State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43266-0315 • (614) 466-3934 • Website: www.state.oh.us/med/

May 13, 1998

John C. O'Bell, M.D.
1571 West Pond Drive, #13
Okemos, MI 48864

Dear Doctor O'Bell:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on May 13, 1998.

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

Such an appeal setting forth the Order appealed from 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 within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

Very truly yours,

Anand G. Garg, M.D.
Secretary

AGG:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. Z 233 839 059
RETURN RECEIPT REQUESTED

Mailed 5/14/98

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry, approved by the State Medical Board, meeting in regular session on May 13, 1998, constitute a true and complete copy of the Findings, Order and Journal Entry in the Matter of John C. O'Bell, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This Certification is made by the authority of the State Medical Board of Ohio in its behalf.

(SEAL)

Anand G. Garg, M.D.
Secretary

May 13, 1998
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *

*

JOHN C. O'BELL, M.D. *

FINDINGS, ORDER AND JOURNAL ENTRY

This matter came on for consideration after a citation letter was mailed to John C. O'Bell, M.D., by the State Medical Board of Ohio on March 13, 1998.

By letter dated March 12, 1998, notice was given to John C. O'Bell, M.D., that the State Medical Board intended to consider disciplinary action regarding his license to practice medicine and surgery in Ohio, and that he was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of said notice. In accordance with Section 119.07, Ohio Revised Code, said notice was sent via certified mail, return receipt requested, to the last known address of John C. O'Bell, M.D., that being 1571 West Pond Drive, #13, Okemos, MI 48864.

No hearing request has been received from John C. O'Bell, M.D., and more than thirty (30) days have now elapsed since the mailing of the aforesaid notice.

WHEREFORE, for the reasons outlined in the March 12, 1998 letter of notice, which is attached hereto and incorporated herein, it is hereby ORDERED that the license of John C. O'Bell, M.D., to practice medicine and surgery in the State of Ohio be REVOKED.

This Order shall become effective IMMEDIATELY.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 13th day of MAY 1998, and the original thereof shall be kept with said Journal.

Anand G. Garg, M.D.
Secretary

(SEAL)

May 13, 1998
Date

AFFIDAVIT

I, Debra Jones, being duly cautioned and sworn, do hereby depose and say:

1) That I am employed by the State Medical Board of Ohio (hereinafter, "The Board")

2) That I serve the Board in the position of Chief, Continuing Medical Education, Records, and Renewal;

3) That in such position I am the responsible custodian of all public licensee records maintained by the Board pertaining to individuals who have received certificates issued pursuant to Chapter 4731., Ohio Revised Code;

4) That I have this day carefully examined the records of the Board pertaining to John C. O'Bell, M.D.

5) That based on such examination, I have found the last known address of record of John C. O'Bell, M.D., to be:

1571 West Pond Drive
#13
Okemos, MI 48864

6) Further, Affiant Sayeth Naught.

Debra L. Jones, Chief
Continuing Medical Education,
Records and Renewal

Sworn to and signed before me, Columbus, Franklin County, Ohio, Notary Public, this 29th day of April, 1998.

Notary Public

NOTARIAL SEAL
STATE OF OHIO

CHARLES A. WOODBECK, Attorney At Law
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.

State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43266-0315 • (614) 466-3934 • Website: www.state.oh.us/med/

March 12, 1998

John C. O'Bell, M.D.
2649 Edgehill Road
Cleveland Heights, OH 44106

Dear Doctor O'Bell:

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, 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. After March 1, 1996, you signed the application for renewal of your Ohio certificate to practice medicine and surgery, certifying that the information provided on the application was true and correct in every respect. In response to the question, "At any time since signing your last application for renewal of your certificate have you ... (b)een found guilty of, or pled guilty or no contest to a felony or misdemeanor[?]" you answered, "No."

   In fact, on or about April 19, 1995, you pled guilty to a charge of Operating While Impaired, a misdemeanor, in the 54-A Judicial District Court, Lansing Michigan.

2. After March 1, 1996, you signed the application for renewal of your Ohio certificate to practice medicine and surgery, certifying that the information provided on the application was true and correct in every respect. In response to the question, "At any time since signing your last application for renewal of your certificate have you ... (b)een addicted to or dependent upon alcohol or any chemical substance; or been treated for, or been diagnosed as suffering from, drug or alcohol dependency or abuse?" you answered, "No."

