

FILED
IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO
04 JUN 22 AM 11:24
CLERK OF COURTS-CV

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

ERDULFO P. PAAT, MD

Appellant,

CASE NO. 04-CVF-03-3018

Vs.

JUDGE CONNOR

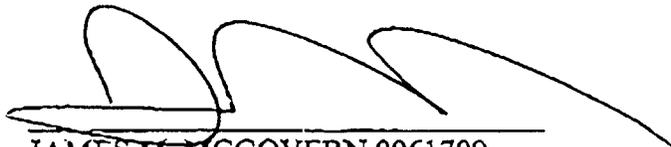
STATE MEDICAL BOARD OF OHIO

Appellee.

DR. PAAT'S NOTICE OF DISMISSAL OF APPEAL

Dr. Paat hereby dismisses his appeal of the State Medical Board of Ohio Order mailed to him on March 31, 2004. Pursuant to R.C. 119.12, the April 1, 2004 Order of this Court staying the Medical Board Order pending appeal terminates upon the filing of the Notice of Dismissal. Effective June 11, 2004, Dr. Paat will again honor the terms of the Medical Board Order.

RESPECTFULLY SUBMITTED,



JAMES M. MCGOVERN 0061709
HAMMOND & SEWARDS
556 E. Town Street
Columbus, OH 43215
(614) 228-6061/(614) 228-5883 fax
Counsel for Edulfo P. Paat, MD

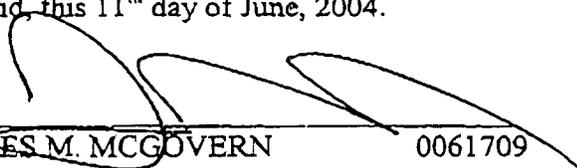
STATE MEDICAL BOARD
OF OHIO
2004 JUN 29 A 11:50

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a true and accurate copy of the foregoing was served upon the following:

Dominic Chieffo
Assistant Attorney General
Health and Human Services Section
30 East Broad Street, 26th Floor
Columbus, OH 43215

by fax and regular US Mail, postage prepaid, this 11th day of June, 2004.



JAMES M. MCGOVERN

0061709

STATE MEDICAL BOARD
OF OHIO

2004 JUN 29 A 11: 50

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

ERDULFO P. PAAT, MD

Appellant,

CASE NO. 04CVF04 3678

Vs.

JUDGE

STATE MEDICAL BOARD OF OHIO

Appellee.

FILED
COMMON PLEAS COURT
FRANKLIN CO. OHIO
2004 APR -1 PM 3:52
CLERK OF COURTS-CV

ORDER GRANTING APPELLANT, ERDULFO P. PAAT, M.D.'S, MOTION FOR
SUSPENSION OF AGENCY ORDER

This case is before the Court upon the appeal, pursuant to R.C. 119.12, of the March 10, 2004 Order of the State Medical Board of Ohio which suspends Appellant, Erdulfo P. Paat, M.D.'s, license to practice medicine and surgery in Ohio for ninety (90) days and imposes other conditions and limitations. Dr. Paat's appeal to this Court was filed April 1, 2004. Dr. Paat's Motion for Suspension of Agency Order was filed April 1, 2004. For the reasons stated in Dr. Paat's Motion and for other good cause shown, it is hereby

ORDERED, ADJUDGED AND DECREED that the State Medical Board of Ohio Order issued March 10, 2004 and mailed March 31, 2004 is suspended until the filing of a final decision or order by this Court in the appeal, conditioned upon Dr. Paat having a chaperone present in the room with him during all of his examinations of female patients.

IT IS SO ORDERED.

4/01/04
Date

[Signature]
JUDGE

2004 APR -1 PM 4:51
STATE MEDICAL BOARD
OF OHIO

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

STATE MEDICAL BOARD
OF OHIO

ERDULFO P. PAAT, MD

2004 APR -1 P 2:37

Appellant,

CASE NO.

04CVF04 3678

Vs.

JUDGE

STATE MEDICAL BOARD OF OHIO

Appellee.

FILED
COMMON PLEAS COURT
FRANKLIN CO. OHIO
2004 APR -1 PM 3:00
CLERK OF COURTS

NOTICE OF APPEAL

Erdulfo P. Paat, MD, through his undersigned counsel, hereby gives Notice of his appeal of the adjudication Order of the State Medical Board of Ohio, which was issued at the Board's meeting on March 10, 2004 and which will become effective on the date the Board mails the Order to Dr. Paat. A copy of the Board's Order is attached hereto. The Board's Order suspends Dr. Paat's license to practice medicine and surgery in Ohio for ninety (90) days and imposes other conditions and limitations based upon the Board's finding that Dr. Paat violated R.C. 4731.22(B)(11) and (B)(13). The suspension begins the date the Board mails the Order to Dr. Paat.

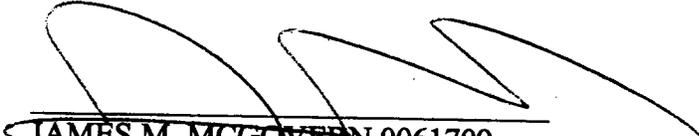
The Board's Order is not supported by reliable, probative and substantial evidence and is not in accordance with law.

In accordance with R.C. 119.12, the original of this Notice is being filed with the State Medical Board of Ohio and a copy is being filed with the Franklin County Court of Common Pleas.

2004 APR 14 P 3:51

STATE MEDICAL BOARD
OF OHIO

RESPECTFULLY SUBMITTED,



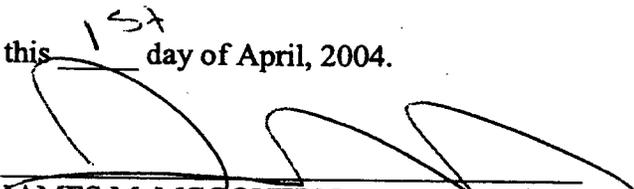
~~JAMES M. MCGOVERN~~ 0061709
~~HAMMOND & SEWARDS~~
556 E. Town Street
Columbus, OH 43215
(614) 228-6061/(614) 228-5883 fax
Counsel for Erdulfo P. Paat, MD

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a true and accurate copy of the foregoing was served upon the following:

Dominic Chieffo
Assistant Attorney General
Health and Human Services Section
30 East Broad Street, 26th Floor
Columbus, OH 43215

by regular US Mail, postage prepaid, this ^{15th} day of April, 2004.



~~JAMES M. MCGOVERN~~ 0061709

STATE MEDICAL BOARD
OF OHIO
2004 APR 14 P 3 51

COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CIVIL DIVISION

HUMAN SERVICES
MAR 31 2004
CLERK OF COURTS
FRANKLIN COUNTY, OHIO
MAR 26 AM 11:29

Erdulfo P. Paat, M.d. :
Appellant, : CASE NO. 04CV03-3018
-vs- : JUDGE CONNOR
State Medical Board of Ohio, :
Appellee. :

DECISION AND ENTRY SUSTAINING APPELLEE'S MOTION TO DISMISS,
FILED MARCH 18, 2004; AND

DECISION AND ENTRY OVERRULING AS MOOT APPELLANT'S MOTION FOR
SUSPENSION OF AGENCY ORDER, FILED MARCH 16, 2004

Rendered this 25th day of March, 2004.

I. INTRODUCTION

This matter comes before the Court upon Motion by Appellee State Medical Board of Ohio (hereinafter "Medical Board"), to Dismiss the Appeal of Appellant Erdulfo P. Paat, M.D. (hereinafter "Paat"), filed March 18, 2004.

II. APPELLEE'S MOTION TO DISMISS

A. APPELLEE'S ARGUMENTS

The Medical Board argues that in his March 16, 2004 Notice of Appeal, Paat failed to attach a copy of the Board, as required by R.C. 119.12. The Medical Board also argues that Paat's Notice of Appeal was premature, as the Medical Board has not finalized the minutes of the March 10, 2004 meeting in which they voted to suspend Paat's medical license. Therefore, pursuant to R.C. 119.09, the appeal is premature and should be dismissed as untimely.

STATE MEDICAL BOARD
OF OHIO
MAR 31 P 2:39

B. LAW AND ANALYSIS OF THE COURT

R.C. 119.12 states that “[a]ny party desiring to appeal shall file a notice of appeal with the agency setting forth the order appealed from and the grounds of the party's appeal.” Paat’s failure to set forth the order appealed from prevents this Court exercising jurisdiction over this matter.

Pursuant to *Masterson v. Ohio Motor Vehicle* (June 4, 1981), 10th Dist. No. 80AP-979:

By failing to set forth any grounds for appeal, we find that appellant's failure to comply with the mandatory requirements of R.C. 119.12 is a jurisdictional defect which would have required of the Common Pleas Court to dismiss the appeal without consideration of the merits.

Accordingly, Appellee State Medical Board’s Motion to Dismiss, filed March 18, 2004 is hereby **SUSTAINED**.

C. CONCLUSION

Appellee State Medical Board’s Motion to Dismiss, filed March 18, 2004 is hereby **SUSTAINED**. Appellant’s Motion for Suspension of Agency Order, filed March 26, 2004, is hereby **OVERRULED AS MOOT**.



JOHN A. CONNOR, JUDGE

COPIES TO:

Dominic J. Chieffo, Esq.
Attorney for Appellee

James M. McGovern, Esq.
Attorney for Appellant

STATE MEDICAL BOARD
OF OHIO
2004 MAR 31 P 2:39

IN THE COURT OF COMMON PLEAS STATE MEDICAL BOARD
FRANKLIN COUNTY, OHIO OF OHIO

ERDULFO P. PAAT, MD

2004 MAR 16 P 4: 30

Appellant,

CASE NO.

Vs.

JUDGE

STATE MEDICAL BOARD OF OHIO

Appellee.

NOTICE OF APPEAL

Erdulfo P. Paat, MD, through his undersigned counsel, hereby gives Notice of his appeal of the adjudication Order of the State Medical Board of Ohio, which was issued at the Board's meeting on March 10, 2004 and which will become effective on the date the Board mails the Order to Dr. Paat. The Board's Order suspends Dr. Paat's license to practice medicine and surgery in Ohio for ninety (90) days and imposes other conditions and limitations based upon the Board's finding that Dr. Paat violated R.C. 4731.22(B)(11) and (B)(13). The suspension begins the date the Board mails the Order to Dr. Paat.

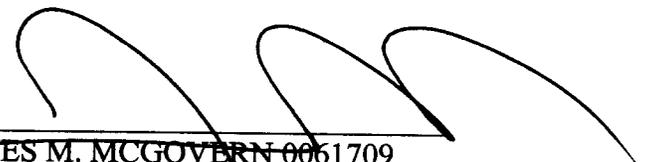
The Board's Order is not supported by reliable, probative and substantial evidence and is not in accordance with law.

In accordance with R.C. 119.12, the original of this Notice is being filed with the State Medical Board of Ohio and a copy is being filed with the Franklin County Court of Common Pleas.

STATE MEDICAL BOARD
OF OHIO

2004 MAR 16 P 4: 30

RESPECTFULLY SUBMITTED,



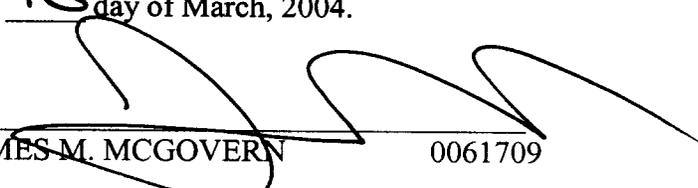
~~JAMES M. MCGOVERN~~ 0061709
~~HAMMOND & SEWARDS~~
556 E. Town Street
Columbus, OH 43215
(614) 228-6061/(614) 228-5883 fax
Counsel for Erdulfo P. Paat, MD

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a true and accurate copy of the foregoing was served upon the following:

Dominic Chieffo
Assistant Attorney General
Health and Human Services Section
30 East Broad Street, 26th Floor
Columbus, OH 43215

by regular US Mail, postage prepaid, this 16th day of March, 2004.



