BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :

:

JOSEPHINE CLARA ARONICA, M.D. :

ENTRY OF ORDER

On August 23, 2009, Josephine Clara Aronica, M.D., executed a Surrender of her license to practice medicine and surgery in Ohio with consent to revocation, which document is attached hereto and fully incorporated herein.

Wherefore, upon ratification by the Board of the surrender, it is hereby ORDERED that Certificate No. 35-028779 authorizing Josephine Clara Aronica, M.D., to practice medicine and surgery in the state of Ohio be permanently REVOKED, effective September 9, 2009.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 9th day of September 2009, and the original thereof shall be kept with said Journal.

Lance A. Talmage, M.D.
Secretary

(SEAL)

September 9, 2009
Date

STATE OF OHIO
THE STATE MEDICAL BOARD
SURRENDER OF CERTIFICATE
TO PRACTICE MEDICINE AND SURGERY
CASE NO. 09-CRF-012

I, Josephine Clara Aronica, 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, Josephine Clara Aronica, M.D., do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice medicine and surgery, License #35.028779, to the State Medical Board of Ohio [Board], thereby relinquishing all rights to practice medicine and surgery in Ohio.

I understand that as a result of the surrender herein 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 or restoration of certificate to practice medicine and surgery License #35.028779 or issuance of any other certificate pursuant to the authority of the State Medical Board of Ohio, on or after the date of signing this Surrender of Certificate to Practice Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

I hereby authorize the State Medical Board of Ohio to enter upon its Journal an Order permanently revoking my certificate to practice medicine and surgery, License #35.028779, in conjunction with which I expressly waive the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board Members vote to revoke said certificate, and further expressly and forever waive all rights as set forth in Chapter 119., Ohio Revised Code, including but not limited to my right to counsel, right to a hearing, right to present evidence, right to cross-examine witnesses, and right to appeal the Order of the Board revoking my certificate to practice medicine and surgery.

I, Josephine Clara Aronica, M.D., hereby release the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This document shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. I, Josephine Clara Aronica, M.D.,

acknowledge that my social security number will be used if this information is so reported and agree to provide my social security number to the Board for such purposes.

I stipulate and agree that I am taking the action described herein in lieu of further formal disciplinary proceedings in Case No. 09-CRF-012 pursuant to Sections 4731.22(B)(5), (B)(10), (B)(12), (B)(19), (B)(30), (B)(34) of the Ohio Revised Code, as set forth in the Notice of Opportunity for Hearing issued by the Board on February 11, 2009, a copy of which is attached hereto and fully incorporated herein as Exhibit A.

EFFECTIVE DATE

It is expressly understood that this Surrender of Certificate is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

JOSEPHINE CLARA ARONICA, M.D.

8-23-09
DATE

LANCE A. TALMAGE, M.D.
Secretary

9-9-09
DATE

RAYMOND J. ALBERT
Supervising Member

9/9/09
DATE

KAREN A. UNVER
Assistant Attorney General

9/9/09
DATE

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

February 11, 2009

Case number: 09-CRF- 012

Josephine Clara Aronica, M.D.
1790 Town Park Blvd.
Suite D
Uniontown, Ohio 44685

Dear Doctor Aronica:

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

(1) By letter dated January 9, 2008, the Board notified you of its determination that it had reason to believe that you are in violation of Section 4731.22(B)(19), Ohio Revised Code, and ordered you to submit to an examination to be conducted by Jose Arbona, M.D., a physician approved by the Board for the purpose of conducting a neurological evaluation. The determination was based upon one or more reasons outlined in said letter, including, *inter alia*, you have a medical history of polio, multiple sclerosis, and hypothyroidism; that you have had an indwelling Foley catheter; that you have been bedridden; and that you have been a quadriplegic for many years, after accidental carbon dioxide inhalation.

By letters dated February 8, 2008, May 28, 2008, and January 12, 2009, Dr. Arbona notified the Board that in addition to the abovementioned medical history, it was his impression that you suffer from quadriparesis and paraplegia with an amount of right hemiparesis, with reported multiple sclerosis and/or possible peripheral nerve disease with the diagnosis of Charcot-Marie-Tooth polyneuropathy. Dr. Arbona opined that you would not be capable of appropriately accomplishing physical tasks and physical examination of patients without the assistance of qualified medical professionals and/or special instrumentation. Further, Dr. Arbona reported that in your current condition, even inpatient and intensive rehabilitation would not be able to help you recover movement in your legs or dexterity in your hands to readily perform physical maneuvers, including but not limited to, palpation, acupuncture, and using

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EXHIBIT
A

medical instrumentation such as a stethoscope, ophthalmoscope, and/or otoscope.

(2) On or about August 15, 2006, you met with a Board Investigator whereby you stated, *inter alia*, that you have prescribed medication for yourself and for your pet parrot by using the name and Medicaid information of one of your patients.

In fact, in or about August 2008, you acknowledged that this statement is false, that you knew the statement to be false at the time of utterance, and that you made this statement because a drug-seeking patient was going to smear your reputation.

(3) You denied under oath that you ever obtained drugs for self-use by prescribing to yourself.

In fact, you subsequently admitted in a sworn statement that you have written prescriptions for yourself that were filled at a compounding pharmacy.

(4) You have permitted an unlicensed person and/or unlicensed technician to insert acupuncture needles into patients at your medical practice.

(5) In or about August 2008, you admitted that you did not have medical malpractice insurance, and furthermore, that you did not provide all of your patients with written notice of your lack of such insurance coverage prior to providing nonemergency professional services to these patients.

Your acts, conduct, and/or omissions as alleged in paragraphs (2) and (3) above, individually and/or collectively, constitute "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (3) above, individually and/or collectively, constitute "[c]ommission 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 2921.11, Ohio Revised Code, Perjury.

Further, your acts, conduct, and/or omissions as alleged in paragraph (4) above, individually and/or collectively, constitute "[c]ommission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed," as that clause is used in Section 4731.22(B)(12), Ohio

Revised Code, to wit: Section 2923.03, Ohio Revised Code, Complicity, to wit: Section 4762.02, Ohio Revised Code, Certificate to Practice. Pursuant to Section 4762.99(A), Ohio Revised Code, violation of Section 4762.02, Ohio Revised Code, constitutes a misdemeanor on a first offense.

Further, your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills," as that clause is used in Section 4731.22(B)(19), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (5) above, individually and/or collectively, constitute "[f]ailure to provide notice to, and receive acknowledgement of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's file," as that clause is used in Section 4731.22(B)(30), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (2) and (3) above, individually and/or collectively, constitute "[f]ailure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue," as that clause is used in Section 4731.22(B)(34), Ohio Revised Code.

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

You are further advised that, if you timely request a hearing, 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 this 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.

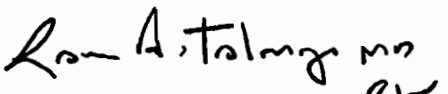
In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently

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

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/DSZ/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3066 6887
RETURN RECEIPT REQUESTED

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
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February 11, 2009

Case number: 09-CRF- 012

Josephine Clara Aronica, M.D.
1790 Town Park Blvd.
Suite D
Uniontown, Ohio 44685

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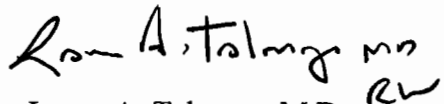

Lance A. Talmage, M.D.
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