

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

March 22, 1984

Paul K. Yankow, M.D.
P. O. Box 41148
Sharonville, OH. 45241

Dear Doctor Yankow:

Please find enclosed a certified copy of the Entry of Order, the Report and Recommendation of Peter Lancione, 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 March 14, 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



Leonard L. Lovshin, M.D.
President

LLL :em

Encls.

CERTIFIED MAIL NO. P34 9335238
RETURN RECEIPT REQUESTED

cc: Harry B. Plotnick, Esq.
9309 Cincinnati-Columbus
West Chester, OH. 45069

CERTIFIED MAIL NO. P34 9335239
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 Peter Lancione, 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 March 14, 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 Paul K. Yankow, M.D., as it appears in the Journal of the State Medical Board of Ohio.

Leonard L. Lovshin M.D.

Leonard L. Lovshin, M.D.
President

(SEAL)

3/22/84

Date

**STATE OF OHIO
THE STATE MEDICAL BOARD**

REPORT AND RECOMMENDATION
IN THE MATTER OF PAUL KENNETH YANKOW, M.D.

'84 FEB -2 P2:49

The matter of the State Medical Board's proposal to deny the reinstatement application of Paul Kenneth Yankow, M.D. came before me, Peter Lancione, M.D., Hearing Officer and Member of the Board on December 6, 1983 and this is my Report and Recommendation to the Board.

SUMMARY OF EVIDENCE

1. On December 6, 1983 the administrative hearing on the proposal to deny the reinstatement application of Paul Kenneth Yankow, M.D. was held before myself, Peter Lancione, M.D., Hearing Officer.
2. Dr. Yankow was represented by Counsel, Harry B. Plotnick.
3. The State was represented by Scott Lavelle, Assistant Attorney General.
4. After brief opening statements by both parties, Mr. Lavelle proceeded to present the State's case.
5. State's Exhibit 1 was entered and accepted onto the record without objection, being a copy of the July 13, 1983 proposal to deny letter issued to Dr. Yankow by the Board. (Transcript at 6)
6. Joint Exhibits 2, 3 and 4 were entered and accepted onto the record without objection. They were Dr. Yankow's hearing request letter, the August 17, 1983 letter from this Board initially scheduling the hearing and the November 17, 1983 letter from this Board finally scheduling the hearing. (Transcript at 7)
7. Joint Exhibits 5 and 6 were entered and accepted onto the record without objection, being certified copies of both the Indictment, Motion for Treatment in Lieu of Conviction and the Entry of Dismissal regarding the Indictment. (Transcript at 7)
8. The State then rested its case, arguing that their exhibits show that Dr. Yankow was indicted and found guilty on two counts of the Illegal Processing of Drug Documents, was found eligible for treatment in lieu of conviction, was placed on three years probation and after completing treatment, the charges pending in the indictment were dismissed. Mr. Lavelle indicated that this evidence provides a basis for the denial of the reinstatement of Dr. Yankow's license.

9. Mr. Plotnick proceeded to present Dr. Yankow's case by calling as his first witness, Mr. Carl Shipp, who testified under oath as follows:
- A. That he is currently employed as a rehabilitation technician in the outpatient drug clinic at the Cincinnati Veterans Administration Medical Center. (Transcript at 9)
 - B. That Dr. Yankow has been involved in a therapy relationship with him since January 1982, meeting on a weekly basis for hour sessions, and is continuing his treatment.
 - C. That the Veterans Administration Drug Dependency Program consists of a sixty day inpatient program for detoxification and orientation followed by an outpatient program consisting of ongoing individual psychotherapy.
 - D. That he works under the direct supervision of Dr. Harry Loemus, Chief of Staff, who is his individual clinical supervisor and who has also evaluated Dr. Yankow. (Transcript at 10)
 - E. That in the last five years he has evaluated and been involved in the treatment of two hundred and fifty patients.
 - F. That based on his expertise and observation the prognosis for Dr. Yankow would be very favorable in the sense that he has been engaged in treatment for two years. (Transcript at 11)
 - G. That they have objective evidence that Dr. Yankow has remained drug free throughout the treatment as shown by past and ongoing random urine screenings.
 - H. That since Dr. Yankow has a two year history of being drug free, his prognosis is good.
 - I. That he is aware that Dr. Yankow has continued treatment even though the court order no longer requires it, and began that treatment prior to the court order. (Transcript at 11-12)

10. Mr. Lavelle proceeded to cross examine Mr. Shipp and he testified as follows:
- A. That Dr. Yankow never participated in the inpatient program because he had been involved in a program through a private physician before he came to them.
 - B. That they never consulted with that private physician because it is not their practice.
 - C. That the decision to place Dr. Yankow in outpatient psychotherapy was carried out by him as therapist with Dr. Harry Loemus as supervisor, who only saw Dr. Yankow on a professional basis in August of 1982.