~~JAMES M. MCGOVERN~~ 0061709



State Medical Board of Ohio

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

March 10, 2004

Erdulfo Paz Paat, M.D.
27926 Forest Parkway
North Olmstead, OH 44070

Dear Doctor Paat:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of R. Gregory Porter, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on March 10, 2004, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order.

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

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 7000 0600 0024 5148 4340
RETURN RECEIPT REQUESTED

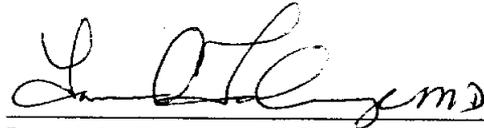
Cc: James M. McGovern, Esq.
CERTIFIED MAIL NO. 7000 0600 0024 5148 4326
RETURN RECEIPT REQUESTED

Mailed 3/31/04

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of R. Gregory Porter, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on March 10, 2004, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order; constitute a true and correct copy of the same as they appear 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.



Lance A. Talmage, M.D.
Secretary

(SEAL)

March 10, 2004
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

ERDULFO PAZ PAAT, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on March 10, 2004.

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

It is hereby ORDERED that:

- A. **SUSPENSION OF CERTIFICATE:** The certificate of Erdulfo Paz Paat, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for ninety days.
- B. **PROBATIONARY CONDITIONS:** Upon reinstatement, Dr. Paat's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least three years:
 1. **Obey the Law:** Dr. Paat shall obey all federal, state, and local laws, all rules governing the practice of medicine and surgery in Ohio, and all terms of probation imposed by the Parma Municipal Court.
 2. **Quarterly Declarations:** Dr. Paat shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which this Order becomes

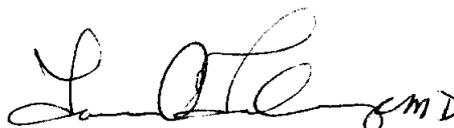
effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the Board's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

3. **Appearances**: Dr. Paat shall appear in person for quarterly interviews before the Board or its designated representative during the third month following the effective date of this Order. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
4. **Education Program**: Within one year of the effective date of this Order, or as otherwise approved by the Board, Dr. Paat shall provide acceptable documentation of satisfactory completion of an education program, to be approved in advance by the Board or its designee. The education program shall be related to professional behavior and effective physician-patient communication. The exact number of hours and the specific content of the program shall be determined by the Board or its designee. This program shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education acquisition period(s) in which the program is completed.
5. **Third-Party Presence During Exam/Treatment**: Dr. Paat shall have a third party present while examining or treating female patients.
6. **Absence from Ohio**: In the event that Dr. Paat should leave Ohio for three continuous months, or reside or practice outside the State, Dr. Paat must notify the Board in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under the Order, unless otherwise determined by the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.
7. **Violation of Probation; Discretionary Sanction Imposed**: If Dr. Paat violates probation in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.
8. **Tolling of Probationary Period while Out of Compliance**: In the event Dr. Paat is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period.

- C. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Paat's certificate will be fully restored.
- D. **REQUIRED REPORTING BY LICENSEE TO EMPLOYERS AND HOSPITALS:** Within thirty days of the effective date of this Order, Dr. Paat shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Paat shall provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.
- E. **REQUIRED REPORTING BY LICENSEE TO OTHER STATE LICENSING AUTHORITIES:** Within thirty days of the effective date of this Order, Dr. Paat shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Paat shall also provide a copy of this Order by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration of any professional license. Further, Dr. Paat shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

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

(SEAL)



Lance A. Talmage, M.D.
Secretary

March 10, 2004
Date

2004 FEB 13 A 8 42

**REPORT AND RECOMMENDATION
IN THE MATTER OF ERDULFO PAZ PAAT, M.D.**

The Matter of Erdulfo Paz Paat, M.D., was heard by R. Gregory Porter, Esq., Hearing Examiner for the State Medical Board of Ohio, on October 3 and November 10, 2003.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated June 11, 2003, the State Medical Board of Ohio [Board] notified Erdulfo Paz Paat, M.D., that it had proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board based its proposed action upon the following allegation:

On or about May 7, 2003, in the Municipal Court for Parma, Ohio, [Dr. Paat] pled no contest to and [was] found guilty of one misdemeanor count of Attempted Sexual Imposition in violation of Sections 606.22 and 666.03, Parma Codified Ordinances. The acts underlying this finding of guilt involved [his] conduct toward a female patient in or about February 2003.

The Board further alleged that the judicial finding of guilt as alleged above, individually and/or collectively, constitutes, “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice,” as that clause is used in Section 4731.22(B)(11), Ohio Revised Code[; and/or] “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude,” as that clause is used in Section 4731.22(B)(13), Ohio Revised Code.”

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

- B. By document received by the Board on July 2, 2003, James M. McGovern, Esq., requested a hearing on behalf of Dr. Paat. (State’s Exhibit 1B)

II. Appearances

- A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Dominic J. Chieffo, Assistant Attorney General.
- B. On behalf of the Respondent: James M. McGovern, Esq.

EVIDENCE EXAMINED

I. Testimony Heard

- A. Presented by the State
 - 1. Erdulfo Paz Paat, M.D., as upon cross-examination
 - 2. Detective Daniel Ciryak
 - 3. Officer Franco Lanza
 - 4. Patient 1
- B. Presented by the Respondent
 - 1. Timothy A. Sidor, M.D.
 - 2. Patient 2
 - 3. Patient 3
 - 4. Patient 4
 - 5. Patient 6
 - 6. Sharon M. Brown
 - 7. Gagan C. Mallik, M.D.
 - 8. Patient 5
 - 9. Erdulfo Paz Paat, M.D.
 - 10. Susan Paat

II. Exhibits Examined

- A. Presented by the State
 - 1. State's Exhibits 1A through 1L and 1N through 1W: Procedural exhibits. (Note: State's Exhibits 1R, 1V, and 1W have been sealed to protect patient confidentiality.)
 - * 2. State's Exhibit 1M: Confidential Patient Key.
 - 3. State's Exhibit 2: Copy of a May 9, 2003, Certified Copy of Journal Entry maintained by the Parma [Ohio] Municipal Court in *City of Parma v. Erdulfo P.*

Paat, Case Number 03CRB01198(1) [*Parma v. Paat*]. (Note: Portions of this document have been redacted. See Hearing Transcript at 41-49)

4. State's Exhibit 3: Transcript of the April 3, 2003, Arraignment in *Parma v. Paat*. (Note: Portions of this document have been redacted. See Hearing Transcript at 49-52)
5. State's Exhibit 4: Transcript of the May 7, 2003, Sentencing in *Parma v. Paat*.
- * 6. State's Exhibit 5: Copy of an undated letter to Patient 1 from Dr. Paat.
- * 7. State's Exhibit 6: Copy of records of the Parma Police Department. (Note: The Hearing Examiner numbered the pages post hearing.)

B. Presented by the Respondent

- * 1. Respondent's Exhibit 1: Dr. Paat's original patient record concerning Patient 1. (Note: This exhibit will be available for inspection by Board members at the offices of the Board.)
- * 2. Respondent's Exhibit 2: Copy of Dr. Paat's patient record for Patient 1. (Note: The Hearing Examiner numbered the pages post hearing.)
3. Respondent's Exhibit 3: Photographs of Dr. Paat's office.

Note: Exhibits marked with an asterisk (*) have been sealed to protect patient confidentiality.

PROFFERED MATERIALS

The following document was neither admitted to the hearing record nor considered by the Hearing Examiner, but is being sealed and held as proffered material:

Board Exhibit A: Unredacted original page 148 of the Hearing Transcript. See Procedural Matters, below.

PROCEDURAL MATTERS

Page 148 of the Hearing Transcript contained a patient telephone number and name at lines 1 and 2, respectively. The Hearing Examiner redacted this information from the transcript. The unredacted original page was marked as Board Exhibit A, sealed to protect patient confidentiality, and will be held as proffered material.

SUMMARY OF THE EVIDENCE

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

Background Information

1. Erdulfo Paz Paat, M.D., testified that he had obtained his medical degree in 1966 from Far Eastern University in Manila, Philippines. Dr. Paat further testified that he had participated in an internship at a government hospital in Manila for about one year, and then moved to the United States in 1968. Dr. Paat testified that, after moving to the United States, he had completed a one-year rotating internship at St. Thomas Hospital in Akron, Ohio. Following that, Dr. Paat entered a residency in internal medicine, which he completed at Lakewood Hospital in Lakewood, Ohio, in 1972. Dr. Paat further testified that he had been licensed to practice medicine in Ohio in 1972, and that he is not licensed in any other state. Finally, Dr. Paat testified that he is not board certified. (Hearing Transcript [Tr.] at 26-29)

Dr. Paat testified that, after completing his residency and obtaining his Ohio license, he had worked at Suburban Community Hospital in Cleveland, Ohio, until 1973. Dr. Paat then worked as an emergency room physician at Deaconess Hospital in Cleveland until 1977. Dr. Paat testified that, in 1977, he had begun a private practice in internal medicine in Parma, Ohio, and has practiced there ever since. Dr. Paat testified that he is a solo practitioner, and employs two people: one who acts as Dr. Paat's secretary and medical assistant, and the other, Dr. Paat's wife, who does administrative work. Finally, Dr. Paat testified that he has privileges at Parma Hospital and at Deaconess Hospital. (Tr. at 28-30)

Dr. Paat's Plea of "No Contest" to Attempted Sexual Imposition, and Subsequent Conviction and Sentencing

2. On April 3, 2003, in the Parma [Ohio] Municipal Court, Dr. Paat pled "No Contest" to a charge of Attempted Sexual Imposition, a violation of Parma Codified Ordinances 606.22 and 606.03, a misdemeanor of the fourth degree. The court noted that an attorney had represented Dr. Paat during that proceeding. The court further noted that it had ascertained that Dr. Paat had had sufficient time to confer with counsel, that Dr. Paat had understood the nature of his plea, and that Dr. Paat had entered his plea voluntarily, knowingly, and intelligently. Furthermore, the court noted that the parties had stipulated to a finding of guilty. Finally, the court found Dr. Paat to be guilty and scheduled the matter for sentencing. (State's Exhibit [St. Ex.] 3; Tr. at 31-35)

On May 7, 2003, Dr. Paat appeared in court for sentencing. The court sentenced Dr. Paat to ten days in jail, suspended the jail time, placed him on non-reporting probation for one month, and fined him \$100.00. The court further ordered Dr. Paat to send a letter of apology to the victim. (St. Exs. 2 and 4; Tr. at 48)

At the sentencing hearing, upon being asked by the court if he had anything to say, Dr. Paat stated, "I regret the whole situation Your Honor." (St. Ex. 4 at 4; Tr. at 36-37)

3. Pursuant to the court's order that Dr. Paat send a letter of apology to the victim, Dr. Paat wrote the following letter to the victim, Patient 1:

I always try to give each of my patients the very best care possible. In trying to give you that kind of care, apparently things were misunderstood or misinterpreted.

For this I am very sorry.

(St. Ex. 5)

[Note that a Certified Copy of Journal Entry from the Parma Municipal Court indicates that the date of the offense had been February 17, 2003. (St. Ex. 2) Further, police records connected with this court action give a date of offense of February 17, 2003. (St. Ex. 6) However, Dr. Paat's medical records (Respondent's Exhibits 1 and 2) and the testimony of witnesses at this hearing indicate that the date in issue had been February 18, 2003.]

