amended/es

STATE MEDICAL BOARD
OF OHIO
2002 JAN -3 A 11: 35

STATE OF OHIO
THE STATE MEDICAL BOARD

SURRENDER OF CERTIFICATE
TO PRACTICE MEDICINE AND SURGERY

I, Jon Duane Gove, M.D., am aware of my rights to representation by counsel and the right of appeal following a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein.

I, Jon Duane Gove, M.D., do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice medicine and surgery, No. 35-030110, to the State Medical Board of Ohio, thereby relinquishing all rights to practice medicine and surgery in Ohio. This voluntary surrender supercedes and serves as resolution of all obligations arising from the November 7, 2001, Board Order issued in the Matter of Jon D. Gove, M.D.

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. 35-030110 or issuance of any other certificate pursuant to Chapters 4730., 4731., 4760. or 4762., Ohio Revised Code, 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, Jon Duane Gove, 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, and may be reported to appropriate organizations, data banks, and governmental bodies. I, Jon Duane Gove, M.D., agree to provide my social security number to the Board and hereby authorize the Board to utilize that number in conjunction with that reporting.

STATE MEDICAL BOARD OF OHIO
2002 JAN 3 A 11: 35

I stipulate and agree that I am taking the action described herein in lieu of fulfilling the terms and conditions of the Board Order issued on November 7, 2001, a copy of which is attached hereto and fully incorporated herein.

Signed this 27th day of December, 2001.

Jon Duane Gove MD
Jon Duane Gove MD
Jon Duane Gove, M.D.

Witness

Witness

Sworn to and subscribed before me this 27th day of December, 2001.

OFFICIAL SEAL
JACKLYN C LIRA
NOTARY PUBLIC - OREGON
COMMISSION NO. 310278
MY COMMISSION EXPIRES MAR. 12, 2002

Jacklyn C. Lira
Notary Public

SEAL **(This form must be either witnessed OR notarized)**

Accepted by the State Medical Board of Ohio:

ANAND G. GARG, M.D.
SECRETARY

01/07/02
DATE

RAYMOND J. ALBERT
SUPERVISING MEMBER

1/7/02
DATE

amended/es

State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.state.oh.us/med/

November 7, 2001

Jon D. Gove, M.D.
2701 Lowe River Road
Grants Pass, OR 77526

Dear Doctor Gove:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of R. Gregory Porter, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on November 7, 2001, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order.

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

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. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Anand G. Garg, M.D.
Secretary

AGG:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. 7000 0600 0024 5147 2996
RETURN RECEIPT REQUESTED

Cc: James M. McGovern, Esq.
CERTIFIED MAIL RECEIPT NO. 7000 0600 0024 5147 2590
RETURN RECEIPT REQUESTED

Mailed 11-20-01

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of R. Gregory Porter, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on November 7, 2001, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the Matter of Jon D. Gove, 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.

Anand G. Garg, M.D.
Secretary

(SEAL)

November 7, 2001
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *

*

JON D. GOVE, M.D. *

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on November 7, 2001.

Upon the Report and Recommendation of R. Gregory Porter, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification, approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

A. **SUSPENSION, PROBATION:** The certificate of Jon D. Gove, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for a period of thirty (30) days. Upon reinstatement, Dr. Gove's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least three (3) years:

1. **Requests for Modification**: Dr. Gove shall not request modification of the terms, conditions, or limitations of probation for at least one year after imposition of these probationary terms, conditions, and limitations.

2. **Laws in State Where Practicing**: Dr. Gove shall obey all federal, state and local laws, and all rules governing the practice of medicine and surgery in the state in which he is practicing.

3. **Appearances**: Dr. Gove shall appear in person for interviews before the full Board or its designated representative during the third month following the month in which probation becomes effective and upon his request for termination of the probationary period, and/or as otherwise requested by the Board.

4. **Quarterly Declarations**: Dr. Gove shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of probation. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which probation becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

5 **Evidence of Professional Ethics Course**: Within one year of the date probation becomes effective, Dr. Gove shall provide acceptable documentation of successful completion of a course or courses dealing with professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education acquisition period(s) in which they are completed.

6. **Additional Terms After Commencing Practice In Ohio**: Should Dr. Gove commence practice in Ohio, he must notify the Board in writing within thirty days of commencing such practice. The Board may place his certificate under additional probationary terms, conditions, or limitations, including the following:

   a. **Appearances**: Dr. Gove shall appear in person for interviews before the full Board or its designated representative during the third month following the month in which he resumes practice in Ohio. Subsequent personal appearances must occur every third month thereafter, upon Dr. Gove's request for termination of the probationary period, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

7. **Absence from Ohio**: In the event that Dr. Gove should leave Ohio for three consecutive months, or reside or practice outside the State, Dr. Gove must notify the Board in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this probationary period, unless otherwise determined by motion of the Board in instances where the Board can be assured that the purposes of the probationary monitoring are being fulfilled.

8. **Noncompliance Will Not Reduce Probationary Period**: In the event Dr. Gove is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of the deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.

9. **Violation of Probation; Discretionary Sanction Imposed**: If Dr. Gove violates probation in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.

B. **TERMINATION OF PROBATION**: Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Gove's certificate will be fully restored.

C. **REQUIRED REPORTING BY LICENSEE TO EMPLOYERS AND HOSPITALS**: Within thirty days of the effective date of this Order, Dr. Gove shall provide a copy of this Order by certified mail to all employers or entities with which he is under contract to provide health care services or is receiving training, and the Chief of Staff at each hospital where Dr. Gove has privileges or appointments. Further, Dr. Gove shall provide a copy of this Order by certified mail to all employers or entities with which he applies or contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where Dr. Gove applies for or obtains privileges or appointments. Further, Dr. Gove shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

D. **REQUIRED REPORTING BY LICENSEE TO OTHER STATE LICENSING AUTHORITIES**: Within thirty days of the effective date of this Order, Dr. Gove shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Gove shall also provide a copy of

this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement of any professional license. Further, Dr. Gove shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

EFFECTIVE DATE OF ORDER: This Order shall become effective immediately upon mailing of notification of approval by the State Medical Board of Ohio.

