

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

November 17, 1989

Michael F. Song, M.D.
32660 Admiral's Way
Avon Lake, Ohio 44012

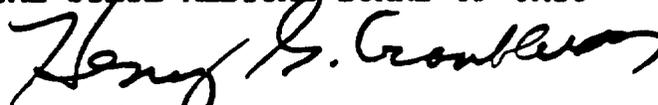
Dear Doctor Song:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Joan Irwin Fishel, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of the Minutes of the State Medical Board, meeting in regular session on November 8, 1989, including Motions approving and confirming the Findings of Fact and Conclusions of Law of the Hearing Examiner, and adopting amended Order.

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

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

THE STATE MEDICAL BOARD OF OHIO


Henry G. Cramblett, M.D.
Secretary

HGC:em
Enclosures

CERTIFIED MAIL NO. P 055 327 427
RETURN RECEIPT REQUESTED

cc: John D. Buchanan, Esq.

CERTIFIED MAIL NO. P 055 327 428
RETURN RECEIPT REQUESTED

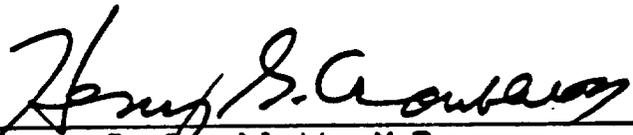
STATE OF OHIO
STATE MEDICAL BOARD

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of Joan Irwin Fishel, Attorney Hearing Examiner, State Medical Board; and attached excerpt of Minutes of the State Medical Board, meeting in regular session on November 8, 1989, including Motions approving and confirming the Findings of Fact and Conclusions of Law of the Hearing Examiner, and adopting an amended Order, constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Michael F. Song, M.D., as it appears in the Journal of the State Medical Board of Ohio.

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

(SEAL)



Henry G. Gramblett, M.D.
Secretary

November 17, 1989

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

MICHAEL F. SONG, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on the 8th day of November, 1989.

Upon the Report and Recommendation of Joan Irwin Fishel, Attorney 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 November 8, 1989, the following Order is hereby entered on the Journal of the State Medical Board for the 8th day of November, 1989.

It is hereby ORDERED that:

1. The certificate of Michael F. Song, M.D., to practice medicine and surgery in the State of Ohio is hereby suspended for an indefinite period of time, but not less than 90 days.
2. The State Medical Board shall not consider reinstatement or restoration of Dr. Song's certificate unless and until all of the following minimum requirements are met:
 - a. Dr. Song submit a properly completed application for reinstatement or restoration, accompanied by appropriate fees.
 - b. Dr. Song shall take and achieve score of at least 230 on the Test of Spoken English.
 - c. In the event that Dr. Song has not been engaged in the active practice of medicine or surgery for a period in excess of two (2) years prior to his application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of his fitness to resume practice, including additional training or examination.
3. Prior to engaging in the practice of obstetrics, Dr. Song shall provide documentation of successful completion of a

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REPORT AND RECOMMENDATION
IN THE MATTER OF MICHAEL F. SONG, M.D.

The Matter of Michael F. Song, M.D., came on for hearing before me, Joan Irwin Fishel, Esq., Hearing Examiner for the State Medical Board of Ohio, on September 12, 1989.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Basis for Hearing

- A. By letter of June 14, 1989 (State's Exhibit #1), the State Medical Board notified Michael F. Song, M.D., that it proposed to take disciplinary action against his certificate to practice medicine and surgery in the State of Ohio for one or more of the following reasons:
1. On or about October 22, 1986, Dr. Song answered "No" to the question on his renewal application for the 1986-1987 (sic) biennium which asked, "At any time since the last renewal of your certificate have you had any disciplinary action taken or initiated against you by a state licensing agency?" The Board alleged that, in fact, on or about March 17, 1986, the Board of Medical Examiners, Department of Professional Regulation, State of Florida, initiated disciplinary action against Dr. Song by filing an administrative complaint which he received on or about March 29, 1986;
 2. On or about September 24, 1988, Dr. Song answered "No" to the question on his renewal application for the 1988-1989 (sic) biennium which asked, "At any time since signing your last application for renewal of your certification have you surrendered or consented to limitation upon a license to practice medicine or state or federal privileges to prescribe controlled substances?" The Board alleged that, in fact, on or about September 9, 1988, Dr. Song signed a Stipulation with the Board of Medical Examiners of Florida in which he agreed not to practice obstetrics until he had successfully completed an educational retraining program. This Stipulation was rejected in a Final Order by the Florida Board on or about October 14, 1988; and
 3. On or about October 22, 1986, Dr. Song answered "No" to the question on his renewal application for the 1986-1987 (sic) biennium which asked, "At any time since the last renewal of your certificate have you had any hospital privileges suspended or revoked?" The Board alleged that, in fact, Florida Hospital had terminated his privileges since the last renewal of his certificate.

