

**STATE OF OHIO  
THE STATE MEDICAL BOARD**

**SURRENDER OF CERTIFICATE  
TO PRACTICE MEDICINE AND SURGERY**

I, Phillip O. Richards, M.D., am aware of my rights to representation by counsel, the right of being formally charged and having a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein.

I, Phillip O. Richards, M.D., state that I am presently licensed by the Michigan Board of Medicine (Michigan Board), License No. 4301029346.

I, Phillip O. Richards, M.D., do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice medicine and surgery, No. 35-030329, to the State Medical Board of Ohio (Ohio Board), thereby relinquishing all rights to practice medicine and surgery in Ohio.

This surrender shall be effective upon acceptance of this Surrender of Certificate to Practice Medicine and Surgery by the Secretary and Supervising Member of the Ohio Board.

I understand that, as a result of the surrender herein, I am no longer permitted to practice medicine and surgery in any form or manner in the State of Ohio.

I agree that I shall be ineligible for, and shall not apply for, reinstatement of certificate to practice medicine and surgery No. 35-030329, 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.

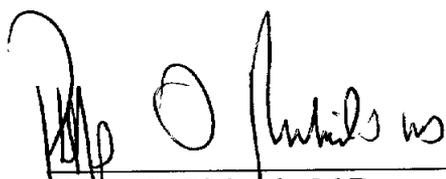
I, Phillip O. Richards, M.D., hereby release the Ohio Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

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, Phillip O. Richards, M.D., agree to provide my social security number to the Ohio Board and hereby authorize the Ohio Board to utilize that number in conjunction with that reporting.

I, Phillip O. Richards, M.D., stipulate and agree that I am taking the action described herein in lieu of formal disciplinary action pursuant to Section 4731.22(B)(22), Ohio Revised Code, to wit: Michigan Board Consent Order, in the matter of Complaint No. 43-99-0407-00, dated October 22, 2003, a copy of which is attached hereto and incorporated herein.

Signed this 3 day of September 2004.

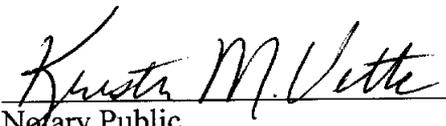
  
Phillip O. Richards, M.D.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

Sworn to and subscribed before me this 3<sup>rd</sup> day of Sept 2004.

**KRISTIN M. VETTE**  
Notary Public, State of Michigan  
County of Hillsdale  
My Commission Expires Dec. 24, 2004  
Acting in the County of Jackson

  
Notary Public

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

Accepted by the State Medical Board of Ohio:

  
Lance A. Talmage, M.D.  
Secretary

  
Raymond J. Albert  
Supervising Member

9-8-04  
Date

9/8/04  
Date

Enclosures

STATE OF MICHIGAN  
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES  
BUREAU OF HEALTH SERVICES  
BOARD OF MEDICINE  
DISCIPLINARY SUBCOMMITTEE

In the Matter of

PHILLIP O. RICHARDS, M.D.  
\_\_\_\_\_ /

Complaint No. 43-99-0407-00

CONSENT ORDER AND STIPULATION

CONSENT ORDER

A superseding administrative complaint was filed with the Disciplinary Subcommittee of the Board of Medicine on November 4, 2002, charging Phillip O. Richards, M.D. (Respondent) with having violated section 16221(a) of the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 *et seq.*

By stipulation contained in this document, Respondent does not contest the allegations of fact and law in the complaint. Respondent understands that by pleading no contest he does not admit the truth of the allegations but agrees that the Disciplinary Subcommittee may treat the allegations as true for resolution of the complaint. Respondent agrees that the Disciplinary Subcommittee may enter an order treating the allegations as true.

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The Disciplinary Subcommittee has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding complaint.

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copy of the original on file in the office of  
the Department of Community Health  
Bureau of Health Professions.

Therefore, the Disciplinary Subcommittee finds that the allegations of fact contained in the complaint are true and constitute violation of section 16221(a) of the Public Health Code.

Accordingly,

IT IS ORDERED that for the violation Respondent is REPRIMANDED.

IT IS ORDERED that for the violation Respondent is assessed a FINE in the total amount of \$2,000.00 to be paid by check, money order or cashier's check made payable to the State of Michigan (with complaint number 43-99-0407-00 clearly indicated on the check or money order) within 90 days from the effective date of this order. The timely payment of the fine shall be Respondent's responsibility.

The payment of the fine shall be mailed to: Sanction Monitoring, Bureau of Health Services, Department of Consumer & Industry Services, P.O. Box 30185, Lansing, Michigan 48909.

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IT IS FURTHER ORDERED that Respondent successfully complete 20 hours of Board-approved continuing medical education in the area of acute pediatric care.

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Respondent has provided written confirmation of completion of the continuing medical education.