(SEAL)

Anand G. Garg, M.D.
Secretary

November 7, 2001
Date

amended/es

STATE MEDICAL BOARD
OF OHIO

2001 SEP 27 A 9:09

REPORT AND RECOMMENDATION
IN THE MATTER OF JON D. GOVE, M.D.

The Matter of Jon D. Gove, M.D., was heard by R. Gregory Porter, Attorney Hearing Examiner for the State Medical Board of Ohio, on August 30, 2001.

INTRODUCTION

I. Basis for Hearing

A. On May 9, 2001, the State Medical Board of Ohio [Board] notified Jon D. Gove, M.D., that it had proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board alleged that, on or about May 1, 2000, Dr. Gove had "stipulated to a Voluntary Limitation of [his] Oregon Medical license which was granted on June 28, 2000, by the Oregon Board of Medical Examiners [Oregon Board]. The Voluntary Limitation includes that [Dr. Gove] will not read cerebral magnetic resonance imaging [MRI] and computed tomography [CT] of the temporal bone." The Board further alleged that the Division of Medical Quality, Medical Board of California, [California Board] subsequently reprimanded Dr. Gove based upon the Oregon Board's Voluntary Limitation. Moreover, the Board alleged that Dr. Gove had failed to notify the Board on his 2000 application for renewal of his Ohio certificate of the Oregon Board's Voluntary Limitation.

The Board alleged that the Oregon Board's Voluntary Limitation Order constitutes "'[a]ny of the following actions taken by the state agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,' as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, as in effect prior to August 10, 2000."

The Board further alleged that the California Board's Order Issuing Public Letter of Reprimand constitutes "'[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an

STATE MEDICAL BOARD
OF OHIO

2001 SEP 27 A 9:09

individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,' as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, as in effect prior to April 10, 2001."

The Board further alleged that Dr. Gove's acts, conduct, and/or omissions constitute "'fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board,' as that clause is used in Section 4731.22(A), Ohio Revised Code[; and/or] '[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, medicine and surgery, podiatry, 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."

Accordingly, the Board advised Dr. Gove of his right to request a hearing in this matter. (State's Exhibit 1A)

B. By document received by the Board on May 30, 2001, James M. McGovern, Esq., requested a hearing on behalf of Dr. Gove. (State's Exhibit 1B)

II. Appearances

A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by Rebecca J. Albers, Assistant Attorney General.

B. On behalf of the Respondent: James M. McGovern, Esq.

EVIDENCE EXAMINED

I. Testimony Heard

A. Presented by the State

1. Debra L. Jones
2. Jon D. Gove, M.D., via speaker telephone, as upon cross-examination

B. Presented by the Respondent

1. Jon D. Gove, M.D., via speaker telephone
2. Teddy Shepard, via speaker telephone

STATE MEDICAL BOARD
OF OHIO

2001 SEP 27 A 9:09

II. Exhibits Examined

A. Presented by the State

1. State's Exhibits 1A through 1P: Procedural exhibits.

2. State's Exhibit 2: Certified copies of documents concerning Dr. Gove from the Oregon Board of Medical Examiners.

3. State's Exhibit 3: Certified copies of documents concerning Dr. Gove from the Medical Board of California Division of Medical Quality.

4. State's Exhibit 4: Copy of Dr. Gove's 2000 application for renewal of his Ohio certificate.

5. State's Exhibit 5: Copy of computer printout dated August 28, 2001, of license information maintained by the Board.

6. State's Exhibit 6: Copy of computer printout of information maintained by the Ohio Treasurer's office entitled "Daily Board Total for 8/08/2000 Medical."

B. Presented by the Respondent

1. Respondent's Exhibit A: Certified copies of documents from Three Rivers Community Health Center, Grants Pass, Oregon, concerning Dr. Gove.

2. Respondent's Exhibit B: Certified copies of documents from Mid-Rogue Independent Physician Association Credentialing Department, Grants Pass, Oregon, concerning Dr. Gove. [Note: The Hearing Examiner redacted a Social Security number from this document post hearing.]

3. Respondent's Exhibit C: June 29, 2001, letter to Mr. McGovern from the Medical Board of California concerning Dr. Gove; a copy of an October 13, 2000, letter to Dr. Gove from the Medical Board of California, and excerpts from the California Business and Professions Code, are attached.

4. Respondent's Exhibit D: Collection of documents, comprised of copies of documents included in Respondent's Exhibits A, B, and C, used during the speaker telephone testimony of Dr. Gove.

STATE MEDICAL BOARD
OF OHIO

2001 SEP 27 A 9:09

SUMMARY OF THE EVIDENCE

All exhibits and transcripts of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

1. Dr. Gove testified that he obtained his medical degree in 1967 from the Ohio State University College of Medicine. Dr. Gove testified that he completed a rotating internship at a United States Public Health Service hospital in Seattle, Washington, and then worked for the Health Service for two years in Alaska. Following that, Dr. Gove testified that he worked as an emergency room physician for one and one half years in Yakima, Washington. Finally, Dr. Gove testified that he then completed a residency in radiology at the University of Missouri, Columbia, Missouri. (Hearing Transcript [Tr.] at 51-53)

   Dr. Gove testified that he holds physician licensure in Oregon, California, and Ohio. Dr. Gove further testified that he has been licensed in Ohio since 1967, although he has not lived or practiced medicine in Ohio since medical school. Dr. Gove testified that he grew up in Columbus, Ohio, and has retained his Ohio license "because of habit and sentimental reasons." (Tr. at 59-60)

   Dr. Gove testified that in January 1975, after finishing his residency, he began the practice of diagnostic radiology in Grants Pass, Oregon, and has practiced there ever since. Dr. Gove indicated that he practices in a group that consists of four individuals besides himself. Dr. Gove further testified that his group provides more extensive services than is typical for a group in a town of Grants Pass' size—about 20,000 residents—and provides service in general radiology, interventional radiology, nuclear medicine, ultrasound, CT, and MRI. Moreover, Dr. Gove testified that his practice "has changed considerably over the years because radiology changed considerably. * * * [S]ince I began private practice, ultrasound, CT, and MRI have become available on a general basis, including this community. We are doing more and more interventional radiology procedures, which is basically a surgical-type procedure using imaging guidance, including biopsies and other things." Dr. Gove testified that keeping up with the changes in radiology has entailed much reading, attending meetings, and keeping up with the latest literature. (Tr. at 57-59, 96)

2. On May 1, 2000, Dr. Gove stipulated to a Voluntary Limitation with the Board of Medical Examiners, State of Oregon [Oregon Board]. The Voluntary Limitation states, in part, as follows:

   > 2. [Dr. Gove] enters into a Voluntary Limitation on his license to practice medicine that [Dr. Gove] will not read cerebral magnetic resonance

STATE MEDICAL BOARD
OF OHIO

2001 SEP 27 A 9:09

imaging (MRI's) and computed tomography (CT's) of the temporal bone.