The Board alleged that Dr. Song's acts, conduct, and/or omissions constituted "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the Board," as that clause is used in Section 4731.22(A), Ohio Revised Code, and "publishing a false, fraudulent, misleading or deceptive statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

- B. By letter received by the State Medical Board on July 11, 1989 (State's Exhibit #3), Dr. Song requested a hearing.

II. Appearances

- A. On behalf of the State of Ohio: Anthony J. Celebrezze, Jr., Attorney General, by John C. Dowling, Assistant Attorney General
- B. On behalf of the Respondent: John D. Buchanan, Jr., Esq.

III. Testimony Heard

Michael F. Song, M.D., testified on his own behalf and upon cross-examination by the State.

IV. Exhibits Examined

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

A. Presented by the State

1. State's Exhibit #2: Certified mail receipt and return card showing service of State's Exhibit #1 on June 20, 1989.
2. State's Exhibit #4: July 14, 1989, letter to Dr. Song from the State Medical Board advising that a hearing initially set for July 19, 1989, was postponed pursuant to Section 119.09, Ohio Revised Code.
3. State's Exhibit #5: July 26, 1989, letter to Attorney Buchanan from the State Medical Board scheduling Dr. Song's hearing for September 12, 1989.
4. State's Exhibit #6: Copy of Dr. Song's application for renewal of his certificate for the 1987-1988 biennium, signed by Dr. Song on October 22, 1986.
5. State's Exhibit #7: Copy of Dr. Song's application for renewal of his certificate for the 1989-1990 biennium, signed by Dr. Song on September 24, 1988.

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State's Exhibit #8: Certified copies of documents from the Department of Professional Regulation, State of Florida, including: Certificate of Authenticity; March 19, 1986, letter to Dr. Song from the Department of Professional Regulation; certified mail receipt and return card; Election of Rights form; Administrative Complaint, Case No. 0055272, Department of Professional Regulation v. Michael F. Song, M.D.

7. State's Exhibit #9: Certified copies of documents from the Florida Department of Professional Regulation, including: Certification; Final Order of the Florida Department of Professional Regulation dated October 14, 1988; Stipulation dated September 9, 1988; Administrative Complaint, Case No. 0055272, Department of Professional Regulation v. Michael F. Song, M.D.
 - * 8. State's Exhibit #10; November 14, 1984 letter to Dr. Song from Thomas L. Werner, President, Florida Hospital, informing Dr. Song that the Medical Staff Executive Committee had voted to terminate his hospital privileges.
 9. State's Exhibit #11-A; Excerpt (pp. 24-25) from the transcript of Dr. Song's deposition taken by the Board on March 3, 1989.
- B. Presented by the Respondent
1. Respondent's Exhibit A: August 22, 1989, letter to the Board from Attorney Buchanan enclosing the Final Order issued by the Florida Department of Professional Regulation on August 15, 1989, and the Recommended Order of the Florida Hearing Officer, dated May 25, 1989.

NOTE: THE ABOVE EXHIBIT MARKED WITH AN ASTERISK (*) HAS BEEN SEALED TO PROTECT PATIENT CONFIDENTIALITY.

FINDINGS OF FACT

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From 1981 through 1984, Michael F. Song, M.D., was on the medical staff of Florida Hospital in Orlando, Florida, specializing in obstetrics and gynecology. In approximately mid-1984, Dr. Song's obstetrical privileges at Florida Hospital were restricted. He was to obtain a consultation from a qualified obstetrician in each case where he felt it necessary to use forceps. Dr. Song testified at hearing that he resigned from Florida Hospital in October, 1984. In a letter dated November 14, 1984, the hospital informed Dr. Song that, in lieu of accepting his resignation, the Medical Staff Executive Committee had voted to terminate his privileges.

