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Between March and July of 1988, Dr. Obradovic purchased 2,000 Meprobamate 400 mg. tablets from the Interstate Drug Exchange for the use of himself and his wife. By September of 1988 none of these tablets remained. Dr. Obradovic's conduct in purchasing and administering Meprobamate constitutes numerous violations of the Medical Practice Act, regardless of whether or not it had previously been recommended or prescribed for his use by another physician. For more than four months, Dr. Obradovic admittedly took four Meprobamate tablets a day, but kept no record of his usage. Meprobamate is indicated only for the management of anxiety disorders or for the short-term relief of symptoms of anxiety. It is not indicated, even as an adjunct, in the treatment of psoriasis. Dr. Obradovic's long-term self-administration of 1,600 mg. per day of this Schedule IV controlled substance for treatment of psoriasis constitutes both a failure to use reasonable care in the administration of drugs, and the administration of drugs for other than legal and legitimate therapeutic purposes. Further, his failure to keep any patient records regarding his self-administration constitutes a violation of Rule 4731-11-02(D), Ohio Administrative Code.

Dr. Obradovic's knowledge of controlled substances and their properties would appear to be shockingly lacking. Though he testified that he was very familiar with Meprobamate, he claimed that he did not know that it is a controlled substance with addictive potential. He stated that he did not know the difference between a controlled substance and a non-controlled substance. These claims, as well as his claim that he did not know he was required to keep a log of his usage of Meprobamate (as required by Section 3719.07, Ohio Revised Code) because he had never been in a private practice, cannot be considered as valid mitigating factors. Physicians are responsible for knowing and understanding the laws, rules, and current medical knowledge regulating and affecting their profession and areas of practice. Dr. Obradovic could not have purchased the controlled substance, Meprobamate, without the use of his DEA registration number. Furthermore, any claim of his lack of knowledge regarding controlled substances is unacceptable and suspect in view of his previous disciplinary actions. Both Dr. Obradovic's inappropriate self-administration of Meprobamate and his failure to keep records with regard to such use also constitute failure to conform to minimal standards of care.

Dr. Obradovic also fell below minimal standards of care in failing to secure the Meprobamate in a manner which would prevent its unauthorized use or distribution by others and in improperly destroying and disposing of excess quantities of the drug. State and federal regulations require practitioners to follow specific, safe methods for the destruction of controlled substances (see Rule 4729-9-06, Ohio Administrative Code, and Part 21, Section 1307.21, Code of Federal Regulations). Dr. Obradovic has a professional responsibility to be aware of, and abide by, these regulations.

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2. The acts, conduct and/or omissions of Dr. Obradovic, as set forth in Findings of Fact #1, #2, #3, #5, and #7, above, constitute violations of:
 - a. Section 4731.22(B)(2), Ohio Revised Code: "Failure to use reasonable care discrimination in the administration of drugs";
 - b. Section 4731.22(B)(3), Ohio Revised Code: "Selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes;
 - c. Section 4731.22(B)(6), Ohio Revised Code: "A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances"; and
 - d. Section 4731.22(B)(20), Ohio Revised Code: "Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rules promulgated by the Board," to wit: Rule 4731-11-02(D), Ohio Administrative Code: "A physician shall complete and maintain accurate medical records reflecting his examination, evaluation, and treatment of all his patients. Patient medical records shall accurately reflect the utilization of any controlled substances in the treatment of a patient and shall indicate the diagnosis and purpose for which the controlled substance is utilized, and any additional information upon which the diagnosis is based." Pursuant to Rule 4731-11-02(F), Ohio Administrative Code, a violation of any provision of Rule 4731-11-02 also violates Sections 4731.22(B)(2) and 4731.22(B)(6), Ohio Revised Code.

On several occasions, Dr. Obradovic dispensed Meprobamate to his wife without clear medical indication and without performing thorough medical examination and evaluation, as evidenced by his testimony and his admitted failure to keep any medical records. Furthermore, the record indicates that Dr. Obradovic dispensed Meprobamate to Mrs. Obradovic upon her request and without thorough knowledge of its properties. Furthermore, he failed to keep this drug, a controlled substance, secure from access by unauthorized persons, as evidenced by his testimony with regard to his son's accidental ingestion of it.

