



## STATE MEDICAL BOARD OF OHIO

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

May 14, 1993

Viswanathan Prabhakaran, M.D.  
3310 Herr Road  
Toledo, Ohio 43560

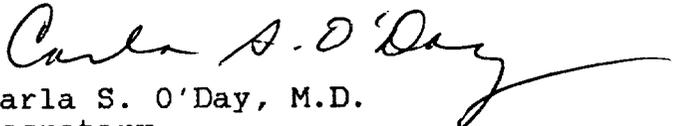
Dear Doctor Prabhakaran:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of the Minutes of the State Medical Board, meeting in regular session on May 12, 1993, including a Motion approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

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

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

THE STATE MEDICAL BOARD OF OHIO

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

CS0:em

Enclosures

CERTIFIED MAIL RECEIPT NO. P 055 326 136  
RETURN RECEIPT REQUESTED

cc: Keithley B. Sparrow, Esq.

CERTIFIED MAIL RECEIPT NO. P 055 326 137  
RETURN RECEIPT REQUESTED

Mailed 5/14/93



# STATE MEDICAL BOARD OF OHIO

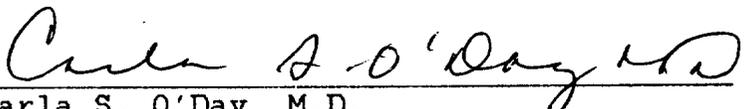
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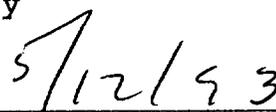
## CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, State Medical Board; and an excerpt of Minutes of the State Medical Board, meeting in regular session on May 12, 1993, including a Motion approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio, constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Viswanathan Prabhakaran, M.D., as it appears in the Journal of the State Medical Board of Ohio.

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

(SEAL)

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

  
\_\_\_\_\_  
Date



# STATE MEDICAL BOARD OF OHIO

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

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

\*

\*

VISWANATHAN PRABHAKARAN, M.D.

\*

## ENTRY OF ORDER

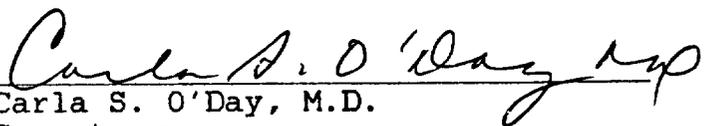
This matter came on for consideration before the State Medical Board of Ohio on the 12th day of May, 1993.

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

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

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

(SEAL)

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

5/12/93  
Date

STATE MEDICAL BOARD  
OF OHIO

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REPORT AND RECOMMENDATION  
IN THE MATTER OF VISWANATHAN PRABHAKARAN, M.D.

The Matter of Viswanathan Prabhakaran, M.D., came on for hearing before me, Wanita J. Sage, Esq., Hearing Examiner for the State Medical Board of Ohio, on March 31, 1993.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Basis for Hearing

- A. By letter of December 2, 1992 (State's Exhibit #1), the State Medical Board notified Viswanathan Prabhakaran, M.D., that his certificate to practice medicine and surgery in Ohio was immediately suspended pursuant to Section 3719.121(C), Ohio Revised Code. The State Medical Board further notified Dr. Prabhakaran that it proposed to take disciplinary action against his certificate based on his November, 1992, pleas of guilty to 25 felony counts of trafficking in drugs in violation of Sections 2925.03(A)(1), (B), (D)(1), and (H), Ohio Revised Code. The Board alleged that Dr. Prabhakaran's acts, conduct, and/or omissions constituted "a plea of guilty to, or a judicial finding of guilt of, a violation of any federal or state law regulating the possession, distribution, or use of any drug", as that clause is used in Section 4731.22(B)(3), Ohio Revised Code, and/or "a plea of guilty to, or a judicial finding of guilt of, a felony", as that clause is used in Section 4731.22(B)(9), Ohio Revised Code. Dr. Prabhakaran was advised of his right to request a hearing in this Matter.
- B. By letter received by the State Medical Board on December 31, 1992 (State's Exhibit #2), Keithley B. Sparrow, Esq., requested a hearing on behalf of Dr. Prabhakaran.