On March 17, 1986, the State of Florida, Department of Professional Regulation, Board of Medical Examiners (Florida Board), filed an Administrative Complaint against Dr. Song. The complaint charged Dr. Song with failure to practice medicine with reasonable care in his treatment of seven obstetrical patients between November 10, 1982 and September 26, 1984. Dr. Song received the complaint on March 29, 1986 and on March 31, 1986, completed a form entitled "Election of Rights". On that form he indicated that he disputed the factual allegations of the complaint and he requested a hearing. On September 9, 1988, in an attempt to settle the matter without a hearing, Dr. Song entered into a Stipulation with a representative of the Florida Board. In that Stipulation, Dr. Song agreed not to practice obstetrics in Florida until such time as he successfully completed an educational retraining program.

These facts are established by State's Exhibits #8, #9, and #10 and by the testimony of Dr. Song (Tr. 11, 22, 31, 33).

2. On October 22, 1986, Dr. Song completed and signed his application for renewal of his certificate to practice medicine and surgery in the State of Ohio for the 1987-1988 biennium. Despite the fact that he had received the Florida Board's Administrative Complaint, on that card he answered "No" to the question, "At any time since the last renewal of your certificate have you had any disciplinary action taken or initiated against you by a state licensing agency?" Dr. Song testified that he had answered that question in the negative because he had believed that the Florida matter was in an investigatory phase. As long as no final action had been taken on the complaint, he had felt he could truthfully answer that question in the negative. Further, he had been sure that he would win the case and that no final disciplinary action would be taken.

These facts are established by State's Exhibits #6 and #8 and by the testimony of Dr. Song (Tr. 12-15).

3. Also on his 1987-1988 renewal card, Dr. Song answered "No" to the question, "At any time since the last renewal of your certificate have you had any hospital privileges suspended or revoked?" Dr. Song testified that, in his opinion, he had resigned from Florida Hospital. He testified that he had probably received the November 14, 1984 letter from Florida Hospital, but it would have arrived when he was preparing to move to Ohio, a very busy and confusing time. Dr. Song testified that his conscience had been clear in answering that question in the negative.

Dr. Song's sworn testimony was taken by the Board by deposition on March 3, 1989. At the deposition he was asked whether Florida Hospital had suspended his privileges and he answered "Yes". He said nothing about having resigned. At hearing in this matter, Dr. Song explained that he had so testified at the deposition because he had eventually learned that Florida Hospital had taken action against his privileges. Dr. Song also testified at his deposition that he had answered the renewal card question in the negative because he had thought that he could get away with it. This inconsistency between the explanation offered at the hearing and the explanation offered at the deposition was not addressed at hearing.

These facts are established by State's Exhibits #6, #10 and #11A and by the testimony of Dr. Song (Tr. 12-21).

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4. On September 24, 1988, Dr. Song completed and signed his application for renewal of his certificate to practice medicine and surgery in the State of Ohio for the 1989-1990 biennium. On that card he answered "No" to the question, "At any time since signing your last application for renewal of your certificate have you surrendered or consented to limitation upon a license to practice medicine or state or federal privileges to prescribe controlled substances?" In fact, Dr. Song had entered into a Stipulation with a representative of the Florida Board on September 9, 1988, wherein he agreed not to practice obstetrics in Florida until he successfully completed an educational retraining course. Paragraph 7 of the Stipulation provided that it was subject to the approval of the Florida Board and was of no force and effect until such approval. No action on this Stipulation was taken by the full Florida Board until October 14, 1988.

At hearing, Dr. Song defended his negative answer by asserting that he had not been sure what "Stipulation" had meant. He testified that he had only signed the Stipulation because he had not been practicing in Florida. When he answered the renewal application question he was only concerned with whether or not he had actually limited his license; since the Stipulation had not been officially adopted by the Florida Board, he had considered it a proposal only. Consequently, he did not feel that he had falsely answered that question.

These facts are established by State's Exhibits #7, #8, and #9 and by the testimony of Dr. Song (Tr. 21-24, 42-44).

