

State Medical Board of Ohio

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Richard A. Whitehouse, Esq.
Executive Director

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June 11, 2008

Gregory S. Uhl, M.D.
615 Kentland Drive
Waycross, GA 31503-8972

Dear Doctor Uhl:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Gretchen L. Petrucci, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on June 11, 2008, 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 an original Notice of Appeal with the State Medical Board of Ohio and a copy of the Notice of Appeal with 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. RW
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3934 3688 8971
RETURN RECEIPT REQUESTED

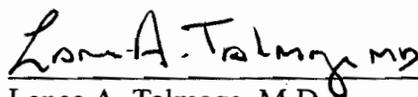
Cc: Paul-Michael LaFayette, Esq.
CERTIFIED MAIL NO. 91 7108 2133 3934 3688 8998
RETURN RECEIPT REQUESTED

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CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on June 11, 2008, including motions approving and confirming the Findings of Fact and Conclusions 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 Gregory S. Uhl, 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.



Lance A. Talmage, M.D. *RU*
Secretary

(SEAL)

June 11, 2008

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

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GREGORY S. UHL, M.D.

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ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on June 11, 2008.

Upon the Report and Recommendation of Gretchen L. Petrucci, 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. **PROBATION:** Dr. Uhl's certificate to practice medicine and surgery in the State of Ohio shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least two years:
1. **Obey the Law and Other Regulatory Authorities' Orders:** Dr. Uhl shall obey all federal, state, and local laws; all rules governing the practice of medicine and surgery in the state in which he is practicing; and, while in effect, all terms of the June 6, 2005, New Mexico Stipulation of License and all terms of the December 3, 2004, Georgia Private Consent Order.
 2. **Declarations of Compliance:** Dr. Uhl 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 or before the first day of the third month following the month in which this Order becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

At the same time that Dr. Uhl submits his quarterly declarations as set forth above, he shall also submit declarations under penalty of Board disciplinary

action or criminal prosecution stating whether he has complied with all the terms, conditions, and limitations imposed by the June 6, 2005, New Mexico Stipulation of License and the December 3, 2004, Georgia Private Consent Order, if still in effect. Moreover, Dr. Uhl shall submit to the Board copies of any reports that he submits to the New Mexico Board and/or the Georgia Board.

3. **Notification of Early Termination of the New Mexico Stipulation of License and/or Georgia Private Consent Order:** If the June 6, 2005, New Mexico Stipulation of License and/or the December 3, 2004, Georgia Private Consent Order should terminate before the expected terms, Dr. Uhl shall notify the Board in writing and explain the basis for the early termination.
4. **Notification of Action Taken by Another Entity:** Dr. Uhl shall notify the Board of any action taken against a certificate to practice held by Dr. Uhl in any other state or jurisdiction. Moreover, Dr. Uhl shall provide acceptable documentation verifying the other entity's actions.
5. **Personal Appearances:** Dr. Uhl shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective, or as otherwise directed by the Board. Dr. Uhl shall also appear upon his request for termination of the probationary period, and/or as otherwise directed by the Board.
6. **Noncompliance Will Not Reduce Probationary Period:** In the event Dr. Uhl 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 under this Order.
7. **Releases:** Dr. Uhl shall provide continuing authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Uhl's psychiatric condition and/or related conditions, or for purposes of complying with this Order, whether such treatment or evaluations occurred before or after the effective date of this Order. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute.

Dr. Uhl shall also provide the Board written consent permitting any psychiatrist, counselor, or other treatment provider from whom Dr. Uhl obtains treatment to notify the Board in the event he fails to agree to or comply with any recommended treatment. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Order.

8. **Refrain from Commencing Practice in Ohio:** Dr. Uhl shall refrain from commencing practice in Ohio without prior written Board approval. Moreover, should Dr. Uhl commence practice in Ohio, the Board may place Dr. Uhl's certificate under additional terms, conditions, or limitations, including the following:
 - a. **Practice Plan:** Prior to commencing practice in Ohio, or as otherwise determined by the Board, Dr. Uhl shall submit to the Board and receive its approval for a plan of practice in Ohio. The practice plan, unless otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Uhl's activities will be directly supervised and overseen by a monitoring physician approved by the Board. Dr. Uhl shall obtain the Board's prior approval for any alteration to the practice plan approved pursuant to this Order.

At the time Dr. Uhl submits his practice plan, he shall also submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary or Supervising Member will give preference to a physician who practices in the same locale as Dr. Uhl and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Uhl and his medical practice, and shall review Dr. Uhl's patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Uhl and his medical practice, and on the review of Dr. Uhl's patient charts. Dr. Uhl shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Uhl's quarterly declaration.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Uhl must immediately so notify the Board in writing. In addition, Dr. Uhl shall make arrangements acceptable to the Board for another monitoring physician within 30 days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Uhl shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

- b. **Psychiatric Assessment/Treatment:** Prior to commencing practice in Ohio, Dr. Uhl shall submit to the Board for its prior approval the name and curriculum vitae of a psychiatrist of Dr. Uhl's choice.