3. The acts, conduct, and/or omissions of Dr. Obradovic as set forth in Findings of Fact #1 and #2, above, constitute violation of: Section 4731.22(B)(10), Ohio Revised Code, "Commission of an act that constitutes a felony in this state regardless of the jurisdiction in which the act was committed," to wit: Section 2925.03(A)(6), Ohio Revised Code, "No person shall knowingly...[p]ossess a controlled substance in an amount equal to or exceeding three times the bulk amount." Dr. Obradovic's conduct takes him outside that statute's exemption for practitioners acting within the bounds of Chapter 4731. Section 2925.03(D)(5), Ohio Revised Code, provides that violation of Section 2925.03(A)(6) is a third degree felony.

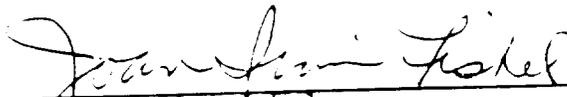
Dr. Obradovic's conduct in purchasing, dispensing, and administering Meprobamate in 1988 is strikingly similar to the conduct for which he was previously reprimanded by this Board. On both occasions, Dr. Obradovic purchased large quantities of controlled substances, self-administered them, dispensed them to his wife, and claimed to have destroyed excess quantities. Rather than becoming more circumspect in his handling of controlled substances following the reprimand, Dr. Obradovic engaged in the same dangerous, illegal behavior.

The Board's disciplinary guidelines suggest revocation as the appropriate penalty for dispensing and administering drugs for other than a legitimate therapeutic purpose. In light of the prior warning given to Dr. Obradovic, and the lack of mitigating circumstances, there would appear to be no reason to deviate from the guidelines.

PROPOSED ORDER

It is hereby ORDERED that the license of Djuro Obradovic, M.D., to practice medicine and surgery in the State of Ohio be REVOKED.

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



Joan Irwin Fishel
Attorney Hearing Examiner

EXCERPT FROM THE MINUTES OF SEPTEMBER 13, 1989

REPORT AND RECOMMENDATIONS

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Dr. O'Day asked if each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of Harry B. Leslie, Jr., M.D.; Clyde G. Sussman, M.D.; Farid M. Abdul-Noor, M.D.; Djuro Obradovic, M.D.; Hugo A. Ramirez, M.D.; Howard L. Aubrey, D.O.; and George P. Gotsis, M.D. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- aye
	Dr. Daniels	- aye
	Dr. Stephens	- aye
	Mr. Jost	- aye
	Mr. Albert	- aye
	Dr. Kaplansky	- aye
	Ms. Rolfes	- aye
	Dr. Agresta	- aye
	Dr. O'Day	- aye

Mr. Dlott, Mr. Dowling, Ms. Thompson, Mr. Dilling, Mr. Compton, and Mr. Huston left the meeting at this time.

REPORT AND RECOMMENDATION IN THE MATTER OF DJURO OBRADOVIC, M.D.

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MR. ALBERT MOVED TO APPROVE AND CONFIRM MS. FISHEL'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF DJURO OBRADOVIC, M.D. DR. KAPLANSKY SECONDED THE MOTION.

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

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Daniels	- aye
	Dr. Stephens	- aye
	Mr. Jost	- aye
	Mr. Albert	- aye
	Dr. Kaplansky	- aye
	Ms. Rolfes	- aye
	Dr. Agresta	- aye

The motion carried.

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

January 11, 1989

Djuro Obradovic, M.D.
5261 Hollister Street
Columbus, OH 43220

Dear Doctor Obradovic:

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 month of March 1988 you purchased 1,000 Meprobamate Tablets (400 mg.) from Interstate Drug Exchange. During the month of July 1988 you purchased 1,000 Meprobamate Tablets (400 mg.) from Interstate Drug Exchange. Upon questioning by a Board investigator in September 1988 you indicated that you were not in active practice, and that these drugs were purchased for use by Patient #1 (identified in the attached Patient Key not for public disclosure). Although you initially denied it, you also indicated to the Board investigator that you did take a tablet on occasion to sleep. You further indicated you do not keep any records of the Meprobamate tablets, and that your wife had flushed all the remaining Meprobamate from July 1988 down the toilet.

