BEFORE THE STATE MEDICAL BOARD

IN THE MATTER OF :

:

LARRY RAYMONT TATE, M.D. :

ENTRY NUNC PRO TUNC

On March 1, 2005, Larry Raymont Tate, M.D. executed a Surrender of his certificate to practice medicine and surgery in the State of Ohio. Thereafter, the Board determined that Dr. Tate's name was erroneously spelled as Larry Ramont Tate, M.D. throughout the surrender document.

WHEREFORE, it is hereby ORDERED that the Surrender of Certificate to Practice Medicine and Surgery as executed by Larry Raymont Tate, M.D. be and hereby is CORRECTED to reflect the correct spelling of Dr. Tate's full name to be LARRY RAYMONT TATE, M.D.

So Ordered this 2nd day of March 2005.

(SEAL)

Lance A. Talmage, M.D. /TAD
Lance A. Talmage, M.D.
Secretary

STATE OF OHIO
THE STATE MEDICAL BOARD
LARRY RAMONT TATE, M.D.
SURRENDER OF CERTIFICATE
TO PRACTICE MEDICINE AND SURGERY

I, Larry Ramont Tate, M.D., am aware of my rights to representation by counsel, which I have exercised, the right of being formally charged and having a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein.

I, Larry Ramont Tate, M.D., do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice medicine and surgery, No. 35-035815, to the State Medical Board of Ohio, thereby relinquishing all rights to practice medicine and surgery in Ohio.

I understand that as a result of the surrender herein that I am no longer permitted to practice medicine and surgery in any form or manner in the State of Ohio.

I agree that I shall be ineligible for, and shall not apply for, reinstatement of certificate to practice medicine and surgery No. 35-035815 or issuance of any other certificate pursuant to Chapters 4730., 4731., 4760. or 4762., Ohio Revised Code, on or after the date of signing this Surrender of Certificate to Practice Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

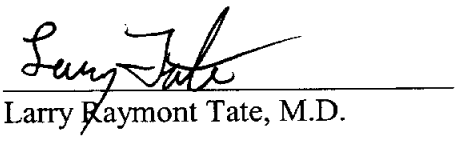
I, Larry Ramont Tate, M.D., hereby release the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This document shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. I, Larry Ramont Tate, M.D., acknowledge that my social security number will be used if this information is so reported and agree to provide my social security number to the Board for such purposes.

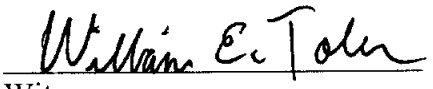
I, Larry Ramont Tate, M.D., stipulate and agree that I am taking the action described herein in lieu of further formal disciplinary proceedings based upon the allegations set forth in the Notice of Summary Suspension and Opportunity for Hearing issued by the Board on October 13, 2004, attached hereto as Exhibit A and incorporated herein by reference. I further stipulate and admit the factual allegations set forth in the October 13, 2004 Notice of Summary Suspension and Opportunity for Hearing.

Signed this 1ST day of ~~December 2004~~ MARCH, 2005.

Witness

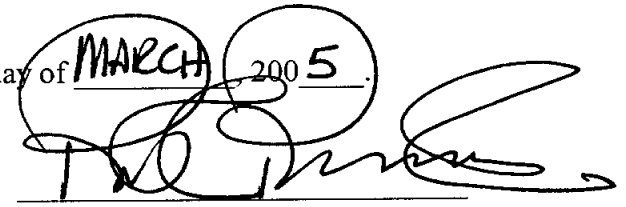


Larry Raymont Tate, M.D.



Witness

Sworn to and subscribed before me this 1ST day of MARCH, 2005.



Notary Public

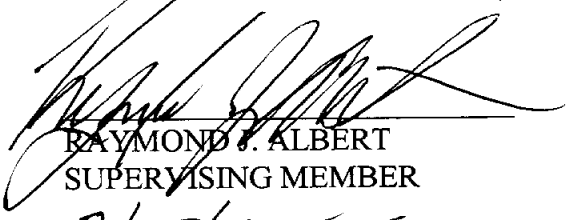
ROBERT C. PAXTON II, Attorney-At-Law
NOTARY PUBLIC — STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.

SEAL **(This form must be either witnessed OR notarized)**

Accepted by the State Medical Board of Ohio:

LANCE A. TALMAGE, M.D.
SECRETARY

3/2/05
DATE



RAYMOND J. ALBERT
SUPERVISING MEMBER

3/9/05
DATE

State Medical Board of Ohio

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

October 13, 2004

Larry Raymont Tate, M.D.
228 Longfellow Ave.
Worthington, OH 43085

Dear Doctor Tate:

Enclosed please find certified copies of the Entry of Order, the Notice of Summary Suspension and Opportunity for Hearing, and an excerpt of the Minutes of the State Medical Board, meeting in regular session on October 13, 2004, including a Motion adopting the Order of Summary Suspension and issuing the Notice of Summary Suspension and Opportunity for Hearing.