   In fact, in February 1995, you began treatment with a psychiatrist for alcohol counseling. Further, you were diagnosed by West Michigan Addiction Consultants ("WMAC") as alcohol dependent. Further, WMAC recommended that you undergo residential or inpatient treatment. You disagreed with the recommended treatment plan, and you failed to submit to an agreed second chemical dependency assessment at Brighton Hospital.

Mailed 3/12/98

3. On or about June 19, 1996, the Michigan Department of Commerce, Bureau of Occupational and Professional Regulation, Board of Medicine, Disciplinary Subcommittee (hereinafter "Disciplinary Subcommittee") entered a Consent Order which placed your license on probation for a two year period, required you to abstain from mood and mind altering substances, and required you to enter into a monitoring agreement with the Department's agent, Professional Health Management Systems, Inc., based upon your having been diagnosed as alcohol dependent and your subsequent refusal to comply with treatment recommendations. A copy of the Consent Order and Stipulation and Administrative Complaint are attached hereto and fully incorporated herein.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate 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 paragraphs (1) and (2) above, individually and/or collectively, constitutes "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

The Consent Order, as alleged in paragraph (3) above, constitutes "(t)he limitation, revocation, or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, the imposition of probation by that authority, or the issuance of an order of censure or other reprimand by that authority for any reason, other than nonpayment of fees," as that clause is used in Section 4731.22(B)(22), 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.

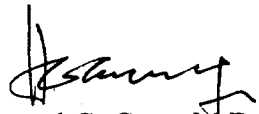
You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence 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, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Anand G. Garg, M.D.
Secretary

AGG/bjs

Enclosures

CERTIFIED MAIL # P 152 984 762
RETURN RECEIPT REQUESTED

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF	*
	*
JOHN C. O'BELL, M.D.	*

ENTRY

By letter dated December 3, 1997, the Medical Board notified John C. O'Bell, M.D., that the Board had proposed to take disciplinary action against his certificate to practice medicine and surgery in this State. The letter further advised Dr. O'Bell of his right to request a hearing. Dr. O'Bell responded by letter to the Board's notice of opportunity for hearing, but was ambiguous regarding his desire for a hearing. Accordingly, for administrative efficiency, the December 3, 1997, notice of opportunity for hearing is hereby DISMISSED without prejudice, to allow the issuance of a second notice of opportunity for hearing.

Anand G. Garg, M.D.
Secretary

cc: John C. O'Bell, M.D.
Lawrence D. Pratt, Assistant Attorney General
John W. Rohal, Assistant Director
William J. Schmidt, Assistant to the Director
Lauren Lubow, Case Control Officer
Diann K. Thompson, Chief Enforcement Coordinator

STATE MEDICAL BOARD OF OHIO
77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614)466-3934

December 3, 1997

John C. O'Bell, M.D.
2649 Edgehill Road
Cleveland Heights, OH 44106

Dear Doctor O'Bell:

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, 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. After March 1, 1996, you signed the application for renewal of your Ohio certificate to practice medicine and surgery, certifying that the information provided on the application was true and correct in every respect. In response to the question, "At any time since signing your last application for renewal of your certificate have you ... (b)een found guilty of, or pled guilty or no contest to a felony or misdemeanor[?]" you answered, "No."

   In fact, on or about April 19, 1995, you pled guilty to a charge of Operating While Impaired, a misdemeanor, in the 54-A Judicial District Court, Lansing Michigan.

2. After March 1, 1996, you signed the application for renewal of your Ohio certificate to practice medicine and surgery, certifying that the information provided on the application was true and correct in every respect. In response to the question, "At any time since signing your last application for renewal of your certificate have you ... (b)een addicted to or dependent upon alcohol or any chemical substance; or been treated for, or been diagnosed as suffering from, drug or alcohol dependency or abuse?" you answered, "No."

   In fact, in February 1995, you began treatment with a psychiatrist for alcohol counseling. Further, you were diagnosed by West Michigan Addiction Consultants ("WMAC") as alcohol dependent. Further, WMAC recommended that you undergo residential or inpatient treatment. You disagreed with the recommended treatment plan, and you failed to submit to an agreed second chemical dependency assessment at Brighton Hospital.