Testimony of Patient 1

4. Patient 1, a female whose date of birth is January 14, 1952, testified that Dr. Paat had become her physician in January 2003. On January 9, 2003, Patient 1 had gone to the emergency department at Deaconess Hospital due to abdominal pain and severe dehydration from vomiting. Patient 1 was admitted to the hospital. Because Patient 1 did not have a physician at that time, Dr. Paat was assigned to be her physician. Following an esophagogastroduodenoscopy with closed biopsy that was performed by another physician, Patient 1 was diagnosed as suffering from, among other things, a duodenal ulcer. Patient 1 testified that she had seen Dr. Paat both before the procedure and after the procedure. Patient 1 was discharged on January 11, 2003, and instructed to follow up with Dr. Paat within seven to fourteen days. (Respondent's Exhibit [Resp. Ex.] 2 at 2, 24-26; Tr. at 315-316, 364-365)

Patient 1 testified that she had had a good first impression of Dr. Paat when she first saw him at Deaconess Hospital. Patient 1 further testified that Dr. Paat had appeared to be a gentleman, was soft-spoken, listened to what she had to say, and answered all of her questions. (Tr. at 366-367)

However, Patient 1 testified that, after the endoscopic procedure, she had awoken and found Dr. Paat examining her. Patient 1 testified that Dr. Paat's hands were underneath her gown, on her stomach, and he was asking her if she had any pain. Patient 1 further testified, "And it was like near my breast and he moved his hand down and was talking to me, and I was asleep when this was happening. I woke up when he was examining me." (Tr. at 316-317)

Patient 1 testified that she "wasn't sure" if the incident at Deaconess had been inappropriate. Patient 1 further testified that she had been surprised that Dr. Paat had been examining her while she had been asleep; however, she had just undergone a procedure and had been under the effects of medication. Patient 1 speculated that she could have been drifting in and out of sleep. Nevertheless, Patient 1 testified that she had thought "the whole thing was peculiar." Moreover, Patient 1 testified, "I wasn't for sure if what I was seeing or feeling was really what I was feeling and seeing, because like I said, I was under medication." Finally, Patient 1 testified that she had thought about the incident and "discarded it." (Tr. at 374-380)

5. Patient 1 testified that she next saw Dr. Paat on February 18, 2003, concerning a severe earache and a rash on her scalp and forehead that Dr. Paat later diagnosed as shingles. Patient 1 further testified that she had been told at Deaconess Hospital to follow up with Dr. Paat after her discharge, but had not yet done that. Patient 1 testified that she had called Dr. Paat's office and had been seen later that day. Finally, Patient 1 testified that she had not had any reservations about seeing Dr. Paat again after the (possibly imaginary) incident at Deaconess. (Tr. at 317-318, 384-385)
6. Patient 1 testified that, when she went to Dr. Paat's office, she had been wearing jeans and a long sleeve "sweater shirt." Patient 1 testified that she had worn that top "because it's easy to push up to take blood pressure, so I wouldn't have to take it off." Patient 1 testified that that top is loose fitting. (Tr. at 319-321)

Patient 1 testified that, upon arriving at Dr. Paat's office, the receptionist had weighed her and taken her temperature. The receptionist then told Patient 1 that Dr. Paat would be in to see her, and left the examining room. (Tr. at 319)

Patient 1 testified that she had been sitting at the end of the examining table when Dr. Paat came in. Dr. Paat took her blood pressure, looked into her ear, and examined her rash. Patient 1 testified that Dr. Paat had asked her if she had a rash anywhere other than her scalp and forehead, and that she had told him that she did not. Patient 1 testified that he then went to her right side and lifted up the back of her top up to the level of her brassiere strap. Patient 1 testified that he had placed his stethoscope at various places on her back, and then unfastened her brassiere. Patient 1 testified that she had not thought that to be inappropriate at that time; however, this had been the first time in her life that a physician

had unfastened her brassiere. Patient 1 testified that, on previous occasions when she had been required to disrobe for a medical examination, she had been asked to disrobe and put on a gown prior to the examination. (Tr. at 391-397)

Patient 1 testified that Dr. Paat had not informed her what he was going to do prior to unfastening her brassiere, and had not asked for her permission to unfasten her brassiere. (Tr. at 323)

Patient 1 testified that, after unfastening her brassiere, Dr. Paat walked to her front, and placed both of his hands underneath her top. Patient 1 further testified:

He didn't lift [her top] up or wasn't looking at me; he just had his hands up under it and he had both hands on my breasts. And then, when he moved them, he pinched the nipples and then brought his hands out from under it. And I said, is there anything wrong? And he kind of looked surprised that I asked. Then he walked back over to the clipboard and said something about my blood pressure or something, and I was fumbling around, trying to get my bra. I was just shocked. And I was trying to fumble to try to get my bra strap refastened, and the he walked—he just walked—he said, I'll help you. He refastened my bra and I left.

(Tr. at 321-323) Patient 1 testified that, when Dr. Paat had removed his hands from her breasts, he had done so with a sort of pulling motion and had closed his fingers on her nipples as he pulled away. Moreover, Patient 1 testified that Dr. Paat had not been using a stethoscope when his hands were on her breasts, and had not examined the front of her chest with a stethoscope during that visit. (Tr. at 323-324, 403-404)

Patient 1 testified that her reaction to what Dr. Paat had done had been “shock.” Patient 1 was unsure precisely how long Dr. Paat had had contact with her breasts, but stated that it had been more that one second and less than five seconds. (Tr. at 398-401)

7. Patient 1 testified that, when she left Dr. Paat's office, she spoke briefly to the receptionist. Patient 1 testified,

I was a little flustered, and she said something about an appointment. And I said, I'll have to call you. And I was just like I was shocked. So I started to go out the door and she said on, you forgot your co-payment. And I said, Oh, okay, and I paid the co-payment and I walked out the door and left.

(Tr. at 326-327)

8. Patient 1 testified that she never returned to Dr. Paat's office. However, Patient 1 acknowledged that she had subsequently contacted Dr. Paat's office concerning pain from her shingles, and believed that that had occurred later during the same day as the visit. (Tr. at 327-329)

Dr. Paat's medical records for Patient 1 contain three notes of telephone conversations with Patient 1:

- a. The first is a Telephone Record slip number 115743 dated February 18, 2003, at 2:05 p.m., and states "ear infection? Rash." An additional note in a column labeled, "Physician's orders/Followup action" states, "Advised to be seen today" followed by the initial, "P."
- b. The second is recorded on a 3" by 5" card, is dated February 19, 2003, and is signed by Dr. Paat. The note states,

Pt called - c/o severe pain in the head [with] swelling of the [left] upper lid.

I talked [with] pt and advised to call the ophthalmologist right away.

Continue Valtrex and antibiotic and Zovirax oint.

Rx: Vicodin ES 1 [every 6 hours as needed]. [No quantity is noted.]

- c. The third is a Telephone Record slip number 115745 dated February 19, 2003, at 10:50 a.m., and states,

face & eye worse in a lot of pain

11:45 Pt called Hysterical

talked of killing herself

An arrow drawn from the word "Hysterical" points to a note in the column labeled "Physician's orders/Followup action" that states "I told her to go to the ER (SB). An additional note at the top of that column states, "paged Dr."

(Resp. Ex. 1; Resp. Ex. 2 at 7)

Patient 1 testified as follows concerning her subsequent contact with Dr. Paat's office:

[Dr. Paat had given me some prescriptions, but] he didn't give me anything for pain. And I was in so much pain, and I had called my husband and—well, he called to see how the appointment went and I told him, I says, I'm in so much pain. And I didn't tell him about the incident at all. And I told him I was in a lot of pain, and he said to call the doctor and tell him. And I said, no, I want you to take me to the emergency room. And I didn't want to

tell him. I said, no I think you should just take me to the emergency room. He said, you just came from the doctor, just call and get a prescription for pain, and I did.

* * *

I called the—I talked to his receptionist, and then she said she would get hold of him. And then she called me back and said she got hold of him and that they would be phoning in a prescription for me at the drug store.

(Tr. at 328-329) (Tr. at 329)

Patient 1 added that she is “positive” that she had not talked to Dr. Paat at that time. Patient 1 further testified that she had not told the receptionist that she was going to kill herself. Moreover, Patient 1 testified that she had not said anything to the receptionist that could have led the receptionist to believe that Patient 1 had intended to kill herself. Finally, Patient 1 testified that she had not been told to go to an emergency room. (Tr. at 408-410; 416-417)

9. Patient 1 testified that, at the time of the incident with Dr. Paat, she had been married to her husband for only six months and, at first, could not bring herself to tell him about it. Patient 1 testified that the first person with whom she had discussed the incident had been her son, who is a police officer in another community. Patient 1 further testified that her son had advised her to report the incident to the police. Patient 1 testified that she finally decided to report the incident, and went to the Parma Police Department to do that. (Tr. at 329-330)

Patient 1 testified that she had decided to report the incident to the police because she had known that what Dr. Paat did was wrong and that she had “wanted it to be part of a record” in case Dr. Paat had done something similar before, or would do so in the future. In addition, Patient 1 testified, “I just had to report it to make sure that he understood what he did was wrong and that he wouldn’t be able to do it again.” (Tr. at 334-335)

Patient 1 testified that the only thing that she has asked of Dr. Paat has been a written apology. Patient 1 further testified that she has not consulted with a lawyer, and stated that “[t]his is not about money or anything like that.” Moreover, Patient 1 testified that she had not had any problem with the medical care that Dr. Paat rendered to her. (Tr. at 335)

10. Patient 1 testified that, when she had received Dr. Paat’s written apology, she had thrown it away because she had not considered it to be an apology. Patient 1 testified,

He was not sorry for what he did. And it looks like he’s just—he’s just not concerned about the apology at all, and it looks like he doesn’t feel like he did

anything wrong, which makes me feel like he would do it again. And, it was an insult.

(Tr. at 336-337)

11. Patient 1 testified that she has never had any other physician touch her in an inappropriate way. Finally, Patient 1 testified that she has never made a complaint against any other physician. (Tr. at 411)

Testimony of Dr. Paat

12. Dr. Paat testified that his first encounter with Patient 1 had occurred on January 9, 2003, when Patient 1 was a patient at Deaconess Hospital. Dr. Paat noted that he had been on call in the emergency room at that time, and was assigned to be her physician. (Resp. Exs. 1 and 2; Tr. at 164-165, 171)

Dr. Paat testified that, prior to Patient 1's endoscopic procedure, he had taken her history and performed a complete physical examination. Dr. Paat testified that Patient 1 had been wearing a hospital gown at that time, and had not been wearing a brassiere. Dr. Paat noted that he had contacted Patient 1's breasts while palpating her abdomen. Dr. Paat further testified that he had had to move Patient 1's breast during the stethoscopic examination for Patient 1's heart sounds. Dr. Paat testified that he is left-handed, and that he had held the stethoscope with his left hand and moved her breast out of the way with his right. Dr. Paat further noted that the palm surface of his right hand and fingers had touched the bottom of her breast. Dr. Paat testified that Patient 1 had not complained or made any comment concerning that examination. (Tr. at 172-177)

Dr. Paat testified that he had not seen Patient 1 immediately after she had had her endoscopic procedure. Dr. Paat denied that he had touched any part of Patient 1's body while she was asleep. Moreover, Dr. Paat testified that, every time he had gone into Patient 1's room to see her, she had been awake. (Tr. at 177-178, 215)

13. Dr. Paat testified concerning stethoscopic examinations of the heart sounds. Dr. Paat stated that the stethoscope needs to be placed where the heart sounds are most audible. Dr. Paat further testified that the sounds of the aortic valve are localized below the second rib, near the breastbone. Dr. Paat testified that the sounds of the pulmonic valve are "localized over the left side on the second space below the rib." Dr. Paat further testified that the sounds of the mitral valve are localized at the midline of the space below the fifth rib, and noted that this is sometimes near the location of nipple. In addition Dr. Paat testified that the sounds of the tricuspid valve are localized below the breastbone on each side. Dr. Paat testified that he routinely listens for all of these sounds during a stethoscopic examination, which necessitates moving the stethoscope to different locations on the patient's chest. (Tr. at 158-160)

Dr. Paat testified that, in listening for heart sounds, women are more difficult to examine than men because women's breasts are sometimes in the way. Dr. Paat testified that the contour of breasts differs from woman to woman. Dr. Paat testified that he had been trained to move the breast upward or reposition the patient if the breast is in the way. (Tr. at 160-163)