Upon approval by the Board, Dr. Uhl shall obtain from the approved psychiatrist an assessment of Dr. Uhl's current psychiatric status. The assessment shall take place within 30 days of the Board's approval of a psychiatrist, unless otherwise determined by the Board. Prior to the initial assessment, Dr. Uhl shall furnish the approved psychiatrist copies of the Board's Order, including the Summary of the Evidence, Findings of Fact, and Conclusions of Law, and any other documentation from the hearing record which the Board may deem appropriate or helpful to that psychiatrist.

Upon completion of the initial assessment, Dr. Uhl shall cause a written report to be submitted to the Board from the approved psychiatrist. The written report shall include:

- i. A detailed report of the evaluation of Dr. Uhl's current psychiatric status and condition;
- ii. A detailed plan of recommended psychiatric treatment, if any, based upon the psychiatrist's informed assessment of Dr. Uhl's current needs;
- iii. A statement regarding any recommended limitations upon his practice; and
- iv. Any reports upon which the treatment recommendation is based, including reports of physical examination and psychological or other testing.

Should the Board-approved psychiatrist recommend psychiatric treatment, and upon approval by the Board, Dr. Uhl shall undergo and continue psychiatric treatment weekly or as otherwise directed by the Board. The sessions shall be in person and may not be conducted by telephone or other electronic means. Dr. Uhl shall comply with his psychiatric treatment plan, including taking medications as prescribed for his psychiatric disorder.

Dr. Uhl shall continue in psychiatric treatment until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require reports from the approved treating psychiatrist. The psychiatric reports shall contain information describing Dr. Uhl's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Uhl's compliance with the treatment plan; Dr. Uhl's psychiatric status; Dr. Uhl's progress in

treatment; and results of any laboratory studies that have been conducted since the prior report. Dr. Uhl shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Uhl's quarterly declaration.

In addition, Dr. Uhl shall ensure that his treating psychiatrist immediately notifies the Board of Dr. Uhl's failure to comply with his psychiatric treatment plan and/or any determination that Dr. Uhl is unable to practice due to his psychiatric disorder.

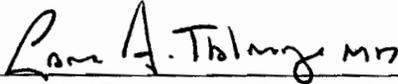
In the event that the designated psychiatrist becomes unable or unwilling to serve in this capacity, Dr. Uhl must immediately so notify the Board in writing and make arrangements acceptable to the Board for another psychiatrist as soon as practicable. Dr. Uhl shall further ensure that the previously designated psychiatrist also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

- B. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Uhl's certificate will be fully restored.
- C. **REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Uhl 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. Uhl 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. This requirement shall continue until Dr. Uhl receives from the Board written notification of his successful completion of probation.
- D. **REQUIRED REPORTING TO OTHER STATE LICENSING AUTHORITIES:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Uhl 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. Uhl shall also provide a copy of this Order by certified mail, return receipt requested, at the 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. Uhl shall provide this Board with a copy of the return receipt as proof of notification within 30 days of receiving that return receipt, unless otherwise determined by the Board. This requirement shall continue until Dr. Uhl receives from the Board written notification of his successful completion of probation.

- E. **VIOLATION OF THE TERMS OF THIS ORDER:** If Dr. Uhl violates the terms of this Order 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.

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

(SEAL)



Lance A. Talmage, M.D. RW
Secretary

June 11, 2008

Date

2008 MAY 14 P 12: 28

**REPORT AND RECOMMENDATION
IN THE MATTER OF GREGORY S. UHL, M.D.**

The Matter of Gregory S. Uhl, M.D., was heard by Gretchen L. Petrucci, Hearing Examiner for the State Medical Board of Ohio, on April 4, 2008.

INTRODUCTION

Basis for Hearing

By letter dated September 12, 2007, the State Medical Board of Ohio [Board] notified Gregory S. Uhl, M.D., that it had proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board's action was based on the allegation that, after the New Mexico Medical Board¹ had ordered Dr. Uhl to submit to a special examining committee interview, Dr. Uhl had voluntarily surrendered his New Mexico medical license. Additionally, the Board alleged that, later, Dr. Uhl entered into a stipulation with the New Mexico Board pursuant to which his medical license in that state was reinstated, subject to certain conditions.

The Board further alleged that the voluntary surrender and the stipulation in New Mexico individually and/or collectively constitute "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as set forth in Section 4731.22(B)(22), Ohio Revised Code. (State's Exhibit 1A)

On October 1, 2001, Dr. Uhl requested a hearing. (State's Exhibit 1B)

Appearances at the Hearing

Marc Dann, Attorney General, by Karen A. Unver, Assistant Attorney General, on behalf of the State of Ohio.

