



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

September 16, 1994

Emmanuel L. Raymundo, M.D.
716 Shadowood Lane, S.E.
Warren, Ohio 44484

Dear Doctor Raymundo:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Melinda R. Early, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of the Minutes of the State Medical Board, meeting in regular session on September 14, 1994, including a Motion approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

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 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 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.

THE STATE MEDICAL BOARD OF OHIO

Carla S. O'Day, M.D.

Carla S. O'Day, M.D.
Secretary

CSO:em

Enclosures

CERTIFIED MAIL RECEIPT NO. P 348 885 197
RETURN RECEIPT REQUESTED

cc: W. Leo Keating, Esq.

CERTIFIED MAIL NO. P 348 885 198
RETURN RECEIPT REQUESTED

Mailed 9/27/94



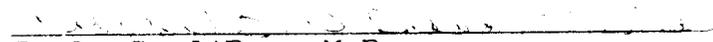
STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43260-0315 • (614) 466-1934

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 Melinda R. Early, Attorney Hearing Examiner, State Medical Board; and an excerpt of Minutes of the State Medical Board, meeting in regular session on September 14, 1994, including a Motion approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio, constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Emmanuel L. Raymundo, 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.



Carla S. O'Day, M.D.
Secretary

(SEAL)



Date



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

EMMANUEL L. RAYMUNDO, M.D.

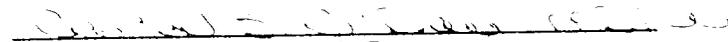
*

This matter came on for consideration before the State Medical Board of Ohio on the 14th day of September, 1994.

Upon the Report and Recommendation of Melinda R. Early, Hearing Examiner, Medical Board, in this matter designated pursuant to R. C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the 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 the certificate of Emmanuel L. Raymundo, M.D., to practice medicine and surgery in the State of Ohio, shall be permanently REVOKED.

This Order shall become effective immediately.


Carla S. O'Day, M.D.
Secretary

(SEAL)


Date

STATE MEDICAL BOARD
OF OHIO

REPORT AND RECOMMENDATION 94 AUG 11 PH 3:29
IN THE MATTER OF EMMANUEL L. RAYMUNDO, M.D.

The Matter of Emmanuel L. Raymundo, M.D., came on for hearing before me, Melinda R. Early, Esq., Hearing Examiner for the State Medical Board of Ohio on July 15, 1994.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Basis for Hearing

- A. The State Medical Board notified Emmanuel L. Raymundo, M.D., by letter dated April 13, 1994 (State's Exhibit #1), that it intended to determine whether or not to take disciplinary action against his license to practice medicine and surgery. The impetus for the Board's proposed action was the allegation that Dr. Raymundo was convicted, on or about January 21, 1994, in the Trumbull County Court of Common Pleas, of the following felonies: eleven counts of violating Section 2925.23(A), Ohio Revised Code, Illegal Processing of Drug Documents; six counts of violating Section 2925.03(A)(5), Ohio Revised Code, Aggravated Trafficking in Drugs; and four counts of violating Section 2925.03(A)(1), Ohio Revised Code, Trafficking in Drugs. The Board further alleged the judicial findings of Dr. Raymundo's guilt, individually and/or collectively, constituted: 1) "[s]elling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, or a judicial finding of guilt of, a violation of any federal or state law regulating the possession, distribution, or use of any drug," as those clauses are used in Section 4731.22(B)(3), Ohio Revised Code; and 2) "[a] plea of guilty to, or a judicial finding of guilt of, a felony," as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

Dr. Raymundo was advised of his right to request a hearing in this Matter.

- B. Mr. W. Leo Keating, Esq., requested a hearing in Dr. Raymundo's behalf, by letter which was received by the State Medical Board on May 2, 1994 (State's Exhibit #2).

II. Appearances

- A. In behalf of the State of Ohio: Lee I. Fisher, Attorney General, by Anne C. Berry, Assistant Attorney General
- B. In behalf of Respondent: W. Leo Keating, Esq.

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III. Testimony Heard

No witnesses were presented.

IV. Exhibits Examined

In addition to State's Exhibits #1 and #2, noted above, the following exhibits were identified by the State and admitted into evidence in this Matter:

- A. State's Exhibit #3: May 5, 1994 letter to Dr. Raymundo's counsel, W. Leo Keating, Esq., from the State Medical Board, advising him that Dr. Raymundo's hearing was initially set for May 16, 1994, but was postponed pursuant to Section 119.09, Ohio Revised Code.
- B. State's Exhibit #4: May 17, 1994 letter to Mr. Keating from the State Medical Board, scheduling Dr. Raymundo's hearing for July 15, 1994.
- C. State's Exhibit #5: Certified copy of the Indictment, Counts 2 - 22, rendered against Dr. Raymundo in the Trumbull County Court of Common Pleas, and January 27, 1994 Journal Entry entered by the Trumbull County Court of Common Pleas, staying Dr. Raymundo's sentence upon Dr. Raymundo posting an appeals bond.
- D. State's Exhibit #6: January 21, 1994 Journal Entry entered by the Trumbull County Court of Common Pleas, finding Dr. Raymundo guilty of: 1) Illegal Processing of Drug Documents as charged in Counts 2 through 12 of the Indictment; 2) Aggravated Trafficking as charged in Counts 13, 16, 17, 19, 20, and 22 of the Indictment; and 3) Trafficking in Drugs as charged in Counts 14, 15, 18, and 21 of the Indictment.
- E. State's Exhibit #7: January 28, 1994 Journal Entry entered by the Trumbull County Court of Common Pleas, sentencing Dr. Raymundo.
- F. State's Exhibit #8: Collection of documents from the State Medical Board of Ohio, regarding Dr. Raymundo's previous proceedings before the Board, including: 1) April 14, 1989 cover letter; 2) April 17, 1989 Certification; 3) April 17, 1989 Entry of Order; 4) March 13, 1989 Report and Recommendation; and 5) Minutes of April 12, 1989 State Medical Board meeting.

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FINDINGS OF FACT

1. A Trumbull County Common Pleas Court Judge found Dr. Emmanuel L. Raymundo guilty of: 11 counts of Illegal Processing of Drug Documents, each a violation of Section 2925.23(A), Ohio Revised Code; six counts of Aggravated Trafficking, each a violation of Section 2925.03(A)(5), Ohio Revised Code, and four counts of Trafficking in Drugs, each a violation of 2925.03(A)(1), Ohio Revised Code.

Six of the eleven counts of Illegal Processing of Drug Documents were third degree felonies involving the Schedule II controlled substance, Percodan. The remaining five counts were fourth degree felonies involving the Schedule IV controlled substance, Valium. The six counts of aggravated trafficking, second degree felonies, involved Percodan, and the four counts of trafficking in drugs, fourth degree felonies, involved Valium.

Dr. Raymundo was sentenced to incarceration in the Lorain Correctional Institution, as follows: one year and \$2,500 mandatory fine for each count of the third degree felonies, Illegal Processing of Drug Documents, with sentences to be served concurrently; one-half year and \$1,500 mandatory fine for each count of the fourth degree felonies, Illegal Processing of Drug Documents, with sentences to be served concurrently; one-half year and \$1,500 mandatory fine for each count of the fourth degree felonies, Trafficking in Drugs, with sentences to be served concurrently; and two to fifteen years with three years actual incarceration, and \$5,000 mandatory fine on each count of the second degree felonies, Aggravated Trafficking, with sentences to be served concurrently.

These facts are established by State's Exhibits #6 and #7.

2. Dr. Raymundo perpetrated the crimes outlined in Finding of Fact #1 while his license to practice medicine and surgery was under an indefinite suspension as imposed by the State Medical Board in its April 12, 1989 Entry of Order. In that Order, the Board found that Dr. Raymundo had violated several provisions of the Medical Practices Act, including:
 - 1) "[f]ailure to use reasonable care discrimination in the administration of drugs," and "failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease," as those clauses are used in Section 4731.22(B)(2), Ohio Revised Code;

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- 2) "[s]elling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes." as that clause is used in Section 4731.22(B)(3), Ohio Revised Code;
- 3) "[a] departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established," as that clause is used in Section 4731.22(B)(6), Ohio Revised Code; and
- 4) "[c]onviction of a misdemeanor committed in the course of practice," as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, as effective prior to March 17, 1987.

As a result of the Board's 1989 disciplinary action, Dr. Raymundo did not possess a valid DEA registration when he was charged with and ultimately convicted of the recent drug-related felonies.

These facts are established by State's Exhibit #8.

3. Dr. Raymundo's defense in this Matter consisted of his making a motion, at hearing, to keep the record open until the 11th District Court of Appeals rules on his criminal appeal. Dr. Raymundo asserted there would be minimal risk of harm to the public because he is not actively practicing in light of the Board's previous order which is still in effect. Dr. Raymundo also argued that it would be more equitable for the Board to await the Appellate Court's ruling than to subject him to the administrative appeals process of Section 4731.22(E), Ohio Revised Code, should the convictions be overturned. Dr. Raymundo asserted that his motion to keep the record open for a few months pending the Appellate Court's ruling was reasonable in light of the Board having extended the adjudicatory process for more than one year in the previous Board proceedings.