14. Dr. Paat further testified that, at Patient 1's discharge, he had instructed her to see him at his office in seven to fourteen days for a follow-up appointment. However, Dr. Paat testified that she did not come back to see him until over one month later, on February 18, 2003. (Tr. at 180-181)
15. Dr. Paat testified that, on February 18, 2003, he had seen Patient 1 for complaints of head pain, earache, and a rash on her face and head. Dr. Paat testified that he had taken a history, which included a history of coronary artery disease and coronary artery bypass surgery, as well as myocardial infarction. Dr. Paat further noted a recent history of peptic ulcer and *H. Pylori*, GERD, and depression. Dr. Paat noted that Patient 1 had taken Paxil for depression but was then taking Celexa. (Resp. Ex. 2 at 6; Tr. at 181-188)

Dr. Paat testified that Patient 1's earache had led him to suspect that she probably had an ear infection. Dr. Paat further testified that the rash could have been "anything infectious," although it had had the appearance of shingles. (Tr. at 188)

Dr. Paat noted in his physical examination record, among other things, that Patient 1's breasts were "pendulous." (Resp. Ex. 2 at 3; Tr. at 193)

Following an examination, Dr. Paat rendered diagnoses of otitis media on the left side, herpes zoster, peptic ulcer, gastritis, coronary artery disease, and hypertension. Dr. Paat testified that herpes zoster is the medical term for shingles. Dr. Paat prescribed Valtrex, an antiviral drug, and Zovirax, and antiviral cream, to treat shingles, and also recommended that Patient 1 use L-Lysine, an over-the-counter substance. In addition, Dr. Paat prescribed Augmentin and Cortisporin ointment to treat Patient 1's ear infection. Further, Dr. Paat prescribed one dose of Diflucan, an antifungal agent, in case Patient 1 got a yeast infection as a result of using the antibiotic. Finally, Dr. Paat continued Celexa for Patient 1's depression, and Prevacid for her ulcer. (Resp. Ex. 2 at 3; Tr. at 194-197)

16. Concerning his examination of Patient 1 on February 18, 2003, Dr. Paat testified, "I raise[d] her blouse and I was inspecting to see if there was any skin rash in there. And after checking, auscultation, like hearing her breath sounds. And to see if there's any abnormal breath sounds, I unfasten her bra." Dr. Paat further testified that he had checked her back and her sides. Whereupon the following exchange took place:

Q. (By Mr. Chieffo): And then you unfasten[ed] her bra?

A. (By Dr. Paat): Yeah, because I like to find out if there's any skin rash in any parts of the—hiding underneath her garment, the bra.

Q. So you did unfasten her bra?

A. Yes.

Q. Did you tell her you were going to unfasten it?

A. I always ask permission. But if I had told her at that time, I cannot recall telling her.

Q. Okay. So you don't remember whether you told her you were going to unfasten the bra?

A. Yes, but I always ask permission.

Q. But you don't specifically recall in this case do you?

A. No.

Q. Did you ask her to unfasten it herself?

A. Well, I always ask the permission.

Q. I understand, doctor, but I'm trying to determine what happened in this particular case, okay?

A. I could have asked her, but I cannot recall.

(Tr. at 219-222)

Dr. Paat testified that, after finishing with the auscultation of Patient 1's lungs, he had moved to Patient 1's front to listen for heart sounds. Dr. Paat further testified that he had checked each of the points referred to previously in the hearing. Dr. Paat testified that, at some point during this part of the examination, he had touched Patient 1's left breast. Dr. Paat denied that he had touched the patient's right breast. (Tr. at 223-224, 229-230)

Dr. Paat testified that, after listening to Patient 1's lungs and heart, he had palpated her abdomen to determine "if there was ulcer pain there." Dr. Paat testified that he then examined "the extremities, the arms, and that was it." (Tr. at 228)

Dr. Paat denied that he had grabbed Patient 1's breasts with both hands or squeezed her nipples during the examination. Dr. Paat testified that his hands did come in contact with her left breast because, during his examination of her heart sounds, he had had to lift her breast out of the way to check the heart sound underneath her breast. (Tr. at 197-198)

17. Dr. Paat testified that, following Patient 1's office visit, she had not appeared to be upset in any way. Dr. Paat testified, "She was smiling. When she left the office I said to call me if you have any worsening symptoms, but I told her to come back in to have her blood pressure checked to make sure that it's back to normal." (Tr. at 198-199)
18. Dr. Paat testified that the only thing that he had done that Patient 1 could have misinterpreted would have been his lifting her breast out of the way during the heart sounds examination. Dr. Paat further testified that he had moved her breast in the same way that he does on other female patients with pendulous breasts, but that he has never before received a patient complaint concerning that issue. (Tr. at 199)
19. Dr. Paat testified that, following Patient 1's February 18, 2003, visit, his next contact with Patient 1 had occurred the following day. Dr. Paat testified that his office assistant had received a call from Patient 1, who was crying and in pain. Dr. Paat testified that he then called Patient 1, and she had advised that her pain had increased, her rash had worsened, and her eyes were "more swollen." Dr. Paat testified that he had been concerned that the shingles may be spreading to her eyes, and that he had informed Patient 1 that she should contact her ophthalmologist and be seen right away. Dr. Paat further testified that, if she could not get in right away, she should go to an emergency room. Moreover, Dr. Paat testified that he had called in a prescription for Vicodin for Patient 1. (Tr. at 200)

Dr. Paat testified that, during his February 19, 2003, telephone call with Patient 1, she had not mentioned any displeasure about her office appointment with him the previous day. (Tr. at 201)

20. Dr. Paat testified that, on February 20, 2003, while making rounds at a nursing home, he had received a call from the Parma Police. Dr. Paat further testified that the caller had informed him that Patient 1 had gone to the Parma Police Department and complained that Dr. Paat had fondled her breasts. Dr. Paat testified that he had been "very shocked" to hear about Patient 1's complaint. (Tr. at 201-202)

Dr. Paat went to the Parma Police Department on February 20, 2003, and provided a written statement in which he denied Patient 1's accusation. Dr. Paat's written statement says, in part, "I did not touch her breast" and, in the last sentence, "I did not fondle her breasts and nipples in any way." At hearing, Dr. Paat testified that he at first made the wrong choice of words, and what he had meant to convey was that he had not fondled her breast. (St. Ex. 6 at 16; Tr. at 225-227)

Officer Franco Lanza of the Parma Police Department testified at the hearing. Officer Lanza testified that, when Dr. Paat had made his written statement, in which he had stated that he had not touched Patient 1's breasts, Officer Lanza had read the statement over and asked Dr. Paat to be more specific. Officer Lanza testified that Dr. Paat then added a sentence that stated that he had not fondled the patient's breasts or nipples in any way. (St. Ex. 6 at 16; Tr. at 304-305)

21. Dr. Paat testified that he was subsequently charged with and pled “No Contest” to a criminal charge of Attempted Sexual Imposition. When asked why he had pled “No Contest” to the allegations, rather than go to trial and contest the charges, Dr. Paat testified,

First of all, it’s the publicity. I am afraid that when a person is charged that he’s guilty of the charge, and that can affect my—will have affect on my practice and that patients could just hate me and assume that I am a bad person, and that’s the first one.

* * *

The second one is cost and expense. When I contacted our lawyer, he started charging me a lot of money. I had to use a home equity loan to borrow the money to pay the first \$10,000. And then again, going to trial, it’s going to cost me more. Actually, I paid \$50,000; that’s including when you go to trial. And I am afraid that if I go to trial, that I would have no money to spend or leave, or eliminate savings.

(Tr. at 202-205)

Moreover, Dr. Paat testified that he is not fluent in English, and if he had gone to trial, he would have been confronted by people more fluent in the English language. Furthermore, Dr. Paat testified “there are concerns that more probably they will believe the accuser more than me, because she’s—well, she’s a natural-born citizen, American citizen, and me being a foreigner in this country, even though I am a U.S. citizen, they would tend to believe more the accuser.” (Tr. at 208)

22. Dr. Paat further testified that, prior to making his plea of “No Contest,” he had been aware of the sentence that the court would impose. (Tr. at 205-207)
23. Dr. Paat testified that he believes that the bad publicity that he would have faced had he contested the charge would have been worse than the bad publicity that he has faced after pleading “No Contest.” Dr. Paat further testified that he had discussed this with his wife and with his criminal counsel. (Tr. at 235-238)
24. Dr. Paat testified that his letter of apology to Patient 1 had been sincere (Tr. at 208-209)

Testimony of Sharon Brown

25. Sharon Brown testified that she is employed by Dr. Paat as a medical assistant, and has been so employed for about eight years. Ms. Brown further testified that her duties include answering the telephone, scheduling appointments, billing, escorting patients to the

examining room, weighing them, doing EKGs, and administering injections.
(Tr. at 103-104)

Ms. Brown testified that she had been working for Dr. Paat in February 2003. Ms. Brown further testified that Patient 1 had seen Dr. Paat concerning a rash on her face, and that she had presented and been escorted back to the examining room just as any normal patient. Ms. Brown noted that the only examining room in Dr. Paat's office is directly across the hallway from Ms. Brown's desk. (Resp. Ex. 3; Tr. at 105-108)

Ms. Brown testified that, after she had escorted Patient 1 to the examining room, Ms. Brown had returned to her desk. Ms. Brown testified that she had next seen Patient 1 when Patient 1 came out of the examining room; Ms. Brown could not recall if Patient 1 had stopped at the window to schedule another appointment. Nevertheless, Ms. Brown testified that Patient 1 had not appeared to be upset in any way, nor had she complained about anything. (Tr. at 108-110)

26. Ms. Brown testified that, the day following Patient 1's visit, Patient 1 had called Dr. Paat's office,

and was very hysterical. She complained of extreme pain. I told her that I would page Dr. Paat and have him call her right back. As she got more hysterical about the pain, she asked me a question regarding shingles. And I said, to the best of my knowledge, it can be pretty painful. If it's too unbearable, why don't you go to the emergency room, maybe they can take care of you quicker there. She said something about if I had—if I have to put with this pain for very long, I'm going to kill myself. She threatened suicide.

* * *

I did document the phone call like I document every phone call. Honestly, she did kind of scare me when she said that. And since she was very upset, that's when I recommended the emergency room. But I did page Dr. Paat right away. And to the best of my knowledge, he called her right back and then I guess he prescribed a pain medication for her. I'm not sure what happened after my phone call.