5. In a Final Order dated October 14, 1988, the Florida Board rejected the Stipulation that had been submitted by Dr. Song. The allegations of the Florida complaint came on for hearing on December 15, 1988. The Florida Hearing Officer recommended that the charges against Dr. Song be dismissed. The Florida Board adopted this recommendation in its Order dated August 15, 1989.

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

6. Since September, 1985, Dr. Song has worked in the clinic and the emergency room of Elyria Memorial Hospital, Elyria, Ohio. He is board certified in obstetrics and gynecology. Dr. Song is a Korean native who has been in the United States for approximately 20 years.

These facts are established by the testimony of Dr. Song (Tr. 11-12).

CONCLUSIONS OF LAW

The acts, conduct, and/or omissions of Michael F. Song, M.D., as set forth in Findings of Fact #1 through #4, above, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the Board," as that clause is used in Section 4731.22(A), Ohio Revised Code, and "publishing a false, fraudulent, deceptive or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Though he had received a copy of the Administrative Complaint filed against him by the Florida Board, Dr. Song indicated to this Board, by his negative answer on his 1987-1988 renewal card, that no disciplinary action had been initiated against him since the last renewal of his certificate. While it is possible that Dr. Song misunderstood the significance of the Administrative Complaint, it is clear that, at a minimum, he misrepresented a material fact.

It is clear that Dr. Song's answer on his 1987-1988 renewal card that he had not had any hospital privileges suspended or revoked since his last renewal was incorrect. Dr. Song has given conflicting explanations for this incorrect answer. In March, 1989, at his deposition, he admitted the renewal card answer was incorrect and testified that he had given the negative answer because he had thought he could get away with it. In September, 1989, at the hearing in this Matter, his sworn testimony was that he had truthfully felt that he had resigned his privileges and had answered the question in good conscience. This inconsistency was not addressed at hearing, however, it is possible that both explanations are true. Dr. Song knew he had resigned, but he also knew that Florida Hospital had chosen not to accept that resignation and had taken action against his privileges, a fact he purposefully chose not to disclose to this Board. Dr. Song acted with an intent to deceive this Board regarding a material fact. Such behavior constitutes fraud. Furthermore, it is clear that either his deposition testimony, his hearing testimony, or both, were less than completely truthful, a fact that reflects poorly on Dr. Song's moral character.

The fact that the Florida Board had not yet acted to accept or reject the Stipulation that had been signed by Dr. Song before he completed and signed his 1989-1990 renewal card is not decisive of the question of whether he misrepresented a material fact. By signing the Stipulation he had consented to a limitation of his license to practice. The question on the renewal application does not ask whether the licensee has consented to limitations that have been accepted by the licensing authority and which are of full force and legal effect. If this Stipulation had been accepted by the Florida Board rather than rejected, the Ohio Board could have been left unaware of the resulting limitation on Dr. Song's Florida license.

Report and Recommendation
In the Matter of Michael F. Song, M.D.
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PROPOSED ORDER

It is hereby ORDERED that the certificate of Michael F. Song, M.D., to practice medicine and surgery in the State of Ohio be REVOKED.

This Order shall become effective thirty (30) days from the date of mailing of notification of approval by the State Medical Board of Ohio. In the interim, Dr. Song shall not undertake the care of any patient not already under his care.


Joan Irwin Fisher
Attorney Hearing Examiner

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EXCERPT FROM THE MINUTES OF NOVEMBER 8, 1989

Ms. Thompson, Mr. Compton and Mr. Huston left the meeting at this time.

REPORTS AND RECOMMENDATIONS

Dr. O'Day advised that the findings and orders appearing on the Board's agenda are those in the matters of Michael F. Song, M.D.; Dewey O. Mays, III, M.D.; Thomas W. Coleman, M.D.; Willie Leroy Josey, M.D.; and Arun Kumar Gupta, M.D.

Dr. O'Day asked if each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of Michael F. Song, M.D.; Dewey O. Mays, III, M.D.; Thomas W. Coleman, M.D.; Willie Leroy Josey, M.D.; and Arun Kumar Gupta, M.D. A roll call was taken:

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

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

REPORT AND RECOMMENDATION IN THE MATTER OF MICHAEL F. SONG, M.D.

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

Dr. O'Day advised that a request to orally address the Board has been submitted by John D. Buchanan, Jr., Dr. Song's attorney. Three affirmative votes are necessary to grant this motion.