Mailed 12/4/97

3. On or about June 19, 1996, the Michigan Department of Commerce, Bureau of Occupational and Professional Regulation, Board of Medicine, Disciplinary Subcommittee (hereinafter "Disciplinary Subcommittee") entered a Consent Order which placed your license on probation for a two year period, required you to abstain from mood and mind altering substances, and required you to enter into a monitoring agreement with the Department's agent, Professional Health Management Systems, Inc., based upon your having been diagnosed as alcohol dependent and your subsequent refusal to comply with treatment recommendations. A copy of the Consent Order and Stipulation and Administrative Complaint are attached hereto and fully incorporated herein.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate 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 paragraphs (1) and (2) above, individually and/or collectively, constitutes "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

The Consent Order, as alleged in paragraph (3) above, constitutes "(t)he limitation, revocation, or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, the imposition of probation by that authority, or the issuance of an order of censure or other reprimand by that authority for any reason, other than nonpayment of fees," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

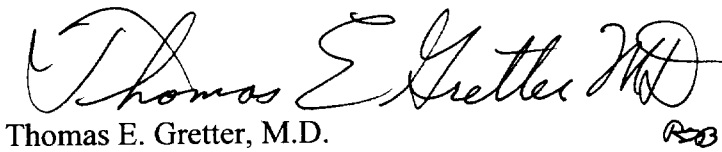
Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that 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, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Thomas E. Gretter, M.D.
Secretary

TEG/par

Enclosures

CERTIFIED MAIL # P 152 984 508
RETURN RECEIPT REQUESTED

rev.2/15/95

obellfct.doc

RECEIVED
MAY 24 1996
HEALTH SERVICES
Complaint and Allegation Division

STATE OF MICHIGAN
DEPARTMENT OF COMMERCE
BUREAU OF OCCUPATIONAL AND PROFESSIONAL REGULATION
BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE

STATE MEDICAL BOARD OF OHIO
OCT - 1 PM 9:31

In the Matter of

JOHN CHARLES O'BELL, M.D. /

File Number: 43-96-0299-00

CONSENT ORDER AND STIPULATION

CONSENT ORDER

WHEREAS, an administrative complaint was issued on March 20, 1996, charging John Charles O'Bell, M.D., hereafter Respondent, with having violated section 16221(a) and (b)(ii) of the Public Health Code, 1978 PA 368, as amended by 1993 PA 79 and 133 effective April 1, 1994; MCL 333.1101 et seq; MSA 14.15 (1101) et seq; and

WHEREAS, Respondent has admitted, by stipulation submitted herewith, that the facts alleged in the aforesaid complaint are true and constitute violations of the Public Health Code, supra, as set forth in said complaint; and

WHEREAS, the Disciplinary Subcommittee of the Board of Medicine, hereafter Board's Disciplinary Subcommittee, has reviewed said stipulation and, based upon the matters asserted therein, agrees that the public interest is best served by resolution of the outstanding complaint; now, therefore,

STATE OF MICHIGAN — INGHAM COUNTY
We certify that the foregoing is a true copy of the original on file in the office of the Department of Consumer and Industry Services, Office of Legal Services, Legal Resources Division.

IT IS HEREBY FOUND that the allegations of fact and law set forth in the aforesaid complaint are true and constitute violations of section 16221(a) and (b)(ii) of the Public Health Code, supra, as set forth in said complaint.

Accordingly,

IT IS HEREBY ORDERED that for the aforesaid violations of the Public Health Code, supra, Respondent shall be and hereby is placed on PROBATION for a period of two years, commencing on the effective date of this order. The terms of probation shall be as follows:

1. ABSTENTION FROM MOOD-/MIND-ALTERING SUBSTANCES. Except as herein provided, Respondent shall practice total abstention from alcohol, controlled substances and other mood-or mind-altering substances.

Respondent shall notify all treating practitioners of Respondent's chemical dependency. In the event Respondent is hospitalized or otherwise requires medical or dental treatment involving controlled substances as ordered by Respondent's treating physician or dentist, Respondent shall immediately report this fact and all relevant circumstances to the Department or its authorized representative.