Paul-Michael LaFayette, Esq., on behalf of the Respondent, Gregory S. Uhl, M.D.

¹It appears from the exhibits that the New Mexico Board was previously known as the New Mexico Board of Medical Examiners.

EVIDENCE EXAMINED

Testimony Heard

Gregory S. Uhl, M.D.

Exhibits Examined

A. State's Exhibits

State's Exhibits 1A through 1O: Procedural exhibits.

State's Exhibit 2: May 8, 2006, "Stipulation of License" between the New Mexico Medical Board and Dr. Uhl.

State's Exhibit 3: June 24, 2003, letter from the New Mexico Medical Board to Dr. Uhl, the executed certified mail receipt for that letter, and his July 7, 2003, written response.

State's Exhibit 4: December 12, 2003, Order of the New Mexico Medical Board accepting the surrender of Dr. Uhl's New Mexico medical license.

State's Exhibit 5: December 3, 2004, Private Consent Order between the Composite State Board of Medical Examiners of Georgia and Dr. Uhl. [Admitted under seal.]

B. Respondent's Exhibits

Respondent's Exhibit A: March 28, 2008, affidavit of Anil K. Gupta, M.D., along with accompanying correspondence. [Note: Pages 3 and 4 of this exhibit were marked separately as Respondent's Exhibit D and admitted under seal.]

Respondent's Exhibit B: March 31 and April 1, 2008, letters from the Composite State Board of Medical Examiners of Georgia regarding the status of Dr. Uhl's Georgia license and compliance efforts.

Respondent's Exhibit C: February 28, 2008, letter from the New Mexico Medical Board regarding the status of Dr. Uhl's New Mexico license and compliance efforts.

Respondent's Exhibit D: Pages 3 and 4 of Respondent's Exhibit A. [Admitted under seal.]

SUMMARY OF THE EVIDENCE

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

Background

1. Gregory S. Uhl, M.D., was born in Columbus, Ohio. He attended The Ohio State University for his undergraduate studies and medical education, obtaining a bachelor's degree in 1970 and a medical degree in 1973. After that, Dr. Uhl was on active duty with the U.S. Air Force until 1982. During that period of time, he completed an internal medicine residency program at Wilford Hollow Medical Center in San Antonio, Texas, and completed a cardiology fellowship at Brook Army Medical Center in San Antonio. He stated that, while practicing medicine in the Air Force, he was one of the first nuclear cardiologists in the country.² (Hearing Transcript [Tr.] at 16, 17, 60, 61-62, 68)
2. Between 1982 and 1985, Dr. Uhl practiced medicine in Albuquerque, New Mexico, at a large, multi-specialty clinic. Then, for one year, he practiced with one other practitioner in Mesa, Arizona. Next, he moved to Las Vegas and practiced medicine there for approximately 13 years. In 2001, he returned to New Mexico and practiced in Las Cruces. In December 2002, he moved to Georgia because his wife wanted to be closer to her ill mother. He worked in several locations in Georgia and he currently practices in Waycross, Georgia. (Tr. at 16-17, 20, 25, 60, 67)
3. For a number of years, Dr. Uhl also was an associate professor of internal medicine and cardiology at the University of New Mexico's School of Medicine and the University of Nevada in Reno. (Tr. at 18)
4. Dr. Uhl holds active medical licenses in Georgia, New Mexico and Ohio. He has an inactive medical license in Tennessee because he has not paid the renewal fees. He previously held medical licenses in Arizona, Nevada, and Texas. Dr. Uhl is board-certified by the American Board of Internal Medicine in both cardiology and internal medicine. (Tr. at 17, 56, 62)

Dr. Uhl's Practice of Medicine in Las Vegas, Nevada

5. Dr. Uhl testified that, during the approximately 13 years that he resided in Las Vegas, he was a member of three different practice groups, and he encountered several professional difficulties. His second practice group suffered financially and went bankrupt. The chief financial officer of the third practice group failed to pay payroll taxes for a period of time, forged members' names on a line of credit, took \$250,000, and then disappeared. Dr. Uhl testified that, as a result, the Internal Revenue Service investigated, and he was required to

²Dr. Uhl described nuclear cardiology as a radiology subspecialty, and further explained that nuclear medicine is the practice of injecting radioisotopes into the bloodstream for diagnostic purposes. The isotopes concentrate in certain organs or tissues, allowing the physician to make diagnoses depending upon where the radioisotope is "taken up" the most. (Tr. at 61)

borrow between \$275,000 and \$300,000 to help pay for the back taxes. Shortly after that practice had stabilized, Dr. Uhl stated that its founder had decided to close down the practice. Dr. Uhl explained that he had been left with a gigantic debt and no practice from which to earn money. (Tr. at 17-20)