You are advised that continued practice after receipt of this Order shall be considered practicing without a certificate, in violation of Section 4731.41, Ohio Revised Code.

Pursuant to Chapter 119, Ohio Revised Code, you are hereby advised that you are entitled to a hearing on the matters set forth in the Notice of Summary Suspension and Opportunity for Hearing. If you wish to request such hearing, that request must be made in writing and be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice. Further information concerning such hearing is contained within the Notice of Summary Suspension and Opportunity for Hearing.

THE STATE MEDICAL BOARD OF OHIO

Lance A. Talmage, M.D.

Lance A. Talmage, M.D., Secretary

LAT:blt
Enclosures

Rev. 2/3/04

Mailed 10-14-04

CERTIFICATION

I hereby certify that the attached copies of the Entry of Order of the State Medical Board of Ohio and the Motion by the State Medical Board, meeting in regular session on October 13, 2004, to Adopt the Order of Summary Suspension and to Issue the Notice of Summary Suspension and Opportunity for Hearing, constitute true and complete copies of the Motion and Order as they appear in the Journal of the State Medical Board of Ohio.

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

Lance A. Talmage, M.D., Secretary

(SEAL)

October 13, 2004
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :

:

LARRY RAYMONT TATE, M.D.

:

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 13th day of October, 2004.

Pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Lance A. Talmage, M.D., Secretary, and Raymond J. Albert, Supervising Member; and

Pursuant to their determination that there is clear and convincing evidence that Larry Raymont Tate, M.D., has violated Section 4731.22(B)(26), Ohio Revised Code, as alleged in the Notice of Summary Suspension and Opportunity for Hearing which is enclosed herewith and fully incorporated herein, which determination is based upon review of information received pursuant to an investigation; and

Pursuant to their further determination that Dr. Tate's continued practice presents a danger of immediate and serious harm to the public;

The following Order is hereby entered on the Journal of the State Medical Board of Ohio for the 13th day of October, 2004;

> It is hereby ORDERED that the certificate of Larry Raymont Tate, M.D., to practice medicine or surgery in the State of Ohio be summarily suspended.
>
> It is hereby ORDERED that Larry Raymont Tate, M.D., shall immediately close all his medical offices and immediately refer all active patients to other appropriate physicians.

This Order shall become effective immediately.

Lance A. Talmage, M.D., Secretary

(SEAL)

October 13, 2004
Date

Rev. 2/3/04

State Medical Board of Ohio

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EXCERPT FROM THE DRAFT MINUTES OF OCTOBER 13, 2004

LARRY RAYMONT TATE, M.D. ORDER OF SUMMARY SUSPENSION AND NOTICE OF OPPORTUNITY FOR HEARING

At this time the Board read and considered the proposed Order of Summary Suspension and Notice of Opportunity For Hearing in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

DR. KUMAR MOVED TO APPROVE THE ORDER OF SUMMARY SUSPENSION AND TO SEND THE NOTICE OF OPPORTUNITY FOR HEARING TO DR. TATE. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

Vote:	Dr. Egner	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye
	Ms. Sloan	- aye

The motion carried.

State Medical Board of Ohio

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NOTICE OF SUMMARY SUSPENSION
AND
OPPORTUNITY FOR HEARING

October 13, 2004

Larry Raymont Tate, M.D.
228 Longfellow Ave.
Worthington, OH 43085

Dear Doctor Tate:

Notice Of Summary Suspension

The Secretary and the Supervising Member of the State Medical Board of Ohio [Board] have determined that there is clear and convincing evidence that you have violated Section 4731.22(B)(26), Ohio Revised Code, and have further determined that your continued practice presents a danger of immediate and serious harm to the public. Such determinations were made upon review of information received pursuant to an investigation, including the following information:

(1) You hold an active, unrestricted certificate to practice medicine or surgery in the State of Ohio, and as such are authorized by the Board to practice medicine and surgery in the State of Ohio.

(2) On or about August 18, 2004, while performing an autopsy on a patient with Hepatitis C, your actions caused the patient's blood to be splashed or splattered on other persons in the room and on yourself. Further, other persons in the room reported that the odor of alcohol emanated from you and you appeared to be inebriated. Further, you reported to a member of the Board's staff that on August 18, 2004, you had three beers at lunch prior to performing the autopsy in question. Further, your coworkers report that they have smelled alcohol on your breath at work on other occasions.