These facts are established by Respondent's counsel's argument (Tr. at 7, 8, 9, 19, and 20).

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CONCLUSIONS

Finding of Fact #1 supports a conclusion that the judicial findings of Dr. Raymundo's guilt, individually and/or collectively, constitute "selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, or a judicial finding of guilt of, a violation of any federal or state law regulating the possession, distribution, or use of any drug," as those clauses are used in Section 4731.22(B)(3), Ohio Revised Code, as well as "a plea of guilty to, or a judicial finding of guilt of, a felony," as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

The evidence shows Dr. Raymundo continued to have difficulty in obeying laws governing the prescribing of controlled substances, and in appreciating the responsibility associated with the prescribing privilege. While felony drug convictions are offenses of the most serious nature, the magnitude of Dr. Raymundo's felony convictions is demonstrated by his flagrant disregard of his medical licensure suspension and the forfeiture of his DEA registration.

The 1989 Board Order graciously allowed Dr. Raymundo to apply for reinstatement of his license to practice medicine and surgery one year after the Order became effective; provided certain conditions were satisfied. These conditions included the successful completion of a Board approved pharmacology course and passing the SPEX examination. Inasmuch as Dr. Raymundo's license has not been reinstated, it can be concluded Dr. Raymundo chose to violate the terms of the 1989 Board Order, rather than satisfy the conditions precedent to reinstatement. It would appear, therefore, that the revocation is the appropriate sanction to ensure the health consuming Ohio public is protected from Dr. Raymundo's unscrupulous prescribing practices.

PROPOSED ORDER

It is hereby ORDERED that the certificate of Emmanuel L. Raymundo, M.D., to practice medicine and surgery in the State of Ohio, shall be permanently REVOKED.

This Order shall become effective immediately.


Melinda R. Early
Attorney Hearing Examiner



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

EXCERPT FROM THE MINUTES OF SEPTEMBER 14, 1994

REPORTS AND RECOMMENDATIONS

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

Dr. Heidt 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 matters of: James J. Chambers, M.D.; George W. Essig, M.D.; Steven Magier, D.P.M., and Emmanuel L. Raymundo, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Stienecker	- aye
	Dr. Gretter	- aye
	Dr. Egner	- aye
	Dr. Agresta	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Mr. Sinnott	- aye
	Dr. Heidt	- aye

Dr. Heidt 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. Stienecker	- aye
	Dr. Gretter	- aye
	Dr. Egner	- aye
	Dr. Agresta	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Mr. Sinnott	- aye
	Dr. Heidt	- aye

In accordance with the provision in Section 4731.22(C)(1), 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 this matter.

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

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All Assistant Attorneys General and all Enforcement Coordinators left the meeting at this time.

.....

REPORT AND RECOMMENDATION IN THE MATTER OF EMMANUEL L. RAYMUNDO, M.D.

.....

DR. GRETTER MOVED TO APPROVE AND CONFIRM MS. EARLY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF EMMANUEL L. RAYMUNDO, M.D. DR. BUCHAN SECONDED THE MOTION.

.....

A roll call vote was taken on Dr. Gretter's motion:

ROLL CALL VOTE:	Mr. Albert	- abstain
	Dr. Stienecker	- aye
	Dr. Gretter	- aye
	Dr. Egner	- aye
	Dr. Agresta	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Mr. Sinnott	- aye

The motion carried.



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

April 13, 1994

Emmanuel L. Raymundo, M.D.
716 Shadowood Ln. SE
Warren, OH 44484

Dear Doctor Raymundo:

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) On or about January 24, 1994, in the Court of Common Pleas, Trumbull County, Ohio, you were found guilty of eleven (11) counts of violating Section 2925.23(A), Ohio Revised Code, Illegal Processing of Drug Documents; six (6) counts of violating Section 2925.03(A)(5), Aggravated Trafficking in Drugs; and four (4) counts of violating Section 2925.03(A)(1), Trafficking in Drugs, all felonies.

The findings of guilt as alleged in paragraph (1) above, individually and/or collectively, constitute "(s)elling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, or a judicial finding of guilt of, a violation of any federal or state law regulating the possession, distribution, or use of any drug," as those clauses are used in Section 4731.22(B)(3), Ohio Revised Code.

Further, the findings of guilt as alleged in paragraph (1) above, individually and/or collectively, constitute "a plea of guilty to, or a judicial finding of guilt of, a felony," as that clause is used in Section 4731.22(B)(9), 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.

Mailed 4/14/94

April 13, 1994

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,



Carla S. O'Day, M.D.
Secretary

CSO:jmb

Enclosures:

CERTIFIED MAIL #P 348 885 302
RETURN RECEIPT REQUESTED

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

Emmanuel L. Raymundo, M.D.

PATIENT KEY

(Not for Public Disclosure)

Do not
copy
or release

The Supreme Court of Ohio

1990 TERM

To wit: September 5, 1990

In the Matter of Emmanuel
Raymundo, M.D.

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Case No. 90-971

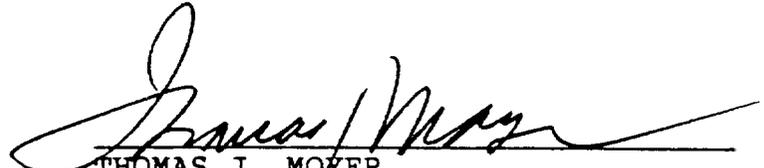
E N T R Y

Upon consideration of the motion for an order directing the Court of Appeals for Franklin County to certify its record, it is ordered by the Court that said motion is overruled.

COSTS:

Motion Fee, \$40.00, paid by Keating, Keating & Kuzman.

(Court of Appeals No. 89AP1221)


THOMAS J. MOYER
Chief Justice

0000052

IN THE COURT OF APPEALS
TENTH APPELLATE DISTRICT

FRANKLIN COUNTY
COMMON PLEAS COURT

1990 APR 30 AM 9:22

IN THE MATTER OF:
EMMANUEL RAYMUNDO, M.D.,

APPELLANT

: COURT OF APPEALS, TENTH APPELLATE DISTRICT
CASE NO. 89AP-1221
: FRANKLIN COUNTY COMMON PLEAS
CASE NO. 89 CV 04-2662

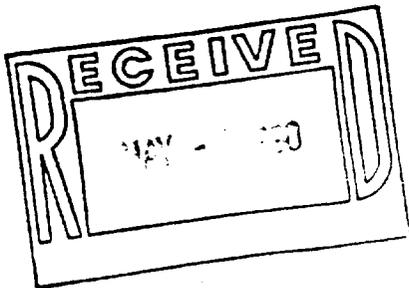
VS.

STATE MEDICAL BOARD OF OHIO

APPELLEE

NOTICE OF APPEAL

Comes now Appellant, EMANUEL RAYMUNDO, M.D. and hereby gives Notice of Appeal to the Ohio Supreme Court of Ohio from the Judgment of the Tenth District Court of Appeals, Trumbull County, entered on April 5, 1990.



Respectfully submitted,

KEATING, KEATING & KUZMAN
BY: W. LEO KEATING
ATTORNEY FOR APPELLANT
EMMANUEL RAYMUNDO, M.D.
170 Monroe NW, Warren, OH. 44483
PH: (216) 393-4611
KEA 06

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IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

89CV-04-2662

In the Matter of:
Emmanuel L. Raymundo, M.D.,

No. 89AP-1221

Appellant-Appellant.

(REGULAR CALENDAR)

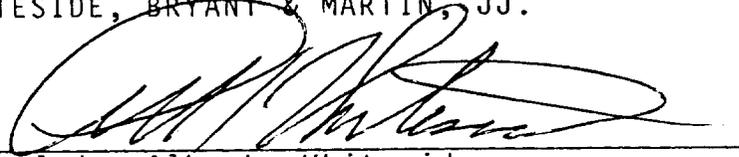
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COURT OF APPEALS
TENTH APPELLATE DISTRICT
COLUMBUS, OHIO
2:33

JOURNAL ENTRY OF JUDGMENT

For the reasons stated in the opinion of this court rendered herein on April 5, 1990, the assignments of error are overruled, and it is the judgment and order of this court that the judgment of the Franklin County Court of Common Pleas is affirmed.

WHITESIDE, BRYANT & MARTIN, JJ.

By



Judge Alba L. Whiteside

MARTIN, J., of the Court of Common Pleas of Carroll County, sitting by assignment in the Tenth Appellate District.

cc: W. Leo Keating
Steven P. Dlott

COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO

Emmanuel Raymundo, M.D., :
Appellant, :
vs. : Case No. 89CV-04-2662
State Medical Board of Ohio, :
Appellee. :

DECISION

Rendered this _____ day of September, 1989.

THOMPSON, J.

This matter is before the Court pursuant to an appeal from an adverse decision of the State Medical Board.