MR. ALBERT MOVED TO GRANT MR. BUCHANAN'S REQUEST TO ADDRESS THE BOARD.

The motion died for lack of a second.

DR. GRETTER MOVED TO APPROVE AND CONFIRM MS. FISHEL'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF MICHAEL F. SONG, M.D. MR. ALBERT SECONDED THE MOTION.

Dr. O'Day asked if there were any questions concerning the proposed findings of

fact, conclusions, and order in the above matter.

MS. ROLFES MOVED THAT THE PROPOSED ORDER IN THE MATTER OF MICHAEL F. SONG, M.D., BE AMENDED TO READ AS FOLLOWS:

It is hereby ORDERED that:

1. The certificate of Michael F. Song, M.D., to practice medicine and surgery in the State of Ohio is hereby suspended for an indefinite period of time, but not less than 90 days.
2. The State Medical Board shall not consider reinstatement or restoration of Dr. Song's certificate unless and until all of the following minimum requirements are met:
 - a. Dr. Song shall submit a properly completed application for reinstatement or restoration, accompanied by appropriate fees.
 - b. Dr. Song shall provide documentation of successful completion of a minimum of eight (8) weeks in an intensive retraining program in obstetrics and gynecology, or the equivalent, such program to be approved in advance by the Board.
 - c. Dr. Song shall take and achieve a score of at least 230 on the Test of Spoken English.
 - d. In the event that Dr. Song has not been engaged in the active practice of medicine or surgery for a period in excess of two (2) years prior to his application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of his fitness to resume practice, including additional training or examination.

This Order shall become effective thirty (30) days from the date of mailing of notification of approval by the State Medical Board of Ohio. In the interim, Dr. Song shall not undertake the care of any patient not already under his care.

DR. GRETTNER SECONDED THE MOTION.

Ms. Rolfes stated that seven cases were the basis of a Florida action against Dr. Song. Dr. Song entered into a stipulation with the Florida Board, which was later dismissed. Ms. Rolfes stated that she did have some doubts as to whether or not Dr. Song committed fraud or misrepresentation in this case. She added that revocation was too harsh a penalty, and that a 90-day suspension, a requirement to pass the Test of Spoken English (T.S.E.), and a requirement for retraining in obstetrics and gynecology is sufficient.

Dr. Gretter stated that the basis for the Ohio Board's action is a change in Dr.

Song's clinical privileges at a Florida Hospital. Dr. Song was asked not to do obstetrics. As a result of its disciplinary activities, the Florida Board essentially found that Dr. Song hadn't done anything to violate Florida statutes. What concerns the Ohio Board at this time is Dr. Song's failure to check a response on the renewal application appropriately. If that is the case, Dr. Gretter asked why the Ohio Board would get involved with re-education and the T.S.E.

Ms. Rolfes stated that the T.S.E. requirement responds to Dr. Song's own reference to his inability to understand English as the basis for his inappropriate response on the renewal application. The Florida action was based on problems Dr. Song had in his obstetrics practice. Ms. Rolfes stated that the proposed 90-day suspension is a penalty for Dr. Song's misrepresentations on the renewal application.

Mr. Jost stated that there was evidence in the record to support the hearing examiner's finding that Dr. Song did misrepresent his status to the Ohio Board with respect to his staff privilege actions and the Florida Board's action. Mr. Jost stated that he was also troubled with one of Dr. Song's principle defenses being his inability to speak English. Mr. Jost continued that he agreed that the sanction of revocation was too harsh in this case, and he believes that Ms. Rolfes' proposed amendment is appropriate. Mr. Jost added that he does have a problem with paragraph 2. b. of the amended Order, but he would be willing to go along with that.

Dr. Stephens commented that Dr. Song is not practicing obstetrics in Cleveland, but is in emergency medicine. He noted that Dr. Song was restricted from practicing obstetrics in Florida, and suggested that the Board might consider adding that restriction in Ohio.

Ms. Rolfes stated that she doesn't know if the Board can do that since the citation didn't address his obstetrical practice. Dr. Stephens stated that he believes that the Board can.

Dr. Gretter stated that Dr. Song signed a stipulation not to practice obstetrics in Florida based on the seven noted cases. Dr. Song was later exonerated by the Florida Board.