2. TREATMENT/ASSESSMENT/EVALUATION. Within thirty (30) days of the effective date of this order, Respondent shall contact the Department's contractor, Professional Health Management Systems, Inc. (1-800-253-7700). If requested by the program administrator/consultant, Respondent shall, at Respondent's expense, promptly submit to an independent evaluation to assist in ascertaining Respondent's treatment or monitoring needs. Respondent shall promptly enter into and

STATE OF MICHIGAN — INGHAM COUNTY
We certify that the foregoing is a true copy of the original on file in the office of the Department of Consumer and Industry Services, Office of Legal Services, Legal Resources Division.

comply with a monitoring agreement between Respondent and the Department's contractor, which will establish the terms and conditions of a recovery/monitoring program for Respondent.

In the event Respondent fails to enter into or comply with the terms of the monitoring agreement, or fails to abstain from the use of mood-/mind-altering substances (including alcohol), the program administrator/consultant shall immediately so notify the Department's designee of this situation.

All information and documentation acquired by the program administrator/consultant in developing and implementing the monitoring agreement required herein, shall be made available to the Department upon request to establish Respondent's compliance or noncompliance with the monitoring contract and this order.

3. COSTS. Respondent shall be solely responsible for payment of all costs incurred in complying with the terms of this order.

4. REPORTING PROCEDURE. Unless requiring immediate notification as indicated above, all reports required herein shall be filed on a quarterly basis, the first report to be filed at the end of the third month of probation, and subsequent reports to be filed every three months thereafter until Respondent is discharged from probation or the reporting requirement is waived.

In addition to receiving reports as required herein, the Department or its authorized representative may periodically contact the reporting individuals or agencies to inquire of Respondent's progress. Respondent authorizes release of said information as specifically set forth in the stipulation made a part hereof.

All reports required herein shall be filed with the Department of Commerce, Bureau of Occupational and Professional Regulation, Office of Legal Services, Compliance Section, P.O. Box 30018, Lansing, Michigan 48909.

STATE OF MICHIGAN — INGHAM COUNTY
We certify that the foregoing is a true copy of the original on file in the office of the Department of Consumer and Industry Services, Office of Legal Services, Legal Resources Division.

The timely filing of all reports required herein shall be Respondent's responsibility, and failure to file said reports within the time limitations herein provided shall be deemed a violation of an order of the Board's Disciplinary Subcommittee.

IT IS FURTHER ORDERED that Respondent shall immediately provide a copy of the within consent order and stipulation to Respondent's employer; further, in the event Respondent wishes to change employers, Respondent shall provide a copy of the within consent order and stipulation to each successor employer, which successor shall continue to comply with the terms of the within order.

IT IS FURTHER ORDERED that Respondent shall be automatically discharged from probation at the end of the probationary period, PROVIDED Respondent has complied with the terms of this order and has not violated the Public Health Code, supra.

IT IS FURTHER ORDERED that in the event Respondent violates any provision of this order, the Board's Disciplinary Subcommittee may reconsider the disciplinary action taken in the present matter; further, if such violation is deemed to constitute an independent violation of the Public Health Code, supra, or the rules promulgated pursuant thereto, the Board's Disciplinary Subcommittee may proceed to take disciplinary action based upon such violation.

[illegible] that the foregoing is a true copy of the original on file in the office of the Department of Consumer and Industry Services, Office of Legal Services, Legal Resources Division.

IT IS FURTHER ORDERED that this order shall be effective thirty days from the date signed by the Board's Disciplinary Subcommittee, as set forth below.

Dated: 6-19-96

MICHIGAN BOARD OF MEDICINE

By _____
~~Gwen Andrew, Ph.D.~~, Chairperson Robert Buwalda
Disciplinary Subcommittee

STIPULATION

1. The allegations of fact contained in the aforesaid complaint dated March 20, 1996, are true and constituted violations of section 16221(a) and (b)(ii) of the Public Health Code, supra.

2. Respondent understands and intends that by signing this stipulation Respondent is waiving the right pursuant to the Public Health Code, supra, the rules promulgated pursuant thereto, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq; MSA 3.560(101) et seq, to require Complainant to prove the charges set forth in the administrative 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 said charges.

STATE OF MICHIGAN — INGHAM COUNTY
We certify that the foregoing is a true copy of the original on file in the office of the Department of Consumer and Industry Services, Office of Legal Services, Legal Resources Division.