- D. That he has an undergraduate degree in criminal justice and is one thesis short of his Master's Degree. (Transcript at 13)
- E. That he is qualified because he has been involved in drug and alcohol treatment for thirteen years; working in psychotherapy with clinical supervision, supervising family therapy, inpatient and outpatient, and drug clinics. 84-FEP-2 P2:49
11. Mr. Plotnick then admitted and entered onto the record Respondent's Exhibits A and B. They are letters of recommendation for the reinstatement of Dr. Yankow's license, written by Katherine B. Rappaport, M.D., Medical Director, Outpatient Clinic, Veteran's Administration Medical Center and R. Jeffrey Goldsmith, M.D., Director of Substance Abuse, Veteran's Administration Medical Center, Assistant Professor of Psychiatry, University of Cincinnati College of Medicine, respectively.
12. Mr. Plotnick then indicated that Dr. Yankow is willing to undergo complete psychological evaluation by any psychiatrist of the Board's choice. (Transcript at 14)
13. Mr. Plotnick proceeded with Dr. Yankow's case by calling Mike Schaltsworth as a witness and he testified under oath as follows:
- A. That he is a painting contractor and has employed Dr. Yankow on a part-time basis for eight or nine months. (Transcript at 15)
- B. That he has known Dr. Yankow for three years, he is punctual, a good employee, has never appeared to be under the influence of drugs and he has never had any problems with him.
14. Dr. Lancione questioned Mr. Schaltsworth and he testified as follows:
- A. That Dr. Yankow's job was painting, residential interior or exterior and he was paid five dollars an hour on a part-time basis. (Transcript at 16)
15. Mr. Plotnick proceeded with Dr. Yankow's case by calling Dr. Yankow to testify under oath as follows:
- A. That on December 5, 1982 he voluntarily surrendered his license to practice medicine. (Transcript at 16)
- B. That both at the time of his surrender and currently, he is a drug dependent person. (Transcript at 17)
- C. That since the date of his arrest he has not used drugs of any kind and has been in continuing therapy since he surrendered his license.
- D. That he has been in two programs other than the V.A. program referred to earlier. One is the Impaired Physicians Program in Cincinnati and his sponsor is Dr. Corwin Smith, President of the group in Ohio. (Transcript at 17-18)

- E. That he also attends an average of two AA meetings per week and belongs to D.A.A. which is the International Doctors Colleagues Anonymous Association. (Transcript at 17)
- F. That he has attempted to educate himself in the ^{84-111-2 P2:29} ~~his case by~~ studying with Hugh Murray who runs the Impaired Assistant Program in Cincinnati. He has also taken cassette type courses and attends meetings on alcohol and drug abuse, the latest one in Atlanta, Georgia. (Transcript at 17-18)
- G. That he fully acknowledges he has drug problem, that it is currently under control, and that he plans to continue therapy by seeing Mr. Shipp on a weekly basis. (Transcript at 18)
- H. That if his license is restored, he intends to enter the field of addiction and substance abuse. He has been offered a two year fellowship to study addiction through the V.A. Hospital in Cochranville, Pennsylvania, near Philadelphia. (Transcript at 19)

16. Mr. Lavelle proceeded to cross examine Dr. Yankow who testified as follows:

- A. That he first obtained his Ohio license in June 1968 and when he surrendered it in December of 1982, the Board had done nothing to prompt the surrender.

17. Dr. Lancione questioned Dr. Yankow who testified as follows:

- A. That he needs an Ohio license to take a fellowship in Pennsylvania because it is with the Veteran's Administration on the federal level and the Ohio license would be valid there. (Transcript at 20)
- B. That he did appear before the Board in the summer of 1982 to request reinstatement. (Transcript at 21)

18. The parties having no further questions, the hearing was concluded.

FINDINGS OF FACT

- 1. Dr. Yankow was originally licensed to practice medicine and surgery in Ohio in 1968.