(3) On or about August 27, 2004, based upon the August 18, 2004, incident described in paragraph (2) above, you were immediately suspended from practice by The Ohio State University Medical Center and directed to report for assessment at Shepherd Hill Hospital [Shepherd Hill], a Board-approved treatment provider, in Newark, Ohio.

(4) According to documents received from Shepherd Hill, upon your arrival on August 27, 2004, your blood alcohol level measured 0.128 mg and you reported that you used alcohol daily for twenty-one years, with increased tolerance and drinking early in the day. When you were informed that a diagnosis of Alcohol Dependence was indicated, you did not disagree with the diagnosis, but you refused to comply with the recommendation that you enter treatment at the detoxification level and indicated that you would rather resign from your job and surrender your medical license and retire. You further continued to refuse admission even after the urging to do so by your wife and a representative of your employer. You did not enter treatment within forty-eight hours of such recommendation, but have scheduled to enter treatment at Shepherd Hill on October 28, 2004. Further, Richard N. Whitney, M.D., of Shepherd Hill, opined that you are unable to practice medicine at current and acceptable levels.

(5) Although treatment has been recommended by a Board-approved treatment provider, the Board has not received information that have you entered treatment, that you have completed the recommended/required treatment, and that you have entered into an aftercare contract with a Board approved treatment provider. In addition, the Board has not received information that you have been determined to be capable of practicing in accordance with acceptable and prevailing standards of care.

(5) Section 4731.22(B)(26), Ohio Revised Code, provides that if the Board determines that an individual's ability to practice is impaired, the Board shall suspend the individual's certificate and shall require the individual, as a condition for continued, reinstated, or renewed certification to practice, to submit to treatment and, before being eligible to apply for reinstatement, to demonstrate to the Board the ability to resume practice in compliance with acceptable and prevailing standards of care, including completing required treatment, providing evidence of compliance with an aftercare contract or written consent agreement, and providing written reports indicating that the individual's ability to practice has been assessed by individuals or providers approved by the Board and that the individual has been found capable of practicing according to acceptable and prevailing standards of care.

Further, Rule 4731-16-02(B)(3), Ohio Administrative Code, provides that if an examination discloses impairment, or if the Board has other reliable, substantial and probative evidence demonstrating impairment, the Board shall initiate proceedings to suspend the licensee, and may issue an order of summary suspension as provided in Section 4731.22(G), Ohio Revised Code.

Therefore, pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Lance A. Talmage, M.D., Secretary, and Raymond J. Albert, Supervising Member, you are hereby notified that, as set forth in the attached Entry of

Order, your certificate to practice medicine or surgery in the State of Ohio is summarily suspended.

Notice Of Opportunity For Hearing

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, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

(A) On or about August 18, 2004, while performing an autopsy on the corpse of a decedent who had been positive for Hepatitis C, your actions resulted in the patient's blood being splashed or splattered on other persons in the room and on yourself. Further, other persons in the room reported that the odor of alcohol emanated from you and you appeared to be inebriated. Further, you reported to a member of the Board's staff that on August 18, 2004, you had three beers at lunch prior to performing the autopsy in question. Further, your coworkers report that they have smelled alcohol on your breath at work on other occasions.

(B) On or about August 27, 2004, based upon the August 18, 2004, incident described in paragraph (2) above, you were immediately suspended from practice by The Ohio State University Medical Center and directed to report for assessment at Shepherd Hill, a Board-approved treatment provider, in Newark, Ohio.

(C) According to documents received from Shepherd Hill, upon your arrival on August 27, 2004, your blood alcohol level measured 0.128 mg and you reported that you used alcohol daily for twenty-one years, with increased tolerance and drinking early in the day. When you were informed that a diagnosis of Alcohol Dependence was indicated, you did not disagree with the diagnosis, but you refused to comply with the recommendation that you enter treatment at the detoxification level and indicated that you would rather resign from your job and surrender your medical license and retire. You further continued to refuse admission even after the urging to do so by your wife and a representative of your employer. You did not enter treatment within forty-eight hours of such recommendation, but have scheduled to enter treatment at Shepherd Hill on October 28, 2004. Further, Richard N. Whitney, M.D., of Shepherd Hill, opined that you are unable to practice medicine at current and acceptable levels.

Your acts, conduct, and/or omissions as alleged in paragraphs (A) through (C) above, individually and/or collectively, constitute [i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or

abuse of drugs, alcohol, or other substances that impair ability to practice," as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, and Chapter 4731., 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.

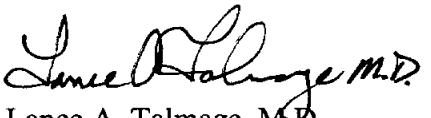
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at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

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 you 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,



Lance A. Talmage, M.D.
Secretary

LAT/blt
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5143 8367
RETURN RECEIPT REQUESTED