Dr. Uhl's Practice of Medicine in Las Cruces, New Mexico

6. Dr. Uhl chose to leave Las Vegas and return to New Mexico in 2001. He explained that, "I kind of decided that Las Vegas had sort of chewed me up and spit me out enough. So I still had a license to practice in New Mexico, and I found a single practitioner in Las Cruces that was looking for an associate, because I had a license to do nuclear medicine as well and he didn't have nuclear cardiology in his practice, so I went to Las Cruces." (Tr. at 20)

Dr. Uhl testified, however, that this change was not a good change for him and his family. He explained that he was unhappy and his relationship with his family was "frequently testy." He noted:

We were facing a gigantic debt. We weren't really making a lot of money because we were just starting out again.

And I think the fact that [my wife] really didn't like that small of a community, coupled with the fact that her mother got eventually terminally ill, just sort of drove her to the point where she said we have got to get out of here.

(Tr. at 21)

7. During his time in Las Cruces, Dr. Uhl held privileges at Memorial Medical Center and Mountainview Medical Center. In early 2002, some Memorial Medical Center staff members complained about Dr. Uhl's use of inappropriate language. The hospital formed an "ad hoc committee" that looked into the matter and discussed it with Dr. Uhl. He stated that the committee felt that he was under a "little bit of duress and wasn't handling it well." The committee suggested counseling and Dr. Uhl began seeing a psychologist in February or March 2002. (Tr. at 22-23, 62)
8. Then, in April 2002, an incident occurred with a patient in the emergency room at Memorial Medical Center. Dr. Uhl explained:

The patient and their family had been in the emergency room at noon that same day, had been sent home, came back about midnight with the same complaints they had then.

As a result of them having been there 12 hours before, for whatever reason they didn't even draw any labs or do much of anything, but they had proceeded on to actually make her sicker by giving her a bunch of Nitroglycerin.

When I got there, she was very hypotensive. And so I had nothing to work with other than them telling me well, she was here at noon, and I don't even have a chart.

In the nursing station I used profanity directed at the nursing personnel and the doctor for what, in my opinion, was the fact that they actually had mistreated the patient, and didn't have any records to go by.

The patient's family had overheard this, and when I began examining her, they were very upset about the fact that she was back for a second time in the day. And as I tried to explain to them, that it wasn't a serious situation, once we got her blood pressure stabilized.

They basically misunderstood several of the things that were said and done during my examination.

* * *

So the patient was hospitalized, and they went home a couple days later and were fine. The family had apparently written a letter complaining about my actions to the hospital [stating that he had used inappropriate language, dropped a chart on the patient, awakened her by poking her, and shook her].

The hospital then had another ad hoc committee [meeting in May 2002]. We sat down with the same folks and they said well, we thought you were trying to work on this, and I said well, some days you work on it and some day[s] it works well, and some days it doesn't. But this was something that I would handle differently, and I took full responsibility for my behavior.

And that's basically how it got left. I never heard another word from the hospital or from the patient's family or anything else.

(Tr. at 23-25, 27; see also Tr. at 62-63) Dr. Uhl continued with counseling until he moved at the end of 2002. (Tr. at 25)

Dr. Uhl's Practice of Medicine in Georgia

9. Dr. Uhl testified that, in December 2002, he had moved to Georgia because his wife had wanted to be closer to her ill mother. He obtained a Georgia medical license and initially worked in Carrollton at Tanner Health System. While there, a nurse questioned his care of a patient and they argued. That nurse later complained about their conversation. In 2004, his privileges at Tanner Health System were suspended after the Composite Board of Medical Examiners of Georgia [Georgia Board] began investigating him, which is described in more detail below. Eventually, he was terminated from Tanner Health System. (Tr. at 25, 63, 71-72)

10. Dr. Uhl further stated that, in 2005, he had taken locum tenens positions in Athens and Atlanta, and at Smith Northview Hospital in Valdosta, Georgia. Approximately one year later, he accepted a position as Director of Cardiology Services at a hospital in Waycross, Georgia. He has been in that position for two and one-half years, and he continues to work there to date. He supervises 55 to 60 employees and is in charge of the hospital's "echo" department, nuclear medicine department, and the cardiac catheterization laboratory. (Tr. at 60-61, 67, 68)

New Mexico Medical Board's Investigation and Dr. Uhl's Subsequent Surrender of his New Mexico License, 2003