Such acts and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "failure to use reasonable care discrimination in the administration of drugs," as that clause is used in Section 4731.22(B)(2), Ohio Revised Code.

Further, such acts and/or omissions as alleged in paragraph (1) above, 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 and/or omissions as alleged in paragraph (1) above, 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.

Further, your failure to maintain records as alleged in paragraph (1) above constitutes "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board", as that clause is used in Section 4731.22(B)(20), to wit: Rule 4731-11-02(D), Ohio Administrative Code. Pursuant to Rule 4731-11-02(F), Ohio Administrative Code, a violation of any provision of that rule also violates Sections 4731.22(B)(2) and 4731.22(B)(6), Ohio Revised Code.

Further, such acts and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "commission of an act that constitutes a felony in this state regardless of the jurisdiction in which the act was committed," as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Section 2925.03, Ohio Revised Code, (Trafficking in drugs).

Further, your failure to maintain records as alleged in paragraph (1) above constitutes "commission of an act that constitutes a misdemeanor in this state regardless of the jurisdiction in which the act was committed, if the act was committed in the course of practice," as that clause is used in Section 4731.22(B)(12), Ohio Revised Code, to wit: Section 3719.07, Ohio Revised Code, (Records of controlled substances).

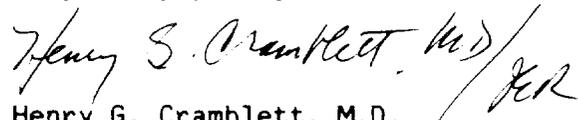
Pursuant to Chapter 119, Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, that request must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

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

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

Copies of the applicable sections are enclosed for your information.

Very truly yours,


Henry G. Cramblett, M.D.
Secretary

HGC:jmb
Encls.

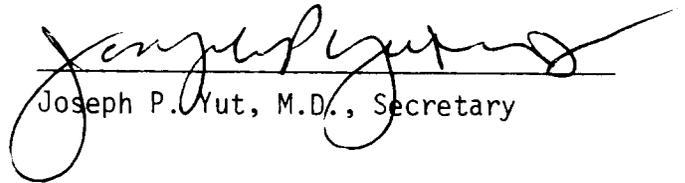
CERTIFIED MAIL #P569 363 923
RETURN RECEIPT REQUESTED

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 Leonard L. Lovshin, M.D., Member, State Medical Board of Ohio; and the attached copy of the Motion approved by the State Medical Board, meeting in regular session on April 11, 1984, 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 Djuro Obradovic, M.D., as it appears in the Journal of the State Medical Board of Ohio.

(SEAL)



Joseph P. Nut, M.D., Secretary

4-18-84

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *
 *
DJURO OBRADOVIC, M.D. *

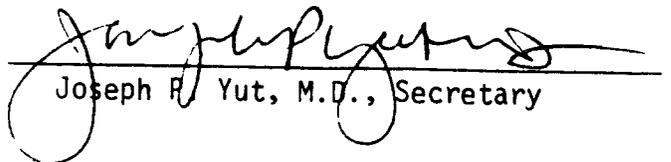
ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 11th day of April, 1984.

Upon the Report and Recommendation, a true copy of which is attached hereto and incorporated herein, of Leonard L. Lovshin, M.D. Hearing Member in this matter designated pursuant to R.C. 4731.23, which Report and Recommendation was approved and confirmed by vote of the Board on the above date, the following order is hereby entered on the Journal of the State Medical Board for the 11th day of April, 1984, and made part of the Board's proceedings:

It is ordered that Dr. Obradovic shall be and hereby is publicly reprimanded.

(seal)



Joseph P. Yut, M.D., Secretary

4-18-84
Date

STATE OF OHIO
THE STATE MEDICAL BOA.