3. The [Oregon Board] grants [Dr. Gove] a voluntary limitation pursuant to ORS 677.410. Therefore, from the date of this Order, [Dr. Gove] agrees to abide by the following terms and conditions:

   3.1 [Dr. Gove] will not read cerebral magnetic resonance imaging (MRI's) and computed tomography (CT's) of the temporal bone.

(State's Exhibit [St. Ex.] 2) On June 28, 2000, the Voluntary Limitation was made an order by the Oregon Board. (St. Ex. 2)

3. On November 3, 2000, the Medical Board of California [California Board] published an Order Issuing Public Letter of Reprimand based upon the Oregon Board's Voluntary Limitation. The order noted that on October 31, 2000, Dr. Gove had been issued a Public Letter of Reprimand. (St. Ex. 3)

4. Dr. Gove completed, signed, and returned his 2000 application for renewal of his certificate to practice in Ohio, but did not date the application. In that application, Dr. Gove certified "under penalty of loss of [his] right to practice in the State of Ohio * * * that the information on [that] application for renewal is true and correct in every respect." Further, Dr. Gove answered, "NO," to question 5 on the renewal application. Question 5 asked Dr. Gove if, since having last signed an application for renewal of his Ohio certificate, had he "surrendered, or consented to limitation of a license to practice any healthcare profession or state or federal privilieges to prescribe controlled substances in any jurisdiction?" Question 5 also advised Dr. Gove that he "may answer 'NO' to this question if the only such surrender or consent was given to this board." (St. Ex. 4)

5. Debra L. Jones testified that she is the Chief of CME, Records, and Renewal for the Board, and that she has held that position for fifteen years. Ms. Jones further testified that her responsibilities include processing the renewal of certificates for physicians licensed to practice in Ohio. (Tr. at 14-15, 27)

   Ms. Jones testified that renewal applications are sent to physicians six months prior to the date of expiration of the physicians' certificates. The completed applications are returned by the physician along with the renewal fee, and forwarded to the Treasurer of the State of Ohio for processing. After the renewal applications and fees have been processed by the Treasurer's office, the completed renewal applications are delivered to the Board. (Tr. at 15)

STATE MEDICAL BOARD
OF OHIO

2001 SEP 27 A 9:09

6. Ms. Jones testified that Dr. Gove's renewal application for 2000 was mailed to him on July 1, 2000. Ms. Jones further testified that there was no chance that it would have been mailed to him significantly earlier than that. (Tr. at 24, 30-35)

   Ms. Jones testified that Dr. Gove's completed renewal form for 2000 had been returned undated. Nevertheless, Ms. Jones testified that the card contained information that had been printed on the card by the Treasurer's office on July 13, 2000. Ms. Jones further testified that she did not know if the Treasurer's office had received Dr. Gove's renewal application on that date or previous to that date. (St. Ex. 4; Tr. at 15-16 and 22-23)

   Ms. Jones testified that the Board's data concerning Dr. Gove indicates that the Treasurer's office processed Dr. Gove's 2000 renewal card and renewal fee on August 8, 2000. (St. Exs. 5 and 6; Tr. at 17-19)

7. Dr. Gove testified concerning the events that led up to the Oregon Board's Voluntary Limitation:

   > In October 1998, I believe it was October 15th, I interpreted an individual cerebral MRI, and I missed a small, very subtle, early ischemic infarct. The patient subsequently went to the neurologist with some symptomatology, and he basically reviewed the MRI and picked up the abnormality and informed the patient of that.
   >
   > The patient was apparently quite angry, and [s]he had no reason for—no legitimate reason for a lawsuit, but instead, apparently complained to the medical examiner. * * * [The medical examiner] requested a list of MRI reads for a six-month period, which I provided to them.
   >
   > They then randomly selected some of those cases, maybe 15 or 20 cases, I believe, for review and had questions about several of them, and then that led to the interview with the investigating committee.
   >
   > * * *
   >
   > [Prior to the interview,] my attorney assigned by the Oregon Medical Association, C.N.A., told me that she was extremely concerned about the outcome of this because of her previous experience with the Board of Medical Examiners, and she urged me, prior to that interview, to consider voluntarily relinquishing privileges and reading MRIs.
   >
   > The interview was relatively benign. The radiologist simply dismissed some of the cases as being of no concern at that time. However, they asked me if this situation had made me do anything to change my practice,

STATE MEDICAL BOARD
OF OHIO

2001 SEP 27 A 9:09

> and I said yes. On the basis of my attorney's advice, and the fact that I now feel I was a marked man in regards to cerebral MRIs that I was willing to enter into no longer reading it, no longer doing cerebral MRIs.
>
> At that time they also asked me if there were any other procedures or studies that I did not feel comfortable with, and I volunteered that I did not like reading CT examinations of the temporal bone, based upon lack of experience with it and the [low] frequency with which I was doing it. They added that into the stipulation.