11. In June 2003, the New Mexico Medical Board [New Mexico Board] sent Dr. Uhl a letter stating that it had "reason to believe that [he] may be impaired under the provisions of the Impaired Health Care Provider Act §61-7-3 [New Mexico Statutes Annotated] 1978. The Board has determined that [he] must meet with and be interviewed by a special examining committee * * *." (State's Exhibit [St. Ex.] 3 at 2; Tr. at 26)
12. Dr. Uhl testified that, after receiving the letter, he had contacted the New Mexico Board and was told that there would be no negative consequences from relinquishing his New Mexico license. On July 7, 2003, Dr. Uhl notified the New Mexico Board that he wished to voluntarily relinquish his medical license. In December 2003, the New Mexico Board issued an order accepting his request to relinquish his New Mexico medical license, effective December 12, 2003. Among the statements in the order is: "WHEREAS [Dr. Uhl] understands that this voluntary surrender will be reported to the National Practitioner's Data Bank and the Health Care Integrity and Protection Data Bank * * *." (Tr. at 27-28; St. Ex. 3 at 4; St. Ex. 4)
13. Dr. Uhl described his response to the order as "perplexed," "angry," and "scared." He then spoke with two attorneys, and learned that the Georgia Board would probably investigate the situation. He stated that he had received differing advice as to whether to contact the Georgia Board proactively. Dr. Uhl chose to wait until the Georgia Board "showed up." (Tr. at 29-30)

Georgia Board's Investigation, Dr. Uhl's Treatment in Georgia, and Subsequent Private Consent Order, 2004

14. Dr. Uhl stated that, while working at Tanner Medical System in the spring of 2004, a Georgia Board investigator came to speak with him. Dr. Uhl then self-reported the events from New Mexico. Tanner Medical System asked him to take a leave of absence, later suspended his privileges, and later terminated him. (Tr. at 30, 33, 47, 51-52, 71)
15. Dr. Uhl stated that he had been in a mentally "stable" position after having left New Mexico, but he had not been receiving counseling or treatment in Georgia, and he regrets not having had an objective person to "bounce this problem off of." He noted that he had not been comfortable turning to his employer or his wife, who was under great stress because of her ill mother. Instead, he handled the matter by himself. (Tr. at 30-31)

16. Dr. Uhl explained that he had contacted the New Mexico Board and informed it of the Georgia Board's investigation. He testified that he had asked what the New Mexico Board would have required of him if he had met with its special examining committee as requested in June 2003. He testified that he was told by that board that it would likely have required a 72-hour evaluation. Based upon that statement, Dr. Uhl looked into the available facilities in his area in Georgia and found that the Ridgeview Institute was run by Dr. Early, who had previously been a member of the Georgia Board. Dr. Uhl testified that he had spoken with Dr. Early and had entered that treatment facility in April 2004. He received inpatient treatment for four or five weeks and, afterward, received outpatient treatment three days each week for approximately one month. (Tr. at 31-32, 37, 64-65)
17. Dr. Uhl testified that the Georgia Board had asked him to provide a written response to the complaint that was made to the New Mexico Board and had asked for a report from the Ridgeview Institute. The Georgia Board also ordered Dr. Uhl to have a mental/physical examination, which he had completed by virtue of his treatment at the Ridgeview Institute. Dr. Uhl testified that, afterward, the Georgia Board held a hearing in September or October of 2004. Approximately one month later, Dr. Uhl received a settlement agreement for his consideration. Dr. Uhl and the Georgia Board entered into a "Private Consent Order" effective December 3, 2004. That agreement will remain in effect for five years. (St. Ex. 5; Tr. at 34-35, 66, 70)

The parties agree that the Private Consent Order between the Georgia Board and Dr. Uhl is a confidential document and it was, therefore, admitted under seal. Accordingly, the details of that order are not summarized in this Report and Recommendation. The Board may review this private consent order at State's Exhibit 5. (Tr. at 14, 35)

Dr. Uhl's Subsequent Treatment and Counseling in Georgia, 2004 to Present

18. After leaving Atlanta in 2004, Dr. Uhl began seeing Anil K. Gupta, M.D., a member of the South Georgia Psychiatric and Counseling Center. Dr. Gupta is a board-certified, psychiatrist who is treating and monitoring Dr. Uhl. Dr. Uhl presented an affidavit from Dr. Gupta, attached to which are 12 quarterly reports (from March 2005 to March 2008) that were sent to the Georgia Board, New Mexico Board, and the Tennessee Medical Foundation.³ Dr. Gupta diagnosed Dr. Uhl with a primary diagnosis of depressive disorder, not otherwise specified and with a possible diagnosis of impulse control disorder, not otherwise specified. Dr. Gupta expressed his medical opinion that, from a psychiatric standpoint, Dr. Uhl is able to practice medicine safely. (Respondent's Exhibits [Resp. Exs.] A, D)
19. Also, Dr. Uhl sees a psychologist who is part of the same practice group as Dr. Gupta. Dr. Uhl sees that psychologist once a month. (Tr. at 45, 69)