23 MAR 1984

REPORT AND RECOMMENDATION
IN THE MATTER OF DJURO OBRADOVIC, M.D.

The matter of Djuro Obradovic, M.D., came before me, Leonard L. Lovshin, M.D., Member of the State Medical Board of Ohio, on September 21, 1983.

INTRODUCTION AND SUMMARY OF EVIDENCE

1. Mr. David A. Belinky, Esq., represented Dr. Djuro Obradovic. Mr. William Scott Lavelle, Assistant Attorney General, presented the State's case.
2. The State's Exhibits consist of the following:
 - A. State's Exhibit 1 is a copy of a January 13, 1983 letter of citation to Dr. Obradovic from the State Medical Board of Ohio.
 - B. State's Exhibit 2 is a copy of the certified mail receipts reflecting receipt of the citation letter by Dr. Obradovic.
 - C. State's Exhibit 3 is a copy of a letter dated January 28, 1983, from Mr. Ray Bumgarner, of the State Medical Board, to Dr. Obradovic regarding his license renewal.
 - D. State's Exhibit 4 is a copy of a letter from Attorney Terence Gray Jones requesting a hearing regarding the allegations contained in the Board's citation letter.
 - E. State's Exhibit 5 is a copy of a letter from Mr. William J. Lee, Administrator, to Mr. Terence Gray Jones, Esq., setting the hearing date for February 11, 1983 at 1:30 p.m., and postponing it.
 - F. State's Exhibit 6 is a copy of a letter dated April 7, 1983, from Mr. David A. Belinky, Esq., to Mr. William J. Lee, Administrator, State Medical Board, informing him that he will be representing Dr. Obradovic instead of Mr. Terence Gray Jones.
 - G. State's Exhibit 7 is a copy of a letter dated August 19, 1983, from Mr. William J. Lee, Administrator, State Medical Board, to Mr. David A. Belinky, Esq., setting the hearing for September 21, 1983, at 9:00 a.m.
 - H. State's Exhibit 8 contains a certified copy of the complaint and decision of the Wisconsin Medical Board regarding Dr. Obradovic.

23 MAR 1984

- I. State's Exhibit 9 contains a certified copy of the complaint and decision of the New Jersey State Board of Medical Examiners regarding Dr. Obradovic.

All the State's Exhibits were admitted into evidence.

3. Mr. Lavelle, Assistant Attorney General, presented his case by indicating that the exhibits speak for themselves and show a violation of Ohio law. In particular, he noted that the Findings of Fact in the Wisconsin Board Order indicate that Dr. Obradovic personally obtained and used Demerol other than in the course of legitimate professional practice and outside the bounds of the law. Such Findings of Fact allow the Ohio Board to determine whether Ohio law has also been violated.

4. Mr. Belinky then presented Dr. Obradovic's case as follows:

A. Mr. Belinky made the following opening statement:

1. Mr. Belinky stated that he would present mitigating circumstances regarding the actions for which other states took action against Dr. Obradovic's license. Mr. Belinky noted that, concerning the allegations in the citation letter, Dr. Obradovic did use reasonable care in the selection of drugs and that the drugs were prescribed for legitimate reasons (Demerol for migraine headaches and Dexedrine for neurotic depression). Also, he cautioned against finding a failure to conform to minimal standards of care since Wisconsin standards are different from Ohio standards. Finally, Mr. Belinky concluded that Section 4731.22(B)(18), Ohio Revised Code, should not apply because it was not in effect at the time the actions took place.