(Tr. at 60-63) Dr. Gove further testified that "[a] fraction of a percent" of his practice had consisted of cerebral MRIs and CTs of the temporal bone. (Tr. at 63)

8. Dr. Gove testified that on May 1, 2000, he had entered into a Voluntary Limitation of his Oregon certificate with the Oregon Board. Dr. Gove further testified that he had agreed to the Oregon Board's Voluntary Limitation out of concern regarding potential future malpractice actions. Dr. Gove testified, "I felt, having gone through this process, that I was basically a marked man and that if any future difficulty should occur, with this on my record, I was concerned with being extremely vulnerable to malpractice situations, that sort of thing." (Tr. at 54-56, 64)

   Dr. Gove could not recall when he had received the executed Voluntary Limitation from the Oregon Board, but believed it would have been early July 2000. Dr. Gove further stated that he was unsure if the Voluntary Limitation had become effective on May 1, 2000, when he signed it, or on June 28, 2000, when the Oregon Board issued the order; however, Dr. Gove testified that he had already limited his practice by the earlier date. (Tr. at 65-66)

   Dr. Gove testified that he had understood that the Voluntary Limitation was a public record, and that it would be reported to the National Practitioner Data Bank [NPDB]. Dr. Gove further testified that he had also understood that medical boards have access to the information in the NPDB. (Tr. at 66)

9. Dr. Gove testified that, by letter dated August 13, 2000, the California Board offered him the opportunity to accept a public reprimand or face charges of professional misconduct. Dr. Gove checked a box on that letter that stated, "I agree to the Public Letter of Reprimand." In addition, Dr. Gove signed the letter and dated it October 18, 2000. Dr. Gove testified that he had not been surprised to receive that letter from the California Board because he had known that the Oregon Board's Voluntary Limitation was a public record and that the California Board had access to that information. (Respondent's Exhibit [Resp. Ex.] D at 34; Tr. at 85-88)

   In a June 29, 2001, letter to Dr. Gove's Ohio attorney, James M. McGovern, Esq., Elberta Portman, Supervising Manager I, Enforcement Unit, California Board, stated that

STATE MEDICAL BOARD
OF OHIO
2001 SEP 27 A 9:10

the California Board had been notified of the Oregon Board's Voluntary Limitation concerning Dr. Gove "through the Federation Report[.]" Ms. Portman further stated that "[t]here is no California requirement for Dr. Gove to report any action taken by another state board." (Resp. Ex. C)

10. Dr. Gove testified that he completed the 2000 application for renewal of his Ohio certificate, but that he does not recall completing it. Dr. Gove also stated that, at the time he signed his 2000 application for renewal of his Ohio certificate, he had been aware that he had entered into the Voluntary Limitation with the Oregon Board. Dr. Gove acknowledged that he had answered, "No," to question 5 on that application. Dr. Gove further testified that that was an error, and that he should have answered, "Yes," to that question. Moreover, Dr. Gove testified that "[i]t was just an error and an ambiguity in the question. The question is poorly worded in the prescribed controlled substance section of it. That I believe is what happened. I have no idea. Obviously, the correct answer would have been yes." Dr. Gove nevertheless agreed that that the question had clearly asked whether he had consented to a limitation of his license. (St. Ex. 4, Resp. Ex. D at 33; Tr. at 66-68, 94-95)

11. Dr. Gove testified that he had reported the Voluntary Limitation to the Mid-Rogue Independent Practitioner Association [IPA], Grants Pass, Oregon. Dr. Gove further testified that the IPA is a local credentialing center for third-party payors. Dr. Gove testified that on October 22, 2000, he had answered, "Yes," to the following question on the IPA Oregon Practitioner Recredential Application:

    A. In the last two years, has your license, certification, or registration to practice your profession, Drug Enforcement Administration (DEA) registration, or narcotic registration/certificate in any jurisdiction been denied, limited, suspended, revoked, not renewed, voluntarily or involuntarily relinquished, or subject to stipulated or probationary conditions, or have you been fined or received a letter of reprimand or is any such action pending or under review.

(Resp. Ex. B; Resp. Ex. D at 8; Tr. at 69-71, 76) Dr. Gove testified that he had answered affirmatively to that question because of the Oregon Board's Voluntary Limitation. Moreover, Dr. Gove testified that he had spoken to the IPA Medical Director on the telephone shortly thereafter and had explained to him what occurred. Further, Dr. Gove testified that he had provided additional information concerning the Oregon Board's Voluntary Limitation and the reasons therefore on an October 16, 2000, Professional Liability Action Detail that had been included with the Recredential application. Finally, Dr. Gove testified that he believes that he had also provided the IPA with a copy of the Oregon Board's Voluntary Limitation. (Resp. Ex. B; Resp. Ex. D at 10, 14; Tr. at 71-76)

STATE MEDICAL BOARD
OF OHIO
2001 SEP 27 A 9:10

12. Dr. Gove testified that ninety-five percent of his practice is performed for Three Rivers Community Hospital [Three Rivers], Grants Pass, Oregon. Dr. Gove stated that he was Chief of Staff at Three Rivers in the mid-1980s. (Tr. at 78-80)

    Dr. Gove testified that, by letter dated July 21, 2000, he notified Richard Battey, M.D., Chairman of the Department of Surgery at Three Rivers, of the Oregon Board's Voluntary Limitation. Dr. Gove further requested that his privileges at Three Rivers for reading cerebral MRI and CT of the temporal bone be discontinued. (Resp. Ex. A; Resp. Ex. D at 22; Tr. at 82)

    Dr. Gove further testified that in a credentialing document dated August 20, 2000, he had further requested that cerebral MRI and temporal bone CT be deleted from his core privileges in radiology at Three Rivers. (Resp. Ex. A; Resp. Ex. D at 26-27; Tr. at 82-85)

13. When Dr. Gove was asked why he had reported the Oregon Board's Voluntary Limitation to the IPA and Three Rivers but not the Ohio Board, Dr. Gove replied, "Well, the application—it was critical to my ongoing practice. I don't know why I didn't mark the right box on the Ohio application. It was just a mistake." Dr. Gove testified that he would handle future renewal applications from Ohio with a "[g]reat deal more care." (Tr. at 88-89)

14. Dr. Gove testified concerning the events underlying the Voluntary Limitation. Dr. Gove stated that he had learned from others in the hospital that the patient for whom he had misinterpreted the MRI had been extremely angry and persistent in her complaints to the Oregon Board. Dr. Gove further testified that he believes that it was her persistence that caused the Oregon Board to take action against him, and that the nature of the mistake that he had made in her case "was such that ordinarily would have been dealt with without involving [Dr. Gove] in an investigation." Dr. Gove further stated that it is common for a radiologist to miss something on an image study. Moreover, Dr. Gove testified, "No one likes to miss things, but the fact [is] that people do miss things every day, that is just the way it is." Dr. Gove testified that the patient had a stroke, but that he "didn't cause the stroke and the diagnosis. No impact whatsoever." Finally, Dr. Gove testified, "In this case, it was unfortunate that it happened, and no harm was done, and it didn't make any difference in her outcome whatsoever, but she was a very angry patient and that is what happens sometimes." (Tr. at 89-90)