3. Respondent hereby authorizes the individuals and entities required to report pursuant to the foregoing consent order, to release to the Office of Health Services and/or the Department of Attorney General any and all information that may have been obtained or made, necessary for full compliance with the foregoing consent order and to assure protection of the public health, safety and welfare.

4. Factors considered in the formulation of the within consent order were as follows:

> Since February 1995, Respondent has treated on a regular basis with psychiatrist William Drescher, M.D., for alcoholism counseling. Respondent also attended 90 AA meetings in 90 days and continues to regularly attend AA meetings.
>
> On April 2, 1996, Respondent voluntarily underwent an assessment at Brighton Hospital. According to the assessment report dated April 19, 1996, Respondent was found to be chemically dependent. Treatment recommendations included abstinence from all mood-altering substances, participation in an Intensive Outpatient Program (IOP) to include group therapy and chemical dependency education, weekly random urine drug screens, and continued participation in AA.
>
> The report also indicated that following his IOP involvement, Respondent should continue in weekly group therapy with other recovering professionals and enter into a monitoring agreement. In the event of a relapse, it was recommended that Respondent participate in long-term inpatient treatment.
>
> Respondent has expressed a willingness to enter into a disciplinary monitoring agreement with Professional Health Management Systems, Inc.

STATE OF MICHIGAN — INGHAM COUNTY
We certify that the foregoing is a true copy of the original on file in the office of the Department of Consumer and Industry Services, Office of Legal Services, Legal Resources Division.

5. Gregg Haskell, P.A., a member of the Board who supports this proposal, and Complainant's representative are free to discuss this matter with the Board's Disciplinary Subcommittee and recommend acceptance of the resolution set forth in the foregoing consent order.

6. The foregoing consent order is approved as to form and substance by Respondent and Complainant and may be entered as the final order of the Board's Disciplinary Subcommittee in said cause.

7. The foregoing proposal is conditioned upon acceptance by the Board's Disciplinary Subcommittee, Respondent and Complainant expressly reserving the right to further proceedings without prejudice should the consent order be rejected.

AGREED TO BY:

Thomas C. Lindsay II, Director
Office of Health Services
Complainant
Dated: May 29, 1996

AGREED TO BY:

John Charles O'Bell, M.D.
Respondent
Dated: 5/24/96

State of Michigan)
County of Ingham) ss

STATE OF MICHIGAN — INGHAM COUNTY
We certify that the foregoing is a true copy of the original on file in the office of the Department of Consumer and Industry Services, Office of Legal Services, Legal Resources Division.

On the 24 day of May, 1996 before me, a Notary Public in and for said county, appeared John Charles O'Bell, M.D. who, upon oath, stated that he has read the

foregoing consent order and stipulation by him subscribed, that he knows the contents thereof to be true, and that the signing of said consent order and stipulation is his free act and deed.

Elaine Coulston

Notary Public, Eaton, all Ingham County
State of Michigan
My Commission expires 9/21/98

Approved as to form and substance by:

Clinton Canady III
Attorney for Respondent

This is the last and final page of a Consent Order and Stipulation in the matter of John Charles O'Bell, M.D., before the Disciplinary Subcommittee for the Michigan Board of Medicine, consisting of eight pages, this page included.

STATE OF MICHIGAN — INGHAM COUNTY
We certify that the foregoing is a true copy of the original on file in the office of the Department of Consumer and Industry Services, Office of Legal Services, Legal Resources Division.

STATE OF MICHIGAN
DEPARTMENT OF COMMERCE
BUREAU OF OCCUPATIONAL AND PROFESSIONAL REGULATION
BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE

In the Matter of

JOHN CHARLES O'BELL, M.D. File Number: 43-96-0299-00
_____/

ADMINISTRATIVE COMPLAINT

NOW COMES the Michigan Department of Commerce, Bureau of Occupational and Professional Regulation, Complainant herein, by Thomas C. Lindsay II, Director, Office of Health Services, and hereby files the within complaint against John Charles O'Bell, M.D., hereafter Respondent, alleging upon information and belief as follows:

1. The Michigan Board of Medicine, hereafter Board, is an administrative agency established by the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq; MSA 14.15(1101) et seq. Pursuant to section 16226 of the Public Health Code, supra, as amended by 1993 PA 79 effective April 1, 1994, the Board's Disciplinary Subcommittee is empowered to discipline licensees for violations of the Code.