IT IS FURTHER ORDERED that should Respondent violate any term or condition set forth here, it may be determined that Respondent has violated an order of the Disciplinary Subcommittee, 1996 AACRS, R 338.1632, and section 16221(g) of the Public Health Code.

IT IS FURTHER ORDERED that this order shall be effective thirty days from the date signed by the Disciplinary Subcommittee or its authorized representative, as set forth below.

Signed this 22nd day of October, 2003.

MICHIGAN BOARD OF MEDICINE

By Melanie Brunson  
Chairperson, Disciplinary Subcommittee

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STIPULATION

The parties stipulate and agree as follows:

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We certify that the foregoing is a true copy of the original on file in the office of the Department of Community Health Bureau of Health Professions.

1. Respondent does not contest the allegations set forth in the complaint and agrees that the Disciplinary Subcommittee may treat the allegations of fact and law as true, which finding shall have the same force and effect for purposes of this consent order

as if evidence and argument were presented in support of the allegations. Further, Respondent understands and intends that by so stating he is not admitting the truth of the allegations but is agreeing that the Disciplinary Subcommittee may enter its order treating the allegations as true for purpose of resolution of the complaint.

2. Respondent understands and intends that by signing this stipulation he is waiving the right pursuant to the Public Health Code, rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 *et seq*, to require the State to prove the charges set forth in the complaint by presentation of evidence and legal authority, and to appear with an attorney and such witnesses as Respondent may desire to present a defense to the charges before the Disciplinary Subcommittee or its authorized representative.

3. Factors taken into consideration when determining the proposed sanction include the following:

- A. Respondent has been licensed since 1970. He has never been the subject of any disciplinary proceeding.
- B. Respondent has maintained active staff privileges at Foote Hospital for over 30 years. When the events alleged in the complaint occurred, he was affiliated with another office.
- C. Since Respondent began his own practice several years ago, his office procedures and personnel have changed substantially.
- D. Board conferee, Gregg Haskell, P.A., has reviewed approximately 25 of Respondent's charts and determined that Respondent's office charting is acceptable.

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E. Respondent's continuing medical education requirements are current. He obtained over 10 category one credits in the last 18 months relating to diabetes.

F. In addition to his general family practice, Respondent is an approved addictionologist by MHPRC.

4. The Board's conferee, Gregg Haskell, P.A., who has indicated support of this proposal, and the Department's representative or the undersigned assistant attorney general are free to discuss this matter with the Disciplinary Subcommittee and recommend acceptance of the resolution set forth in the consent order.

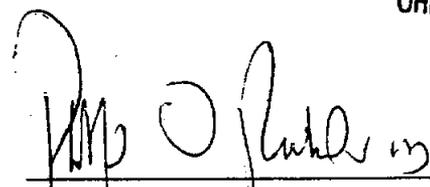
5. This consent order is approved by the respective parties and may be entered as the final order of the Disciplinary Subcommittee in this cause.

6. This consent order incorporates the conditions of a counteroffer made by the Disciplinary Subcommittee.

AGREED TO BY:

*FOR*   
\_\_\_\_\_  
Sanna Dürk (P43472)  
Assistant Attorney General  
Attorney for Complainant  
Dated: 8/13/03

AGREED TO BY:

  
\_\_\_\_\_  
Phillip O. Richards, M.D.  
Respondent  
Dated: 8.4.03

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State of Michigan )  
County of Hellsdale )<sup>ss</sup>

On the 4 day of August, 2002, Phillip O. Richards, M.D. signed this consent order and stipulation in front of me.

Kristin M. Vette  
Notary Public, Hellsdale (Orland)  
State of Michigan  
My commission expires: 12-24-2004

I have reviewed and approved the foregoing document both as to form and substance.

Thomas Sparks

Thomas Sparks (P25144)  
Attorney for Respondent

mjg.sd03.cases.Richards.p.cos(revised)

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STATE OF MICHIGAN  
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES  
BUREAU OF HEALTH SERVICES  
BOARD OF MEDICINE  
DISCIPLINARY SUBCOMMITTEE

**RECEIVED**

NOV 04 2002

In the Matter of

DEPT OF CONSUMER & INDUSTRY SERVICES  
BUREAU OF HEARINGS  
LANSING OFFICE

PHILLIP O. RICHARDS, M.D.

Complaint No. 43-99-0407-00  
(#43-98-1716-00 combined into)

SUPERSEDING  
ADMINISTRATIVE COMPLAINT

Attorney General Jennifer M. Granholm, through Assistant Attorney General Sanna Dürk, on behalf of the Department of Consumer & Industry Services, Complainant herein, files the within First Superseding Administrative Complaint against Phillip O. Richards, M.D. (Respondent), alleging upon information and belief as follows:

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1. The Board of Medicine, (Board), an administrative agency established by the Public Health Code (Code), 1978 PA 368, as amended; MCL 333.1101 *et seq*, is empowered to discipline licensees under the Code through its Disciplinary Subcommittee (DSC).

