



# STATE MEDICAL BOARD OF OHIO

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

August 11, 1995

Harry S. Haluszka, M.D.  
2062 Verdun  
Oregon, Ohio 43618

Dear Doctor Haluszka:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on August 9, 1995.

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.

Very truly yours,

Thomas E. Gretter, M.D.  
Secretary

TEG:em  
Enclosures

CERTIFIED MAIL RECEIPT NO. P 741 124 470  
RETURN RECEIPT REQUESTED

*Mailed 8-17-95*



# STATE MEDICAL BOARD OF OHIO

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## CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry, approved by the State Medical Board, meeting in regular session on August 9, 1995, constitute a true and complete copy of the Findings, Order and Journal Entry in the matter of Harry S. Haluszka, 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)

Thomas E. Gretter, M.D.  
Secretary

8/10/95

Date

**BEFORE THE STATE MEDICAL BOARD OF OHIO**

**IN THE MATTER OF** :  
:  
**HARRY S. HALUSZKA, M.D.** :

**FINDINGS, ORDER AND JOURNAL ENTRY**

On June 7, 1995, the State Medical Board of Ohio sent a letter via certified mail, return receipt requested, to Harry S. Haluszka, M.D., license number 35-036155, stating that the Board had reason to believe that Dr. Haluszka was impaired and was thus unable to practice according to acceptable and prevailing standards of care pursuant to Sections 4731.22(B)(19), Ohio Revised Code, to wit "Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills," and/or 4731.22(B)(26), Ohio Revised Code, to wit: "(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." This determination was based upon one or more of the following reasons:

1. On or about June 27, 1992, Dr. Haluszka had signed an application for renewal of his Ohio certificate to practice medicine and surgery, certifying that the information provided on the application for renewal was true and correct in every respect. On that application, Dr. Haluszka answered "No" to the question "have you been found guilty of or pled guilty or no contest to: A.) A felony or misdemeanor." In fact, on or about September 20, 1991, in the Monroe District Court, Monroe, Michigan, Dr. Haluszka had pleaded guilty to the charge of having an unlawful blood alcohol level 10% per se at the time of his arrest on June 30, 1991, by the Luna Pier, Michigan Police for O.U.I.L. (Operating a Vehicle Under the Influence of Liquor).
2. Further, Dr. Haluszka had answered "No" to the question "at any time since signing your last application for renewal of your certificate have you: 1.) Been addicted to or dependent upon alcohol or any chemical substance; . . ." In fact, on or about September 24, 1993, during a telephone interview with Donald Lay, Investigator for the State Medical Board of Ohio, Dr. Haluszka stated that he had been using Valium, 5-10 mg per day, for the past 10 years. He further stated that he used the Valium at first to ease his hangovers but then, later, taking Valium got to be a habit. He also stated that he purchased the

Valium from the H. L. Moore Medical Company in Connecticut for his own personal use and did not keep any drug purchase records.

3. Further, on or about March 9, 1995, Dr. Haluszka was served with an investigative subpoena duces tecum for his medical records and drug ordering and drug dispensing logs. He advised Investigator Donald Lay that he did not have the subpoenaed material. To date, Dr. Haluszka has not complied with this subpoena. However, documents obtained from the H. L. Moore Medical Corp., New Britain, Connecticut, verify that on or about September 1, 1989, Dr. Haluszka purchased 300 unit doses of diazepam, 10 mg. tabs, invoice #6214608; on or about June 5, 1990, he purchased 300 unit doses of diazepam, 10 mg. tabs, invoice #6409992; on or about March 22, 1991, he purchased 400 unit doses of diazepam, 10 mg. tabs, invoice #6658137; and, on or about March 19, 1992, he purchased 300 unit doses of diazepam, 10 mg. tabs, invoice #6970615.
4. Further, from on or about March 8, 1993, through on or about April 22, 1993, Dr. Haluszka was in the Recovering Professionals Treatment Program at Rosary Hall, Alcoholic Rehabilitation Center, Saint Vincent Charity Hospital and Health Center for chemical addiction and rehabilitation.
  - a. On or about March 16, 1993, while in the Recovering Professionals Treatment Program at Rosary Hall, Alcoholic Rehabilitation Center, Saint Vincent Charity Hospital and Health Center for chemical addiction and rehabilitation, Dr. Haluszka's urine screen was positive for diazepam, indicating that he had relapsed during treatment.
  - b. On or about March 26, 1993, after psychological testing, a diagnostic impression of Axis I: alcohol dependence, benzodiazepine dependence, rule out depressive disorder and Axis II: passive aggressive features was recorded in Dr. Haluszka's patient record.
  - c. On or about April 20, 1993, after additional psychological testing, a diagnostic impression of Axis I: rule out major depression/single episode and Axis II: generalized anxiety disorder, with the recommendation that "Dr. Haluszka is depressed and in need of a psychiatric evaluation . . ." was recorded in his patient record.
3. On or about April 20, 1993, Dr. Haluszka entered into a three-year Ohio Physicians Effectiveness Program (OPEP) Advocacy Contract.
4. On or about March 8, 1994, OPEP notified Dr. Haluszka by letter that OPEP could no longer be an effective advocate for him based upon ". . . a lack of any AA attendance documentation, monitoring reports indicating a lack of progress in your recovery and difficulty in arranging random toxicology tests, which resulted in those tests not being truly random."

