Sandy

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

September 26, 1984

Ferruh Unalan, M.D.
2697 Youngstown Road, S.E.
Warren, Ohio 44484

Dear Doctor Unalan:

Please find enclosed a certified copy of the Entry of Order, the Report and Recommendation of Lucy O. Oxley, M.D., Member, State Medical Board of Ohio and a certified copy of the Motion by the State Medical Board, meeting in regular session on September 12, 1984, approving and confirming said Report and Recommendation as the Findings and Order of the State Medical Board.

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

Joseph P. Yut, M.D.
Secretary

JPY:caa

Enclosures

CERTIFIED MAIL NO. P 753 404 645
RETURN RECEIPT REQUESTED

cc: Mr. David W. Wenger
Reese, McNenny, Pyle & Drake
36 North Second Street
Newark, Ohio 43055

CERTIFIED MAIL NO. P 753 404 646
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 Lucy O. Oxley, 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 September 12, 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 Ferruh Unalan, M.D., as it appears in the Journal of the State Medical Board of Ohio.

(SEAL)

Joseph P. Kut, M.D.
Secretary

9-26-84
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *

*

FERRUH UHALAN, M. D. *

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 12th day of September, 1984.

Upon the Report and Recommendation, a true copy of which is attached hereto and incorporated herein, of Lucy O.Oxley, 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 12th day of September, 1984, and made part of the Board's proceedings:

It is hereby ORDERED that:

1. Dr. Ferruh Unalan's license to practice medicine and surgery in Ohio shall be suspended for one year. All but thirty(30) days of the suspension shall be stayed, provided that he complies with Paragraph 2 of this Order.

2. Dr. Ferruh Unalan shall appear before the State Medical Board of Ohio four (4) months from the effective date of this Order, and at four (4) month intervals thereafter for a minimum of one (1) year. At the expiration of one (1) year, Dr. Unalan shall make appearances at the discretion of the Board so that his professional, physical and psychological progress may be noted.

3. At each appearance before the Board, Dr. Unalan shall present a complete enumeration of his Continuing Medical Education credits for review and evaluation.

The effective date of the Order is January 1, 1985.

(SEAL)

Joseph P. Yut, M. D.
Secretary

9-26-84
Date

STATE OF OHIO
THE STATE MEDICAL BOARD

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RECEIVED
OHIO STATE
MEDICAL BOARD

REPORT AND RECOMMENDATION
IN THE MATTER OF FERRUH UNALAN, M.D.

The matter of Ferruh Unalan, M.D., came before me, Lucy O. Oxley, M.D., Member of the State Medical Board of Ohio, on June 12, 1984 at 3:50 P.M.

INTRODUCTION AND SUMMARY OF EVIDENCE

1. Mr. David W. Wenger of Newark, Ohio represented the Respondent. Assistant Attorney General Mary Joseph Maxwell presented the State's case.

2. The State Medical Board notified Dr. Unalan by letter of December 7, 1983 of its intention to determine whether to take some disciplinary action against his medical license, based on the notice that Dr. Unalan had been convicted in the Trumbull County Court of Common Pleas on September 12, 1983 on two counts of Attempted Illegal Processing of Drug Documents. Based on the facts underlying the conviction, Dr. Unalan was cited by the Medical Board for violations of Ohio Revised Code sections 4731.22(B)(3), (6), (9) and (10).

3. In her opening remarks, Ms. Maxwell expressed her intent to prove, through exhibits and testimony, that Dr. Unalan was actually convicted of the two counts of Attempted Illegal Processing of Drug Documents and that he did in fact sell prescriptions to an individual.

4. Following his conviction in Trumbull County, Dr. Unalan received a suspended jail sentence. He is currently completing a one year probation period which will be finished in September 1984. Dr. Unalan was also fined one thousand dollars for each of the two counts, for a total of two thousand dollars, and was required to donate an additional five thousand dollars to a public charity. He selected the Fairhaven School for the Mentally Retarded as the charity to which he made that public contribution.

5. Dr. Unalan has not practiced medicine for some time, not only because of this conviction, but also as a result of a disability which required surgery. He wishes to maintain his license and resume practice as soon as his health permits.

6. The following State's Exhibits were agreed upon for presentation:

   A. State's Exhibit #1 is a copy of the citation letter from the State Medical Board to Dr. Unalan dated December 7, 1983, along with certified mail receipts.

   B. State's Exhibit #2 is a letter written by Mr. Wenger on Dr. Unalan's behalf requesting a hearing in this matter.

   C. State's Exhibit #3 is a letter to Mr. Wenger from William J. Lee, Administrator of the State Medical Board, setting and then postponing a formal hearing date pursuant to Section 119.09, Ohio Revised Code.