Dr. Agresta stated that he understands Dr. Song was exonerated, but it took him five years to get exonerated. If Dr. Song didn't practice obstetrics during that five years, the Ohio Board doesn't want him to have the opportunity to practice obstetrics in Ohio without some retraining.

Dr. O'Day asked whether Dr. Song needs retraining if he is going to practice obstetrics in Ohio.

Dr. Gretter suggested that the Order might be worded in such a way as to require Dr. Song to obtain retraining in obstetrics should he decide to practice obstetrics in Ohio.

Ms. Rolfes stated that she would agree to that.

Dr. Stephens stated that the amendment should state that the retraining program must be acceptable to the Board.

DR. STEPHENS MOVED TO AMEND MS. ROLFES' MOTION TO REQUIRE DR. SONG TO SUCCESSFULLY COMPLETE A BOARD-APPROVED TRAINING PROGRAM IN OBSTETRICS PRIOR TO HIS RETURN TO PRACTICE IN OBSTETRICS. DR. GRETTER SECONDED THE MOTION. A roll call vote was taken:

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

The motion carried.

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

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

The motion carried.

DR. STEPHENS MOVED TO APPROVE AND CONFIRM MS. FISHEL'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER AS AMENDED IN THE MATTER OF MICHAEL F. SONG, M.D. DR. DANIELS SECONDED THE MOTION. A roll call vote was taken:

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

The motion carried.

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

June 14, 1989

Michael F. Song, M.D.
32660 Admiral's Way
Avon Lake, OH 44012

Dear Doctor Song:

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) In applying for a certificate of registration to practice medicine or surgery for the 1986-1987 biennium, which application you signed on or about October 22, 1986, you answered "NO" to question number two (2) on the renewal application, "At any time since the last renewal of your certificate have you had any disciplinary action taken or initiated against you by a state licensing agency?"

In fact, on or about March 17, 1986, the Board of Medical Examiners, Department of Professional Regulation, State of Florida, initiated disciplinary action against you by filing an administrative complaint which you received by certified mail on or about March 29, 1986.

- (2) In applying for a certificate of registration to practice medicine or surgery for the 1988-1989 biennium, which application you signed on or about September 24, 1988, you answered "NO" to question number three (3) on the renewal application, "At any time since signing your last application for renewal of your certification have you surrendered or consented to limitation upon a license to practice medicine or state or federal privileges to prescribed controlled substances?"

June 14, 1989

In fact, on or about September 9, 1988, you signed a Stipulation with the Board of Medical Examiners, Department of Professional Regulation, State of Florida, in which you consented that your "license to practice medicine in the State of Florida shall be restricted to prohibit you from practicing and rendering care or treatment in the area of obstetrics, until such time as (you had) successfully completed in the field of obstetrics in an educational and retraining program approved by the Board of Medical Examiners." The above mentioned Stipulation including Stipulated Facts and Stipulated Disposition was rejected in a Final Order by the Board of Medicine in Florida on or about October 14, 1988.

- (3) In applying for a certificate of registration to practice medicine or surgery for the 1986-1987 biennium, which application you signed on or about October 22, 1986, you answered "NO" to question number (4) on the renewal application, "At any time since the last renewal of your certificate have you had any hospital privileges suspended or revoked?"

In fact, Florida Hospital had terminated your privileges since the last renewal of your certificate.

Your acts, conduct, and/or omissions, as described in the above paragraphs (1) through (3), individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the Board," as that clause is used in Section 4731.22(A), Ohio Revised Code.

Further, your acts, conduct, and/or omissions, as described in the above paragraphs (1) through (3), individually and/or collective, constitute "publishing a false, fraudulent, deceptive or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Pursuant to Chapter 119, Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, that request must be 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 the agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

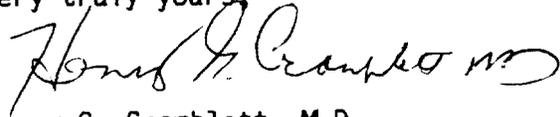
In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate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

Michael F. Song, M.D.
Page Three

June 14, 1989

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Henry G. Cramblett, M.D.", written in dark ink.

Henry G. Cramblett, M.D.
Secretary

HGC:jmb
Encls.

CERTIFIED MAIL #P 746 510 062
RETURN RECEIPT REQUESTED