³Dr. Uhl explained that the Tennessee Medical Foundation is a state agency that is a physician-advocacy group. Dr. Uhl obtained his Tennessee medical license sometime in 2004 or later, and as part of that approval process, the Tennessee Medical Board wanted the quarterly reports from his Georgia monitoring physician to be circulated to the Tennessee Medical Foundation. (Tr. at 57-59)

New Mexico License Reinstatement, 2005

20. In 2005, Dr. Uhl contacted the New Mexico Board to determine if he could have his former medical license reinstated. (Tr. at 41, 52)
21. In June 2005, the New Mexico Board entered into a “Stipulation of License” with Dr. Uhl. In that stipulation, they agreed that Dr. Uhl can safely perform the duties of a physician if under the care and supervision of a monitored treatment program and under certain additional conditions, including:
 - (a) Complete abstention from the use of mind-altering substances, controlled substances, or alcoholic beverages except as legitimately prescribed by a licensed physician.
 - (b) Monitoring by the New Mexico Monitored Treatment Program and providing all releases necessary to report on his ongoing treatment.
 - (c) Continued compliance with the Georgia Private Consent Order, including continued mental health care and quarterly reports from his monitoring physician.
 - (d) If Dr. Uhl returns to New Mexico, he shall be under the direct monitoring of the New Mexico Monitored Treatment Program and shall be restricted to a group or hospital practice where he shall have a workplace monitor who shall promptly report any incidents involving disruptive behavior.

(St. Ex. 2; see also Tr. at 69-70) Under the stipulation, Dr. Uhl’s New Mexico medical license was reinstated.

Dr. Uhl’s Compliance Status and Explanation of his Position in this Matter

22. Both the Georgia Board and the New Mexico Board have indicated that, as of the dates of their letters, Dr. Uhl was in compliance with the requirements of both states, and his medical licenses in those states are active. (Resp. Exs. B, C; Tr. at 42-44)
23. Dr. Uhl emphasized that the issues for which he received treatment in both New Mexico and Georgia were not related to alcohol or nonprescription drugs, and he does not consume either.⁴ He stated that he suffers from depression and has anger issues. He believes that he has suffered from depression for an extensive period of time. (Tr. at 45, 72)
24. Dr. Uhl elaborated on the impact that the depression, the anger issues, and the boards’ investigations have had upon him personally and professionally since moving to Georgia. He testified that, while in treatment at the Ridgeview Institute, Tanner Health System terminated

⁴Dr. Uhl currently is taking Lexapro. (Tr. at 47)

him. When he left the Ridgeview Institute in June 2004, he did not have a job, had trouble finding a job and was “scraping the bottom of the barrel” for a period of time. He explained that he had lived in a halfway house, and had washed cars for a period of time in order to survive. His home went into foreclosure and he filed for bankruptcy. Since April 2004, Dr. Uhl has consistently received treatment and counseling from psychiatrists, psychologists and support groups. Specifically, he attended numerous Alcoholics Anonymous and Caduceus meetings, regularly saw one of the psychiatrists at the Ridgeview Institute, became a patient of Dr. Gupta, and began seeking one of the psychologists in Dr. Gupta’s practice group. (Tr. at 37, 48, 52-53)

25. As for his current treatment efforts, Dr. Uhl stated that he continues to see Dr. Gupta and a psychologist each month. He does not intend to stop treatment, even when he is no longer required to obtain the treatment because he is convinced that the treatment is helping him contain his anger and control his depression. Moreover, Dr. Uhl testified that he is compliant with everything that the boards have asked of him. He believes that the boards’ requirements have been very insightful and beneficial to him. (Tr. at 46, 50-51, 54, 59, 72)

Additionally, he explained that he voluntarily attends Caduceus meetings weekly. (Tr. at 45-46, 55) With regard to those meetings, Dr. Uhl stated:

I think it’s probably the best thing that I do on a weekly basis. You can feel much more comfortable talking over problems with people that are your peers.

You feel a lot more trusting of them being able to maintain your anonymity than if you would try to go to a regular AA or Narcotics Anonymous meeting, and kind of opening up your [soul] to them.

You know, you learn a lot from other people’s problems. You learn empathy to when they are getting kicked in the shins, too. But it’s amazing how frequently you see your own story in other people’s lives. And I think it just helps a lot to be able to kind of decompress.