B. Dr. Obradovic testified on his own behalf as follows:

1. Dr. Obradovic is licensed in Ohio, New Jersey, and Wisconsin and has a licensure application pending in Nebraska. He has full privileges in New Jersey and Wisconsin.
2. A. Concerning the Wisconsin action, Dr. Obradovic explained that he prescribed Dexedrine for his wife for depression. He said that he and his wife had moved to Wisconsin to a very small town, and his wife became severely depressed to the point that she would sleep for forty-eight hours and not eat. Dr. Obradovic prescribed Elavil, Tofranil, Atarax, and Sinequan, but these drugs did not help. She refused shock treatment. So, Dr. Obradovic finally prescribed Dexedrine for her, and it worked. His wife took the Dexedrine for approximately two weeks.
- B. Also concerning the Wisconsin action, Dr. Obradovic explained that he was accused of improperly prescribing Demerol for himself. He stated that he had been

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wounded seven times while in the Korean War, and one wound was in the back of his head. He later developed severe migraine headaches. While in Wisconsin, five years ago, he went to the hospital for the headaches, and he was prescribed Demerol and Phenergan. After the hospital stay, the headaches persisted, and he took two tablets of Demerol himself. He has used Cafegot and Tylenol since then.

3. Dr. Obradovic stated that he was reprimanded in Wisconsin after a hearing. He further stated that his license was suspended in New Jersey for six months, but he did not appear for a hearing because he was not notified of the action.
4. Dr. Obradovic emphasized that he has not taken Demerol for five years and that he occasionally takes Cafegot or Inderal for migraine headaches.
5. Dr. Obradovic stated that he currently does contract work in Ohio at such places as University of Athens, Mansfield, and Lucasville.
6. Mr. Scott Lavelle, Assistant Attorney General, cross-examined Dr. Obradovic, and his testimony revealed the following:
 - A. Dr. Obradovic had no knowledge of the New Jersey action, but he later learned that his attorney had submitted a letter regarding the matter.
 - B. Dr. Obradovic verified that he had ordered 1,000 Dexedrine tablets and 100 Demerol tablets at the time of the Wisconsin incident. He only took two Demerol tablets because they did not help him. He stated that the Wisconsin Order was incorrect in stating that he had taken Demerol after January of 1979.
 - C. Dr. Obradovic's wife did not go to other physicians for examination until after Dr. Obradovic prescribed Dexedrine for her. He only consulted with the other doctors prior to prescribing it for her.
 - D. Dr. Obradovic is a Board certified psychiatrist.
 - E. Dr. Obradovic resigned from the VA Hospital in Tomah, Wisconsin due to discrimination. They had wanted to transfer him to Colorado or Chillicothe, Ohio, but he would not go.
 - F. Dr. Obradovic also stated that he felt he could objectively treat his wife for her medical problems. One of his professors in Germany had treated his wife.

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7. I, Dr. Lovshin, then questioned Dr. Obradovic as follows:
 - A. Dr. Obradovic testified that his migraines began mostly after he was wounded. His headaches before this were milder and started in grade school.
 - B. Dr. Obradovic testified that the Dexedrine he ordered for his wife was five milligram dosages. His wife took two, five milligram pills a day. She took them for two weeks. The remaining Dexedrine was destroyed.
 - C. Dr. Obradovic consulted with Dr. Laughlin, a psychiatrist at the VA Hospital in Tomah, Wisconsin concerning his wife, but with no one else.
 - D. Dr. Obradovic had been back in Ohio for one year. He was working under contract with several agencies, including National Americana, National Emergency Services, and Spectrum. He was assigned to private or state institutions.
- C. Mrs. Faith Obradovic testified as follows:
 1. She has been married to Dr. Obradovic for eighteen and one half years.
 2. Mrs. Obradovic explained that at the VA Hospital there were no staff privileges but only positions. She said that the hospital temporarily revoked Dr. Obradovic's staff privileges until a meeting of the Professional Standards Board of the Veterans Administration was held. This matter was never addressed because Dr. Obradovic resigned the position.
 3. I, Dr. Lovshin, questioned Mrs. Obradovic, and her testimony was as follows:
 - A. Mrs. Obradovic was currently working as Night Supervisor of Nursing at Mercy Hospital in Columbus.
 - B. Mrs. Obradovic worked as a nurse at the VA Hospital in Tomah, Wisconsin for two and one half months.
 - C. Mrs. Obradovic stated that Dr. Obradovic's current work is stressful for the family because he has to travel. She stated that he is considering a job in Nebraska.
5. Mr. Belinky then introduced Respondent's Exhibit A which is the Proposed Decision of the Hearing Examiner from the Wisconsin Medical Examiners Board. It was accepted into the record.