15. Teddy Shepherd testified that she is the Medical Staff Coordinator for Three Rivers, and that she has been employed by Three Rivers for nineteen years. Her job responsibilities include doing background checks on physicians, attending meetings and taking minutes, writing bylaws, and participating in peer review. (Tr. at 99-101)

    Ms. Shepherd testified that she knows Dr. Gove, and that Dr. Gove is a member of the medical staff at Three Rivers. Ms. Shepherd stated that Dr. Gove has twice been Chief of

STATE MEDICAL BOARD
OF OHIO
2001 SEP 27 A 9:10

Staff for the medical staff, and that she had worked closely with Dr. Gove during his tenure in that office. Ms. Shepherd further stated that Dr. Gove has long been the chair of Three Rivers' radiation safety committee, and that she takes the minutes for that committee's meetings and works closely with Dr. Gove in that capacity. (Tr. at 101-102)

Ms. Shepherd testified that she is familiar with Dr. Gove's reputation in the hospital community. Ms. Shepherd testified that "Dr. Gove is very well respected by his peers in the community. He is a hard-working radiologist. He does a good job for us." Ms. Shepherd further testified that Dr. Gove has a reputation for being honest, and that it is "not of his character to willfully lie about anything." (Tr. at 102-103)

FINDINGS OF FACT

1. On May 1, 2000, Dr. Gove stipulated to a Voluntary Limitation of his Oregon Medical license with the Oregon Board of Medical Examiners [Oregon Board]. On June 28, 2000, the Voluntary Limitation was made an order by the Oregon Board. The Voluntary Limitation states that Dr. Gove will not read cerebral magnetic resonance imaging [MRI] and computed tomography [CT] of the temporal bone.

2. On November 3, 2000, the Medical Board of California [California Board] issued an Order Issuing Public Letter of Reprimand based upon the Oregon Board's Voluntary Limitation. The Order Issuing Public Letter of Reprimand noted that on October 31, 2000, Dr. Gove had been issued a Public Letter of Reprimand.

3. On an unknown date between July 1, 2000, and August 8, 2000, Dr. Gove signed and submitted, but did not date, his application for renewal of his certificate to practice medicine and surgery in Ohio. In so doing, Dr. Gove certified, under penalty of loss of his right to practice in Ohio, that the information provided in his application for renewal was true and correct in every respect.

   Further, Dr. Gove answered, "NO," to question 5 on the renewal application. Question 5 asked Dr. Gove if, since having last signed an application for renewal of his Ohio certificate, had he "surrendered, or consented to limitation of a license to practice any healthcare profession or state or federal privilieges to prescribe controlled substances in any jurisdiction?" Question 5 also advised Dr. Gove that he "may answer 'NO' to this question if the only such surrender or consent was given to this board."

   In fact, as set forth in Findings of Fact 1, on May 1, 2000, Dr. Gove had stipulated to the Voluntary Limitation of his Oregon certificate. The Voluntary Limitation was made an order by the Oregon Board on June 28, 2000.

STATE MEDICAL BOARD
OF OHIO

2001 SEP 27 A 9:10

CONCLUSIONS OF LAW

1. The June 28, 2000, Oregon Board of Medical Examiners' Voluntary Limitation concerning Jon D. Gove, M.D., as set forth in Findings of Fact 1, constitutes "[a]ny of the following actions taken by the state agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, as in effect prior to August 10, 2000.

2. The November 3, 2000, Order Issuing Public Letter of Reprimand issued by the Medical Board of California concerning Dr. Gove, as set forth in Findings of Fact 2, constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, as in effect after August 10, 2000, and prior to April 10, 2001.

3. The acts, conduct, and/or omissions of Dr. Gove, as set forth in Findings of Fact 3, constitute "fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code.

4. The acts, conduct, and/or omissions of Dr. Gove, as set forth in Findings of Fact 3, 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, medicine and surgery, podiatry, 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.

* * * * *

Although Dr. Gove argued that he did not intend to deceive the Board by his inappropriate answer to question 5 on his 2000 renewal application, his answer was false and misleading. The Proposed Order suspends Dr. Gove's certificate for this conduct, and further places a permanent limitation on his license in accordance with the Oregon Board's Voluntary Limitation.

STATE MEDICAL BOARD
OF OHIO

2001 SEP 27 A 9: 10

PROPOSED ORDER

It is hereby ORDERED that:

A. The certificate of Jon D. Gove, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for a period of thirty days.

B. Upon reinstatement, the certificate of Dr. Gove to practice medicine and surgery in the State of Ohio shall be permanently LIMITED and RESTRICTED as follows: Dr. Gove shall not read cerebral magnetic resonance imaging [MRI] and/or computed tomography [CT] of the temporal bone.

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

R. Gregory Porter
Attorney Hearing Examiner

State Medical Board of Ohio

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EXCERPT FROM THE DRAFT MINUTES OF NOVEMBER 7, 2001

REPORTS AND RECOMMENDATIONS

Dr. Somani announced that the Board would now consider the findings and orders appearing on the Board's agenda.

Dr. Somani asked whether 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 matter of Hany M. Gove, M.D.; Jon D. Gove, M.D.; and Rezso Spruch, M.D. A roll call was taken:

ROLL CALL:		
	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Buchan	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Stienecker	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Dr. Somani	- aye

Dr. Somani asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:		
	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Buchan	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Stienecker	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Dr. Somani	- aye

Dr. Somani noted that, in accordance with the provision in Section 4731.22(F)(2), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in

further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters.

Dr. Somani stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and orders in the above matters. No objections were voiced by Board members present.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

.....

JON D. GOVE, M.D.

Dr. Somani directed the Board's attention to the matter of Jon D. Gove, M.D. He advised that objections were filed to Hearing Examiner Porter's Report and Recommendation and were previously distributed to Board members.

Dr. Somani continued that a request to address the Board has been timely filed on behalf of Dr. Gove. Five minutes would be allowed for that address.