   D. State's Exhibit #4 is a letter dated January 24, 1984 from Mr. Lee to Mr. Wenger setting the adjudication hearing for Dr. Unalan for February 8, 1984.

   E. State's Exhibit #5 is a letter dated January 31, 1984 from Mr. Wenger to the Medical Board requesting a continuance on the February 8, 1984 hearing.

   F. State's Exhibit #6 is a letter from Mr. Lee to Mr. Wenger dated March 21, 1984 rescheduling the hearing for June 12, 1984.

   G. State's Exhibit #7 is a copy of the Journal Entry from Trumbull County indicating that Dr. Unalan was sentenced as previously noted for his September 12, 1983 conviction on two misdemeanor counts of Attempted Illegal Processing of Drug Documents.

7. Ms. Vivian Stanley of Youngstown, Ohio was called by Ms. Maxwell as a witness on behalf of the State. Mr. Wenger objected to the admission of Ms. Stanley's testimony on the grounds that Dr. Unalan was not given sufficient notice of the charges against him and was never notified of who potential witnesses against him might be. Ms. Maxwell argued that although the citation letter does not specifically list the underlying acts of Dr. Unalan's conviction, those acts, in conjunction with the conviction, are the basis for the citation letter. Mr. Wenger's objection was subsequently overruled and Ms. Stanley proceeded to testify, as follows:

   A. She had been a patient of Dr. Unalan's for a year or two, and had initially gone to see him with a complaint of back pain.

   B. The first time she went to see Dr. Unalan, on September 24, 1982, the nurse took her weight and the doctor listened to her heart. She told the doctor she wanted a Talwin prescription for her pain. She told him that she had received x-rays and a medical work-up at the Warren Medical Center. She also requested a second prescription for 25 Talwin for a friend, Sylvester Bryant, who she claimed also had a bad back. Dr. Unalan had never seen or examined Mr. Bryant. She said that she had paid the secretary $25 for her consultation with Dr. Unalan and had given the doctor an additional $30 for the second prescription. She stated that she took the Talwin because she liked them.

C. She went to see Dr. Unalan for the second time on October 1, 1982 at the request of Officer Robert Patton. Officer Patton had stopped her on the freeway, arrested her, and asked her to secure a prescription in his name from Dr. Unalan. She said that Dr. Unalan had checked her heart and written a prescription in Officer Patton's name for 25 Talwin. She paid the doctor $30 for the visit. Officer Patton did not go into the doctor's office with her and had never been examined by Dr. Unalan.

8. Ms. Maxwell next called Dr. Ferruh Unalan, who testified as on cross- and direct examination, as follows:

A. He was born in Kayseri, Turkey on September 4, 1926. He is 58 years old. He is married at the current time and has two children by his former wife.

B. He received his medical training at the University of Istanbul, graduating in 1950. He interned in Turkey, then came to the United States in 1954 for residency training. He trained in Springfield, Massachusetts at the Springfield Hospital, in Philadelphia at the Albert Einstein Hospital, and in Warren, Ohio at the Trumbull Memorial Hospital. He is board-certified in internal medicine in Turkey, and is board-eligible in this country. He is affiliated and in good standing with the AMA, OSMA, and the Trumbull County Medical Society.

C. He had a bilateral laminectomy on July 1, 1983 and is still recuperating from the side effects of that procedure. He has not practiced medicine since his surgery. Previously, he had a very busy and lucrative hospital and private practice, seeing 12 to 18 patients during morning hospital rounds and then returning to his office to treat 35-45 patients each day. He is currently living on physical disability insurance.

D. He feels that his troubles began in June, 1974 when he married an American woman. At the time, he was 50 years old and she was 26. After their children were born, his wife began making frequent trips to see her mother. The doctor's heavy practice obligations alienated the couple, and they ultimately divorced on May 22, 1980. His wife received custody of the children, a large sum of money, and alimony. He went to Istanbul to recuperate from his troubles.

E. In August of 1980, three months after their divorce, his ex-wife married her step-father. The doctor was very upset by this, and he began drinking alcohol quite frequently, until he was doing so even in his office. Recognizing that he had a drinking problem, he admitted himself to Hammot Medical Center in Erie, Pennsylvania in 1981 for a twenty-eight day inpatient program. He said that he has not had an alcohol problem since.