(Tr. at 111-113)

27. Ms. Brown testified that she receives a lot of telephone calls at Dr. Paat's office. Ms. Brown estimated that she receives about fifteen calls during a typical afternoon, and perhaps even more in the morning because "[m]ornings are usually busier." Ms. Brown further testified that she makes a record of every telephone call. Finally, Ms. Brown acknowledged that the serial numbers of Telephone Record slips in Patient 1's medical

records—one dated February 18, 2003, at 2:05 p.m., and the other dated February 19, 2003, at 10:50 a.m.—are only two numbers apart. (Resp. Ex. 1; Resp. Ex. 2 at 7; Tr. at 129-131)

28. Ms. Brown testified that she is aware that Dr. Paat had pled “No Contest” to and had been found guilty of Attempted Sexual Imposition. Nevertheless, Ms. Brown testified that that does not impact her willingness or desire to work for Dr. Paat, because she knows “what kind of person he is.” Ms. Brown testified that Dr. Paat is a very caring and gentle man and doctor. Ms. Brown further testified that Dr. Paat takes time with his patients and answers any questions that they have. (Tr. at 110-111)
29. Ms. Brown testified that she is not aware of any other complaints having been made against Dr. Paat concerning inappropriate conduct. (Tr. at 110)

Testimony of Detective Daniel E. Ciryak

30. Daniel E. Ciryak testified that he is a detective with the Parma Police Department. Detective Ciryak further testified that he has worked for the Parma Police Department for five years, and has been a detective for almost two years. Detective Ciryak stated that he investigates sex crimes and juvenile cases. (Tr. at 247-250)

Detective Ciryak testified that he had become involved in Dr. Paat’s case after another police officer had taken an initial police report from Patient 1. Detective Ciryak further testified that he had called Patient 1, spoken with her, and had her come to the police station to make a written statement. Detective Ciryak testified that, on February 27, 2003, he had taken a statement from Patient 1, and that he had typed the statement himself. Detective Ciryak further testified that the typewritten statement accurately reflects what Patient 1 had related to Detective Ciryak. Moreover, the statement that Patient 1 gave to Detective Ciryak is essentially the same as Patient 1’s testimony at hearing. (St. Ex. 6 at 5-7; Tr. at 250-255)

31. Detective Ciryak testified that he had contacted the Board during the course of his investigation, and learned that there had been no other complaints of any nature against Dr. Paat. (Tr. at 281)
32. Detective Ciryak testified that, from his experience with similar cases, he would have expected to have seen more than one complaint from one alleged victim. Detective Ciryak acknowledged that he had not found any additional victims in this matter. (Tr. at 281)

Testimony of Susan Paat

33. Susan Paat testified on behalf of Dr. Paat. Ms. Paat testified that she is the wife of Dr. Paat, that she has known Dr. Paat since 1970, and that they married in 1972. Ms. Paat described Dr. Paat as a very kind and considerate person, and a gentleman. (Tr. at 419-422)

Ms. Paat testified that she works in Dr. Paat's office, helping with the business side of his practice. Ms. Paat testified that, in February 2003, she had been managing the office, but had been doing so from home. Ms. Paat testified that she did the accounting work, payroll, and met with their attorney and their accountant. (Tr. at 422-424)

34. Ms. Paat testified that Dr. Paat had told her about the allegations against him when he came home the night the police had contacted him. Ms. Paat further testified that she was "dumbfounded and shocked." Ms. Paat testified that she had thought that Patient 1 "must have been hallucinating." Ms. Paat further testified that she does not believe that Dr. Paat would be capable of such conduct because of his passive nature. Moreover, Ms. Paat testified that Dr. Paat is never an aggressor in interpersonal or romantic situations. Finally, Ms. Paat testified that in Dr. Paat's 25 years of practice there has never before been a complaint of that nature made against him. (Tr. at 426-428)
35. Ms. Paat testified that she had probably had some influence on Dr. Paat's choice to plead "No Contest" to the criminal charge. Ms. Paat testified that she had been "terrified" at the prospect of a "he said/she said" confrontation, and concerned that they would lose their house trying to pay for an attorney. Ms. Paat further testified that they had not been aware that the consequences of Dr. Paat's plea could include an action by the Board. Moreover, Ms. Paat testified that she had also been concerned that Dr. Paat's accent would put him at a disadvantage in a trial. (Tr. at 429-431, 447)
36. Ms. Paat testified that Dr. Paat's legal problems have had a negative impact on his practice, and that a third-party payor "even sent him a letter saying they won't send him any new patients until things are resolved." Ms. Paat further testified that a suspension of Dr. Paat's medical license "would end the practice completely," because they are already struggling to pay the bills. (Tr. at 432-433)

Additional Information

37. Timothy A. Sidor, M.D., testified on behalf of Dr. Paat. Dr. Sidor testified that he is a urologist who practices in Parma and in the southwest area of greater Cleveland. Dr. Sidor testified that he holds privileges at Parma Hospital, Southwest General Hospital, Deaconess Hospital, and Medina Hospital. Dr. Sidor further testified that he is the Chief of Medical Staff at Parma Hospital, and that he is the Chairman of the Medical Ethics Committee at that institution. Finally, Dr. Sidor testified that he has been licensed to practice medicine in Ohio for about 26 years. (Tr. at 54-55)

Dr. Sidor testified that he is familiar with Dr. Paat, and has known Dr. Paat for about 22 years. Dr. Sidor further testified that, during the time that he has known Dr. Paat, he has come to know Dr. Paat both professionally and personally. Moreover, Dr. Sidor testified that he has had an opportunity to observe Dr. Paat treating patients at the patients' bedsides. Finally, Dr. Sidor testified that, as a result of his familiarity with and

observations of Dr. Paat, he has come to an opinion that Dr. Paat is a highly professional and competent physician. (Tr. at 55-57)

Dr. Sidor testified that he has “chaired three ad hoc committees for the investigation of alleged sexual misconduct at Parma Hospital[,]” and has been involved with one investigative committee concerning the alleged behavior “of a physician toward a patient.” Moreover, Dr. Sidor testified that he knows Parma Hospital “like [he knows his] own family[,]” and that “if anybody has * * * a finger on the pulse of that institution,” he does. Dr. Sidor further testified:

Being on the Executive Committee for a number of years and being in the position that I’m at, I know who’s good, I know who’s bad, I know who the nurses are talking about. I know exactly what they’re saying about each and every physician in that institution. And I can tell you in the past 22 years throughout my entire experience at Parma Hospital I have never heard a disparaging word about Dr. Paat.

I have never seen him act in any way other than a very professional manner. He is calm, he talks to the nurses with a phenomenal amount of patience. I have never seen him raise his voice. And I can tell you that I have dealt with a number of docs personally who do that quite often.

I have seen him sit at the bedside and talk to patients. I have seen him answer questions way beyond what the average physician would do. He takes the time to listen. This came as a total, total shock to me when he asked me to come down and be a character witness for him.

(Tr. at 57-59)

38. Dr. Sidor testified that Dr. Paat had first told him about his “No Contest” plea and conviction after it had already occurred. Dr. Sidor testified that he had informed Dr. Paat that Dr. Paat should have come to him immediately after the allegation was made, and that Dr. Sidor “would have come to bat for him immediately.” Dr. Sidor further testified that he informed Dr. Paat “[t]hat in my opinion he never should have pleaded no contest, and I think he had questionable representation and questionable advice at the time.” (Tr. at 59-61)

Dr. Sidor testified that Dr. Paat’s conviction has “[n]ot in any way” changed his opinion concerning Dr. Paat’s reputation or ability to practice medicine. Dr. Sidor testified that “[w]hat it did do was make me acutely aware how one individual can take a person’s 27-year career and cause havoc with it,” and how “one individual can come in and through her interpretation of what happened [create] the potential to ruin this individual’s career.” Moreover, Dr. Sidor testified that it has not in any way impacted upon Dr. Sidor’s willingness to work with Dr. Paat as a physician. (Tr. at 61-63)

39. Dr. Sidor acknowledged that he has not talked with Patient 1 concerning the facts that underlie Dr. Paat's conviction. (Tr. at 64)
40. Gagan C. Mallik, M.D., testified on behalf of Dr. Paat. Dr. Mallik testified that he is a board-certified otolaryngologist who has been licensed to practice medicine in Ohio for about 22 years. Dr. Mallik further testified that he is the Chief of Staff at Deaconess Hospital in Cleveland, Ohio, and has held that position for twelve years. Moreover, Dr. Mallik testified that he holds privileges at Deaconess Hospital and at Parma Hospital. (Tr. at 134-136)

Dr. Mallik testified that he has known Dr. Paat for over 20 years. Dr. Mallik further testified that he has treated Dr. Paat's patients, and that Dr. Paat has treated Dr. Mallik's patients as well. Dr. Mallik testified that he has confidence in Dr. Paat's abilities as a physician. Moreover, Dr. Mallik testified that he has received no adverse reports from his patients concerning Dr. Paat's treatment, and that Dr. Paat's patients "love him so much." Furthermore, Dr. Mallik testified that he is aware of Dr. Paat's reputation among medical colleagues, and that Dr. Mallik has heard nothing negative concerning Dr. Paat over the last 20 years. (Tr. at 136-144)

Dr. Mallik testified that Dr. Paat had apprised him of his criminal conviction approximately two weeks prior to the Board hearing, and that they had discussed the facts that underlie that conviction. Dr. Mallik testified that such knowledge does not change Dr. Mallik's opinion of Dr. Paat as a physician. Dr. Mallik further testified that he believes that Dr. Paat should have contested the charges against him, and expressed a belief that Dr. Paat had pled "No Contest" to the offense because "he just got nervous[.]" Moreover, Dr. Mallik testified that he does not believe that Dr. Paat is capable of inappropriately touching a patient. (Tr. at 139-145)

41. Patient 2 testified on behalf of Dr. Paat. Patient 2 testified that she has been a patient of Dr. Paat's for over twelve years. Patient 2 noted that she has seen Dr. Paat about four or five times during that period. Patient 2 further testified that her husband is also a patient of Dr. Paat's, and has been seeing Dr. Paat for 25 years. (Tr. at 65-67)

Patient 2 testified that Dr. Paat's examinations have on occasion required her to pull up her shirt. Patient 2 further testified that she has never felt uncomfortable in any way when Dr. Paat examined her. Moreover, Patient 2 testified that Dr. Paat has never done anything that she considers to be unprofessional. (Tr. at 67-69)

Patient 2 testified that she is aware that Dr. Paat had pled "No Contest" to and been found guilty of Attempted Sexual Imposition. Patient 2 further testified that that would not dissuade her or her husband from continuing to see Dr. Paat as their physician. (Tr. at 69-70)

42. Patient 3 testified on behalf of Dr. Paat. Patient 3 testified that she has been a patient of Dr. Paat's for about 25 years. Patient 3 further testified that her husband, mother, aunt, and sister have all been his patients as well. (Tr. at 75-78)

Patient 3 testified that Dr. Paat has never done anything inappropriate to her or touched her in an inappropriate way. Patient 3 further testified that Dr. Paat has been a great help to Patient 3 and her family. (Tr. at 75-78)

Patient 3 testified that, on some occasions, it has been necessary for her to expose private parts of her body to Dr. Paat during physical examinations. Patient 3 testified that Dr. Paat has never made her feel uncomfortable or done anything unprofessional on these occasions. Patient 3 further testified, however, that Dr. Paat has never unfastened her brassiere. (Tr. at 78-81)

Patient 3 testified that she is aware that Dr. Paat has faced a criminal charge, although she is not clear concerning the details. Nevertheless, Patient 3 testified that she would continue to see Dr. Paat as her physician. (Tr. at 78-79)

43. Patient 4 testified on behalf of Dr. Paat. Patient 4 testified that she has been a patient of Dr. Paat's for "many, many years." Patient 4 further testified that Dr. Paat has always been "[v]ery professional." Moreover, Patient 4 testified that Dr. Paat has never done anything inappropriate to her or made her feel uncomfortable. (Tr. at 83-86)

Patient 4 testified that she is aware that Dr. Paat had pled "No Contest" to and been found guilty of Attempted Sexual Imposition. Nevertheless, Patient 4 testified that she would continue to use Dr. Paat as her physician. (Tr. at 84-85)

Patient 4 testified that Dr. Paat has examined her heart and lungs. Patient 4 further testified that Dr. Paat has never unfastened her brassiere during these examinations. Patient 4 testified that Dr. Paat's assistant had had Patient 4 undress and put on a gown before Dr. Paat came into the room. (Tr. at 87-92)

44. Patient 6 testified on behalf of Dr. Paat. Patient 6 testified that she has been a patient of Dr. Paat's for more than ten years. Patient 6 further testified that she is a friend of Dr. Paat's wife. Patient 6 testified that she is aware that Dr. Paat had pled no contest to and been found guilty of Attempted Sexual Imposition. Nevertheless, Patient 6 testified that she will continue to see Dr. Paat as her physician. (Tr. at 96-99)

Patient 6 testified that she believes that Dr. Paat is a fine doctor and a person of high integrity. (Tr. at 98)

Patient 6 testified that there have been occasions when she was required to disrobe and put on a gown prior to being examined by Dr. Paat. Patient 6 further testified that Dr. Paat had never unfastened her brassiere during an examination. (Tr. at 100-101)

45. Patient 5 testified on behalf of Dr. Paat. Patient 5 testified that she has been a patient of Dr. Paat's for sixteen years, and is employed as a coder at Parma Hospital. (Tr. at 149-150)