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6. Mr. Lavelle then introduced State's Exhibit 10, which is a copy of a letter dated September 3, 1983 from F. G. Klunk, Medical Center Director of the VA Hospital in Tomah, Wisconsin, to the Medical Examining Board in Wisconsin. Mr. Belinky objected to the admission of the exhibit since it does not concern matters contained in the citation letter. Mr. Lavelle replied that he is introducing it for purposes of witness credibility. I, Dr. Lovshin, ruled that Exhibit 10 be made part of the record.
7. Mr. Belinky made the following closing statement:
 - A. Mr. Belinky noted that the matters discussed occurred four or five years ago and that the discipline in Wisconsin and New Jersey occurred over two years ago. He felt this time period should be considered mitigating circumstances.
 - B. Mr. Belinky further noted that he did not believe the hearing held was given in a timely manner under Section 119.07, Ohio Revised Code. The Board should have held the hearing within seven to fifteen days after the hearing request by Dr. Obradovic. Dr. Obradovic requested a hearing in February of 1983.
 - C. Mr. Belinky further stated that Section 4731.22(B)(18), Ohio Revised Code, was not in effect at the time of the acts in Wisconsin and should not be applied retroactively. According to the Ohio Constitution, Article II, Section 28, the state cannot pass retroactive laws.
 - D. Mr. Belinky described Dr. and Mrs. Obradovic as nice people. He felt Dr. Obradovic is an excitable kind of a guy and is a foreigner. He meant no harm.
 - E. Mr. Belinky also noted that the use of Dexedrine did take Mrs. Obradovic out of her depression.
 - F. Mr. Belinky concluded by stating that Dr. Obradovic did not continue taking Demerol after the incident five years ago. He is not addicted to Demerol.
8. Mr. Lavelle then made some closing comments:
 - A. He stated that a license to practice medicine in Ohio is not a vested property right but is a privilege. Further, Mr. Lavelle argued that the Ohio Constitutional section referred to by Mr. Belinky does not apply to Section 4731.22(B)(18), since it only applies to the elimination of vested rights. He further noted that the hearing was set in a timely fashion and referred to Section 119.09, Ohio Revised Code, wherein an agency may continue a hearing upon its own motion. The evidence submitted reflects that occurred.
 - B. Finally, Mr. Lavelle stated that it is the State's position that Dr. Obradovic had an opportunity to present evidence and mitigating factors before the Wisconsin Board, yet that Board made factual determinations which are violative of Ohio law.

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The State of New Jersey also made Findings of Fact which are violative of Ohio law and are a basis for disciplinary action by the State Medical Board of Ohio.

FINDINGS OF FACT

1. As a result of a hearing held on November 7, 1979, the State of Wisconsin Department of Regulation and Licensing Medical Examining Board found that Dr. Obradovic obtained and personally took Demerol other than in the course of a legitimate professional practice and outside the bounds of the law. Also, the Board found that Dr. Obradovic prescribed, ordered, dispensed, administered, supplied and/or gave Dexedrine to his wife and that such acts constitute unprofessional conduct.
2. In its Finding of Fact, Conclusions of Law and Order, the Wisconsin Medical Board ordered that Dr. Obradovic shall be publicly reprimanded for ordering and taking for his own use Demerol and for ordering and prescribing for use by his wife Dexedrine for the treatment of depression where the evidence had not shown that the depression was refractory to other therapeutic modalities.
3. On May 14, 1981, Dr. Obradovic was served with a Complaint and Notice of Hearing and Notice to Enter Plea by the State of New Jersey Department of Law and Public Safety Division of Consumer Affairs; New Jersey State Board of Medical Examiners. He entered a plea of non vult to all counts of the Complaint.
4. In its Findings of Fact, the New Jersey State Board found him guilty of Counts I, II, III of the complaint to wit:
 - I. His prescribing and dispensing of Dexedrine to his wife was not refractory to other therapeutic modalities in treatment. Furthermore, his conduct in ordering, prescribing, dispensing, administering, supplying and/or giving Dexedrine to his wife for depression and/or excessive sleeping constituted professional misconduct.
 - II. His ordering and administering of Demerol to himself was otherwise than in the course of a legitimate professional practice and constituted professional misconduct.
 - III. The State of Wisconsin Medical Examining Board had found him guilty of professional misconduct because he had prescribed and ordered Dexedrine for his wife without such treatment being shown to be refractory to other therapeutic modalities and because he had obtained and taken Demerol otherwise than in the course of a legitimate professional practice.
5. In its Conclusions of Law and Decision, the New Jersey Board found Dr. Obradovic guilty of professional misconduct and dispensing a Controlled Dangerous Substance in an indiscriminate manner and without