II. Appearances

- A. On behalf of the State of Ohio: Lee I. Fisher, Attorney General, by Susan C. Walker, Assistant Attorney General
- B. Dr. Prabhakaran did not appear in person, by his attorney, or by presentation of written statement.

III. Testimony Heard

No witnesses were presented.

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IV. Exhibits Examined

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

- A. State's Exhibit #3: January 5, 1993, letter to Keithley B. Sparrow, Esq., from the State Medical Board, advising that a hearing initially set for January 14, 1993, was postponed pursuant to Section 119.09, Ohio Revised Code.
- B. State's Exhibit #4: January 8, 1993, letter to Attorney Sparrow from the State Medical Board, scheduling the hearing for February 25, 1993.
- C. State's Exhibit #5: February 18, 1993, letter to the State Medical Board from Attorney Sparrow, requesting continuance of the hearing.
- D. State's Exhibit #6: February 23, 1993, Entry, granting the Respondent's request for continuance and rescheduling the hearing for March 31, 1993.
- E. State's Exhibit #7: 25-count indictment filed in the Lucas County Common Pleas Court, Case No. CR92-7484, State v. Prabhakaran, on November 24, 1992.
- F. State's Exhibit #8: Guilty plea and finding of guilty filed in the Lucas County Court of Common Pleas on November 27, 1992, and related docket entries in Case No. CR92-7484, State v. Prabhakaran.
- G. State's Exhibit #9: Judgment Entry filed in the Lucas County Common Pleas Court, Case No. CR92-7484, State v. Prabhakaran, on March 15, 1993.

FINDINGS OF FACT

1. By indictment filed in the Lucas County Court of Common Pleas on November 24, 1992, Viswanathan Prabhakaran, M.D., was charged with 25 felony counts of trafficking in drugs in violation of Section 2925.03(A)(1), (B), (D)(1), and (H), Ohio Revised Code. The indictment specified that, on various dates between November 22, 1991, and May 29, 1992, Dr. Prabhakaran, whose conduct was not in accordance with Chapters 3719, 4715, 4729, 4731, and/or 4741, Ohio Revised Code, knowingly sold various Schedule III and Schedule IV

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controlled substances, including Ionamin, Fastin, Tenuate Dospan, Adipex-P, Tylenol #3, and Talwin NX.

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

2. On November 27, 1992, Dr. Prabhakaran pled guilty as charged to the 25 felony counts of trafficking in drugs. In exchange for his guilty pleas, the State agreed to abjure presentment of an additional 517 counts of trafficking in drugs.

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

3. On March 15, 1993, Dr. Prabhakaran was sentenced to 18 months imprisonment in the Correctional Reception Center, Orient, Ohio, and payment of a \$37,500.00 fine and costs. Execution of the confinement portion of the sentence was stayed until April 2, 1993.

These facts are established by State's Exhibit #9.

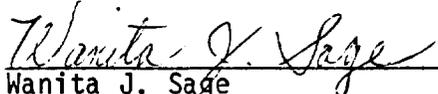
#### CONCLUSIONS

1. The convictions of Viswanathan Prabhakaran, M.D., of 25 felony counts of trafficking in drugs, as set forth in Findings of Fact #1 through #3, above, constitute "a plea of guilty to, or a judicial finding of guilt of, a violation of any federal or state law regulating the possession, distribution, or use of any drug", as that clause is used in Section 4731.22(B)(3), Ohio Revised Code.
2. Further, Dr. Prabhakaran's felony drug convictions constitute "a plea of guilty to, or a judicial finding of guilt of, a felony", as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

#### PROPOSED ORDER

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

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

  
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Wanita J. Sage  
Attorney Hearing Examiner



# STATE MEDICAL BOARD OF OHIO

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EXCERPT FROM THE MINUTES OF MAY 12, 1993