Patient 5 testified that, as an employee of Parma Hospital, she is aware that Dr. Paat has a reputation at that facility as a very good doctor. Patient 5 testified that she has never heard anything negative about Dr. Paat. (Tr. at 151-154)

Patient 5 testified that she has been apprised of Dr. Paat's plea of no contest to and conviction for Attempted Sexual Imposition. Patient 5 further testified that this would not impact her decision to continue seeing Dr. Paat as her physician. Patient 5 testified that Dr. Paat has been her physician for a long time, and that he has always been very professional with her. She believes that he is thorough and dedicated, and that she will continue to see him until he retires. Moreover, Patient 5 testified that she has had occasion to expose her private parts to Dr. Paat, and that he has never done anything that made her feel uncomfortable during these occasions. (Tr. at 150-152)

Patient 5 testified that, on occasions when she had been required to disrobe, she had only disrobed from the waist up. Patient 5 further testified, "As far as disrobing, he really wouldn't take my blouse off or anything. I would pull my brassiere strap down somewhat and he would listen for rales in my chest." Patient 5 further testified that her brassiere had remained on. Moreover, Patient 5 testified that Dr. Paat has never unfastened her brassiere, nor has he asked her to unfasten her brassiere. (Tr. at 154-155)

46. Dr. Paat testified that he had not anticipated that the Board would take action against his medical license based upon his plea of "No Contest." (Tr. at 244-247)

Dr. Paat testified that, if he were able to do it over again, he would contest the charges and go to trial "to clear [his] name." (Tr. at 243)

47. Dr. Paat testified that, in order to avoid problems in the future, Dr. Paat now has a third party in the room whenever he examines female patients. Dr. Paat testified that he would be willing to continue doing that, should the Board permit him to keep his license. (Tr. at 209)

Dr. Paat further testified that, should the Board deem it necessary, he would be willing to undergo any sort of retraining concerning performing physical examinations that the Board would order. (Tr. at 209-210)

48. Dr. Paat asked that the Board allow him to keep his license so that he can continue to serve his patients. Dr. Paat further testified that he is healthy, and is confident that he has "plenty of time" to continue to work. (Tr. at 210)

FINDINGS OF FACT

On May 7, 2003, in the Municipal Court for Parma, Ohio, Erdulfo Paz Paat, M.D., pled “No Contest” to and was found guilty of count of Attempted Sexual Imposition, in violation of Sections 606.22 and 666.03, Parma Codified Ordinances, a misdemeanor of the fourth degree. The acts underlying this finding of guilt involved Dr. Paat’s conduct toward a female patient on February 17 or 18, 2003.

CONCLUSIONS OF LAW

1. The judicial finding of guilt concerning Erdulfo Paz Paat, M.D., as set forth in the Findings of Fact, constitutes “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice,” as that clause is used in Section 4731.22(B)(11), Ohio Revised Code.
2. The judicial finding of guilt concerning Dr. Paat, as set forth in the Findings of Fact, constitutes “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude,” as that clause is used in Section 4731.22(B)(13), Ohio Revised Code.

* * * * *

The Board’s rules state that a certified copy of a judicial finding of guilt of a criminal offense, such as that in evidence in this case, constitutes “conclusive proof of the commission of all of the elements of that crime.” Ohio Adm.Code 4731-13-24. The evidence shows that Dr. Paat pled “No Contest” to and was convicted of Attempted Sexual Imposition. The State has therefore proven conclusively that Dr. Paat committed the offense with which he was charged.

Nevertheless, this is a difficult and depressing case. Testimony was presented by Dr. Paat’s wife, Dr. Paat’s medical assistant, other physicians, and several of Dr. Paat’s patients that indicates that Dr. Paat is a competent and dedicated physician, and that he is a very reserved, quiet, and passive man. Some of these witnesses testified vehemently that Dr. Paat is simply not capable of the sort of conduct that he was convicted for. Moreover, there is no evidence that Dr. Paat had done anything like that in the past. On the other hand, Patient 1 testified that Dr. Paat *did* fondle her breasts during a medical examination in his office. And, after she had been strenuously questioned and cross-examined at hearing concerning what would surely be a troubling and embarrassing event in her life, there is no evidence that she had had any motive for reporting this conduct to authorities other than a belief that she had a duty to do so, and a desire to let Dr. Paat know that what he had done to her was wrong.

In his defense, Dr. Paat asserted that he had performed an appropriate stethoscopic examination of Patient 1’s chest that had required him to lift Patient 1’s left breast out of the way, and that

Patient 1 must have misinterpreted what had happened. However, the testimony of Patient 1 at hearing is sufficient in its detail to lead to a conclusion that she had not simply misinterpreted an appropriate examination. Moreover, Patient 1 testified—and Dr. Paat admitted—that Dr. Paat had unfastened Patient 1's brassiere during the examination. It is noteworthy that all of the patients who testified on Dr. Paat's behalf were female, and yet none testified that Dr. Paat had done this to them. Further, Patient 1 testified that she had never before had a physician unfasten her brassiere. This Board, as an expert body, may conclude that it is inappropriate for a physician to undress a patient; if so, it lends further credibility to Patient 1's account of what happened.

When confronted with the criminal charge, Dr. Paat pled "No Contest" rather than go to trial. Dr. Paat and Ms. Paat testified that they had been concerned that, if Dr. Paat had gone to trial, he might have lost simply because it would have been his word against Patient 1's word, because he has an accent and is not very fluent in English, and because the victim is a native-born American. Dr. Paat and Ms. Paat also testified that they could not have afforded the attorney fees to go to trial. Moreover, Dr. Paat testified that he had been concerned about the adverse publicity that a trial would have generated. Furthermore, Dr. Paat testified that he had been aware prior to entering his plea that, if he pled "No Contest," he would merely be fined \$100.00 and ordered to send a letter of apology to Patient 1. Finally, Dr. Paat and Ms. Paat testified that they had not been aware that Dr. Paat's conviction following his plea of "No Contest" would result in action being taken by the Board. Nevertheless, it is disingenuous for Dr. Paat to plead "No Contest" and stipulate to a finding of guilt to an offense in court, and then come before this Board and deny that the underlying conduct had occurred.

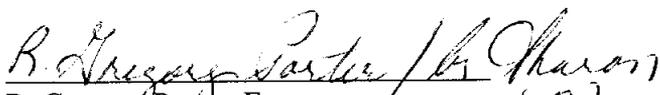
This Board has in the past determined that physicians who sexually abuse their patients are unworthy of the privilege to practice medicine in Ohio. Accordingly, the Proposed Order calls for the permanent revocation of Dr. Paat's license.

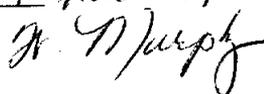
PROPOSED ORDER

It is hereby ORDERED that:

The certificate of Erdulfo Paz Paat, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED.

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


R. Gregory Porter, Esq.
Hearing Examiner





State Medical Board of Ohio

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EXCERPT FROM THE DRAFT MINUTES OF MARCH 10, 2004

REPORTS AND RECOMMENDATIONS

Ms. Sloan announced that the Board would now consider the findings and orders appearing on the Board's agenda. She asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and order, and any objections filed in the matters of: Teodoro C. Navarro, M.D.; Erdulfo Paz Paat, M.D.; German V. Prada, M.D.; Francisco I. Regueyra, M.D.; and John Michael Schechter, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Ms. Sloan	- aye

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

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye

Dr. Garg - aye
Dr. Steinbergh - aye
Ms. Sloan - aye

Ms. Sloan noted that, in accordance with the provision in Section 4731.22(F)(2), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters.

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

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

.....
ERDULFO PAZ PAAT, M.D.

Ms. Sloan directed the Board's attention to the matter of Erdulfo Paz Paat, M.D. She advised that objections were filed to Hearing Examiner Porter's Report and Recommendation and were previously distributed to Board members.

Ms. Sloan continued that materials included with the objections are being construed as a request to submit additional evidence. The Assistant Attorney General has filed his memorandum in opposition to admission of the additional evidence. Ms. Sloan asked if the Board wished to accept the additional evidence.

Dr. Bhati stated that, if the information could be of assistance to the Board in its deliberations, it should accept it.

**DR. STEINBERGH MOVED TO ADMIT THE ADDITIONAL EVIDENCE FILED BY DR. PAAT.
DR. ROBBINS SECONDED THE MOTION.** A vote was taken:

Vote:

Mr. Albert	- abstain
Dr. Egner	- aye
Dr. Talmage	- abstain
Dr. Bhati	- aye
Dr. Kumar	- aye
Mr. Browning	- aye
Dr. Davidson	- aye
Dr. Robbins	- aye
Dr. Garg	- abstain

Dr. Steinbergh - aye
Ms. Sloan - aye

The motion carried.

The materials will be admitted to the record.

Ms. Sloan advised that a request to address the Board has been timely filed on behalf of Dr. Paat. Five minutes would be allowed for that address.

Dr. Paat was accompanied by his attorney, James M. McGovern.

Mr. McGovern stated that he believes that the Report and Recommendation ignores and/or disregards strong mitigating evidence explaining why Dr. Paat pled "no contest." Mr. McGovern urged the Board to not disregard the evidence that's present in this case. He advised that Dr. Paat is a foreign-born doctor, and he has some language or communication difficulties, as the Board may see when it hears from him.

Mr. McGovern stated that Dr. Paat is very nervous about being here, given what is at stake.

Mr. McGovern stated that, based upon that fact, he has urged Dr. Paat to write down his thoughts and read from them, as necessary.

Dr. Paat thanked the Board members. He stated that he must begin by informing the Board that he is frightened by this process and by the thought of losing his license. He was born in the Philippines and came to the United States in 1968. He worked hard to earn his medical degree and to build his professional practice. He is proud to say that all of his patients like and respect him. He believes that that is because he spends extra time with them, explaining their illnesses and answering their questions about the diagnosis and his treatment.

Dr. Paat stated that, until this time, he had never been the subject of any complaint. Hoping that his remorse would bring a lighter sanction than the severe one that was proposed, he apologizes to Patient 1 and to the Board, but he cannot apologize for something he did not do. Dr. Paat stated that he did touch the patient's breasts as part of the heart and lung examination. In that regard, his biggest mistake was not rehooking her bra after inspecting the skin rash on her back and her side, and not explaining to her what was going on. Dr. Paat stated that he believes that this patient was uncomfortable during the examination and perhaps misunderstood what occurred. For that, he stated that he sincerely apologizes to Patient 1.

Dr. Paat stated that his goal in participating in this hearing has been to explain why he pled "no contest" for the misdemeanor charge, rather than going to trial. He is hopeful that each Board member will try to place him or herself into his shoes and try to understand why he offered the plea of "no contest" rather than defend himself at a trial. Unfortunately, he chose the path of least resistance; however, knowing what he knows now about how this Board would react to the finding of guilt that resulted from his "no contest" plea, he never would have offered the plea. Dr. Paat stated that he would have fought the charges. He would have found a way to pay his attorney to defend him during his trial. Dr. Paat stated that his only

hope now is that this Board will recognize that this is an isolated incident, and that it boils down to “he said/she said.”

Dr. Paat asked that the Board, under the circumstances, allow him to keep his license. If the Board wants him to be evaluated so that the Board can feel confident that he’s not a threat or danger to the public, he is willing to do so. He now has a female medical assistant with him all of the time during his examination of female patients, and he will continue to do so for as long as he is in practice.

Dr. Paat again asked that the Board allow him to keep his license.

Ms. Sloan asked whether the Assistant Attorney General wished to respond.

Ms. Albers indicated that this case was handled by Assistant Attorney General Dominic J. Chieffo, who is unable to appear before the Board due to a family funeral. She stated that she would read remarks that Mr. Chieffo prepared:

I did not decide to request a permanent revocation of the certificate of Dr. Paat until contemplating my closing remarks at the hearing. As the Hearing Officer states in his very exhaustive report, this is a difficult and depressing case. The competency of Dr. Paat, his personality, or his mannerisms are not the issues, nor is his plea of “no contest” or “nolo contendere,” or the definition of “nolo contendere.” The issue is the judicial finding of guilt of a misdemeanor involving moral turpitude, committed in the course of his medical practice. This is coupled with the fact that he was represented by counsel in the criminal proceedings, that he voluntarily, knowingly and intelligently entered the plea, and that he stipulated to a finding of guilt.