5. Since on or about March 8, 1994, Dr. Haluszka has not been monitored for his alcohol and benzodiazepine dependency.
6. Since February 1994, Dr. Haluszka has not been employed.

The June 7, 1995, certified letter from the Board further notified Dr. Haluszka that he was ordered to submit to a physical and/or mental examination. The 72 hour in-patient examination was scheduled at the Alcohol and Drug Dependency Services of Wesley Health Center at Riverside Methodist Hospital, and was to commence at 10:00 a.m. on Monday, June 26, 1995.

Pursuant to Section 119.07, Ohio Revised Code, Dr. Haluszka was duly notified of the examination order and its scheduled date. The certified letter return receipt is signed and dated June 10, 1995. Further, Dr. Haluszka received a hand-delivered copy of said letter, as he signed for the letter on June 14, 1995. Subsequently, however, Dr. Haluszka failed to report to the examination site on the appropriate date and time. The Board received written notification, dated June 28, 1995, from Tom H. Pepper, M.D., Medical Director, Alcohol and Drug Dependency Services at Riverside Methodist Hospitals, and Sandra J. Gahman, R.N., C.A.R.N., Services Coordinator, Alcohol and Drug Dependency Services at Riverside Methodist Hospitals, that Dr. Haluszka had failed to appear for his June 26, 1995, in-patient evaluation. At no time did Dr. Haluszka inform the Board that his failure to appear was due to circumstances beyond his control.

WHEREFORE, pursuant to Sections 4731.22(B)(19) and 4731.22(B)(26), Ohio Revised Code, it is hereby ORDERED that:

1. The certificate of Harry S. Haluszka, M.D., to practice medicine and surgery in Ohio is hereby SUSPENDED for an indefinite period of time.
2. Within thirty (30) days of the effective date of this Order, or as otherwise approved by the Board, Dr. Haluszka shall submit to appropriate treatment, as determined by an informed assessment of his current needs. Such assessment and treatment shall be by a treatment provider or providers for drug and alcohol dependency approved by the Board pursuant to Section 4731.25, O.R.C. Prior to the initial assessment, Dr. Haluszka shall provide the approved provider with copies of the Board's Findings, Order and Journal Entry in this Matter. Within ten (10) days after the completion of the initial assessment, or as otherwise determined by the Board, Dr. Haluszka shall cause a written report to be submitted to the State Medical Board from the approved provider, which report shall include:
  - a. A detailed plan of recommended treatment based upon the treatment provider's informed assessment of Dr. Haluszka's current needs;