F. He related that, as the neighborhood around his office changed and low-income people began to occupy government-purchased property in the area, his practice changed. He had a lot of walk-in patients, in addition to those who came with appointments. Many of his new patients complained of aches and pains and had tales of woe. He claimed that he always took a history, examined his patients thoroughly, and ordered x-rays before prescribing drugs for them. He said that he maintained charts on each patient. He explained that he did not have a chart on Ms. Stanley because many charts had been stolen from his office.

G. He described the circumstances of his arrest by the police officers, including their body search of him. Although there were patients waiting in his office, he was not permitted to examine them. They were sent home by the police officers.

H. He was advised by his lawyer to plead guilty to the charges of Attempted Illegal Processing of Drug Documents. As a result of his pleas of guilt to the two counts, he was convicted and sentenced to a six-month suspended jail term, fined $1000 for each count, for a total of $2000, and required to donate an addition $5000 to a charitable organization. He will be on unsupervised probation until September 12, 1984.

I. He stated that in 1981, after his divorce was finalized, he had gone to Istanbul for five months to recuperate. He met and married his present wife there. She is nearer to his age, and they are very happy. He feels that his life is much better now; he sleeps well and is enjoying himself. He said that he reads journals and goes to meetings in order to keep up his continuing medical education credits. He would like to resume his private practice within the next two or three months.

J. In response to questioning by Ms. Maxwell, he testified about the properties, indications and side effects of Talwin as a back pain remedy. He claimed that he advised his patients that Talwin could be habit-forming. He said that he usually prescribed Equagesic or Norgesic to relieve back pain, and he would write for no more than 20 or 25 Talwin on prescription.

9. Mr. Wenger then called his witness, Mr. Harry Shearer, who was sworn in and testified to the following:

A. He is a close friend of Dr. Unalan's. He works as a claims supervisor for Grange Mutual Casualty Company, and has an office next door to Dr. Unalan's office. He has known the doctor since 1967 and has been a patient of his. Dr. Unalan sent him to the Cleveland Clinic for a double bypass operation in February, and then for a triple bypass soon thereafter. He suffered a paralytic stroke on March 13, 1984 which left him with impaired vision and left hemiplegia of his body.

B. He noticed a deterioration of Dr. Unalan and his practice following the doctor's first marriage and subsequent divorce. He further testified about the doctor's drinking problem and the changing clientele arising from the change in the type of people living in the neighborhood of the office. He claimed that Dr. Unalan had refused many times to see or treat patients who demanded certain drugs.

C. He felt that Dr. Unalan was at his lowest point of dispair when he learned that his ex-wife was going to marry his ex-father-in-law. He explained Dr. Unalan's ex-wife had paid to send her mother's husband to Santo Domingo for a 24-hour divorce and had subsequently married him. This affected the doctor's practice; he was completely devastated and began drinking.

D. He sensed that by the fall of 1982, Dr. Unalan's life was coming back together. After his return from Turkey with his new wife (who speaks no English), he was in his office daily. His practice began to pick up, and his old patients were beginning to come back. Then he was arrested and faced with the concurrent publicity.

E. He said he did not believe that Dr. Unalan would sell a prescription, because he believed the doctor to be truthful and honest.

F. He admitted that he never knew what was happening in Dr. Unalan's office unless he, his son, his grandson, or his wife were being examined or treated. He never saw or was present when witness Vivian Stanley saw the doctor. He stated that he had never seen Ms. Stanley before.

FINDINGS OF FACT

1. Dr. Ferruh Unalan, a doctor specializing in internal medicine, was convicted in the Trumbull County Court of Common Pleas on September 12, 1983 on two counts of Attempted Illegal Processing of Drug Documents.

2. Dr. Unalan was cited by the State Medical Board of Ohio on December 7, 1983 for alleged violations of Ohio Revised Code sections 4731.22(B)(3), (6) (9), and (10).

3. Dr. Unalan is serving a one year probation which will be completed in September, 1984. He was fined $1000 for each of the two counts on which he was convicted, for a total of $2000, and was required to donate an additional $5000 to a public charity.

4. Marital problems and alcoholism plagued Dr. Unalan in the late 1970's and into 1980. By the fall of 1982, following his trip to Turkey and his second marriage, life for Dr. Unalan and his private practice of medicine were greatly improving. The occurrences in his office on September 24, 1982 and October 1, 1982 involving Ms. Stanley cannot be attributed to any emotional or physical disability of Dr. Unalan.

5. On July 1, 1983, Dr. Unalan had a bilateral laminectomy, from which he is now recuperating. He is on no medication for his leg pains, which are gradually disappearing. He hopes to be well enough in two or three months to resume his practice.