In spite of all the foregoing, there’s a lack of remorse, as indicated by his denial in the hearing of the very conduct of which he was found guilty, as well as by the criminal court-ordered letter of apology that bears no resemblance whatsoever to an apology for his underlying conduct.

When considering the consistency of the victim’s statements to the police department, her testimony at the hearing, her lack of any motive for personal gain, the embarrassment of having to come forward, the testimony of five of his patients that he never unfastened or asked permission to unfasten their bras – as pointed out in the objections, each case must be considered on its own merits – and in this case, because of the facts that have been outlined, the recommendation of permanent revocation is appropriate. Thank you.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF ERDULFO PAZ PAAT, M.D. DR. EGNER SECONDED THE MOTION.

Ms. Sloan stated that she would now entertain discussion in the above matter.

Dr. Egner stated that this is a physician who pled “no contest” and was therefore found guilty of attempted sexual imposition. Dr. Egner stated that this was the overriding fact of the whole case. The Court fined Dr. Paat, he had a suspended jail sentence, and he did have legal representation. The patient says that Dr. Paat auscultated her back, came around to the front and, without looking at her or lifting her shirt, he placed his hands under her sweater and fondled her breasts. The patient had come into his office complaining of an earache and a rash and, after the doctor’s exam, he diagnosed otitis media and herpes zoster. Dr. Egner stated that she believes this is very significant. This wasn’t just a rash. The patient obviously didn’t know the seriousness of that when she came in.

Dr. Egner stated that the testimony and exhibits offered at hearing revealed to her the following. Dr. Paat first came to know this patient after she was placed under his care from a previous ER visit. She added that she found that his records from the hospitalization were very thorough. Dr. Paat’s admission and discharge summaries were excellent and very detailed. His office records were also very complete, and his office procedures of how he handles phone calls are detailed, giving the message and the time. His office staff seems to be as thorough as he is. Dr. Egner stated that she believes Dr. Paat’s exam in the office was appropriate. It was recorded on the chart that the patient had a tattoo on her right chest wall, as well as an old scar. He notes normal lung sounds and an old scar in the epigastric area. Dr. Egner stated that the tattoo was not mentioned in the hospital record of her physical exam. Dr. Egner stated that she would have to conclude that Dr. Paat did not go back and look at an old record and put that information in his record. Dr. Egner stated that to find those findings, Dr. Paat would have had to lift up her sweater. He could not have known those things without having looked. This is in conflict with the patient’s testimony. It seems unreasonable how he would have known these things if he had never lifted her shirt.

Dr. Egner stated that she wants to address the issue of Dr. Paat’s unhooking the patient’s bra. Dr. Paat stated that he normally asks the patient for permission. Dr. Egner stated that, in thinking about this particular issue, she thought about it in terms of her own office practice. All patients in her office are asked to unhook their bras themselves prior to the exam; but she would estimate that about 25 percent of her patients forget to do that, even though they have just been told. Generally, when this is discovered and she’s ready to do the physical exam, Dr. Egner stated that she often unhooks the patient’s bra. She volunteers to do this just about the same time she does it. In this particular instance, she doesn’t see that there is a difference between having a male or female doctor do that. She doesn’t think that who unhooks the bra is such a grave issue. Dr. Egner stated that some Board members may take exception to that, but she has to look at what her own day goes like, too, and for her, this is not a big issue.

Dr. Egner stated that the patient’s testimony was very detailed and clear about the incident, but other parts of her testimony are disjointed on details such as how many times she’s been married. The patient stated that she was married two times; and, yet, as the questions become more specific, she’s been married three times. The patient stated that she had taken Paxil in the past when living in Toledo, but her depression cleared upon moving to Cleveland and now takes no antidepressants. Yet her record shows that she’s been prescribed Celexa.

Dr. Egner stated that Dr. Paat has testified as to why he pled "no contest." He wanted to avoid the publicity, prolonging the ordeal, and he did not know that there would be further consequences, such as those from the Medical Board. While this could have been the case, the Board cannot ignore his plea and his guilty conviction. His letter of apology is consistent with his denial that the incident took place as the patient perceived it.

Dr. Egner stated that these were basically the things with which she really wrestled in trying to make a decision as to what the Board should do with his license.

Dr. Egner continued that, prior to giving her conclusions and recommendations in the case, she would also like to comment on the objections and their attachments submitted by Dr. Paat's attorney. She stated that the objections were excessive in their volume. She stated that she doesn't ever remember receiving objections of that size in the past. She found them unnecessary and burdensome. She added that she takes exception at the notion that Mr. Porter and the members of the Board need a dissertation and definition of the meaning of "no contest." She stated that the Hearing Examiners, as well as the Board, understand this very well. She added that she does not understand the purpose of the case summaries for the entire year of 2003 and 2004 to this date. Then there were four cases reviewed as analogous, but they're not. These cases all involved consensual involvement or were more about sexual boundary issues. These cases were clear, in that the doctors admitted what happened and were cooperative, remorseful and amenable to discipline. Dr. Egner stated that, if anything, after reading the objections, she was more questioning of her initial conclusions of what had really happened with the doctor and the patient, and that, perhaps, her own conclusions were not correct.

Dr. Egner stated that the patient may very well have misunderstood what was going on, and hence she believes there is the need for a course dealing with professional behavior and effective physician/patient communication.

Dr. Egner stated that she brings up these issues because she is not in favor of permanent revocation. She stated that there are too many mitigating circumstances. The Board must decide how much weight it wants to give to the conviction, which is conclusive evidence. Dr Egner stated that a suspension and education would be necessary and appropriate considering all of the facts of the case.

DR. EGNER MOVED TO DELETE THE PARAGRAPH IMMEDIATELY PRECEDING THE PROPOSED ORDER IN THE REPORT AND RECOMMENDATION IN THE MATTER OF ERDULFO PAZ PAAT, M.D., WHICH BEGINS WITH THE WORDS, "THIS BOARD HAS IN THE PAST DETERMINED...." DR. EGNER FURTHER MOVED THAT THE PROPOSED ORDER IN THE MATTER OF ERDULFO PAZ PAAT, M.D., BE AMENDED TO READ AS FOLLOWS:

It is hereby ORDERED that:

- A. **SUSPENSION OF CERTIFICATE:** The certificate of Erdulfo Paz Paat, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for ninety days.
- B. **PROBATIONARY CONDITIONS:** Upon reinstatement, Dr. Paat's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least three years:
1. **Obey the Law:** Dr. Paat shall obey all federal, state, and local laws, all rules governing the practice of medicine and surgery in Ohio, and all terms of probation imposed by the Parma Municipal Court.
 2. **Quarterly Declarations:** Dr. Paat shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which this Order becomes effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the Board's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
 3. **Appearances:** Dr. Paat shall appear in person for quarterly interviews before the Board or its designated representative during the third month following the effective date of this Order. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
 4. **Education Program:** Within one year of the effective date of this Order, or as otherwise approved by the Board, Dr. Paat shall provide acceptable documentation of satisfactory completion of an education program, to be approved in advance by the Board or its designee. The education program shall be related to professional behavior and effective physician-patient communication. The exact number of hours and the specific content of the program shall be determined by the Board or its designee. This program shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education acquisition period(s) in which the program is completed.
 5. **Third-Party Presence During Exam/Treatment:** Dr. Paat shall have a third party present while examining or treating female patients.

6. **Absence from Ohio**: In the event that Dr. Paat should leave Ohio for three continuous months, or reside or practice outside the State, Dr. Paat must notify the Board in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under the Order, unless otherwise determined by the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.
 7. **Violation of Probation; Discretionary Sanction Imposed**: If Dr. Paat violates probation in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.
 8. **Tolling of Probationary Period while Out of Compliance**: In the event Dr. Paat is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period.
- C. **TERMINATION OF PROBATION**: Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Paat's certificate will be fully restored.
- D. **REQUIRED REPORTING BY LICENSEE TO EMPLOYERS AND HOSPITALS**: Within thirty days of the effective date of this Order, Dr. Paat shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Paat shall provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.
- E. **REQUIRED REPORTING BY LICENSEE TO OTHER STATE LICENSING AUTHORITIES**: Within thirty days of the effective date of this Order, Dr. Paat shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Paat shall also provide a copy of this Order by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration of any professional license. Further, Dr. Paat shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

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

Dr. Egner stated that this was a very difficult case for her. She stated that she, as well as all of the other Board members, take these kinds of case very seriously, and a lot of thought goes into them, both for the physician and the patient. Her proposed amendment would make her feel comfortable in Dr. Paat's continuing to practice, and that the public is protected.

DR. STEINBERGH SECONDED THE MOTION.

Dr. Steinbergh stated that she supports the proposed amended order. Her feelings about Dr. Paat were similar to Dr. Egner's with the exception of a couple of things; however, in toto, she agrees with the assessment and with the proposed amended order. Dr. Steinbergh stated that she took into account the patient's thoughts and the physician's thoughts. She added that she thinks that all physicians who examine patients know there can sometimes be miscommunication and, perhaps, unintended consequences. On the other hand, the Board has a case before it where the physician was found guilty and the misdemeanor conviction has to be addressed without question.

Dr. Steinbergh stated that she didn't feel that this case was about money. The patient wanted an apology from Dr. Paat, and she wanted to be certain that this didn't happen to anyone else. Dr. Steinbergh stated that she took those thoughts into account. The Court made a judgment as to what occurred, and she thinks that, with the proposed amended order requiring the presence of a third party when examining female patients, the Board knows that this kind of thing will not happen again. She does believe that Dr. Paat is remorseful about this particular incident. Dr. Steinbergh stated that she believes that Dr. Paat should have communicated better with the patient and should have perhaps done things differently in his physical examination of the patient, but he's a very experienced physician and the concept of how he approached the patient and so forth was very reasonable.

Dr. Steinbergh continued that she does believe that there is a difference between a female examining a female and a male examining a female. She added that, although she certainly understands Dr. Egner's comments, she personally does not undress a person, regardless of his or her gender, in her examination room. She requests that they be undressed. She stated that she frequently comes into the room and the patient is not undressed. Depending upon the type of examination, she's been known to tell the patient that she would need to examine the patient's back or whatever the part of the body is, and the patient will need to be undressed. She will explain to what extent the patient needs to be undressed, and then she will walk back out of the room. Dr. Steinbergh stated that there are other circumstances, such as a person being in for a respiratory infection, when the gown is on and a bra is on, and physicians know that any type of cloth on top of the skin can cause sounds that sound similar to chest rales, that is, dry or sometimes wet sounds, depending upon the condition, and it can interfere with the proper auscultation of the chest. Dr. Steinbergh stated that, that being true, if she finds that that is interfering with it, she does tell the patient that she will need to have the bra off, and she will ask if the patient needs help. That gives the patient time to say "yes," or "go ahead and help me." She doesn't hesitate then to help the patient with that. Dr. Steinbergh stated

that she does think that that's critical in the respect of the patient.

Dr. Steinbergh stated that she absolutely concurs with the proposed amendment to the Proposed Order. She recognized the need for a course specifically addressing the subject of professional behavior and effective physician/patient communication. She added that the Board may need to work in terms of helping Dr. Paat find an appropriate course; or the Board might require certain readings in certain areas to which the Board could direct him, and then bring Dr. Paat before a small committee of the Board, who would then simply have a conversation and verbally discuss with Dr. Paat the contents of these readings and feel comfortable that Dr. Paat understands and that, in effect, would be a course, if there is no such course available to him.

Dr. Steinbergh stated that she does agree with the proposed suspension due to Dr. Paat's conviction of a misdemeanor of the fourth degree.