This fact is established by Dr. Yankow's testimony, transcript at p. 16 and 19.

2. Dr. Yankow was indicted in the Hamilton County Court of Common Pleas on February 18, 1982 on two counts of the illegal processing of drug documents, Section 2925.23(B)(1), Ohio Revised Code.

This fact is established by Joint Exhibit 5 and the stipulation of Mr. Plotnick, transcript at p. 5-6. 84 FEB -2 P2:49

3. On February 26, 1982, Dr. Yankow submitted a motion for an order granting him treatment in lieu of conviction, admitting to the Court that he was a drug dependent person.

This fact is established by Joint Exhibit 5.

4. On April 29, 1982, Dr. Yankow entered a plea of no contest and the Court found him guilty of the illegal processing of drug documents on both counts. At the same time he was found eligible for treatment in lieu of conviction and was placed on three years probation.

These facts are established by Joint Exhibit 5 and Mr. Plotnick's stipulation, transcript at p. 5-6.

5. On December 5, 1982, Dr. Yankow voluntarily surrendered his license to practice medicine and surgery in Ohio.

This fact is established by Dr. Yankow's testimony, transcript at p. 16 and 19.

6. On October 3, 1983, because Dr. Yankow had successfully completed treatment as previously ordered by the Court, and was rehabilitated, the charges pending in the indictment were dismissed by Judge Nadel in the Hamilton County Court of Common Pleas.

This fact is established by Joint Exhibit 6.

7. On June 14, 1983, Dr. Yankow appeared in person before the Board and requested the reinstatement of his medical license. The Board proposed to deny his request based upon his indictment, treatment in lieu of conviction and possible violations of Section 4731.22(B)(2), (3), (6) and (15), O.R.C.

This fact is established by Joint Exhibit 1 and Dr. Yankow's testimony, transcript at p. 20.

8. On August 5, 1983, Dr. Yankow requested a hearing concerning the Board's proposal to deny his reinstatement.

This fact is established by Joint Exhibit 2.

9. Dr. Yankow has obtained and continues to obtain therapy since January 1982 on a weekly basis at the Veterans Administration Drug Dependency Program in Cincinnati. This therapy is in an outpatient program consisting of ongoing individual psychotherapy.

This fact is established by the testimony of Mr. Carl Shipp, transcript at p. 9. '84 FEB -2 P2:49

10. Dr. Yankow receives his therapy from Mr. Carl Shipp, a rehabilitation technician who works under the supervision of Dr. Harry Loemus, Chief of Staff at the V.A. Medical Center.

This fact is established by the testimony of Mr. Carl Shipp, transcript at p. 9-10.

11. Dr. Yankow has a two year history of being drug free as shown by past and ongoing random urine screenings and has continued treatment even though the Court no longer requires it.

This fact is established by Mr. Shipp's testimony, transcript at p. 11-12 and Dr. Yankow's testimony, transcript at p. 17.

12. Dr. Yankow did not participate in an inpatient program at the V.A. Medical Center because he had already been involved in a program with a private physician before he came to the V.A. program.

This fact is established by the testimony of Mr. Carl Shipp, transcript at p. 12.

13. Mr. Carl Shipp has been involved in drug and alcohol treatment for thirteen years, working in psychotherapy with clinical supervision, supervising family therapy, inpatient and outpatient, and drug clinics.

This fact is established by the testimony of Mr. Shipp, transcript at p. 13.

14. Dr. Yankow was employed on a part-time basis for eight or nine months as a painter by Mike Schaltsworth, a painting contractor.

This fact is established by the testimony of Mike Schaltsworth, transcript at p. 15-16.

15. Dr. Yankow was and currently is a drug dependent person.

This fact is established by Dr. Yankow's testimony, transcript at p. 17.

16. In addition to continuing weekly therapy with Mr. Shipp, Dr. Yankow participates in the Impaired Physician's Program in Cincinnati under the sponsorship of Dr. Corwin Smith and also attends an average of two Alcoholics Anonymous meetings per week.

These facts are established by the testimony of Dr. Yankow, transcript at p. 17-18.

17. Dr. Yankow wants to take a two year fellowship to study addiction through the V.A. Hospital in Cochranville, Pennsylvania and he needs his Ohio license to be reinstated because it is a federal program. 84 FEB -2 P2:49

This fact is established by the testimony of Dr. Yankow, transcript at p. 19-20.