On February 2, 1987, the appellant, Emmanuel Raymundo, M.D., received a letter from appellee, the State Medical Board (hereinafter "Board") informing him that the Board intended to take disciplinary action against him for violating several statutes. The essence of the appellee's charges were that the appellant failed to properly diagnose, prescribe and administer medication for "Patient A". The appellant was also charged with conviction of a misdemeanor committed in the course of his practice.

On January 25, 1988 and March 7, 1988, a hearing was conducted whereby 15 exhibits and the testimony of six doctors were admitted into the record. On March 13, 1989, the hearing examiner issued her report and recommendation finding that the appellant had violated four specific statutory provisions.

The hearing examiner recommended that the appellant's license be revoked. The hearing examiner then recommended that the revocation be stayed and a one-year suspension be imposed. On April 12, 1989, the Board adopted the recommendation of the

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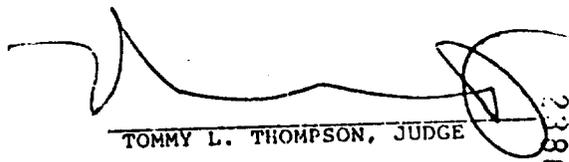
hearing examiner. The appellant then filed timely notice of appeal pursuant to O.R.C. §119.12.

Ohio Revised Code §119.12 requires the Court to affirm the decision of the agency if the decision is supported by reliable, probative and substantial evidence and is in accordance with the law.

In the present case, the record clearly demonstrates that the decision of the Board was supported by reliable, probative and substantial evidence and is in accordance with the law.

Three doctors testified on behalf of the appellee. Dr. Guthrie criticized the appellant's practice of prescribing Tylenol over the course of four months without examining a patient beforehand. Dr. Guthrie also testified that there was no evidence in Patient A's medical records to substantiate a diagnosis of chronic bronchitis or myocardial ischemia. Furthermore, the appellant's conviction of a misdemeanor is sufficient, under O.R.C. §4731.22(B), to warrant revocation or suspension of his license.

For the reasons set forth above, the decision of the State Medical Board is AFFIRMED.


TOMMY L. THOMPSON, JUDGE

Copies to:

W. Leo Keating
Attorney for Appellant

Steven P. Dlott, A.A.G.
Attorney for Appellee

23861408

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO
CIVIL DIVISION

89AP1221

EMMANUEL RAYMUNDO, M.D.,

Appellant,

VS.

STATE MEDICAL BOARD OF OHIO,

Appellee

CASE NO 89CV-04-2662

JUDGE THOMPSON

FILED
COMMON PLEAS COURT
FRANKLIN COUNTY, OHIO
89 OCT 13 AM 9:33
THOMAS J. THOMPSON
CLERK OF COURTS

NOTICE OF APPEAL

Comes now EMMANUEL RAYMUNDO, M.D., and hereby respectfully gives Notice of his Appeal of the above referenced matter from the final Judgment Entry affirming the decision of the State Medical Board of Ohio dated October 4TH, 1989.

Appellant appeals this matter to the Franklin County Court of Appeals, Tenth Appellate District, and is made pursuant to the Ohio Rules of Appellate Procedure and Chapter 119, of the Ohio Revised Code.

ACCTG	CLERK	DEPOSITS
CLERK	CLERK	
DAILY REPORTER	DAILY REPORTER	
PR. CL. SHERIFF	AN. CL. SHERIFF	
COMPUTER SERVICE	COMPUTER SERVICE	1.50
LEGAL AID	LEGAL AID	
	DEPOSIT FOR FURNISH SHERIFF	
	DEPOSIT FOR BOND	28.50

KEATING, KEATING & KUZMAN
ATTORNEYS FOR PLAINTIFF/APPELLANT
170 Monroe, NW
Warren, Ohio 44483
PH: (216) - 393-4611

BY: *[Signature]*
W. LEO KEATING, TRIAL COUNSEL

KEA-06

24127H02

FILED
COURT OF APPEALS
FRANKLIN COUNTY, OHIO
OCT 13 PM 2:20
THOMAS J. THOMPSON
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

EMMANUEL RAYMUNDO, M.D.,

Appellant,

vs.

STATE MEDICAL BOARD OF OHIO,

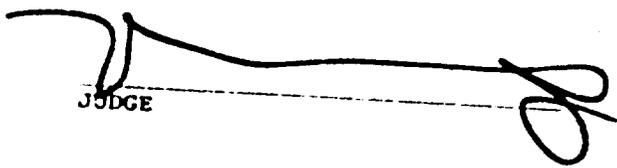
Appellee.

CASE NO. 89CV-04-2662

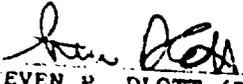
JUDGE THOMPSON

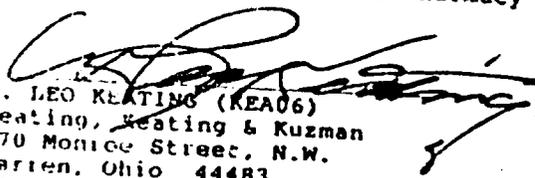
ENTRY

For the reasons set forth in this Court's Decision of September 21, 1989, and which is incorporated by reference hereto, this Court finds the Order of the State Medical Board of Ohio supported by reliable, probative and substantial evidence and in accordance with law and affirms same.


JUDGE

APPROVED:


STEVEN P. DLOTT (D1001)
Assistant Attorney General
10 East Broad Street, 15th Floor
Columbus, Ohio 4326-0410
Counsel for State Board of Pharmacy


W. LEO KEATING (KEA06)
Keating, Keating & Kuzman
170 Monroe Street, N.W.
Warren, Ohio 44483
(216) 393-4611

2625

24010J05

COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO

Emmanuel Raymundo, M.D., :
Appellant, :
vs. : Case No. 89CV-04-2662
State Medical Board of Ohio, :
Appellee. :

DECISION

Rendered this _____ day of September, 1989.

THOMPSON, J.

This matter is before the Court pursuant to an appeal from an adverse decision of the State Medical Board.

On February 2, 1987, the appellant, Emmanuel Raymundo, M.D., received a letter from appellee, the State Medical Board (hereinafter "Board") informing him that the Board intended to take disciplinary action against him for violating several statutes. The essence of the appellee's charges were that the appellant failed to properly diagnose, prescribe and administer medication for "Patient A". The appellant was also charged with conviction of a misdemeanor committed in the course of his practice.

On January 25, 1988 and March 7, 1988, a hearing was conducted whereby 15 exhibits and the testimony of six doctors were admitted into the record. On March 13, 1989, the hearing examiner issued her report and recommendation finding that the appellant had violated four specific statutory provisions.

The hearing examiner recommended that the appellant's license be revoked. The hearing examiner then recommended that the revocation be stayed and a one-year suspension be imposed. On April 12, 1989, the Board adopted the recommendation of the

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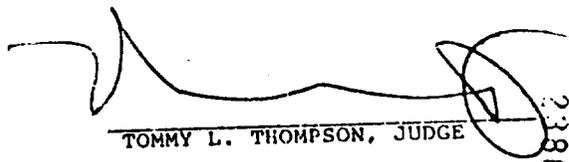
hearing examiner. The appellant then filed timely notice of appeal pursuant to O.R.C. §119.12.

Ohio Revised Code §119.12 requires the Court to affirm the decision of the agency if the decision is supported by reliable, probative and substantial evidence and is in accordance with the law.

In the present case, the record clearly demonstrates that the decision of the Board was supported by reliable, probative and substantial evidence and is in accordance with the law.

Three doctors testified on behalf of the appellee. Dr. Guthrie criticized the appellant's practice of prescribing Tylenol over the course of four months without examining a patient beforehand. Dr. Guthrie also testified that there was no evidence in Patient A's medical records to substantiate a diagnosis of chronic bronchitis or myocardial ischemia. Furthermore, the appellant's conviction of a misdemeanor is sufficient, under O.R.C. §4731.22(B), to warrant revocation or suspension of his license.

For the reasons set forth above, the decision of the State Medical Board is AFFIRMED.


TOMMY L. THOMPSON, JUDGE

Copies to:

W. Leo Keating
Attorney for Appellant

Steven P. Dlott, A.A.G.
Attorney for Appellee

23861408

IN THE COURT OF APPEALS
TENTH APPELLATE DISTRICT

FRANKLIN COUNTY
COMMON PLEAS COURT

1990 APR 30 AM 9:22

IN THE MATTER OF:
EMMANUEL RAYMUNDO, M.D.,

APPELLANT

: COURT OF APPEALS, TENTH APPELLATE DISTRICT
CASE NO. 89AP-1221
: FRANKLIN COUNTY COMMON PLEAS
CASE NO. 89 CV 04-2662

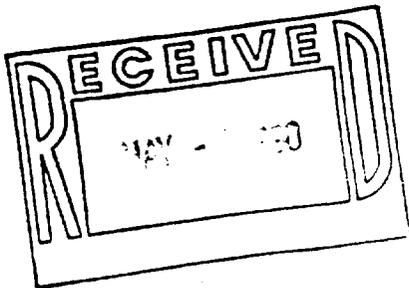
VS.