(Tr. at 55)

26. Dr. Uhl pointed out that he has a “sound professional footing” with his current hospital position in Waycross. He has held that position for two and one-half years. Dr. Uhl noted that, over the last few years, he has safely practiced medicine. (Tr. at 53, 60-61, 68, 74)

Dr. Uhl would like to maintain his Ohio medical license because he still has family ties to Ohio and would like to keep his future professional options available. He noted that he is considering options in Tennessee because there are only three cardiologists in Waycross, which can create coverage and stress issues. When considered altogether, Dr. Uhl considers it appropriate for the Board to continue his Ohio certificate. (Tr. at 17, 50-51, 73, 74)

FINDINGS OF FACT

1. On June 24, 2003, the New Mexico Medical Board [New Mexico Board] informed Gregory S. Uhl, M.D., that it had reason to believe that he may be impaired and ordered him to submit to an interview before a special examining committee.
2. On July 7, 2003, Dr. Uhl notified the New Mexico Board that he wished to voluntarily relinquish his New Mexico medical license.
3. In December 2003, the New Mexico Board issued an order entitled “Voluntary Surrender of New Mexico License to Practice Medicine,” accepting his request to relinquish his New Mexico medical license, effective December 12, 2003.
4. On June 6, 2005, Dr. Uhl entered into a “Stipulation of License” with the New Mexico Board, whereby his license to practice medicine in New Mexico was reinstated subject to certain conditions, including, *inter alia*, the following:
 - a. Dr. Uhl shall abstain completely from the use of mind-altering substances, controlled substances, or alcoholic beverages.
 - b. Dr. Uhl shall be monitored by the New Mexico Monitored Treatment Program and provide all releases necessary to report on his ongoing treatment.
 - c. Dr. Uhl shall continue to comply with the terms reached in the Private Consent Order approved by the Composite State Board of Medical Examiners of Georgia [Georgia Board] on December 3, 2004, including continued mental health care and quarterly reports to the Georgia Board from his monitoring physician.

CONCLUSION OF LAW

The Voluntary Surrender and Stipulation of License actions by the New Mexico Board, as set forth in Findings of Fact 3 and 4 constitute “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that language is used in Section 4731.22(B)(22), Ohio Revised Code.

* * * * *

Dr. Uhl testified that he believes he has suffered from depression for 20 years or more. However, in the past few years, Dr. Uhl has completed an inpatient treatment program, has taken positive

responsibility for his prior actions, and has practiced medicine actively in Georgia in a position of responsibility. Additionally, it appears that Dr. Uhl has complied with all that the Georgia and New Mexico boards have required, and he has taken actions successfully to reinstate his New Mexico license. Dr. Uhl has certainly moved in a healthier direction and appears to be very committed to his mental health.

Given these positive circumstances, a suspension or other similar disciplinary action against Dr. Uhl's Ohio certificate does not appear appropriate. Rather, the Hearing Examiner proposes that probationary terms be imposed to monitor his continued mental health. The probationary terms envision monitoring his compliance with the existing requirements of the Georgia and New Mexico boards. However, if Dr. Uhl returns to Ohio to practice medicine and surgery, he may be subject to additional probationary requirements.

PROPOSED ORDER

It is hereby ORDERED that:

A. **PROBATION:** Dr. Uhl's certificate to practice medicine and surgery in the State of Ohio shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least three years:

1. **Obey the Law and Other Regulatory Authorities' Orders:** Dr. Uhl shall obey all federal, state, and local laws; all rules governing the practice of medicine and surgery in the state in which he is practicing; and, while in effect, all terms of the June 6, 2005, New Mexico Stipulation of License and all terms of the December 3, 2004, Georgia Private Consent Order.
2. **Declarations of Compliance:** Dr. Uhl 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 or before the first day of the third month following the month in which this Order becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

At the same time that Dr. Uhl submits his quarterly declarations as set forth above, he shall also submit declarations under penalty of Board disciplinary action or criminal prosecution stating whether he has complied with all the terms, conditions, and limitations imposed by the June 6, 2005, New Mexico Stipulation of License and the December 3, 2004, Georgia Private Consent Order, if still in effect. Moreover, Dr. Uhl shall submit to the Board copies of any reports that he submits to the New Mexico Board and/or the Georgia Board.

3. **Notification of Early Termination of the New Mexico Stipulation of License and/or Georgia Private Consent Order:** If the June 6, 2005, New Mexico Stipulation of

License and/or the December 3, 2004, Georgia Private Consent Order should terminate before the expected terms, Dr. Uhl shall notify the Board in writing and explain the basis for the early termination.

4. **Notification of Action Taken by Another Entity:** Dr. Uhl shall notify the Board of any action taken against a certificate to practice held by Dr. Uhl in any other state or jurisdiction. Moreover, Dr. Uhl shall provide acceptable documentation verifying the other entity's actions.
5. **Personal Appearances:** Dr. Uhl shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective, or as otherwise directed by the Board. Dr. Uhl shall also appear upon his request for termination of the probationary period, and/or as otherwise directed by the Board.
6. **Noncompliance Will Not Reduce Probationary Period:** In the event Dr. Uhl 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 under this Order.
7. **Releases:** Dr. Uhl shall provide continuing authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Uhl's psychiatric condition and/or related conditions, or for purposes of complying with this Order, whether such treatment or evaluations occurred before or after the effective date of this Order. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute.