CONCLUSIONS OF LAW

The Board's proposal to deny was based upon alleged violations of Sections 4731.22(B)(2), (3), (6) and (15) of the Ohio Revised Code. The record of this hearing indicates that all the criminal charges against Dr. Yankow were dismissed because he successfully complied with the requirements of his treatment in lieu of conviction status. Therefore, his indictment, plea of no contest, finding of guilty, and treatment in lieu of conviction status are not available to this Hearing Officer to show violations of the Medical Practice Act.

Furthermore, the record is totally void of any independent evidence showing the specific acts serving as the basis for the criminal charges against Dr. Yankow. The record is also totally void of any independent evidence showing Dr. Yankow's inability to practice according to acceptable and prevailing standards of care because of his drug dependency problem. Nor is there evidence of any other wrong doing by Dr. Yankow, other than his admission of drug dependence which, in and of itself, does not constitute proof of Medical Practice Act violations.

Therefore, without evidence of acts of Dr. Yankow on which to base violations of the Medical Practice Act, I must conclude that Dr. Yankow is not in violation of Sections 4731.22(B)(2), (3), (6), or (15), of the Ohio Revised Code.

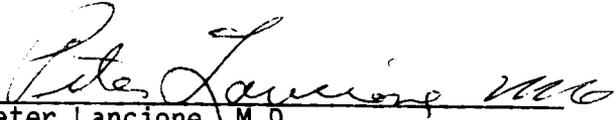
PROPOSED ORDER

Dr. Yankow has admitted and acknowledged his past and present affinity to drug dependence and his need for continuing therapy. In light of the evidence that he has been free of controlled substances since December 5, 1982, has continued in weekly therapy since his arrest even though no longer required, has submitted to random surprise urine screenings, attends AA meetings on an average of two per week, is involved in the Impaired Physicians Program in Cincinnati, has educated himself on alcohol and drug abuse through meetings and self study, did surrender his medical license on December 5, 1982, thirteen months ago, and did submit evaluations from two physicians recommending his reinstatement, I make the following recommendation to the Board:

That the license of Paul Kenneth Yankow, M.D. be reinstated with the following conditions of limitation:

- A. Dr. Yankow shall not apply for a DEA certificate until such time as the Board feels it is appropriate,

- B. Dr. Yankow shall submit to a random surprise urine screening for controlled substances every two weeks for the next six months,
- C. Dr. Yankow shall arrange the urine screenings at his expense and it shall be his responsibility to make sure that the Board receives the results in a timely manner from the laboratory involved.
- D. Dr. Yankow shall personally appear before this Board, or its representatives, every three months for as long as the Board so desires, and shall cooperate and answer the questions of the Board truthfully.
- E. Dr. Yankow shall continue therapy for his drug dependency problems, including Alcoholic Anonymous meetings and outpatient therapy at the Veteran's Administration Medical Center, with monthly reports of his progress being sent to this Board in a timely matter, under his responsibility.


Peter Lancione, M.D.
Hearing Member, State Medical Board
of Ohio

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

EXCERPT FROM THE MINUTES OF MARCH 14, 1984

REPORT AND RECOMMENDATION IN THE MATTER OF PAUL K. YANKOW, M.D.

Ms. Cato remained out of the room.

.....

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 Paul K. Yankow, M.D. A roll call was taken:

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

.....

DR. BUCHAN MOVED TO APPROVE AND CONFIRM THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND PROPOSED ORDER IN THE MATTER OF PAUL K. YANKOW, M.D. DR. O'CONNOR SECONDED THE MOTION. A roll call vote was taken:

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

The motion carried.

DR. O'CONNOR MOVED THAT THE ORDER BE EFFECTIVE APRIL 1, 1984. DR. BUCHAN SECONDED THE MOTION. All members voted aye. The motion carried.

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

July 13, 1983

Paul K. Yankow, M.D.
P.O. Box 41148
Sharonville, OH 45241

Dear Doctor Yankow:

Please be advised that on June 14, 1983, the State Medical Board of Ohio proposed to deny your request for the reinstatement of your license to practice medicine or surgery in Ohio.