STATE MEDICAL BOARD OF OHIO

APPELLEE

NOTICE OF APPEAL

Comes now Appellant, EMANUEL RAYMUNDO, M.D. and hereby gives Notice of Appeal to the Ohio Supreme Court of Ohio from the Judgment of the Tenth District Court of Appeals, Trumbull County, entered on April 5, 1990.



Respectfully submitted,

KEATING, KEATING & KUZMAN
BY: W. LEO KEATING
ATTORNEY FOR APPELLANT
EMMANUEL RAYMUNDO, M.D.
170 Monroe NW, Warren, OH. 44483
PH: (216) 393-4611
KEA 06

STATE OF OHIO
THE STATE MEDICAL BOARD OF OHIO
77 SOUTH HIGH STREET
17TH FLOOR
COLUMBUS, OHIO 43215

April 14, 1989

Emmanuel L. Raymundo, M.D.
1016 Niles-Cortland Road, N.E.
Warren, Ohio 44484-1005

Dear Doctor Raymundo:

Please find enclosed copies of the Entry of Order; the Report and Recommendation of Joan Irwin Fishel, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of the Minutes of the State Medical Board, meeting in regular session on April 12, 1989, including Motions approving 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 may be taken to the Franklin County Court of Common Pleas only.

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 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.

THE STATE MEDICAL BOARD OF OHIO


Henry G. Cramblett, M.D.
Secretary

HGC:em

Enclosures

CERTIFIED MAIL NO. P 746 514 687
RETURN RECEIPT REQUESTED

cc: W. Leo Keating, Esq.

CERTIFIED MAIL NO. P 746 514 688
RETURN RECEIPT REQUESTED

Mailed 4/17/89

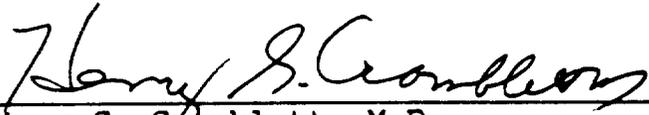
STATE OF OHIO
STATE MEDICAL BOARD

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 Joan Irwin Fishel, Attorney Hearing Examiner, State Medical Board; and attached excerpt of Minutes of the State Medical Board, meeting in regular session on April 12, 1989, including Motions approving 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 Emmanuel L. Raymundo, 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.

(SEAL)



Henry G. Cramblett, M.D.
Secretary

4/17/89

Date

Emmanuel L. Raymundo, M.D.

3. Upon reinstatement, Dr. Raymundo's license shall be subject to the following probationary terms, conditions, and limitations for a period of five (5) years:
 - a. Dr. Raymundo shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
 - b. Dr. Raymundo shall submit quarterly declarations under penalty of perjury stating whether there has been compliance with all the terms of probation.
 - c. Dr. Raymundo shall appear in person for interviews before the full Board or its designated representative at six (6) month intervals, or as otherwise requested by the Board.
 - d. In the event that Dr. Raymundo should leave Ohio for three (3) consecutive months, or to reside or practice outside the State, Dr. Raymundo must notify the State Medical Board in writing of the dates of departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary period.
 - e. Dr. Raymundo shall be ineligible to reapply for or to hold registration with the United States Drug Enforcement Administration, and shall not prescribe, dispense, administer, or possess any controlled substances, except for those prescribed for his own use by another so authorized by law, without prior approval. He shall not seek the Board's approval for reinstatement of his D.E.A. registration or prescribing privileges for a minimum of six (6) months from the effective date of the reinstatement of his certificate.
 - f. Subsequent to the reinstatement of his controlled substance privileges, Dr. Raymundo shall keep a log of all controlled substances he prescribes, dispenses, or administers.

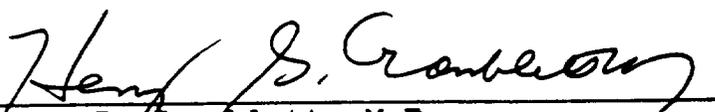
Emmanuel L. Raymundo, M.D.

Such log shall be submitted in the format approved by the Board thirty (30) days in advance of Dr. Raymundo's personal appearances before the Board or its designee, or as otherwise directed by the Board.

- g. Dr. Raymundo shall submit documentation acceptable to the Board of his Category I Continuing Medical Education credits at the time of submission of his renewal application for each biennial registration period. At least fifteen (15) hours of such CME for each registration period shall relate to the violations found in this matter.
4. If Dr. Raymundo violates the terms of this Order in any respect, the Board, after giving Dr. Raymundo notice and an opportunity to be heard, may set aside the stay order and impose the revocation of his certificate.
5. Upon successful completion of his probation, Dr. Raymundo's license will be fully restored.

This Order shall become effective thirty (30) days from the date of mailing of notification of approval by the State Medical Board of Ohio, except that Dr. Raymundo shall immediately be ineligible to hold or to apply for a Drug Enforcement Administration certificate and shall not order, purchase, prescribe, dispense, administer, or possess any controlled substances, except those prescribed for his personal use by another so authorized by law. In the interim, Dr. Raymundo shall not undertake the care of any patient not already under his care.

(SEAL)


Henry G. Cramblett, M.D.
Secretary

4/17/89

Date

MAR 13 1988

REPORT AND RECOMMENDATION
IN THE MATTER OF EMMANUEL L. RAYMUNDO, M.D.

The Matter of Emmanuel L. Raymundo, M.D., originally came on for hearing before Mark E. Kouns, Esq., former Hearing Examiner for the State Medical Board of Ohio, on January 25, 1988 and March 7, 1988. No Report and Recommendation having been issued by Mr. Kouns prior to his leaving the Board's employ, this Matter was reassigned to me, Joan Irwin Fishel, Esq., Hearing Examiner for the State Medical Board of Ohio pursuant to Chapters 119. and 4731., Ohio Revised Code. Having thoroughly reviewed all transcripts of testimony, exhibits, and transcripts of deposition presented by both the State and the Respondent, this Hearing Examiner determined that no additional testimony or evidence was necessary for a determination in this Matter.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Basis for Hearing

- A. By letter of February 13, 1987 (State's Exhibit #1), the State Medical Board notified Emmanuel L. Raymundo, M.D., that it proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio for one or more of the following reasons:
1. The Board alleged that Dr. Raymundo's prescribing from March through October, 1986, of Ambenyl Expectorant, a Schedule V controlled substance, Tylenol #4, a Schedule III controlled substance, and Valium 10 mg., a Schedule IV controlled substance, in combination, for Patient A (so identified to protect patient confidentiality in charge letter from the Board; identified as Patient 1 at the hearing and depositions) constituted: "Failure to use reasonable care discrimination in the administration of drugs," and "failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease", as those clauses are used in Section 4731.22(B)(2), Ohio Revised Code; "selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes", as that clause is used in Section 4731.22(B)(3), Ohio Revised Code; and "a departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established", as that clause is used in Section 4731.22(B)(6), Ohio Revised Code.

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2. The Board further alleged that Dr. Raymundo's January 14, 1987, conviction in the Municipal Court of Warren, Ohio of two counts of attempted illegal processing of drug documents, in violation of Section 501.09, Warren Codified Ordinances, constituted: "Conviction of a misdemeanor committed in the course of his practice", as that clause is used in Section 4731.22(B)(10), Ohio Revised Code (as in effect prior to March 17, 1987).
- B. By letter received by the State Medical Board on March 10, 1987 (State's Exhibit #2), W. Leo Keating, Esq., requested a hearing on behalf of Dr. Raymundo.

II. Appearances

- A. On behalf of the State of Ohio: Anthony J. Celebrezze, Jr., Attorney General, by Cheryl J. Nester, Assistant Attorney General
- B. On behalf of the Respondent: W. Leo Keating, Esq.

III. Testimony Heard

- A. Presented by the State
 1. Emmanuel L. Raymundo, M.D., as on cross-examination
 2. Thomas Shane, Investigator, State Medical Board
 3. Robert M. Guthrie, M.D.
- B. Presented by the Respondent
 1. Emmanuel L. Raymundo, M.D.
 2. Theodore W. Soboslay, M.D., by deposition taken February 24, 1988
 3. Artemio J. Danganan, M.D., by deposition taken February 24, 1988
 4. Adolfo D. Games, M.D., by deposition taken February 24, 1988

IV. Exhibits Examined

In addition to those listed above, the following exhibits were identified and admitted into evidence in this Matter:

- A. Presented by the State
 1. State's Exhibit #3: March 11, 1987, letter to W. Leo Keating, Esq., from the State Medical Board advising that a hearing initially set for March 23, 1987, was postponed pursuant to Section 119.09, Ohio Revised Code.