- b. A statement indicating that Dr. Haluszka entered into or commenced the recommended treatment program within forty-eight (48) hours of its determination;
  - c. A copy of a treatment contract signed by Dr. Haluszka establishing the terms of treatment and aftercare, including any required supervision or restrictions of practice during treatment or aftercare; and
  - d. A statement indicating that the treatment provider will immediately report to the Board any failure by Dr. Haluszka to comply with the terms of the treatment contract during inpatient or outpatient treatment or aftercare.
3. The State Medical Board of Ohio shall not consider reinstatement of Dr. Haluszka's certificate to practice unless and until all of the following minimum requirements are met:
- a. Dr. Haluszka shall submit an application for reinstatement, accompanied by appropriate fees, including, but not limited to fees incurred as a result of Dr. Haluszka's failure to renew his license since the 1994 biennium renewal period.
  - b. Dr. Haluszka shall provide the Board with acceptable documentation evidencing compliance with the plan of recommended treatment required under paragraph 2, above.
  - c. Dr. Haluszka shall provide the Board with a certification from an approved treatment provider that Dr. Haluszka has successfully completed any required inpatient treatment and is in continuing full compliance with regard to any required outpatient treatment and/or aftercare.
  - d. Dr. Haluszka shall provide the Board with evaluations from a minimum of two (2) physicians acceptable to the Board stating that Dr. Haluszka is no longer drug or alcohol dependent and is able to practice according to acceptable and prevailing standards of care. Each of these evaluations shall be in writing and shall state with particularity the bases for such determination.
  - e. Dr. Haluszka shall provide the Board with written reports of evaluation by two (2) psychiatrists acceptable to the Board indicating that Dr. Haluszka's ability to practice has been assessed and that Dr. Haluszka has been found capable of practicing in accordance with acceptable and prevailing standards of care. Each report shall describe with particularity the bases for this determination and shall set forth any recommended limitations upon Dr. Haluszka's practice.

- f. Dr. Haluszka shall provide documentation acceptable to the State Medical Board of continuing psychiatric counseling at intervals as deemed appropriate by a treating psychiatrist approved by the Board.
  - g. Dr. Haluszka shall provide satisfactory documentation of continuous participation in a drug and alcohol rehabilitation program, such as AA, NA, or Caduceus, approved in advance by the Board specifically for Dr. Haluszka no less than four (4) times per week, or as otherwise directed by the Board.
  - h. In the event that Dr. Haluszka has not been engaged in the active practice of medicine or surgery for a period in excess of two (2) years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Haluszka's fitness to resume practice.
4. Upon reinstatement, Dr. Haluszka's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five (5) years:
- a. Dr. Haluszka shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio;
  - b. Doctor Haluszka shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution stating whether there has been compliance with all the conditions of this Order;
  - c. Dr. Haluszka shall appear in person for interviews before the full Board or its designated representative at three (3) month intervals, or as otherwise directed by the Board.
  - d. In the event that Dr. Haluszka should leave Ohio for three (3) consecutive months, or reside or practice outside the State, Dr. Haluszka must notify the State Medical Board in writing of the dates of departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary period, unless otherwise determined by motion of the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.
  - e. Dr. Haluszka shall not prescribe, order, dispense, administer, or possess (except as prescribed for Dr. Haluszka's use by another so authorized by law) any controlled substances as defined by State or Federal law, and shall be ineligible to reapply for or to hold registration with the United States Drug Enforcement Administration, without prior Board approval.
  - f. Upon reinstatement of Dr. Haluszka's controlled substance privileges pursuant to Board approval, Dr. Haluszka shall keep a log of all

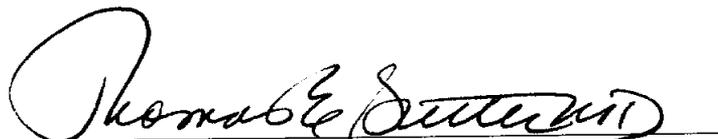
controlled substances purchased, prescribed, dispensed, or administered. Such log shall be submitted in the format approved by the Board thirty (30) days prior to Dr. Haluszka's personal appearances before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Haluszka shall make Dr. Haluszka's patient records with regard to such prescribing available for review by an agent of the State Medical Board upon request.