## REPORTS AND RECOMMENDATIONS

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

Dr. Hom 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 matter of Viswanathan Prabhakaran, M.D. A roll call was taken:

ROLL CALL:	Dr. O'Day	- aye
	Mr. Albert	- aye
	Dr. Stienecker	- aye
	Dr. Stephens	- aye
	Dr. Gretter	- aye
	Dr. Heidt	- aye
	Dr. Buchan	- aye
	Ms. Rolfes	- aye
	Dr. Hom	- aye

Dr. Hom 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:	Dr. O'Day	- aye
	Mr. Albert	- aye
	Dr. Stienecker	- aye
	Dr. Stephens	- aye
	Dr. Gretter	- aye
	Dr. Heidt	- aye
	Dr. Buchan	- aye
	Ms. Rolfes	- aye
	Dr. Hom	- aye

In accordance with the provision in Section 4731.22(C)(1), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of this matter.

The original Reports and Recommendations shall be maintained in the exhibits section



**STATE MEDICAL BOARD OF OHIO**

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EXCERPT FROM THE MINUTES OF MAY 12, 1993  
IN THE MATTER OF VISWANATHAN PRABHAKARAN, M.D.

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of this Journal.

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

REPORT AND RECOMMENDATION IN THE MATTER OF VISWANATHAN PRABHAKARAN, M.D.

.....

DR. HEIDT MOVED TO APPROVE AND CONFIRM MS. SAGE'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF VISWANATHAN PRABHAKARAN, M.D. DR. GRETTER SECONDED THE MOTION.

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

ROLL CALL VOTE:	Dr. O'Day	- abstain
	Mr. Albert	- aye
	Dr. Stienecker	- aye
	Dr. Stephens	- aye
	Dr. Gretter	- aye
	Dr. Heidt	- aye
	Dr. Buchan	- aye
	Ms. Rolfes	- aye

The motion carried.



# **STATE MEDICAL BOARD OF OHIO**

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## **NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING**

December 2, 1992

Viswanathan Prabhakaran, M.D.  
2260 Upton Avenue  
Toledo, OH 43606

Dear Doctor Prabhakaran:

In accordance with Sections 2929.17 and 4731.223(B), Ohio Revised Code, the Office of the Prosecuting Attorney of Lucas County, Ohio has submitted to this Board information which indicates that on or about November 27, 1992 you pleaded guilty in the Court of Common Pleas, County of Lucas, Ohio to violations of Sections 2925.03(A)(1), (B), (D)(1) and (H), Ohio Revised Code, felony drug abuse offenses.

Therefore, pursuant to Section 3719.121(C), Ohio Revised Code, you are hereby notified that your certificate to practice medicine and surgery in the State of Ohio is immediately suspended.

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

- (1) On or about November 27, 1992 you pleaded guilty in the Court of Common Pleas, County of Lucas, Ohio to twenty-five (25) counts of Trafficking in Drugs, each count a felony of the fourth degree and a violation of Sections 2925.03(A)(1), (B), (D)(1) and (H), Ohio Revised Code.

December 2, 1992

The acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "a plea of guilty to, or a judicial finding of guilt of, a violation of any federal or state law regulating the possession, distribution, or use of any drug," as that clause is used in Section 4731.22(B)(3), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "a plea of guilty to, or a judicial finding of guilt of, a felony," as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

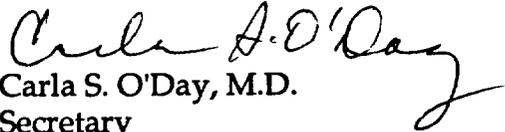
Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing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

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

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

Copies of the applicable sections are enclosed for your information.

Very truly yours,

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

CSO:jmb

Enclosures:

CERTIFIED MAIL #P 569 363 723  
RETURN RECEIPT REQUESTED

cc: Michael O'Donnell, Esq.  
Jack Brady, Esq.