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2. State's Exhibit #4: September 3, 1987, letter to Attorney Keating from the State Medical Board scheduling the hearing for October 19, 1987.
3. State's Exhibit #5: October 8, 1987, Journal Entry and Order of former Attorney Hearing Examiner Kouns, continuing the hearing until January 25, 1988.
4. State's Exhibit #6: January 14, 1988, Journal Entry and Order granting Respondent's request to take depositions and ordering that the record in this Matter be held open until 5:00 P.M. on March 24, 1988, to provide for the filing of transcripts of the depositions.
- * 5. State's Exhibit #7: Dr. Raymundo's records for Patient A, including his handwritten notes, excerpts from hospital records, a report on ability to work to the Ohio Bureau of Employment Services, and billing records.
- * 6. State's Exhibit #8: Original prescriptions for Ambenyl Expectorant written for Patient A by Dr. Raymundo during the period of March 24 through October 10, 1986. (Marked as 8A-8WW)
- * 7. State's Exhibit #9: Original prescriptions for Valium 10 mg. written for Patient A by Dr. Raymundo during the period of March 24 through October 10, 1986. (Marked as 9A-9Y)
- * 8. State's Exhibit #10: Original prescriptions for Tylenol #4 written for Patient A by Dr. Raymundo during the period of March 24 through October 10, 1986. (Marked as 10A-10AA)
9. State's Exhibit #11: Certified copy of docket entry from Municipal Court, Warren, Ohio, Case No. 86CRA1901, State v. Raymundo.
10. State's Exhibit #12: Copy of the General Offenses Code of Warren, Ohio, for Sections 501.09 through 501.99.
11. State's Exhibit #13: Copy of Section 2925.23, Ohio Revised Code, Illegal Processing of Drug Documents.
12. State's Exhibit #15: Curriculum vitae of Robert M. Guthrie, M.D.

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B. Presented by the Respondent

- * 1. Respondent's Exhibit A: Dr. Raymundo's patient records for Patient A's husband (identity withheld to protect patient confidentiality; referred to as "husband of Patient 1" at hearing and depositions), including his handwritten notes, hospital records, a Statement of Continuance of Disability form, a Statement of Claim for Group Insurance Benefits form, and a letter from Dr. Robert I. Schaffer thanking Dr. Raymundo for referring this patient to him.

* THOSE EXHIBITS MARKED WITH AN ASTERISK (*) ABOVE HAVE BEEN SEALED TO PROTECT PATIENT CONFIDENTIALITY.

V. Other Matters

- A. Having thoroughly reviewed the hearing transcripts, exhibits, and the deposition transcripts, and having determined that further evidence was not necessary in this Matter, this Hearing Officer ordered the record closed by a Journal Entry dated February 10, 1989.
- B. During the depositions of Drs. Soboslay, Danganan, and Games, counsel for the State made a continuing objection to reference to the patient records for Patient A's husband on the ground that, since he was not part of the Board's charge, this evidence was irrelevant. That objection is overruled since the evidence was offered in explanation of the prescriptions referred to in the charge.

FINDINGS OF FACT

- 1. From March 24, 1986, through October 10, 1986, Dr. Raymundo wrote prescriptions in the name of Patient A for Ambenyl Expectorant, a Schedule V controlled substance, Tylenol #4, a Schedule III controlled substance, and Valium 10 mg., a Schedule IV controlled substance, on the dates and in the amounts as listed in numbered paragraph 1 of the State Medical Board's February 13, 1987, citation letter (State's Exhibit #1).

These facts are established by the testimony of Dr. Raymundo (Tr. I. 35-38) and by State's Exhibits #8, #9 and #10.

2. Dr. Raymundo claimed that these prescriptions, though written in Patient A's name, were intended for both Patient A and her husband, as they were both being treated with the same drugs. The Doctor testified that, "They were both on the same medication, and so they were -- I just decided to use one name" (Tr. II. 13). The patient records for both Patient A and her husband contain the doctor's notations of prescriptions written and the record for Patient A's husband (Respondent's Exhibit A) does usually note the wife's name next to the notation of the prescription. However, it appears that prior to September, 1985, Dr. Raymundo recorded prescriptions for both patients on the husband's record rather than on the wife's.

These facts are established by the testimony of Dr. Raymundo (Tr. II. 13) and Respondent's Exhibit A.

3. The prescriptions in evidence (State's Exhibits #8, #9, and #10), do not reflect the entirety of Dr. Raymundo's prescribing for Patient A and her husband between March 26 and October 10, 1986. A review of the patient records reveals that Dr. Raymundo made the following additional prescriptions for which the actual written prescriptions are not in evidence:

<u>DATE</u>	<u>CONTROLLED SUBSTANCE</u>	<u>AMOUNT</u>
4/10/86	Tylenol #4	20
4/17/86	Ambenyl Exp.	240 cc
4/17/86	Tylenol #4	50
4/17/86	Valium 10 mg.	40
4/24/86	Tylenol #4	20
5/01/86	Ambenyl Exp.	240 cc
5/01/86	Tylenol #4	30
5/01/86	Valium 10 mg.	30
5/09/86	Tylenol #4	10
5/09/86	Valium 10 mg.	10

These facts are established by State's Exhibit #7 and Respondent's Exhibit A.

4. Dr. Raymundo's prescribing for both Patient A and her husband between March and October, 1986, totaled 4,898 dosage units of controlled substances. This total includes: Schedule III - 1,300 dosage units of Tylenol #4; Schedule IV - 1,160 dosage units of Valium 10 mg.; and Schedule V - 2,448 dosage units of Ambenyl Expectorant (based on a calculation of five cc equalling one teaspoon and one teaspoon equalling a dosage unit).

These facts are established by State's Exhibits #7, #8, #9, and #10 and Respondent's Exhibit A.

5. It is not known exactly when Dr. Raymundo began treating Patient A with Ambenyl Expectorant, Tylenol #4, and Valium 10 mg. However, it is clear that Dr. Raymundo prescribed these three drugs for Patient A as early as September 24, 1985, and continued to do so through October 10, 1986. During that approximate thirteen-month period, Dr. Raymundo prescribed for Patient A a total of 1,248 dosage units of Ambenyl Expectorant, 820 dosage units of Tylenol #4, and 590 dosage units of Valium 10 mg.

These facts are established by State's Exhibit #7.

6. Patient A and her husband had been patients of Dr. Raymundo's since approximately 1980-81. Between March 24 through October 10, 1986, Patient A was 31 years old, 5'5", and weighed between 188 1/2 to 198 lbs. Her husband was 38 years old, 5'10", and weighed from 153-163 lbs. Patient A worked as a nurse's aide in a nursing home. Her husband was a laborer.

These facts are established by the testimony of Dr. Raymundo (Tr. II. 7), State's Exhibit #7 and Respondent's Exhibit A.

7. In 1981, Dr. Raymundo diagnosed Patient A as suffering from myocardial ischemia, hiatus hernia, spondylolisthesis, and anxiety from family problems. His diagnosis of myocardial ischemia was based on the patient's complaint of chest pains and on the results of a Holter Monitor Test done during a hospital admission in July of 1981. A stress test was also done during this admission but its results were not interpretable. His diagnosis of hiatus hernia was based on a hospital x-ray done in 1981, as was the spondylolisthesis. When asked to describe the family problems suffered by Patient A, Dr. Raymundo stated "...they do have problems with children. They have problems with the husband, they argue every so often." (Tr. I. 24). No reference to a specific family problem is ever noted in Patient A's patient record.

In 1982, Dr. Raymundo diagnosed Patient A as suffering from severe hypertension and chronic bronchitis. Dr. Raymundo testified that in 1982 he began prescribing Aldoril and Inderal for Patient A's severe hypertension. He specifically testified to a blood pressure reading of 109/80 (Tr. I. 19). Dr. Raymundo stated that he believed the chronic bronchitis was due to Patient A's smoking habit. In September 1986, Dr. Raymundo ordered a pelvic sonogram for Patient A which showed the existence of an ovarian cyst.

Dr. Raymundo testified that Patient A complained of chest pain, which he attributed to the myocardial ischemia; abdominal pain, which he attributed to the hiatus hernia and the ovarian cyst; back pain which he attributed to the spondylolisthesis; and a cough which he attributed to the chronic bronchitis.

These facts are established by the testimony of Dr. Raymundo (Tr. I. 18-27) and State's Exhibit #7.

8. Dr. Raymundo testified that he prescribed Ambenyl Expectorant, a Codeine-based cough suppressant, for Patient A's chronic cough, Valium 10 mg., a central nervous system depressant, for Patient A's anxiety and relaxation of her back muscles, and Tylenol #4, an analgesic with Codeine, for Patient A's chest and abdominal pain.

These facts are established by the testimony of Dr. Raymundo (Tr. I. 28-29 and II. 19).

9. Dr. Raymundo routinely noted only Patient A's blood pressure and pulse rate in his patient record, and occasionally her weight. No further physical examinations are noted. Although Dr. Raymundo testified that during an office visit he would listen to the patient's heart and lungs and check for signs of dependency, no positive or negative findings of such examination or diagnoses are ever noted in Patient A's patient record. Besides the tests or x-rays that led to the Doctor's original diagnoses, and a pelvic sonogram done on September 22, 1986, Dr. Raymundo neither ordered nor performed any testing or work-ups to establish or verify the diagnoses of myocardial ischemia, chronic bronchitis, chest and abdominal pain, or anxiety in Patient A.