2. At all times pertinent to this Complaint, Respondent was licensed to practice medicine under the Code.

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3. At all times pertinent to this Complaint, Respondent was engaged in general family practice in Jackson, Michigan.

4. Section 16221(a) of the Code provides the DSC with authority to take disciplinary action against Respondent for a violation of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to, or supervision of employees or other individuals, whether or not injury results, or any conduct, practice, or condition which impairs, or may impair, the ability to safely and skillfully practice medicine.

5. Section 16226 of the Code authorizes the DSC to impose sanctions against a person's license by the Board if, after opportunity for a hearing, the DSC determines that a licensee violated one or more of the subdivisions contained in section 16221 of the Code.

COUNT I

PATIENT M.C., DOB: 4/28/35

6. M.C., (initials will be used to protect the privacy of the individual), treated with Respondent from April 1988, until shortly before her death on March 4, 1995. (From 1988 through 1992, M.C. was seen both by Respondent and his associate. From 1993 through February 1995, M.C. treated with Respondent only.)

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7. From 1988 through 1995, M.C. was treated for non-insulin dependent diabetes mellitus (Type II) and prescribed oral blood glucose lowering drugs of the Sulfonylurea Class (Micronase, Glucotrol and Glynase).

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8. In his treatment of M.C., Respondent failed to properly document his treatment of M.C.'s diabetes.

- He failed to properly document M.C.'s glucose levels.
- He failed to document referral of M.C. to a specialist when he was unable to successfully manage her diabetes.
- He failed to commence insulin treatment or document that she refused insulin treatment.
- He failed to document that he properly advised M.C. about the complications of diabetes.
- He failed to record any information regarding cardiovascular review of symptoms nor did he recommend cardiovascular testing.
- He failed to document glycosylated hemoglobin levels.

9. Respondent's treatment of M.C., as outlined above, constitutes failure to exercise due care, in violation of section 16221(a) of the Code.

COUNT II

PATIENT J.L., DOB: 4/6/92

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10. Respondent saw J.L., (initials will be used to protect the privacy of the individual), a 20 month old male child, on December 20, 1993, and treated him for upper respiratory infection and pharyngitis. J.L. was alert at the time and Respondent placed him on Amoxicillin and Naldecon.

11. According to his mother, J.L. began to vomit that afternoon. She reports contacting Respondent's office by telephone to report the vomiting. She was advised to try administration of Gatorade or pedialyte. She did not speak to Respondent.

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12. On December 21, 1993, J.L.'s mother reports having again phoned Respondent's office reporting that her son had vomited multiple times throughout the night. According to Respondent's office chart, Tebamide (antiemetic) suppositories were prescribed for vomiting.

13. According to his mother, J.L. continued to be unable to hold down fluids and his mother again contacted Respondent's office on December 21, 1993, and expressed concern that he was not able to retain the antibiotic. She stated she was advised to give the child pedialyte. There is no record of this phone call in Respondent's chart.

14. On the morning of December 22, 1993, J.L.'s mother noticed a change in his behavior. She again called Respondent's office. There is no record of this telephone conversation in Respondent's chart. In the afternoon of December 22, 1993, J.L.'s mother suspected the child had experienced a seizure. She again phoned Respondent's office and reported that he was "deathly ill" and needed to see someone right away. She was told to bring the child in immediately. There is no record of this telephone call in Respondent's chart.

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15. At 3:00 p.m. on December 22, 1993, Respondent examined J.L. in his office, at which time he was described as "really lethargic, glossy eyed, pale, limp, and staring." Respondent admitted the child to Foote Hospital with a diagnosis of (1) dehydration; (2) pneumonia; and (3) seizure disorder secondary to possible stroke.

16. Respondent's conduct as described in paragraphs 10 through 15 above, constitutes failure to exercise due care and negligent supervision of employees.

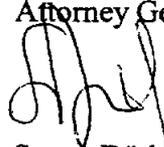
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RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(7) of the Public Health Code, Respondent has 30 days from receipt of this complaint to submit a written response to the allegations contained in it. The written response shall be submitted to the Bureau of Health Services, Department of Consumer & Industry Services, P.O. Box 30670, Lansing, Michigan, 48909, with a copy to the undersigned assistant attorney general. Further, pursuant to section 16231(8), failure to submit a written response within 30 days shall be treated as an admission of the allegations contained in the complaint and shall result in transmittal of the complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

FURTHER, the administrative complaint previously filed against Respondent on March 7, 2002, is hereby WITHDRAWN and replaced in full by this superseding complaint.

Respectfully submitted,

JENNIFER M. GRANHOLM  
Attorney General



Sanna Dürk (P43472)  
Assistant Attorney General  
Health Professionals Division  
P.O. Box 30217  
Lansing, Michigan 48909  
(517) 373-1146

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FEB 23 2004

Dated: November 4, 2002

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