Mr. McGovern spoke on behalf of Dr. Gove. He advised that the facts presented at this hearing entailed his candidly acknowledging that it was a careless mistake on his part to check "No" on the Ohio renewal application. There is no evidence to support the finding that he intended to deceive this Board. To the contrary, the evidence shows that Dr. Gove reported the same limitations on his Oregon Board license to the hospital where he had privileges and to the Mid-Rogue Independent Practitioner Association, a local credentialing body for health insurers in Grants Pass, Oregon. Mr. McGovern stated that the testimony at hearing demonstrated that Dr. Gove has a reputation in the physician community in which he practices as one of honor and integrity and not as having a reputation of misrepresenting things or being deceitful.

Mr. McGovern stated that the proposed discipline in this case should be lessened based upon the mitigating evidence. He added that, while there may be a technical violation, certainly Dr. Gove did not intend to mislead or deceive the Board, but was instead careless in responding to the Board's application for renewal of his licensure.

Dr. Somani asked whether the Assistant Attorney General wished to respond.

Ms. Albers stated that she believes that the Hearing Examiner did an excellent job in setting out testimony in this case. There is case law that says that intent can be inferred by the circumstances surrounding the person who committed the act. She referred to Dr. Gove's testimony at hearing, when he responded to her question as to why he had reported this voluntary limitation to the credentialing agency and the hospital that those applications were critical to his ongoing practice. Ms. Albers stated that she thinks that that response is very telling. The Ohio Board was far removed and perhaps not as much in his mind at the time

with this, but she doesn't believe that his testimony that it was a casual, careless mistake is credible. Ms. Albers spoke in support of the Hearing Examiner's Proposed Order.

MR. BROWNING MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF JON D. GOVE, M.D. DR. STEINBERGH SECONDED THE MOTION.

Dr. Somani stated that he would entertain further discussion in the above matter.

Dr. Stienecker stated that he agrees with that doctor that his licensure is critical to his ability to practice. It's also critical in the State of Ohio for his ability to practice, too. Dr. Stienecker stated that he does not think that Dr. Gove showed his Ohio license due respect. Dr. Stienecker stated that he thinks that the 30-day suspension is in line with getting Dr. Gove's attention. His only question concerned Dr. Gove's voluntary limitation of his Oregon license, limiting certain procedures such as reading certain films, and so forth. Dr. Stienecker stated that he finds that when specific things are limited that narrowly, it becomes a problem for follow-up. Does the Board have to follow up to make sure that he doesn't read MRIs of he brain, etc.? It puts an onus on the Board and on the doctor in emergency situations. Apparently, in Dr. Gove's years of practice, he's had one case that engendered a lot of activity. Dr. Stienecker stated that he believes that the limitation is probably excessive.

DR. STIENECKER MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF JON D. GOVE, M.D., BY DELETING PARAGRAPH B.

Dr. Steinbergh stated that she feels that the limitation may be a protective mechanism for Dr. Gove, considering that Dr. Gove himself actually wanted the limitation on his license. If Dr. Gove feels that it is inappropriate for him, and he's being pressured into doing it by his employer, he may find that that's protective. Whether or not the Board needs to go hunting that out is questionable to her. That was the limitation that was put on his license previously and may be appropriate for him.

Dr. Steinbergh continued that a bigger concern for her is that this case is essentially the same as the last physician, but there are two different orders. She stated that she would be in favor of suspending the license for 30 days, and then placing Dr. Gove on a probation for three years. She doesn't see that this case is any different from the previous case; it involves fraud in application. A simple suspension is much too light. There ought to be a period of probation also.

Dr. Somani asked for a second to Dr. Stienecker's motion.

DR. EGNER SECONDED DR. STIENECKER'S MOTION.

Dr. Egner stated that she agrees with Dr. Stienecker but for different reasons, as far as MRI reading limitation goes. She stated that this becomes an issue on many bootstrap cases. The Board's allegations are in regard to how he answered his renewal application. The Proposed Order should be consistent with

the allegations. The Board didn't charge Dr. Gove on how he reads MRIs. Dr. Egner stated that she doesn't like to see limitations put in the recommendation that the Board didn't cite him for to begin with.

Dr. Egner stated that Dr. Gove is definitely guilty of the charges in the Board's citation letters. This was not just a technical violation. She noted that Dr. Gove testified that he didn't mean to mislead, but she believes that he did mean to mislead, and he thought that, Ohio being far away and far removed, wouldn't find out. Dr. Egner stated that she believes that Dr. Gove definitely needs the 30-day suspension.

Dr. Steinbergh stated that she agreed with Dr. Egner's perception of the bootstrap issue, and she would be willing to go along with dropping paragraph B from the Order.

Dr. Buchan stated that he feels that the suspension is appropriate in this case. He had a similar problem with the Board bootstrapping the limitation. Dr. Buchan stated that he had agreed to the limitation in the Hearing Examiner's Proposed Order since the limitation in California was self-imposed. It would essentially be honoring Dr. Gove's request to limit his scope of practice. Dr. Buchan stated that he would be all right with the Proposed Order, as written.

Dr. Steinbergh asked Dr. Buchan why this case would be different from the previous case.

Dr. Buchan stated that, in reviewing this case, he felt a suspension is a significant action to take and it is reasonable. He agrees this is a similar scenario to the last case, but he felt that in this case the Proposed Order was appropriate. He didn't feel that probationary terms were necessary.

Dr. Steinbergh again stated that she has a problem with the Proposed Order in terms of consistency. She needs to know why this case should be treated differently than the previous case in terms of probationary terms. The previous case was required to serve a three-year probation. She couldn't vote for this Order because it is inconsistent with the previous case. She doesn't believe this case is different from the previous case. The only difference is the Hearing Examiner and the recommendation. As a voting member attempting to be consistent, both physicians are guilty of the same thing.

Dr. Somani stated that he had the same thoughts. In this case the doctor himself decided to answer "no" on the application, and sent it to Ohio, hoping that Ohio, being so far away from Oregon, would never find out. Ohio did find out. The Board agrees that he intentionally responded incorrectly. This is case is no different from the previous case. He is also concerned about not requiring the probationary terms. The Board has no evidence that Dr. Gove has "learned from this lesson." In the past the Board has been consistent in requiring an ethics course and other probationary terms.

Dr. Buchan stated that in this case Dr. Gove self-limited his Oregon license. There was not a malpractice allegation or charge. It just reads differently to him from the other case, and less egregious. Ultimately, he didn't respond correctly to the renewal application, but each case is taken on its own merits and demerits, and this read a bit softer to him than the first case.