These facts are established by State's Exhibit #7 and the Hearing Officer's review of the same.

10. The patient record for Patient A shows that frequently Dr. Raymundo called in prescriptions, often for controlled substances, without first seeing or examining her. Telephone prescriptions were made on October 7, November 7, November 11, November 22, and December 20, 1985; January 30, March 7, April 10, April 24, May 9, July 10, September 18, October 3, November 17, and November 21, 1986; and January 1, January 9, January 27, February 24, March 10, and March 31, 1987.

These facts are established by State's Exhibit #7.

11. Dr. Raymundo testified that the myocardial ischemia, chronic bronchitis, family problems, and spondylolithesis diagnosed for Patient A in 1981 and 1982 continued through 1986. He testified that the lack of effectiveness of the drugs was directly related to the fact, as claimed by the doctor, that Patient A was a heavy smoker. There is no notation in Patient A's patient record of her smoking habit.

These facts are established by the testimony of Dr. Raymundo (Tr. I. 22-27 and Vol. II. 22), State's Exhibit #7 and Respondent's Exhibit A.

12. A pelvic sonogram was done on September 22, 1986. It showed an ovarian cyst 2.5 centimeters in diameter. Dr. Raymundo referred Patient A to a gynecologist. Though he continued to treat Patient A through March of 1987, he did not know if she ever had surgery to remove the cyst.

These facts are established by the testimony of Dr. Raymundo (Tr. I. 20) and State's Exhibit #7.

13. Dr. Robert Guthrie, expert witness for the State, familiarized himself with State's Exhibit #7, Dr. Raymundo's record for Patient A. Dr. Guthrie, an assistant professor in the departments of internal medicine and pharmacology, and director of the family practice residency program at Ohio State University, testified that the use of the drugs at issue was inappropriate in the treatment of Patient A. He also testified that he disagreed with Dr. Raymundo's diagnoses of myocardial ischemia, chronic bronchitis, and severe hypertension.

In Dr. Guthrie's opinion, Dr. Raymundo's diagnosis of myocardial ischemia in Patient A, a condition involving poor blood supply to the heart, held no validity. In his opinion, it would be a one in a million occurrence for a woman of Patient A's age to have myocardial ischemia. Given the fact that it is a progressive disease, and given the fact that Patient A received no specific treatment for myocardial ischemia, if it had actually existed as diagnosed in 1981, then by 1986 Patient A would have suffered some sort of major heart failure. In Dr. Guthrie's opinion a reading from a Holter Monitor was not a proper diagnostic method for determining myocardial ischemia. The Holter Monitor's primary diagnostic use is in detecting irregular, slow or fast heart beats. Better diagnostic tools were available. In Dr. Guthrie's further opinion, the use of Tylenol #4 for chest pain is contraindicated in an acute pain situation where the diagnosis is not known. A major pain killer would only mask the problem.

Dr. Guthrie had two reasons for doubting Dr. Raymundo's diagnosis of chronic bronchitis. The first was Patient A's young age. The second was the lack of indication in her patient record of symptoms such as shortness of breath, difficulty swallowing, chronic cough, pain and swelling. Furthermore, in Dr. Guthrie's opinion, if chronic bronchitis had existed, Ambenyl Expectorant was contraindicated. He stated that "(i)f a person really has a large amount of infected materials in the lungs, you want them to cough it up, not suppress it" (Tr. I. 9).

In Dr. Guthrie's opinion, the use of Tylenol #4 for Patient A's back pain would be appropriate only on a short-term basis, that being from five to ten days. Proper use of Tylenol #4 is in acute pain situations. Acute pain is not the norm with spondylolisthesis. Dr. Guthrie testified that the extent or nature of Patient A's back pain is not evident from the record. Dr. Guthrie felt that Tylenol #4 was contraindicated because there was a strong chance of addiction to Codeine in Patient A's case due to her young age and the chronic nature of the back pain. In Dr. Guthrie's opinion, there were other more effective treatments for spondylolisthesis and back pain such as weight control, exercise, and nerve stimulation.

Dr. Guthrie found no evidence of severe hypertension in the patient record. The mild elevations in blood pressure that he noted in the chart would constitute, at the most, mild hypertension. Dr. Guthrie testified that none of the three drugs was indicated for hiatus hernia. Proper treatment for that condition is the use of preparations aimed at reducing the acidity of the stomach. Dr. Guthrie also testified as to his calculations of the daily dosages of the three drugs prescribed for Patient A. However, Dr. Guthrie was not aware of the fact that some of the prescriptions in evidence may have been for Patient A's husband. Lastly, Dr. Guthrie testified that when Valium and Tylenol #4 are prescribed together, they have an additive effect.

In Dr. Guthrie's opinion, Dr. Raymundo's treatment of Patient A demonstrated a failure to use reasonable care, a failure to employ acceptable scientific methods, and prescribing for other than a legitimate therapeutic purpose.

These facts are established by the testimony of Dr. Guthrie (Tr. 79-98).

14. Besides a referral regarding her pelvic cyst, Dr. Raymundo made no other referrals or consultations for Patient A. Dr. Raymundo testified that he suggested to Patient A that she see a psychiatrist because of her anxiety but that she refused. He attributed this refusal to the fact that Patient A was a "welfare patient" (Tr. I. 23) though he later stated that she was employed throughout his treatment. There is no reference in Patient A's patient record of recommended psychiatric treatment.

These facts are established by the testimony of Dr. Raymundo (Tr. I. 23 and Tr. II. 11) and State's Exhibit #7.

15. Dr. Adolfo D. Games, Dr. Artemio J. Danganan, and Dr. Theodore W. Soboslay testified as expert witnesses on behalf of Dr. Raymundo. All three doctors worked with Dr. Raymundo at Trumbull Memorial Hospital and had known him for a least 15 years. Each doctor had reviewed Dr. Raymundo's patient records for both Patient A and her husband and had discussed those patients with Dr. Raymundo.

Each of these physicians stated that the drugs prescribed for Patient A and her husband, specifically Ambenyl Expectorant, Valium 10 mg., and Tylenol #4, were appropriate for the diagnoses stated by Dr. Raymundo. All three were also of the opinion that Dr. Raymundo, in prescribing these drugs for those conditions, had acted within the standard of care. However, Dr. Soboslay indicated that he could not express an opinion as to the appropriateness of the prescriptions in light of the date of the original diagnosis of the patients' conditions without having personally examined and followed the patients (Soboslay deposition, p. 9).

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He also commented that the cause of the husband's pain complaint was vague (Deposition at 7). Dr. Games admitted that in giving his opinion as to the appropriateness of the drugs prescribed for the complaints diagnosed, he was not commenting on the appropriateness of the amounts given (Games deposition, p. 9). When asked about the combined effects of the three medications, each with central nervous system depressant action, Dr. Dangaran stated that he assumed that the patients were not taking all of the medications at the same time. He admitted that such a combination might be of concern to some patients but that others would build tolerance (Dangaran deposition, pp. 7-8).

These facts are established by the deposition testimony of Drs. Soboslay, Games, and Dangaran.

16. Dr. Raymundo testified that according to his calculations, his prescribing of the three drugs to Patient A and her husband was within the maximum daily dosage as recommended by the Physicians' Desk Reference. To reach his calculations, Dr. Raymundo divided in half the total number of dosage units for each drug as noted in the State's charge letter, attributing one half to Patient A and one half to her husband. However, he failed to take into consideration the additional prescriptions identified in Finding of Fact #3. He also failed to consider the fact that on some visits his prescribing was much heavier than on others.

Despite his claim of appropriateness, Dr. Raymundo's patient records and prescriptions (State's Exhibits #7 through #10 and Respondent's Exhibit A) reveal a pattern of prescribing large amounts of controlled substances at inappropriate intervals. For instance, on August 26, 1986, Dr. Raymundo prescribed 960 cc of Ambenyl Expectorant to Patient A. Patient A and her husband next saw Dr. Raymundo on September 5, 1986. Though he noted no prescriptions in either patient's record for that day, in evidence is a written prescription for Ambenyl Expectorant 240 cc for Patient A on September 5, 1986 (see State's Exhibit #8). Dr. Raymundo next saw Patient A on September 11, 1986 when additional prescriptions for Ambenyl Expectorant were written. For a 16-day period, from August 26 through September 10, 1986, Dr. Raymundo made available for Patient A a total of 1,200 cc of Ambenyl Expectorant. With 5 cc equalling one teaspoon, Dr. Raymundo made available to Patient A during this 16-day period enough Ambenyl Expectorant for her to have taken 15 teaspoonsfull per day. This is in excess of the maximum recommended daily dosage of 12 teaspoons per 24-hour period, noted in the Physicians' Desk Reference and testified to by Dr. Raymundo and it exceeds Dr. Raymundo's calculated daily dosage of 5.5 teaspoonfuls a day.

These facts are established by the testimony of Dr. Raymundo (Tr. II. 17-18) and State's Exhibits #7 and #8.