2. Respondent is currently licensed to practice medicine pursuant to the Public Health Code, supra, and holds a current controlled substance license.

STATE OF MICHIGAN — INGHAM COUNTY
We certify that the foregoing is a true copy of the original on file in the office of the Department of Consumer and Industry Services, Office of Legal Services, Legal Resources Division.

3. On April 19, 1995, based on a guilty plea in the 54-A Judicial District Court of Ingham County in case number J951129, Respondent was found guilty and convicted of Operating While Impaired. As a result of the aforesaid conviction, Respondent was sentenced to pay fines, costs and fees of $509.00 and placed on probation for a period of eight months. Respondent's probationary terms included attendance at the outpatient National Council on Alcoholism 12 session program or early recovery group, attendance at twice weekly Alcoholics Anonymous meetings, and submission of urine drops and portable breathalyzer testing. Copies of the documents comprising the record of conviction, marked Exhibit A, are attached hereto and made a part hereof.

4. As a result of the aforesaid conviction, Respondent was advised by the Department to contact the Michigan Health Professional Recovery Program, hereafter HPRP, for potential participation in the HPRP. Respondent agreed to submit to a chemical dependency assessment at West Michigan Addiction Consultants, hereafter WeMAC, which occurred on October 17, 1995. Respondent was diagnosed as alcohol dependent by WeMAC and participation in a residential or inpatient treatment program was recommended.

5. Respondent disagreed with the treatment plan recommended by WeMAC. Therefore, the HPRP agreed to allow Respondent to submit to a second chemical dependency assessment at Brighton Hospital. Respondent failed to submit to the assessment, canceling his scheduled appointment on two occasions.

STATE OF MICHIGAN — INGHAM COUNTY
We certify that the foregoing is a true copy of the original on file in the office of the Department of Consumer and Industry Services, Office of Legal Services, Legal Resources Division.

6. Respondent has failed to comply with the treatment plan recommended by WeMAC, failed to submit to a second chemical dependency assessment, and failed to enter into a monitoring agreement with the HPRP.

COUNT I

Respondent's conduct and conviction, as set forth above, evidences a conduct, practice, or condition which impairs, or may impair, the ability to safely and skillfully practice the health profession, in violation of section 16221(a) of the Public Health Code, supra.

COUNT II

Respondent's conduct and conviction, as set forth above, evidences substance abuse, in violation of section 16221(b)(ii) of the Public Health Code, supra.

WHEREFORE, Complainant requests that the within complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with all lawful requirements for retention of the license. If compliance is not shown, Complainant further requests that formal proceedings be commenced pursuant to the Public Health Code, supra, rules promulgated pursuant thereto, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq; MSA 3.560(101) et seq.

STATE OF MICHIGAN — INGHAM COUNTY
We certify that the foregoing is a true copy of the original on file in the office of the Department of Consumer and Industry Services, Office of Legal Services, Legal Resources Division.

RESPONDENT IS HEREBY NOTIFIED that pursuant to section 16231(7) of the Public Health Code, supra, Respondent has 30 days from the date of receipt of this complaint to submit a written response to the allegations contained herein. The written response shall be submitted to Complainant, Thomas C. Lindsay II, Director, Office of Health Services, Bureau of Occupational and Professional Regulation, Department of Commerce, P.O. Box 30018, Lansing, MI 48909.

RESPONDENT IS FURTHER NOTIFIED that pursuant to section 16231(8) of the Public Health Code, supra, Respondent's failure to submit a written response within 30 days as noted above, shall be treated as an admission of the allegations contained herein and shall result in transmittal of the complaint directly to the Disciplinary Subcommittee for imposition of an appropriate sanction.

Thomas C. Lindsay II

Thomas C. Lindsay II, Director
Office of Health Services
Bureau of Occupational and
Professional Regulation

DATED: March 20, 1996

Attachment

This is the last and final page of an Administrative Complaint in the matter of John Charles O'Bell, M.D., before the Disciplinary Subcommittee of the Michigan Board of Medicine, consisting of four (4) pages, this page included.

