

STATE OF OHIO
THE STATE MEDICAL BOARD

VOLUNTARY RETIREMENT FROM THE
PRACTICE OF MEDICINE AND SURGERY

I, JOSE BENUTTO, 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, JOSE BENUTTO, M.D., do hereby voluntarily, knowingly, and intelligently retire from the practice of medicine and surgery, effective upon last date of signature below.

I, JOSE BENUTTO, M.D., do hereby voluntarily, knowingly and intelligently surrender my renewal card in connection with my certificate to practice medicine and surgery, No. 35-027000 to the State Medical Board of 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. 35-027000 or issuance of any other certificate pursuant to Chapters 4730. or 4731., Ohio Revised Code, on or after the date of signing this Voluntary Retirement from the Practice of Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

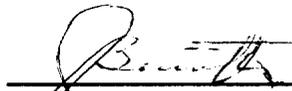
I, JOSE BENUTTO, M.D., hereby release the State Medical Board of Ohio, its members, employees, agents and officers, jointly and severally, from any and all liability arising from the within matter.

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.

Signed this 1 day of ~~EB~~ MARCH 1998.

*Effective 3-1-98
Signed 2-9-98*



Signature of Physician

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

August 11, 1978

Jose Benutto, M.D.
411 Emmitt
Waverly, OH. 45690

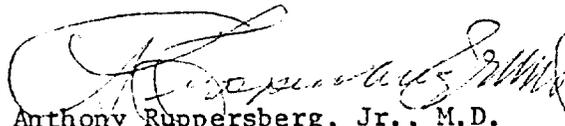
Dear Doctor Benutto:

Please find enclosed a certified copy of the Findings and Order 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, meeting in regular session on August 10, 1978, approving and confirming the Findings and Order.

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



Anthony Ruppertsberg, Jr., M.D.
Secretary

CERTIFIED MAIL NO. 024920
RETURN RECEIPT REQUESTED

cc: John Zonak, Esq.

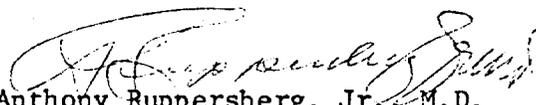
STATE OF OHIO
THE STATE MEDICAL BOARD

CERTIFICATION

DATE: August 11, 1978

I hereby certify that the attached copy of the Findings and Order of the Ohio State Medical Board, in the matter of Jose Benutto, M.D., is a true and complete copy of the 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 August 10, 1978, 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 Ohio State Medical Board and on its behalf.


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

FINDINGS AND ORDER IN THE MATTER OF

JOSE BENUTTO, M.D.

The matter of the citation of Jose Benutto, M.D., dated February 9, 1978, under the provisions of Section 4731.22, Revised Code, came on for hearing before me, Roland A. Gandy, Jr., M.D., member of the State Medical Board on May 17, 1978.

Upon consideration of the testimony and review of the transcripts and exhibits, I make the following Findings:

FINDINGS OF FACT

1. On or about September 1, 1977, Mary Hamilton did prescribe for one Jerry McDaniel in Dr. Benutto's medical office.
2. On or about August 31, 1977, Mary Hamilton did prescribe for one Leland Osborn in Dr. Benutto's medical office.
3. On or about August 31, 1977, Mary Hamilton did prescribe for one Roger Kitchen in Dr. Benutto's medical office.
4. Mary Hamilton, an employee of Dr. Benutto, does not have a license to practice medicine issued by the Ohio State Medical Board.
5. Dr. Benutto did instruct Mary Hamilton to prescribe for patients in his absence (by Dr. Benutto's admission).
6. Dr. Benutto left presigned blank prescription blanks and instructed Mary Hamilton to fill said prescriptions for patients during his absence from town.
7. During her employment Mary Hamilton made false entries in Dr. Benutto's log books relative to visits of Welfare and Workman's Compensation patients. This was done on the direction of Dr. Benutto to aid in billing these agencies for office visits of patients that were not seen.
8. On the direction of Dr. Benutto, Mary Hamilton, during her employment, did falsify patients' records to support claims for service not rendered.
9. During her employment, Vickie Slone made false entries in Dr. Benutto's log books relative to visits of Welfare and Workman's Compensation patients. This was done on the direction of Dr. Benutto to aid in billing these agencies for office visits of patients that were not seen.
10. On the direction of Dr. Benutto, Vickie Slone, during her employment, did falsify patients' records to support claims for service not rendered.
11. Mary Hamilton was employed by Dr. Benutto from May to September, 1977.
12. Vickie Slone was employed by Dr. Benutto for approximately two and a half years prior to June 1975.
13. Dr. Benutto did render claims to Medicaide (Welfare Program) for services that were not rendered (admission of Dr. Benutto).

CONCLUSIONS OF LAW

The aforementioned facts found in paragraphs 1, 2, 3, 4, 5, 6, and 11 above constitute a violation of Sections 4731.22(B)(8) and 4731.22(B)(17), Revised Code.

The aforementioned facts found in paragraphs 7, 8, 11 and 13 above constitute a violation of Section 4731.22(B)(9), Revised Code.

The aforementioned facts found in paragraphs 9, 10, 12 and 13 above constitute "grossly unprofessional or dishonest conduct" as that term is defined in Section 4731.22(F), Revised Code, (effective prior to July 28, 1975) as constituting a violation of Section 7 of the American Medical Association Code of Ethics.