Their decision is based upon the fact that on February 18, 1982 you were indicted on two counts of the Illegal Processing of Drug Documents, in violation of 2925.23(B)(1), Ohio Revised Code. Further, on April 29, 1982, you were found eligible for treatment in lieu of conviction and placed on three years probation. (See Sections 4731.22(B)(2), (B)(3), (B)(6), and (B)(15), Ohio Revised Code, regarding violations of the Medical Practice Act.)

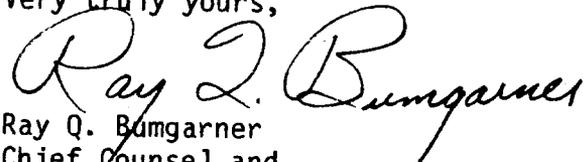
Pursuant to Chapter 119., Ohio Revised Code, please be advised that you may request a hearing on this matter. If you wish to request such a hearing, that request must be made within thirty (30) days of the time of mailing of this notice.

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, or that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event there is no request for such a hearing 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, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine or surgery in the State of Ohio.

Copies of the appropriate sections of the Ohio Revised Code are enclosed for your review.

Very truly yours,



Ray Q. Bumgarner
Chief Counsel and
Assistant to the Administrator

RQB:1s

Enclosure

CERTIFIED MAIL NO. P 354 447 834
RETURN RECEIPT REQUESTED

VOLUNTARY SURRENDER OF
TO PRACTICE MEDICINE AND SURGERY

'82 JAN 11 PM 12 44

I, Paul K. Yankow, 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.

OHIO STATE
MEDICAL BOARD

I, Paul K. Yankow, M.D., do hereby voluntarily, knowingly, and intelligently surrender my license to practice medicine and surgery, No. 031157, to the Ohio State Medical Board.

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.

Signed this 5th day of January, 19 82 in the office of _____.

[Signature]

[Signature]
WITNESS

[Signature]
WITNESS

Sworn to and signed before me this _____ day of _____, 19____.

Notary Public

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

October 15, 1979

Paul K. Yankow, M.D.
2217 Jefferson Ave.,
Norwood, OH. 45212

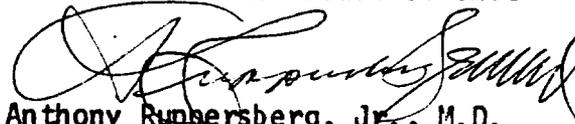
Dear Doctor Yankow:

Please find enclosed a certified copy of the Findings and Order as they have been entered in the Journal of the Ohio State Medical Board; and a certified copy of the Motion approved by the State Medical Board, meeting in regular session on October 11, 1979, approving and confirming the Findings and Order.

You are hereby notified that you may appeal this order to the Court of Common Pleas of the county in which your place of business is located, or the county in which you reside. If you are not a resident and have no place of business in this state, you may appeal to the Court of Common Pleas of Franklin County, Ohio.

To appeal as aforesaid, you must file a notice of appeal with the Board setting forth the order appealed from, and the grounds of the appeal. You must also file a copy of such notice with the court. Such notices of appeal shall be filed within fifteen days after the date of mailing of this letter, and in accordance with the requirements of Section 119.12, Revised Code.

The State Medical Board of Ohio



Anthony Ruppberg, Jr., M.D.
Secretary

Encl.

Certified Mail No. 024962
Return Receipt Requested

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

CERTIFICATION

Date: October 15, 1979

I hereby certify that the attached copy of the Findings and Order of the Ohio State Medical Board, in the matter of Paul K. Yankow, M.D., is a true and complete copy of the Findings and Order as they appear in the Journal of the State Medical Board; and that the attached copy of the Motion approved by the State Medical Board, meeting in regular session on October 11, 1979, is a true and complete copy as it appears in the Journal of the State Medical Board.


Anthony Ruppertsberg, Jr., M.D.
Secretary

STATE OF OHIO
THE STATE MEDICAL BOARD

FINDINGS AND ORDER
IN THE MATTER OF PAUL K. YANKOW, M.D.

The matter of Paul K. Yankow, M.D., came on before me, Walter H. Paulo, Member of the State Medical Board of Ohio, on July 10, 1979.