CONCLUSIONS

1. After reviewing all of the testimony and evidence presented, it is my opinion that Ferruh Unalan, M.D., is in violation of Sections 4731.22(B)(3) and (6), Ohio Revised Code by virtue of his failure to obtain a history, perform a physical examination, order and review x-rays, and study laboratory data before prescribing appropriate medication. This is the procedure usually followed by all primary physicians, and surely should be done by a specialist in internal medicine.

2. In addition, Dr. Unalan is in violation of Section 4731.22(B)(10), Ohio Revised Code on the basis of his conviction in Trumbull County Court of Common Pleas on two misdemeanor counts of Attempted Illegal Processing of Drug Documents.

PROPOSED ORDER

It is hereby ORDERED that:

1. Dr. Ferruh Unalan's license to practice medicine and surgery in Ohio shall be suspended for one year. All but thirty days of the suspension shall be stayed, provided that he complies with Paragraph 2 of this Order.

2. Dr. Ferruh Unalan shall appear before the State Medical Board of Ohio four months from the effective date of this Order, and at four month intervals thereafter for a minimum of one year. At the expiration of one year, Dr. Unalan shall make appearances at the discretion of the Board so that his professional, physical and psychological progress may be noted.

3. At each appearance before the Board, Dr. Unalan shall present a complete enumeration of his Continuing Medical Education credits for review and evaluation.

This Order shall become effective as determined by the State Medical Board of Ohio.

Lucy O. Oxley, M.D.

Lucy O. Oxley, M.D.
Hearing Member

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

EXCERPT FROM THE MINUTES OF SEPTEMBER 12, 1984

REPORT AND RECOMMENDATION IN THE MATTER OF FERRUH UNALAN, M.D.

Mr. Bumgarner, Mr. Schmidt, Ms. Yale, Mr. Prunte and Ms. Lubow left the meeting at this time.

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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 ferruh unalan, M.D. a roll call was taken:

ROLL CALL:	Dr. Lancione	- aye
	Dr. Buchan	- aye
	Dr. Rauch	- aye
	Mr. Johnston	- aye
	Dr. Yut	- aye
	Dr. Oxley	- aye
	Ms. Rolfes	- aye

.....

DR. YUT MOVED TO APPROVE DR. OXLEY'S FINDINGS OF FACT, CONCLUSIONS AND PROPOSED ORDER IN THE MATTER OF FERRUH UNALAN, M.D. DR. RAUCH SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Lancione	- aye
	Dr. Buchan	- abstain
	Dr. Rauch	- aye
	Mr. Johnston	- aye
	Dr. Yut	- aye
	Dr. Oxley	- abstain
	Ms. Rolfes	- aye
	Dr. Lovshin	- aye

The motion carried.

Dr. Lovshin stated that he has received, read and considered the hearing record, the propsed findings and order, and any objections filed to the proposed findings and order in the matter of Ferruh Unalan, M.D.

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DR. LANCIONE MOVED THAT AN EFFECTIVE OF JANUARY 1, 1985 BE PLACED ON THE ORDER. MS. ROLFES SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. O'Connor	- aye

Dr. Rauch	- aye
Mr. Johnston	- aye
Dr. Yut	- aye
Dr. Oxley	- abstain
Ms. Rolfes	- aye
Dr. Lovshin	- aye

The motion carried.

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

December 7, 1983

Ferruh Unalan, M.D.
2697 Youngstown Road, S.E.
Warren, OH 44484

Dear Doctor Unalan:

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 or reinstate your certificate to practice medicine or surgery, or to reprimand or place you on probation, for the following reason:

> On or about September 12, 1983 you were convicted in the Court of Common Pleas, Trumbull County, Ohio, Case Number 82-CR-467, of two counts of Attempted Illegal Processing of Drug Documents. Said convictions resulted from your sales of prescriptions for the controlled substance, Talwin.

The acts for which you were convicted 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 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, conviction of any felony or conviction of a misdemeanor committed in the course of practice constitutes disciplinary grounds pursuant to Sections 4731.22(B)(9) and 4731.22(B)(10), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, please be advised that you are entitled to 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, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

STATE OF OHIO
THE STATE MEDICAL BOARD

December 7, 1983

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, revoke, suspend, refuse to register, or reinstate your certificate to practice medicine or surgery in the State of Ohio, or to reprimand or place you on probation.

Copies of all referenced statutes are enclosed.

Very truly yours,

Leonard L. Lovshin M.D.

Leonard L. Lovshin, M.D.
Vice-President and Acting-Secretary

LLL:ls

Enclosures

CERTIFIED MAIL NO. P 354 447 779
RETURN RECEIPT REQUESTED