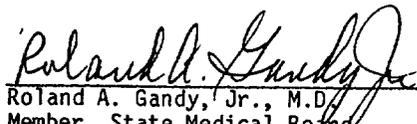
ORDER

IT IS HEREBY ORDERED that the certificate of Jose Benutto, M.D., be suspended for twenty-four (24) months.

Further, the last eighteen (18) months of his suspension are hereby stayed on the condition that Dr. Benutto be placed on probation to the State Medical Board with the following terms and conditions:

Dr. Benutto not violate any provisions of Section 4731.22, Revised Code.

The time for the beginning of said suspension will be determined by the State Medical Board of Ohio.



Roland A. Gandy, Jr., M.D.
Member, State Medical Board
of Ohio

STATE OF OHIO
THE STATE MEDICAL BOARD

August 10, 1978

RE: Approval of Findings and Order
in the matter of Jose Benutto, M.D.

Dr. Cramblett moved to approve and confirm the Findings and Order in the matter of Jose Benutto, M.D. as presented by Roland A. Gandy, M.D. Dr. Cover seconded the motion. A roll call vote was taken:

Dr. Cover	- aye
Dr. Gandy	- abstain
Dr. Press	- aye
Dr. Clarke	- aye
Dr. Lovshin	- aye
Dr. Cramblett	- aye
Mr. Paulo	- aye
Dr. Ruppertsberg	- abstain
Dr. Lancione	- abstain

Dr. Cramblett moved that the suspension date of the Findings and Order in the matter of Jose Benutto, M.D. be set at November 1, 1978. Dr. Lovshin seconded the motion. All members voted aye. The motion carried.

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

February 9, 1978

Jose Benutto, M.D.
411 Emmitt
Waverly, OH 45690

Dear Doctor Benutto:

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 September 1, 1977, Mary Hamilton did engage in the practice of medicine in your medical office, to wit: Mary Hamilton did prescribe for one Jerry McDaniel. You had instructed your employee, one Mary Hamilton, an individual not licensed by the Ohio State Medical Board, to prescribe in your absence.

Such acts, individually and/or collectively, constitute "knowingly maintaining a professional connection or association with a person who is in violation of this chapter or rules of the board" as that clause is used in Section 4731.22(B)(8), Revised Code.

Further, such acts, individually and/or collectively, constitute "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)(17), Revised Code.

2. On or about August 31, 1977, Mary Hamilton did engage in the practice of medicine in your medical office, to wit: Mary Hamilton did prescribe for one Leland Osborn. You had instructed your employee, one Mary Hamilton, an individual not licensed by the Ohio State Medical Board, to prescribe in your absence.

Such acts, individually and/or collectively, constitute "knowingly maintaining a professional connection or association with a person who is in violation of this chapter or rules of the board" as that clause is used in Section 4731.22(B)(8), Revised Code.

Further, such acts, individually and/or collectively, constitute "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)(17), Revised Code.

3. On or about August 31, 1977, Mary Hamilton did engage in the practice of medicine in your medical office, to wit: Mary Hamilton did prescribe for one Roger Kitchen. You had instructed your employee, one Mary Hamilton, an individual not licensed by the Ohio State Medical Board, to prescribe in your absence.

Such acts, individually and/or collectively, constitute "knowingly maintaining a professional connection or association with a person who is in violation of this chapter or rules of the board" as that clause is used in Section 4731.22(B)(8), Revised Code.

Further, such acts, individually and/or collectively, constitute "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)(17), Revised Code.

4. During her employment, you instructed your employee, one Mary Hamilton, to record services performed for patients when in fact these services had not been performed.

Such acts, individually and/or collectively, constitute "the obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of treatment" as that clause is used in Section 4731.22(B)(9), Revised Code.

5. During her employment, you instructed your employee, one Vickie Pritchett Slone, to record services performed for patients when in fact these services had not been performed.

Such acts, individually and/or collectively, constitute "grossly unprofessional or dishonest conduct" as that term is defined in Section 4731.22(F), Revised Code, (effective prior to July 28, 1975) as constituting a violation of the following section of the American Medical Association Code of Ethics: Section 7.

6. During her employment, you instructed your employee, one Vickie Pritchett Slone, to record office visitations for family members of patients, when in fact these family members were not being seen as patients at that time.

Such acts, individually and/or collectively, constitute "grossly unprofessional or dishonest conduct" as that term is defined in Section 4731.22(F), Revised Code, (effective prior to July 28, 1975) as constituting a violation of the following section of the American Medical Association Code of Ethics: Section 7.

Jose Benutto, M.D.

February 9, 1978

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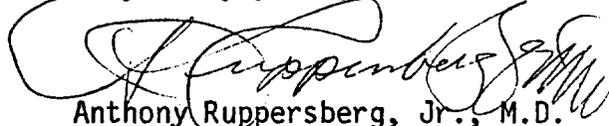
You are advised that you are entitled to a hearing on this matter if you request such hearing within thirty (30) days of the time of mailing of this notice.

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 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, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine and surgery.

A copy of the Medical Practice Act and a copy of Section 7 of the American Medical Association Code of Ethics is enclosed for your examination.

Very truly yours,


Anthony Ruppertsberg, Jr., M.D.
Secretary

Enclosure

CERTIFIED MAIL # 024900
RETURN RECEIPT REQUESTED

cc: Mr. John S. Zonak, Esq.