After consideration of all testimony and evidence presented at the hearing, and after having read and considered the transcript of the hearing and all exhibits introduced, I make the following Findings:

Findings of Fact

1. On April 11, 1979, Paul K. Yankow, M.D., was forwarded a letter of citation by the State Medical Board alleging certain violations of Section 4731.22, Ohio Revised Code, and advising Dr. Yankow of his rights to a hearing and to be represented by counsel. Transcript at 8; State's Exhibit 1.
2. On July 10, 1979, Paul K. Yankow, M.D., appeared at an adjudication hearing without being represented by counsel.
3. Paul K. Yankow, M.D., has practiced medicine since 1968 but has never engaged in private practice. He worked in emergency rooms while serving in the U.S. Army and as a civilian employee of the Army. Dr. Yankow then worked for the Student Health Services at Kent State University for one (1) year and at Miami University for two (2) years. Transcript at 24.
4. On December 19, 1978, in Case No. CR 78-12-0597, in the Court of Common Pleas of Butler County, Ohio, the Honorable Judge Fred B. Cramer, presiding, Paul K. Yankow, M.D. was found guilty of receiving stolen property, a misdemeanor, in violation of Section 2913.51 (A), Ohio Revised Code, and was fined one hundred fifty dollars (\$150.00) and costs of the prosecution. State's Exhibit 2 at page 28.
5. The basis of Dr. Yankow's conviction concerned certain drugs which were seized from his residence in November of 1978 pursuant to a search warrant after his landlady reported the presence of a miscellaneous assortment of bottles and drugs in his dresser drawer to the authorities. Dr. Yankow was at the time visiting his wife and children for Thanksgiving. Transcript at 20, 26. Certain of the drugs seized from Dr. Yankow's residence (e.g. Valium, Fiorinal, and

Percodan) were stolen by Dr. Yankow from the Miami University Student Health Service. Transcript at 18-19. Certain other drugs seized including Ionamin, Serentil, and Dramamine were not stolen but were lawfully prescribed by other physicians or distributed as samples by drug salesmen. Transcript at 22, 23-24. Resitution of \$265.85 was taken out of his last pay from the University, for which he showed a receipt. State's Exhibit 2 at page 23.

6. Dr. Yankow admitted that he had a prior drug abuse problem. Transcript at 11-12. Dr. Yankow testified at the adjudication hearing that his drug problem was caused by his separation from his wife and depression resulting therefrom while he was working at the Martin Army Hospital, Columbus, Georgia. Transcript at 12, 28. Dr. Yankow had a drug abuse problem when he left Georgia in May, 1978 and moved back to Ohio. Transcript at 12, 13, 28.
7. Dr. Reardon, Dr. Yankow's boss at Miami University, observed Dr. Yankow's depression and spoke with him. Dr. Yankow admitted to Dr. Reardon that he had a drug problem, and, with Dr. Reardon's encouragement, he voluntarily enrolled in the Physicians Effectiveness Program of the Ohio State Medical Association. Transcript at 14; Petitioner's Exhibit 3.
8. Dr. Yankow was referred to Richard Dorsey, M.D., a psychiatrist, who hospitalized Dr. Yankow from August 30, 1978 through September 15, 1978 for treatment of depression and drug abuse. Transcript at 14-15; Petitioner's Exhibit 3.
9. After Dr. Yankow's discharge from the hospital, his urine was screened three (3) times a week with negative results. Transcript at 16-17. Dr. Yankow has been under Dr. Dorsey's care since August 30, 1978 and is still receiving psychiatric treatment on a regular basis. Transcript at 15.
10. Dr. Yankow testified that he has completely abstained from drugs since the time of his hospitalization in August 1978, and that he was not then taking the drugs seized from his residence in November 1978. Transcript at 17, 31.
11. Previous to the discovery and seizure of the drugs, Dr. Yankow was working at the Plasmaphoresis Center in Oxford, Ohio. When the news of his December 19, 1978 conviction came out in the newspaper, they said it would give the Center a bad reputation if he continued to work there, so they asked him to leave. Transcript at 26. Dr. Yankow

then went to Cincinnati, Ohio, where he has been working since February 1, 1979 as a full time emergency room physician at the Providence Hospital. Transcript at 31-32, Petitioner's Exhibits 1 and 2.