23 MAR 1984

good cause. They ordered that he be publicly reprimanded and that his license to practice medicine and surgery in the State of New Jersey be suspended for two years. Eighteen months of that suspension was stayed.

6. Dr. Obradovic testified that he treated his wife for depression by prescribing Dexedrine. Initially, Dr. Obradovic had prescribed Elavit, Tofranil, Atarax and Sinequan for her, but these drugs did not help. She refused shock treatment.
7. Dr. Obradovic testified that he dispensed two tablets of Demerol for himself for severe migraine headaches. He had been wounded in the back of his head in the Korean War.
8. Dr. Obradovic currently has a full, unrestricted license to practice medicine in New Jersey and Wisconsin.
9. No further violations of law have been alleged or found against Dr. Obradovic since the Wisconsin and New Jersey Orders.

CONCLUSIONS

1. Based on Findings of Fact No. 1, 2, 3, 4, 5, 6 and 7, Dr. Obradovic is in violation of Section 4731.22(B)(2), Ohio Revised Code.
2. Based on Findings of Fact No. 1, 2, 3, 4, 5, 6 and 7, Dr. Obradovic is in violation of Section 4731.22(B)(6), Ohio Revised Code.
3. Based on Findings of Fact No. 1, 2, 3, 4 and 5, Dr. Obradovic is in violation of Section 4731.22(B)(18), Ohio Revised Code.
4. No evidence was presented that Dr. Obradovic violated Section 4731.22(B)(3), Ohio Revised Code, by "selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes . . . "

PROPOSED ORDER

It is ordered that Dr. Obradovic shall be and hereby is publicly reprimanded.



Leonard L. Lovshin, M.D., Member
State Medical Board of Ohio

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

EXCERPT FROM THE MINUTES OF APRIL 11, 1984

REPORT AND RECOMMENDATION IN THE MATTER OF DJURO OBRADOVIC, M.D.

Mr. Bumgarner, Mr. Schmidt, Ms. Yale, and Mr. Prunte remained out of the room.

Dr. Lovshin asked if each member of the Board 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 Djuro Obradovic, M.D. A roll call was taken:

ROLL CALL:	Dr. O'Connor	- aye
	Dr. Lancione	- aye
	Dr. Buchan	- aye
	Dr. Rauch	- aye
	Mr. Johnston	- aye
	Dr. Yut	- aye
	Dr. Peerless	- nay
	Dr. Oxley	- aye

.....
DR. YUT MOVED TO APPROVE AND CONFIRM DR. LOVSHIN'S FINDINGS OF FACT, CONCLUSIONS AND PROPOSED ORDER IN THE MATTER OF DJURO OBRADOVIC, M.D. DR. O'CONNOR SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. O'Connor	- aye
	Dr. Lancione	- aye
	Dr. Buchan	- aye
	Dr. Rauch	- aye
	Mr. Johnston	- aye
	Dr. Yut	- aye
	Dr. Peerless	- abstain
	Dr. Oxley	- aye

The motion carried.