STATE OF MICHIGAN — INGHAM COUNTY
We certify that the foregoing is a true copy of the original on file in the office of the Department of Consumer and Industry Services, Office of Legal Services, Legal Resources Division.

☐ C.I.
☒ MIS.
☒ JUV. MIS.

State of Michigan
Uniform Vehicle Law Citation

Ticket No. **A 0639050**

The People of: ☐ the State of Michigan ☐ Township ☒ City ☐ Village

Local Use | Dept. No. 519

Radar | BAC .18% | Offense Code

OF: LANSING | 1 of 1 | Complaint No. 7503236

THE UNDERSIGNED SAYS THAT ON: Month 2 Day 26 Year 95 At approximately 1535 ☐ A.M. ☐ P.M.

State: OH | Driver's License Number: B F55 343 | Sex: W/M | Date of Birth: Month 11 Day 12 Year 40

Name (First, Middle, Last): JOHN C. OBELL

Street: 1571 W. Pond Dr. #13 | City: OKEMOS | State: MI | Zip Code: 48864

Vehicle Plate No.: AJH075 | Year: 95 | State: OH | Vehicle Description (Year Make Color): 86 VOLVO Gry | Type: PA

THE PERSON NAMED ABOVE, IN VIOLATION OF § _____ ☐ LOCAL ORDINANCE, OR

☐ STATE LAW, UPON SAGINAW

AT OR NEAR FAIRVIEW

WITHIN ☒ CITY ☐ VILLAGE ☐ TOWNSHIP OF LANSING

COUNTY OF INGHAM DID THE FOLLOWING:

☐ Speeding _____ MPH in a _____ MPH Zone (formerly _____ MPH Zone)
☐ Disobey Traffic Signal
☐ Disobey Stop Sign
☐ Defective Equipment
☐ No Operator's License in Possession
☐ Driving While License ☐ Revoked ☐ Suspended ☐ Denied
☒ Operator has Unlawful Blood Alcohol Level of ☐ .10% or above ☐ .04% to .07%
☒ Operator Under the Influence of ☒ Liquor ☐ Controlled Substance

Describe: OUIL / U.B.A.L.

☐ VIOLATION FOR WHICH FINE/COSTS MAY BE WAIVED (SEE BACK)

THIS VIOLATION IS A: ☐ CIVIL INFRACTION ☒ MISDEMEANOR ☐ C.I. ☒ MIS. ☐ JUV. MIS.

CHECK IF APPROPRIATE
☐ Accident Causing Damage in Property
☐ Accident Causing Injury
Person in Active Military Service ☐ Yes ☒ No

☐ Appearance Certificate or Cash Deposit _____ ☒ None
☐ License Posted in Lieu of Bond

SEE DATE BELOW. SEE BACK OF CITATION FOR EXPLANATION AND INSTRUCTIONS
☒ Appearance Date on or before 3 TO 14 DAYS
☐ Hearing Date (if applicable) on _____ ☐ Contact Courts
☐ Juvenile Misdemeanor (Court will Notify)

In the 54-A DISTRICT Court of MICHIGAN

Court address & phone number: LANSING CITY HALL - 6TH FLOOR
124 WEST MICHIGAN AVE., LANSING, MI 48933
1-517-483-4433

☐ I served a copy of the civil infraction complaint upon the defendant
I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.

Complainant's signature and receipt if applicable: [signature] | Month 2 Day 26 Year 95

Officer's Name (printed): D.E. Zolnzi / S. Persons | Officer's ID No. 191 189

Agency ORI: 3351900 | Agency Name: LANSING POLICE DEPT.

Remarks

Ticket No. A 0639050 Name OBELL J.C. Case No.

STATE MEDICAL BOARD OF OHIO
97 OCT -1 AM 9:31

THIS IS TO CERTIFY THAT THIS IS A TRUE AND COMPARED COPY OF THE REGISTER OF ACTIONS IN SAID CAUSE.

[signature] 8-24-95
DEPUTY CLERK DATE

STATE OF MICHIGAN — INGHAM COUNTY
We certify that the foregoing is a true copy of the original on file in the office of the Department of Consumer and Industry Services, Office of Legal Services, Legal Resources Division.

EXHIBIT A page 3 of 3