12. At the adjudication hearing, Dr. Yankow introduced into the record as Petitioner's Exhibit 2 a letter from Donald R. Morath, M.D., President, Medical Health Services, Inc., dated June 27, 1979. This letter states in part that: "Any difficulty that Dr. Yankow may have had in the past has never been evident during his time with us and we hope that he will continue with us for many years to come."
13. At the adjudication hearing, Dr. Yankow introduced into the record as Petitioner's Exhibit 1 a letter from Philip R. Rothrock, M.D., Director, Emergency Services, the Providence Hospital, Cincinnati, Ohio, dated June 27, 1979. This letter states in part that:

I have found Dr. Yankow to be extremely capable of relating well to both patients and staff, prompt in working his schedule in the emergency department and in every instance, fully alert and aware of what he is doing...I have absolutely no indication that there is any problem with Dr. Yankow's using drugs or for that matter having any physical or psychological problem that impacts in any way on his ability to practice medicine.

I hope very sincerely that Dr. Yankow will be able to continue to practice in the state of Ohio and specifically that he will continue to work with us at Medical Health Services in providing emergency care.

14. At the adjudication hearing, Dr. Yankow introduced into the record as Petitioner's Exhibit 3 a letter from Richard Dorsey, M.D., dated May 8, 1979. This letter states in part that: "In my opinion, Dr. Yankow is essentially rehabilitated at this time, and I do not believe that any formal action by the Board would serve a useful purpose in his case."

Conclusions of Law

1. Paul K. Yankow, M.D., is not guilty of "a failure to use reasonable care discrimination in the administration of

drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease" as that clause is used in Section 4731.22(B)(2), Ohio Revised Code.

2. Paul K. Yankow, M.D., was convicted on December 19, 1978, of a misdemeanor committed in the course of his practice, which constitutes a violation of Section 4731.22(B)(11), Ohio Revised Code.

ORDER

IT IS ORDERED that the certificate of Paul K. Yankow, M.D., to practice medicine or surgery in the State of Ohio shall continue to be valid, with the limitation that Paul K. Yankow, M.D., appear and report to the State Medical Board every three (3) months in good order.

This Order shall become effective on a date to be determined by the Board.

Evola,

Walter H Paulo

Walter H. Paulo, Member
State Medical Board of Ohio

STATE OF OHIO
THE STATE MEDICAL BOARD

October 11, 1979

THE MOTION REGARDING THE FINDINGS AND ORDER IN THE MATTER OF PAUL K. YANKOW, M.D.

Dr. Lancione moved that the Findings and Order in the Matter of Paul K. Yankow, M.D., as presented by Walter H. Paulo be approved and confirmed. Dr. Cover seconded the motion. A roll call vote was taken:

ROLL CALL VOTE: Dr. Lancione - aye
Dr. Clarke - "Let the record reflect that I did read the transcript in the matter of Paul K. Yankow, M.D., and I vote aye."
Dr. Yut - aye
Dr. Lovshin - aye
Dr. Cover - aye
Mr. Paulo - aye
Dr. Ferritto - aye
Dr. Ruppertsberg - aye

The motion carried.

Dr. Lancione moved that the effective date of the Order be October 11, 1979. Dr. Yut seconded the motion. All members voted aye. The motion carried.

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

April 11, 1979

Paul K. Yankow, M.D.
2217 Jefferson Avenue
Norwood, OH. 45212

Dear Doctor Yankow:

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, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine and surgery under the provisions of Section 4731.22, Revised Code, for one or more of the following reasons:

1. On or about December 19, 1978, in the Court of Common Pleas for the County of Butler, Ohio, in Case Number CR78-12-0597, you were convicted of one (1) count of the misdemeanor of Receiving Stolen Property, to wit: Section 2913.51(A), Ohio Revised Code.

This conviction was the result of theft of drugs relating to your drug dependency caused by your self-administration of drugs for depression.

Such acts, individually and/or collectively, constitute "a failure to use reasonable care discrimination in the administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease" as that clause is used in Section 4731.22 (B)(2), Ohio Revised Code.

Further, you were convicted of a misdemeanor committed in the course of your practice, as set forth in Section 4731.22 (B)(11), Ohio Revised Code.

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

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

STATE OF OHIO
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180 East Broad Street
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Paul K. Yankow, M.D.

In the event there is no request for such hearing made within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine or surgery.

A copy of the Medical Practice Act is enclosed for your examination.

Very truly yours,


Anthony Ruppertsberg, Jr., M.D.
Secretary

CERTIFIED MAIL NO. 41766
RETURN RECEIPT REQUESTED