Dr. Steinbergh stated that the actions are identical.

Dr. Buchan stated that he understands.

Dr. Stienecker stated that he thinks there is a precedential situation here, where a physician self-limits, self-restricts his practice. If the Board were to be in a situation where the Board who requires every family physician who no longer did obstetrics to state that he's limited his practice, the Board opens a whole process it doesn't really wish to get into at this point. Dr. Stienecker stated that he thinks that's overmanagement. This physician has had a problem with a very narrow area: CT scans of the temporal bone. Does this mean that he can do cerebral scans, skulls, and read everything but the temporal bone? This was a limitation that was at that time easy for him to abide by because it made the problem go away. Dr. Stienecker stated that doesn't think that this is something that should be part of Dr. Gove's licensure process.

Dr. Steinbergh stated that the Board has agreed to doing away with the practice limitation language of the Proposed Order. The issue is whether or not a probationary period is appropriate. The Board has charged this physician with fraud in the application process. These were two identical cases; both Dr. Gove and Dr. Gove committed fraud in applying for their renewal licensure. Her concern is that the Board be consistent with the two cases before the Board today, both of whom have been charged with the same thing, and both of whom have been guilty of the same thing. Why is one being required to complete a probationary term and the other is not?

Mr. Browning stated that the Board is in this gray area of intentionality and judgment about two different people. He agreed with Dr. Steinbergh that on the surface these are essentially the same cases. The Board decided the other case, but when you ask a lawyer and the lawyer gives you advice, that's mitigating. The Board decided on that case that three years' probation was appropriate. The Board could have decided on a shorter probation and be reasonable in his point of view. Three years is a long time. The distinction is not dramatic.

Dr. Steinbergh stated that her question is why there is no probation being proposed for Dr. Gove.

Mr. Browning stated that he understands, but added that he's not sure probation was important in the last case. Mr. Browning added that his point is that the distinction between the two cases is not dramatic.

Dr. Somani stated that that's the point Dr. Steinbergh is making.

Mr. Browning stated that he understands, but he's making the point that probation in and of itself is not a dramatic difference. He's not quite sure of the merits of three years' probation for the last case, but the Board has decided that case and it's done.

Dr. Somani asked for a vote on Dr. Stienecker's motion:

SECONDED THE MOTION. A vote was taken:

ROLL CALL:		
	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Buchan	- aye
	Mr. Browning	- nay
	Ms. Sloan	- nay
	Dr. Stienecker	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- nay
	Dr. Somani	- nay

Failing to carry a majority of votes, the motion failed.

DR. STEINBERGH MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF JON D. GOVE, M.D., BY SUBSTITUTING THE FOLLOWING:

A. **SUSPENSION, PROBATION:** The certificate of Jon D. Gove, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for a period of one month. Upon reinstatement, Dr. Gove's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:

1. **Requests for Modification**: Dr. Gove shall not request modification of the terms, conditions, or limitations of probation for at least one year after imposition of these probationary terms, conditions, and limitations.

2. **Laws in State Where Practicing**: Dr. Gove shall obey all federal, state and local laws, and all rules governing the practice of medicine and surgery in the state in which he is practicing.

3. **Appearances**: Dr. Gove shall appear in person for interviews before the full Board or its designated representative during the third month following the month in which probation becomes effective and upon his request for termination of the probationary period, and/or as otherwise requested by the Board.

4. **Quarterly Declarations**: Dr. Gove shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of probation. The first quarterly declaration must be received in the Board's offices on the first day

of the third month following the month in which probation becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

5 **Evidence of Professional Ethics Course**: Within one year of the date probation becomes effective, Dr. Gove shall provide acceptable documentation of successful completion of a course or courses dealing with professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education acquisition period(s) in which they are completed.

6. **Additional Terms After Commencing Practice In Ohio**: Should Dr. Gove commence practice in Ohio, he must notify the Board in writing within thirty days of commencing such practice. The Board may place his certificate under additional probationary terms, conditions, or limitations, including the following:

   a. Appearances: Dr. Gove shall appear in person for interviews before the full Board or its designated representative during the third month following the month in which he resumes practice in Ohio. Subsequent personal appearances must occur every third month thereafter, upon Dr. Gove's request for termination of the probationary period, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

7. **Absence from Ohio**: In the event that Dr. Gove should leave Ohio for three consecutive months, or reside or practice outside the State, Dr. Gove must notify the Board in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this probationary period, unless otherwise determined by motion of the Board in instances where the Board can be assured that the purposes of the probationary monitoring are being fulfilled.

8. **Noncompliance Will Not Reduce Probationary Period**: In the event Dr. Gove is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of the deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.

9. **Violation of Probation; Discretionary Sanction Imposed**: If Dr. Gove violates probation in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.

B. **TERMINATION OF PROBATION**: Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Gove's certificate will be fully restored.

C. **REQUIRED REPORTING BY LICENSEE TO EMPLOYERS AND HOSPITALS**: Within thirty days of the effective date of this Order, Dr. Gove shall provide a copy of this Order by certified mail to all employers or entities with which he is under contract to provide health care services or is receiving training, and the Chief of Staff at each hospital where Dr. Gove has privileges or appointments. Further, Dr. Gove shall provide a copy of this Order by certified mail to all employers or entities with which he applies or contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where Dr. Gove applies for or obtains privileges or appointments. Further, Dr. Gove shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

D. **REQUIRED REPORTING BY LICENSEE TO OTHER STATE LICENSING AUTHORITIES**: Within thirty days of the effective date of this Order, Dr. Gove shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Gove shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement of any professional license. Further, Dr. Gove shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

EFFECTIVE DATE OF ORDER: This Order shall become effective immediately upon mailing of notification of approval by the State Medical Board of Ohio.

DR. TALMAGE SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Buchan	- aye

Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Stienecker	- nay
Dr. Garg	- abstain
Dr. Steinbergh	- aye
Dr. Somani	- aye

The motion carried.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF JON D GOVE, M.D. MR. BROWNING SECONDED THE MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Egner	- aye
Dr. Talmage	- aye
Dr. Buchan	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Stienecker	- aye
Dr. Garg	- abstain
Dr. Steinbergh	- aye
Dr. Somani	- aye

The motion carried.