1/28

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

Djuro Obradovic, M.D.
808 Lakeside Drive
Tomah, WI 54660

Dear Doctor Obradovic:

In accordance with Chapter 119., Ohio Revised Code, and under authority of Section 4731.22, Ohio Revised Code, effective prior to August 27, 1982, this is to advise you that the State Medical Board of Ohio hereby proposes to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your license to practice medicine and surgery in the State of Ohio for one or more of the following reasons:

1. As a result of a hearing held on November 7, 1979, the State of Wisconsin Department of Regulation and Licensing Medical Examining Board found that you obtained and personally took Demerol other than in the course of a legitimate professional practice and outside the bounds of the law. Also, you prescribed, ordered, dispensed, administered, supplied and/or gave Dexedrine to your wife. Such acts constitute unprofessional conduct.

In its Finding of Fact, Conclusions of Law and Order, the Wisconsin Medical Board ordered that you shall be publicly reprimanded for ordering and taking for your own use Demerol and for ordering and prescribing for use by your wife Dexedrine for the treatment of depression where the evidence had not shown that the depression was refractory to other therapeutic modalities.

Said report of Findings of Fact, Conclusions of Law and Order is attached hereto and incorporated herein.

2. On May 14, 1981 you were served with a Complaint and Notice of Hearing and Notice to Enter Plea by the State of New Jersey Department of Law and Public Safety Division of Consumer Affairs; New Jersey State Board of Medical Examiners. You entered a plea of non vult to all counts of the Complaint.

In its Finding of Fact, the New Jersey State Board found you guilty of Counts I, II, III of the complaint to wit:

- I. Your prescribing and dispensing of Dexedrine to your wife was not refractory to other therapeutic modalities in treatment. Furthermore, your conduct in ordering, prescribing, dispensing, administering, supplying and/or giving Dexedrine to your wife for depression and/or excessive sleeping constituted professional misconduct.

STATE OF OHIO
THE STATE MEDICAL BOARD

- II. Your ordering and administering of Demerol to yourself was otherwise than in the course of a legitimate professional practice and constituted professional misconduct.
- III. The State of Wisconsin Medical Examining Board had found you guilty of professional misconduct because you had prescribed and ordered Dexedrine for your wife without such treatment being shown to be refractory to other therapeutic modalities and because you had obtained and taken Demerol otherwise than in the course of a legitimate professional practice.

In its Conclusions of Law and Decision, the New Jersey Board found you guilty of professional misconduct and dispensing a Controlled Dangerous Substance in an indiscriminate manner and without good cause. They ordered that you be publicly reprimanded and that your license to practice medicine and surgery in the State of New Jersey be suspended for two years. Eighteen months of that suspension was stayed.

Said Complaint, Findings of Fact, Conclusions of Law and Decision are attached hereto and incorporated herein.

These acts committed by you in Wisconsin and the fact of and bases for the disciplinary actions taken against you in the State of Wisconsin and the State of New Jersey are hereby alleged to constitute grounds to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your license to practice medicine and surgery under the authority of Section 4731.22, Ohio Revised Code, effective prior to August 27, 1982, for the following reasons:

Section 4731.22(B)(2), Ohio Revised Code, failure to use reasonable care discrimination in the administration of drugs, or failure to employ scientific methods in the selection of drugs or other modalities for treatment of disease.

Section 4731.22(B)(3), Ohio Revised Code, selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes or conviction of violation of any federal or state law regulating the possession, distribution, or use of any drug.

Section 4731.22(B)(6), Ohio Revised Code, 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.

Section 4731.22(B)(18), Ohio Revised Code, effective August 27, 1982, 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.

STATE OF OHIO
THE STATE MEDICAL BOARD

In accordance with Chapter 119., Ohio Revised Code, you are hereby advised that you have a right to a hearing in this matter. If you wish to request such a hearing, this 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 there is no request for such 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 and surgery in the State of Ohio.

Copies of the applicable Ohio Revised Code Sections are enclosed for your reference.

Very truly yours,

Anthony Ruppertsberg, Jr., M.D.
Secretary

AR:jmb

Enclosure:

CERTIFIED MAIL #P349 643 981
RETURN RECEIPT REQUESTED