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17. Dr. Raymundo asserted that, by his calculations, the average daily dosage from March to October, 1986 of Tylenol #4 that he made available to Patient A and her husband was 3 tablets per patient, an amount within the recommended dosage according to the Physicians' Desk Reference. However, on September 22, 1986, Dr. Raymundo prescribed for Patient A 100 Tylenol #4 tablets. On October 3, 1986, Dr. Raymundo phoned into the pharmacy a prescription for additional Tylenol #4 tablets for Patient A. Therefore, from September 22 through October 2, a period of 11 days, Dr. Raymundo made available for Patient A's use 100 Tylenol #4 tablets, an average daily dosage of over 9 tablets. This exceeds the recommended dosage of one tablet every four hours.

These facts are established by the testimony of Dr. Raymundo (Tr. II. 20), and State's Exhibits #7 and #10.

18. Dr. Raymundo testified that, by his calculations, the average daily usage per patient from March to October 1986 of Valium 10 mg. was 2.57 tablets, an amount within the recommended daily usage of from 2-4 tablets, according to the Physicians' Desk Reference. However, on June 26, 1986, Dr. Raymundo prescribed 30 Valium 10 mg. tablets for Patient A. She saw the doctor again on July 1, 1986 and was prescribed additional Valium. Therefore, in the span of five days, Dr. Raymundo made available to Patient A, 30 Valium 10 mg. tablets, an average daily dosage of six tablets which exceeds the recommended dosage.

These facts are established by the testimony of Dr. Raymundo (Tr. II. 19) and State's Exhibit #7 and #9.

19. On January 14, 1987, Dr. Raymundo was convicted in the Warren, Ohio, Municipal Court of two counts of attempted illegal processing of drug documents, in violation of Section 501.09, Warren Codified Ordinances. Each said count constituted a misdemeanor of the first degree. Illegal processing of drug documents involves the making of a false statement in a prescription.

Mr. Thomas Shane, investigator for the State Medical Board, testified that he received Dr. Raymundo's prescriptions (State's Exhibits #8, #9 and #10) from the Warren Police Department. Indeed, the prescriptions in evidence bear a stamp on the back from the Warren Police Drug Enforcement Unit.

These facts are established by the testimony of Mr. Shane (Tr. I. 51-52) and by State's Exhibits #8, #9, #10, #11, #12, and #13.

CONCLUSIONS OF LAW

1. The acts, conduct, an/or omissions of Emmanuel L. Raymundo, M.D., with regard to Findings of Fact #1 through #18, above, constitute:
- "Failure to use reasonable care discrimination in the administration of drugs", and "failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease", as those clauses are used in Section 4731.22(B)(2), Ohio Revised

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- b. "Selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes...", as that clause is used in Section 4731.22(B)(3), Ohio Revised Code.
- c. "A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established", as that clause is used in Section 4731.22(B)(6), Ohio Revised Code.

Dr. Raymundo admittedly wrote prescriptions under the name of Patient A for the intended use of both Patient A and her husband. This violates Ohio Revised Code Section 3719.06(A) which requires each prescription written to bear the full name and address of the person for whom the controlled substance is prescribed. Certainly a statute evidences the minimum level of care necessary to protect the well-being of the citizens of this State. At no time did Dr. Raymundo ever express any concern over this irresponsible method of prescription writing.

Reasonable care would dictate the discriminate, highly monitored use of any controlled substance. Here we have the prescribing over a thirteen-month period of not one, but three, controlled substances which are all recommended for short term use only. Dr. Raymundo continued to prescribe these three controlled substances even though there was no indication of improvement. He attributed the lack of improvement to Patient A's smoking habit rather than considering the possibility of misdiagnosis, addiction, or diversion. The drugs were prescribed in combination despite their additive effect. Such long-term high-volume prescribing of controlled substances fails to exhibit reasonable care discrimination in the administration of drugs, and fails to conform to minimal standards of care for physicians.

Dr. Raymundo's attempt to calculate the average daily dosage over the seven month period in the State's citation letter was inaccurate and misleading. His offering of such an explanation is evidence of a lack of remorse and a lack of understanding of the gravity of his actions.

Dr. Raymundo's patient records for both Patient A and her husband are very sparse. Often only the prescription is noted, not the symptoms or the complaints, as is the case with all the telephone prescriptions. When complaints are listed, they are terse and non-descriptive. Dr. Raymundo routinely prescribed for Patient A without examining her. The failure to keep adequate records and the routine prescribing without examination evidence practice below the minimum standard of care and a failure to establish a legitimate therapeutic purpose.

Considering his diagnostic failures and considering the length and the amount of the prescribing, it cannot be said that Dr. Raymundo was prescribing for a legitimate therapeutic purpose, that he was prescribing within minimal standards of care, or that he used reasonable care in the administration of drugs. The diagnosis of chronic bronchitis was based on the patient's complaint of coughing and the doctor's knowledge that the patient was a smoker, even though there is no indication in her chart of her smoking habit. Despite the dearth of facts to support his diagnosis, Dr. Raymundo continued to prescribe Ambenyl Expectorant, a controlled substance, for daily use, five years after the original diagnosis. The diagnosis of myocardial ischemia was based on the results of one test, a test not normally used to diagnose such a condition. No further tests were done even though myocardial ischemia is extremely rare for someone of Patient A's age. No further tests were done even though five years after the original diagnosis, Patient A had not suffered any major cardiac event. A Codeine-based pain killer was prescribed for a hernia condition normally treated by attempting to reduce stomach acidity. Dr. Raymundo was unable to testify as to any specific family problem that Patient A was experiencing. To prescribe a highly addictive tranquilizer over a thirteen month period for "family problems" demonstrates a serious lack of judgment.

2. The acts, conduct, and/or omissions of Emmanuel L. Raymundo, M.D., with regard to Finding of Fact #19 constitute: "Conviction of a misdemeanor committed in the course of his practice", as that clause is used in Section 4731.22(B)(10), Ohio Revised Code (as in effect prior to March 17, 1987).

PROPOSED ORDER

1. It is hereby ORDERED that the license of Emmanuel L. Raymundo, M.D., to practice medicine and surgery in the State of Ohio be revoked. Such revocation is stayed, and Dr. Raymundo's license is hereby suspended for an indefinite period of time, but not less than one (1) year.
2. The State Medical Board shall not consider reinstatement of Dr. Raymundo's license to practice unless and until all of the following minimum requirements are met:
 - a. Dr. Raymundo shall submit an application for reinstatement, accompanied by appropriate fees. Dr. Raymundo shall not make such application for at least one (1) year from the effective date of this Order.
 - b. Dr. Raymundo shall provide documentation of successful completion of a Pharmacology course to be approved in advance by the Board.
 - c. Dr. Raymundo shall take and pass the SPEX examination or any similar written examination which the Board may deem appropriate to assess his clinical competency.

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3. Upon reinstatement, Dr. Raymundo's license shall be subject to the following probationary terms, conditions, and limitations for a period of five (5) years:
 - a. Dr. Raymundo shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
 - b. Dr. Raymundo shall submit quarterly declarations under penalty of perjury stating whether there has been compliance with all the terms of probation.
 - c. Dr. Raymundo shall appear in person for interviews before the full Board or its designated representative at six (6) month intervals, or as otherwise requested by the Board.
 - d. In the event that Dr. Raymundo should leave Ohio for three (3) consecutive months, or to reside or practice outside the State, Dr. Raymundo must notify the State Medical Board in writing of the dates of departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary period.
 - e. Dr. Raymundo shall be ineligible to reapply for or to hold registration with the United States Drug Enforcement Administration, and shall not prescribe, dispense, administer, or possess any controlled substances, except for those prescribed for his own use by another so authorized by law, without prior approval. He shall not seek the Board's approval for reinstatement of his D.E.A. registration or prescribing privileges for a minimum of six (6) months from the effective date of the reinstatement of his certificate.
 - f. Subsequent to the reinstatement of his controlled substance privileges, Dr. Raymundo shall keep a log of all controlled substances he prescribes, dispenses, or administers. Such log shall be submitted in the format approved by the Board thirty (30) days in advance of Dr. Raymundo's personal appearances before the Board or its designee, or as otherwise directed by the Board.
 - g. Dr. Raymundo shall submit documentation acceptable to the Board of his Category I Continuing Medical Education credits at the time of submission of his renewal application for each biennial registration period. At least fifteen (15) hours of such CME for each registration period shall relate to the violations found in this Matter.
4. If Dr. Raymundo violates the terms of this Order in any respect, the Board, after giving Dr. Raymundo notice and an opportunity to be heard, may set aside the stay order and impose the revocation of his certificate.

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5. Upon successful completion of his probation, Dr. Raymundo's license will be fully restored.

This Order shall become effective thirty (30) days from the date of mailing of notification of approval by the State Medical Board of Ohio, except that Dr. Raymundo shall immediately be ineligible to hold or to apply for a Drug Enforcement Administration certificate and shall not order, purchase, prescribe, dispense, administer, or possess any controlled substances, except those prescribed for his personal use by another so authorized by law. In the interim, Dr. Raymundo shall not undertake the care of any patient not already under his care.