VER/SWM

State Medical Board of Ohio

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May 9, 2001

Jon D. Gove, M.D.
2701 Lower River Road
Grants Pass, Oregon 77526

Dear Doctor Gove:

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, permanently 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) On or about May 1, 2000, you stipulated to a Voluntary Limitation of your Oregon medical license which was granted on June 28, 2000, by the Oregon Board of Medical Examiners (hereinafter the "Oregon Board"). The Voluntary Limitation included that you will not read cerebral magnetic resonance imaging (MRI's) and computed tomography (CT's) of the temporal bone.

A copy of the Oregon Board Voluntary Limitation Order is attached hereto and incorporated herein.

(2) On or about November 3, 2000, the Division of Medical Quality, Medical Board of California (hereinafter the "California Board"), entered an Order Issuing Public Letter of Reprimand. The Public Letter of Reprimand was issued October 31, 2000, by the Executive Director on behalf of the California Board. This Letter of Reprimand was based upon the Oregon Board Voluntary Limitation Order, paragraph (1) above.

Copies of the California Board Order Issuing Public Letter of Reprimand and Public Letter of Reprimand are attached hereto and incorporated herein.

(3) On a date not specifically known between July 1, 2000 and August 8, 2000, you signed, but failed to date, and submitted to the State Medical Board of Ohio your application for renewal of your Ohio certificate to practice medicine and surgery. You certified, under penalty of loss of your right to practice in the State of Ohio, that the information provided in that application for renewal was true and correct in every respect.

You responded "NO" to the question "At any time since the signing of your last application for renewal:

Mailed 5-9-01

> 5.) **[h]ave you** surrendered, or **consented to limitation of a license to practice any healthcare profession** or state or federal privileges to prescribe controlled substances in any jurisdiction? You may answer "NO" to this question if the only such surrender or consent was given to this board." [Emphasis Added.]

In fact, on or about May 1, 2000, you had stipulated to the Voluntary Limitation of your license to practice medicine and surgery which was ordered by the Oregon Board on or about June 28, 2000, as provided in paragraph one (1) above.

The Oregon Board Voluntary Limitation Order, as alleged in paragraph one (1) above, constitutes "[a]ny of the following actions taken by the state agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or the limited branches of medicine in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, as in effect prior to August 10, 2000.

Further, the California Board Order Issuing Public Letter of Reprimand, as alleged in paragraph two (2) above, constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, as in effect prior to April 10, 2001.

Further, your acts, conduct, and/or omissions as alleged in paragraph three (3) above, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph three (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, podiatry, 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.

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

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, effective March 9, 1999, 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,

Anand G. Garg, M.D.
Secretary

AGG/jag
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5140 0579
RETURN RECEIPT REQUESTED

715 NW Dimmick
Grants Pass, Oregon 97526

CERTIFIED MAIL # 7000 0600 0024 5142 3257
RETURN RECEIPT REQUESTED

COPY

BEFORE THE

BOARD OF MEDICAL EXAMINERS

STATE OF OREGON

In the Matter of	)	
	)	
JON DUANE GOVE, MD	)	VOLUNTARY LIMITATION
LICENSE NO. MD09349	)	

1.

The Board of Medical Examiners (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including physicians, in the State of Oregon. Jon D. Gove, MD (Licensee) is a licensed physician in the State of Oregon.

2.

Licensee enters into a Voluntary Limitation on his license to practice medicine that Licensee will not read cerebral magnetic resonance imaging (MRI's) and computed tomography (CT's) of the temporal bone.

3.

The Board grants Licensee a voluntary limitation pursuant to ORS 677.410. Therefore, from the date of this Order, Licensee agrees to abide by the following terms and conditions:

3.1 Licensee will not read cerebral magnetic resonance imaging (MRI's) and computed tomography (CT's) of the temporal bone.

3.2 Licensee stipulates and agrees that any violation of the terms of this Order shall be grounds for disciplinary action under ORS 677.190(18).

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4.

Licensee understands that this is a final order under Oregon law and therefore is a public record.

IT IS SO STIPULATED this 1 day of May, 2000.

JOHN D. GOVE, MD

IT IS SO ORDERED this 28th day of June, 2000.

BOARD OF MEDICAL EXAMINERS
State of Oregon

ERIK W. NIELSEN, MD
Chairman of the Board

STATE MEDICAL BOARD
DEC 1 2 2000

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DIVISION OF MEDICAL QUALITY

In the matter of the Public Letter of Reprimand Issued to: **JON DUANE GOVE, M.D.** License No. C-36329 Respondent.	No. 16-2000-113443

ORDER ISSUING PUBLIC LETTER OF REPRIMAND

The above named respondent was issued a Public Letter of Reprimand on October 31, 2000, pursuant to Section 2233 of the Business and Professions Code.

WHEREFORE, THE ABOVE IS SO ORDERED by the Division of Medical Quality of the Medical Board of California.

So ordered November 3, 2000.

DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA

By _____
Ira Lubell, M.D.
Chair, Panel A

MEDICAL BOARD OF CALIFORNIA
I do hereby certify that this document is true and correct copy of the original on file in this office.

SIGNED _____ DATE 12/6/2000

Asst. Custodian of Records
TITLE

MEDICAL BOARD OF CALIFORNIA
DISCIPLINE COORDINATION UNIT
1426 Howe Avenue, Suite 54
Sacramento, CA 95825-3236
www.medbd.ca.gov

October 31, 2000

Jon D. Gove, M.D.
715 N. W. Dimmick
Grants Pass, OR 97526

RE: Public Letter of Reprimand - Physician & Surgeon No. C 36329

Dear Dr. Gove:

An investigation revealed that on June 28, 2000, the Board of Medical Examiners of the State of Oregon issued an order which allowed you to enter into a Voluntary Limitation on your license to practice medicine in that you would not read cerebral magnetic resonance imaging (MRI's) and computed tomography (CT's) of the temporal bone. These actions are in violation of California B&P Code section 141(a), disciplinary action taken by another state.

Pursuant to the authority of the California Business and Professions Code, section 2233, you are hereby issued this Public Letter of Reprimand by the Medical Board of California.

Sincerely,

Ron Joseph
Executive Director