Dr. Robbins stated that he also agrees with the amendment on the table, but he feels a little differently about a couple of things. He thinks that a male physician's unhooking a patient's bra is inappropriate and cannot be excused. He stated that the way Dr. Steinbergh has described is the appropriate way to handle the situation. Dr. Robbins stated that, although this case does involve a conviction, permanent revocation is excessive. He advised that he agonized over this case, and the thing that bothers him even now is the "he said/she said" aspect of this case. Dr. Robbins stated that he would feel better if there was an admission of what occurred, and an indication that Dr. Paat understands the seriousness of this case. Dr. Robbins stated that, despite that, the amendment makes a lot of sense, especially with the mitigating factors of this case, including the number of other patients that came forward and that there were no other incidents in this physician's past.

Dr. Kumar also agreed with the proposed amendment. Dr. Kumar stated that he would like to make some comments about this incident that have not yet been made. The patient claims that Dr. Paat touched her breast in the initial examination after an endoscopy was done. Dr. Kumar stated that he has a problem with accepting that, and his gut feeling is somehow or other the patient got the concept that someone was doing something to her, and that carried forward in a future examination. Dr. Kumar stated that he has had experience as a chief of staff in investigating patients filing complaints, one particular one talking about the fact that during the examination the people in the room were making fun of her breasts. As the investigation came out, essentially what happened was that a female physician, in discussing the patient's diverticulosis, used the words, "how big ticks she has." That was misconstrued and misrepresented. Dr. Kumar stated that what happened under anesthesia or under sedation in that charge should not be construed in this case.

Dr. Kumar stated that he totally supports this amended order.

Dr. Buchan stated that, essentially, he's in agreement with his colleagues. He commended Dr. Egner for her review of this case and for taking the lead on this case. It was difficult, but Dr. Egner articulated his feelings quite well. Dr. Buchan stated that he sensed that Dr. Paat had some issues in communication, and

he believes that there were some cultural influences here. He commented that Dr. Paat may have felt that a "no contest" plea meant that it might just go away. Dr. Buchan stated that he felt that the Board should exercise some leniency in this case, and the proposed amendment does just that. The 90-day suspension is appropriate action for the misdemeanor conviction, and is along the same lines he thought the Board should be on this case prior to today.

Dr. Bhati stated that Dr. Egner did a great job in analyzing and dissecting this case in a very proper fashion. The only thing he would want to add is that there was an attempt made to look for more victims of this physician, and none were found. He asked the Board to keep in mind that this physician has been in practice for 30 years. If something had gone wrong, a lot of people would have jumped on it and said yes. None were found.

Dr. Bhati stated that he believes the physician in this case. He added that he believes Dr. Paat had very poor legal advice to plead "no contest." Dr. Bhati stated that he wishes that Dr. Paat had had better advice so that he would have understood the consequences of his plea. The Board has seen this kind of situation in the past, when the physician doesn't understand that a "no contest" plea will lead him down a lot of other alleys in which he would not wish to be. Dr. Bhati stated that he wishes attorneys would do a better job than they have done.

Dr. Bhati continued that the patient had shingles. It was important for the physician to examine the chest. It would have been below minimal standards had he not. Dr. Paat did the right thing. Dr. Bhati stated that he doesn't see much problem in this case except the fact that there is a conviction against this doctor about which the Board must do something. Dr. Bhati asked whether the Board would gain much by a 90-day suspension in this case. He stated that he doesn't think it will. He would rather have a stayed suspension in this case. Dr. Bhati stated that Dr. Paat is not a danger to his patients. He's been in practice for 30 years. Dr. Bhati asked Dr. Egner to stay the 90-day suspension.

Dr. Steinbergh disagreed with the suggestion that the suspension be stayed. She stated that there has to be some punishment for the finding of guilt of sexual imposition. It's important for the patient to know and feel confident that the Board has considered this case and that Dr. Paat is being punished, which means that Dr. Paat's professional life won't ever be quite the same. Dr. Steinbergh stated that she wants the patient to feel that this has been appropriately addressed, and that the Board is not saying that none of this happened. There were two people in that room, each one of them would know what occurred. The Board is disciplining according to the Court's finding of guilt and because of the Board's review of the record. She believes that the patient will be satisfied now that the case is done. Dr. Steinbergh stated that the proposed amendment is an appropriate discipline for this kind of finding.

Dr. Bhati stated that the question is whether or not the Board believes something went wrong. Yes, the Board has convicted Dr. Paat and some punishment is necessary. But at this stage, does the Board believe that Dr. Paat did something wrong. Dr. Bhati stated that he's willing to believe that Dr. Paat didn't. He added that he believes Dr. Paat's examination was very appropriate. As far as opening the bra is concerned, Dr. Paat asked the patient to open the bra.

Dr. Steinbergh stated that, according to the patient, he did not. Dr. Paat does not remember if he asked.

Dr. Bhati stated that the patient obviously has a lot of other problematic factors, which makes one not believe everything that she said. It could have totally been a question of misinterpretation, misunderstanding between the two people. If this guy was a bad doctor or a sexual abuser, the Board would have seen a lot more.

Dr. Egner stated that the Board should not lose sight of the fact that Dr. Paat was found guilty in a court. There were things that could have been done better and that were done wrong. Dr. Egner stated that she doesn't believe that the patient came up with this just totally in her imagination. That's the piece of the education course that will help Dr. Paat in the future. Dr. Paat has been found guilty of sexual imposition by the court. Dr. Egner stated that, for that, she does believe he needs a 90-day suspension. Dr. Egner stated that if she felt that absolutely nothing had occurred and there was no reason for this, she would dismiss it. She doesn't feel that way at all. Dr. Egner stated that she feels very strongly about keeping the suspension at 90 days.

A vote was taken on Dr. Egner's motion to amend:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- nay
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye

The motion carried.

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

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Bhati	- aye
	Dr. Buchan	- aye

Dr. Kumar	- aye
Mr. Browning	- nay
Dr. Davidson	- aye
Dr. Robbins	- aye
Dr. Garg	- abstain
Dr. Steinbergh	- aye

The motion carried.



State Medical Board of Ohio

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

June 11, 2003

Erdulfo Paz Paat, M.D.
27926 Forest Parkway
North Olmsted, OH 44070

Dear Doctor Paat:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- (1) On or about May 7, 2003, in the Municipal Court for Parma, Ohio, you pled no contest to and were found guilty of one misdemeanor count of Attempted Sexual Imposition in violation of Sections 606.22 and 666.03, Parma Codified Ordinances. The acts underlying this finding of guilt involved your conduct toward a female patient in or about February 2003. Copies of the Complaint and Journal Entry are attached hereto and incorporated herein.

The judicial finding of guilt as alleged in paragraph (1) above, individually and/or collectively, constitute "[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice," as that clause is used in Section 4731.22(B)(11), Ohio Revised Code.

Further, the judicial finding of guilt as alleged in paragraph (1) above, individually and/or collectively, constitute "[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude," as that clause is used in Section 4731.22(B)(13), 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 days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

Mailed 6-12-03

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

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Anand G. Garg".

Anand G. Garg, M.D.
Secretary

AGG/bjs
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5148 0816
RETURN RECEIPT REQUESTED

XX In the Parma Municipal Court

Y 09358

State of Ohio
 City of Parma

CASE NUMBER
03CRB 1198

PL0301664 Vs.

Name ERDULFO P. PAAT

Street 27926 FORESTWOOD PKWY

City-St. NORTH OLMSTED, OH 44070

Home Phone UNK Business Phone 440-842-6556

Employment INTERNAL MEDICINE 5500 RIDGE RD

SEX	HEIGHT	WEIGHT	HAIR	EYES	AGE
A/M	5-05	149	BLK	BRN	62
D.O.B.			5'0"		
12/29/40					

SIGNATURE OF DEFENDANT

COMPLAINT

The undersigned being duly sworn upon his oath deposes and says that the person whose name appears above did in the City of Parma on the: BETWEEN 17 FEB 03 AND 18 FEB 03
DAY OF 20 AT M unlawfully

SEXUAL IMPOSITION

NO PERSON SHALL HAVE SEXUAL CONTACT WITH ANOTHER, NOT THE SPOUSE OF THE OFFENDER, WHEN THE OFFENDER KNOWS THAT THE SEXUAL CONTACT IS OFFENSIVE TO THE OTHER PERSON OR IS RECKLESS IN THAT REGARD.

M-3

FILE #0304254

LOCATION 5500 RIDGE RD. SUITE 235

Contrary to and in violation of:

Parma Cod. Ord. 666.03 Ohio Revised Code

This COMPLAINT and SUMMONS was served personally on DEFENDANT

Defendant given summons and released

Defendant to post bond pursuant to posted schedule

Bond to be set by court

Det. Daniel C. [Signature]
SIGNATURE OF ISSUING OFFICER

Being duly sworn the undersigned states that he has read the COMPLAINT and that it is true.

Det. Daniel C. [Signature]
ISSUING OFFICER / AFFIANT

Sworn to and acknowledged before me this _____ day of _____, 20____.

Mary Smith DEPUTY CLERK
IN THE PARMA MUNICIPAL COURT CERTIFY THIS
TO BE A TRUE COPY OF THE

Case 03CRB01198-1-1

JUDGE CLERK DEPUTY CLERK

SUMMONS

IF YOU FAIL TO APPEAR AT THE TIME AND PLACE STATED BELOW YOU MAY BE ARRESTED.

YOU ARE ORDERED TO APPEAR AT

COURT DATE 04 | 03 2003 A.M.
MONTH | DAY 3:00 P.M.

PARMA MUNICIPAL COURT
5555 POWERS BOULEVARD
PARMA, OHIO 44129

FILED IN THIS COURT.

MARTINE E. VITARDI, CLERK OF COURT

BY [Signature]
DEPUTY CLERK

03 MAY - 9 PM 3:25

FILED
PARMA MUNICIPAL COURT

Y 09358

CERTIFIED COPY OF JOURNAL ENTRY

STATE OF OHIO
CUYAHOGA COUNTY SS
CITY OF PARMA

IN THE PARMA MUNICIPAL COURT

CASE NUMBER: 03CRB01198-1-1

VS.

DATE OF OFFENSE: 02 - 17 - 03

Erdulfo P. Paat
DEFENDANT

DATE OF CONVICTION 05 - 07 - 03

27926 Forestwwod Parkway
ADDRESS

North Olmsted, OH 44070
CITY, STATE, ZIP CODE

JUDGEMENT ENTRY:

HEARD BY: MAGISTRATE EDWARD FINK

PLEA: NO CONTEST

FINDING: GUILTY

ORIG. CHARGE: Sexual Imposition ORD. # 666.03

AMENDED CHARGE: Attempt Sexual Imposition ORD. # 606.22/666.03

FINE: \$100.00 FINE SUSPENDED: \$ DEFERRED FINE: \$

JAIL: 10 JAIL SUSPENDED: 10 JAIL DEFERRED:

PROBATION: 0/1 Mos. ACTIVE: 0 mos.

NON-REPORTING: 1 Month

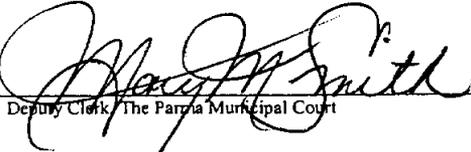
COMMENTS:

Amend to Attempted Sexual Imposition 606.22/666.03 per Parma Pros. J.Spellacy. Attempted Sexual Imposition (m4). Letter of Apology to the victim;through probation department per Magistrate Edward J. Fink..

FILED
PARMA MUNICIPAL COURT
03 MAY - 9 PM 3:25

WITNESS, MARTIN E. VITTARDI, CLERK OF SAID COURT AND THE SEAL THEREOF AT THE
CITY OF PARMA, PARMA, OHIO, THIS 9 DAY OF May 2003 ****
MARTIN E. VITTARDI, CLERK OF COURT

BY


Deputy Clerk, The Parma Municipal Court

SEAL