- g. Dr. Haluszka shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of Dr. Haluszka's history of chemical dependency.
- h. Dr. Haluszka shall abstain completely from the use of alcohol.
- i. Dr. Haluszka shall submit to random urine screenings for drugs no less than weekly, or as otherwise directed by the Board. Dr. Haluszka shall ensure that all screening reports are forwarded directly to the Board on a monthly basis. Within thirty (30) days of the effective date of the reinstatement of his certificate, Dr. Haluszka shall submit to the Board for its prior approval the name of a supervising physician to whom Dr. Haluszka shall submit the required urine specimens. The supervising physician shall ensure that the urine specimens are obtained on a random basis, that the giving of the specimen is witnessed by a reliable person, and that appropriate control over the specimen is maintained. In addition, the supervising physician shall immediately inform the Board of any positive screening results. In the event that the designated supervising physician becomes unable or unwilling to so serve, Dr. Haluszka must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable.
- j. Within thirty (30) days of the effective date of reinstatement, Doctor Haluszka shall submit to the Board for its approval the name and qualifications of a monitoring physician, who shall monitor him and provide the Board with reports on the doctor's progress and status. Doctor Haluszka is to ensure that said reports are forwarded to the Board on a quarterly basis. In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Doctor Haluszka must immediately so notify the Board in writing, and make arrangements acceptable to the BOARD for another physician to monitor his progress and status as soon as practicable;
- k. Dr. Haluszka shall submit blood or urine specimens for analysis without prior notice at such times as the Board may request.

- l. Dr. Haluszka shall maintain participation in an alcohol and drug rehabilitation program, such as AA, NA, or Caduceus, approved in advance by the Board specifically for Dr. Haluszka, no less than four (4) times per week, or as otherwise directed by the Board. At Dr. Haluszka's appearances before the Board or its designated representative, Dr. Haluszka shall submit acceptable documentary evidence of continuing compliance with this program.
  - m. Dr. Haluszka shall continue psychiatric treatment with a psychiatrist approved by the Board, at such intervals as are deemed appropriate by the treating psychiatrist but not less than once per month, or as otherwise directed by the Board, until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require quarterly reports from the approved treating psychiatrist. Dr. Haluszka shall ensure that these reports are forwarded to the Board on a quarterly basis, or as otherwise directed by the Board.
  - n. Dr. Haluszka shall provide all employers and the Chief of Staff at each hospital where he has, applies for, or obtains privileges with a copy of this Order;
5. If Dr. Haluszka violates probation in any respect, the Board, after giving Dr. Haluszka notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of Dr. Haluszka's certificate.
6. Upon successful completion of probation, Dr. Haluszka's certificate will be fully restored.

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

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 9th day of August, 1995, and the original thereof shall be kept with said Journal.



Thomas E. Gretter, M.D.  
Secretary

(SEAL)

8/14/95

Date

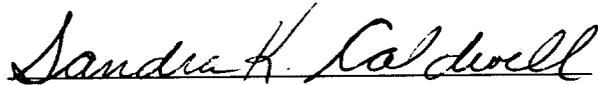
AFFIDAVIT

I, Sandra K. Caldwell, being duly cautioned and sworn, do hereby depose and say:

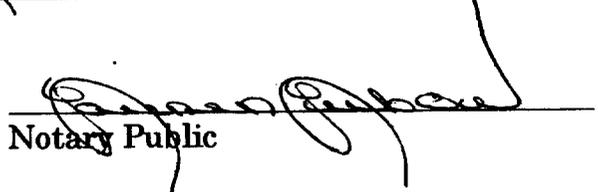
- 1) That I am employed by the State Medical Board of Ohio (hereinafter, "The Board")
- 2) That I serve the Board in the position Administrative Officer;
- 3) That in such position I oversee the division responsible for retaining custody of all public licensee records maintained by the Board pertaining to individuals who have received certificates issued pursuant to Chapter 4731., Ohio Revised Code;
- 4) That I have this day carefully examined the records of the Board pertaining to Harry S. Haluszka, M.D.,
- 5) That based on such examination, I have found the last known address of record of Harry S. Haluszka, M.D., to be:

2062 Verdun  
Oregon, Ohio 43618

- 6) Further, Affiant Sayeth Naught.

  
Sandra K. Caldwell  
Administrative Officer

Sworn to and signed before me, Lauren Lubow, Notary Public, this 7<sup>th</sup> day of August, 1998

  
Notary Public

LAUREN LUBOW, Attorney At Law  
NOTARY PUBLIC, STATE OF OHIO  
My commission has no expiration date  
Section 147.03 R.C.