Joan Irwin Fishel
Attorney Hearing Examiner

EXCERPT FROM THE MINUTES OF APRIL 12, 1989

REPORTS AND RECOMMENDATIONS

Dr. O'Day asked if 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 matters of Daniel T. Sicking, M.D., Neil S. Angerman, M.D., Emmanuel L. Raymundo, M.D., and Serge M. Moore, M.D. A roll call was taken:

ROLL CALL:	Dr. Cramblett	- aye
	Dr. Gretter	- aye
	Dr. Daniels	- aye
	Dr. Stephens	- aye
	Dr. Agresta	- aye
	Dr. Rauch	- aye
	Mr. Albert	- aye
	Dr. Kaplansky	- aye
	Ms. Rolfes	- aye
	Dr. O'Day	- aye

.....
Mr. Dowling, Ms. Belenker, Ms. Thompson, and Mr. Dilling, left the meeting at this time.
.....

REPORT AND RECOMMENDATION IN THE MATTER OF EMMANUEL L. RAYMUNDO, M.D.

Dr. O'Day stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and order in the above matter. No objections were voiced by Board Members present.

DR. GRETTOR MOVED TO APPROVE AND CONFIRM MS. FISHEL'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF EMMANUEL L. RAYMUNDO, M.D. DR. STEPHENS SECONDED THE MOTION.

MS. ROLFES MOVED THAT THE PROPOSED ORDER IN THE MATTER OF EMMANUEL RAYMUNDO, M.D., BE AMENDED TO ADD THE FOLLOWING PROVISION TO PARAGRAPH #2:

- d. Dr. Raymundo shall provide documentation of successful completion of a pharmacology course approved in advance by the Board.

DR. KAPLANSKY SECONDED THE MOTION.

Ms. Rolfes advised that her rationale behind her motion is that Dr. Raymundo's problems were with prescribing. She added that she felt that Dr. Raymundo needed pharmacological training, and that it should be a requirement for reinstatement of his Certificate.

A roll call vote was taken on Ms. Rolfes' motion:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Gretter	- aye
	Dr. Daniels	- aye
	Dr. Stephens	- aye
	Dr. Agresta	- aye
	Mr. Albert	- aye
	Dr. Kaplansky	- aye
	Ms. Rolfes	- aye

The motion carried.

DR. KAPLANSKY MOVED TO APPROVE AND CONFIRM MS. FISHEL'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER AS AMENDED IN THE MATTER OF EMMANUEL L. RAYMUNDO, M.D. DR. GRETTER SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Gretter	- aye
	Dr. Daniels	- aye
	Dr. Stephens	- aye
	Dr. Agresta	- aye
	Mr. Albert	- aye
	Dr. Kaplansky	- aye
	Ms. Rolfes	- aye

The motion carried.

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio 43266-0315

February 13, 1987

Emmanuel L. Raymundo, M.D.
200 Garfield, N.E.
Warren, Ohio 44483

Dear Doctor Raymundo:

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) On or about the following dates you did prescribe Ambenyl Expectorant, a Schedule V controlled substance, Tylenol #4, a Schedule III controlled substance, and Valium 10 mg., a Schedule IV controlled substance, in the amounts indicated, to Patient A, who is named in the attached Patient Key (Key to be withheld from public disclosure):

<u>DATE</u>	<u>CONTROLLED SUBSTANCE</u>	<u>AMOUNT</u>
3/24/86	Ambenyl Exp.	240 cc
3/24/86	Valium 10 mg	40
5/15/86	Ambenyl Exp.	480 cc (2 Rxs @ 240 cc)
5/15/86	Tylenol #4	100 (2 Rxs @ 50)
5/15/86	Valium 10 mg	80 (2 Rxs @ 40)
5/29/86	Ambenyl Exp.	480 cc (2 Rxs @ 240 cc)
5/29/86	Tylenol #4	60 (2 Rxs @ 30)
5/29/86	Valium 10 mg	30
6/10/86	Ambenyl Exp.	960 cc (4 Rxs @ 240 cc)
6/10/86	Tylenol #4	100 (2 Rxs @ 50)
6/10/86	Valium 10 mg	100 (2 Rxs @ 50)
6/26/86	Ambenyl Exp.	480 cc (2 Rxs @ 240 cc)
6/26/86	Tylenol #4	30
6/26/86	Valium 10 mg	60 (2 Rxs @ 30)
7/01/86	Ambenyl Exp.	720 cc (3 Rxs @ 240 cc)
7/01/86	Tylenol #4	50
7/01/86	Valium 10 mg	100 (2 Rxs @ 50)
7/10/86	Tylenol #4	30
7/18/86	Ambenyl Exp.	480 cc (2 Rxs @ 240 cc)

<u>DATE</u>	<u>CONTROLLED SUBSTANCE</u>	<u>AMOUNT</u>	
7/18/86	Tylenol #4	60	(2 Rxs @ 30)
7/18/86	Valium 10 mg	60	(2 Rxs @ 30)
7/28/86	Ambenyl Exp.	960 cc	(4 Rxs @ 240 cc)
7/28/86	Tylenol #4	100	(2 Rxs @ 50)
7/28/86	Valium 10 mg	100	(2 Rxs @ 50)
8/22/86	Ambenyl Exp.	240 cc	
8/22/86	Tylenol #4	50	
8/22/86	Valium 10 mg	30	
8/26/86	Ambenyl Exp.	1920 cc	(8 Rxs @ 240 cc)
8/26/86	Tylenol #4	100	(2 Rxs @ 50)
8/26/86	Valium 10 mg	100	(2 Rxs @ 50)
9/05/86	Ambenyl Exp.	240 cc	
9/05/86	Tylenol #4	50	
9/05/86	Valium 10 mg	30	
9/11/86	Ambenyl Exp.	1440 cc	(6 Rxs @ 240 cc)
9/11/86	Tylenol #4	50	
9/11/86	Valium 10 mg	50	
9/18/86	Tylenol #4	20	
9/22/86	Ambenyl Exp.	1920 cc	(8 Rxs @ 240 cc)
9/22/86	Tylenol #4	200	(4 Rxs @ 50)
9/22/86	Valium 10 mg	150	(3 Rxs @ 50)
10/03/86	Tylenol #4	20	
10/10/86	Ambenyl Exp.	1200 cc	(5 Rxs @ 240 cc)
10/10/86	Tylenol #4	150	(3 Rxs @ 50)
10/10/86	Valium 10 mg	150	(3 Rxs @ 50)

Such acts in the above paragraph (1), individually and/or collectively, constitute "failure to use reasonable care discrimination in the administration of drugs," and "failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease", as those clauses are used in Section 4731.22(B)(2), Ohio Revised code.

Further, such acts in the above paragraph (1), individually and/or collectively, constitute "selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes," as that clause is used in Section 4731.22(B)(3), Ohio Revised Code.

Further, such acts in the above paragraph (1), individually and/or collectively, constitute "a departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established" as that clause is used in Section 4731.22(B)(6), Ohio Revised Code.

- (2) On or about January 14, 1987, you were convicted in the Warren, Ohio Municipal Court of two (2) Counts of Attempted Illegal Processing of Drug Documents, in violation of Section 501.09, Warren Codified Ordinances, each said count constituting a misdemeanor of the first degree.

February 13, 1987

Emmanuel L. Raymundo, M.D.

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Such acts in the above paragraph (2), individually and/or collectively, constitute "conviction of a misdemeanor committed in the course of his practice," as that clause is used in Section 4731.22(B)(10), 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, 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 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.

In the event that 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, 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,



Henry G. Cramblett, M.D.
Secretary

HGC:es
Encls.

CERTIFIED MAIL NO. P 026 072 720
RETURN RECEIPT REQUESTED

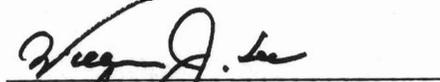
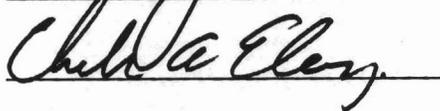
STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio 43215

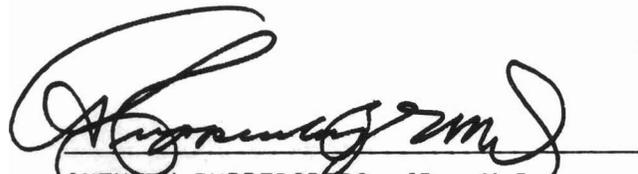
I, Emmanuel L. Raymundo, M.D., voluntary surrender, and in agreement with the Ohio State Medical Board, that from this date, August 4, 1981, agree not to prescribe, order or dispense any Schedule 2 controlled substances to patients outside of a hospital setting.

This contract shall be in force until decided to be relieved by The State Medical Board of Ohio or its Secretary.


Emmanuel L. Raymundo, M.D.

WITNESSES


ANTHONY RUPPERSBERG, JR., M.D.
SECRETARY
STATE MEDICAL BOARD OF OHIO