Dr. Uhl shall also provide the Board written consent permitting any psychiatrist, counselor, or other treatment provider from whom Dr. Uhl obtains treatment to notify the Board in the event he fails to agree to or comply with any recommended treatment. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Order.

8. **Refrain from Commencing Practice in Ohio:** Dr. Uhl shall refrain from commencing practice in Ohio without prior written Board approval. Moreover, should Dr. Uhl commence practice in Ohio, the Board may place Dr. Uhl's certificate under additional terms, conditions, or limitations, including the following:
 - a. **Practice Plan:** Prior to commencing practice in Ohio, or as otherwise determined by the Board, Dr. Uhl shall submit to the Board and receive its approval for a plan of practice in Ohio. The practice plan, unless otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Uhl's activities will be directly supervised and overseen by a monitoring physician approved by

the Board. Dr. Uhl shall obtain the Board's prior approval for any alteration to the practice plan approved pursuant to this Order.

At the time Dr. Uhl submits his practice plan, he shall also submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary or Supervising Member will give preference to a physician who practices in the same locale as Dr. Uhl and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Uhl and his medical practice, and shall review Dr. Uhl's patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Uhl and his medical practice, and on the review of Dr. Uhl's patient charts. Dr. Uhl shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Uhl's quarterly declaration.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Uhl must immediately so notify the Board in writing. In addition, Dr. Uhl shall make arrangements acceptable to the Board for another monitoring physician within 30 days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Uhl shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

- b. **Psychiatric Assessment/Treatment:** Prior to commencing practice in Ohio, Dr. Uhl shall submit to the Board for its prior approval the name and curriculum vitae of a psychiatrist of Dr. Uhl's choice.

Upon approval by the Board, Dr. Uhl shall obtain from the approved psychiatrist an assessment of Dr. Uhl's current psychiatric status. The assessment shall take place within 30 days of the Board's approval of a psychiatrist, unless otherwise determined by the Board. Prior to the initial assessment, Dr. Uhl shall furnish the approved psychiatrist copies of the Board's Order, including the Summary of the Evidence, Findings of Fact, and Conclusions of Law, and any other documentation from the hearing record which the Board may deem appropriate or helpful to that psychiatrist.

Upon completion of the initial assessment, Dr. Uhl shall cause a written report to be submitted to the Board from the approved psychiatrist. The written report shall include:

- i.* A detailed report of the evaluation of Dr. Uhl's current psychiatric status and condition;
- ii.* A detailed plan of recommended psychiatric treatment, if any, based upon the psychiatrist's informed assessment of Dr. Uhl's current needs;
- iii.* A statement regarding any recommended limitations upon his practice; and
- iv.* Any reports upon which the treatment recommendation is based, including reports of physical examination and psychological or other testing.

Should the Board-approved psychiatrist recommend psychiatric treatment, and upon approval by the Board, Dr. Uhl shall undergo and continue psychiatric treatment weekly or as otherwise directed by the Board. The sessions shall be in person and may not be conducted by telephone or other electronic means. Dr. Uhl shall comply with his psychiatric treatment plan, including taking medications as prescribed for his psychiatric disorder.

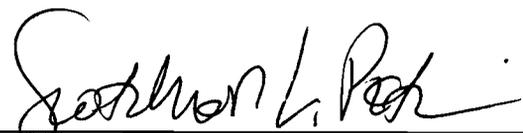
Dr. Uhl shall continue in psychiatric treatment until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require reports from the approved treating psychiatrist. The psychiatric reports shall contain information describing Dr. Uhl's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Uhl's compliance with the treatment plan; Dr. Uhl's psychiatric status; Dr. Uhl's progress in treatment; and results of any laboratory studies that have been conducted since the prior report. Dr. Uhl shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Uhl's quarterly declaration.

In addition, Dr. Uhl shall ensure that his treating psychiatrist immediately notifies the Board of Dr. Uhl's failure to comply with his psychiatric treatment plan and/or any determination that Dr. Uhl is unable to practice due to his psychiatric disorder.

In the event that the designated psychiatrist becomes unable or unwilling to serve in this capacity, Dr. Uhl must immediately so notify the Board in writing and make arrangements acceptable to the Board for another psychiatrist as soon as practicable. Dr. Uhl shall further ensure that the previously designated psychiatrist also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

- B. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Uhl's certificate will be fully restored.
- C. **REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Uhl 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. Uhl 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. This requirement shall continue until Dr. Uhl receives from the Board written notification of his successful completion of probation.
- D. **REQUIRED REPORTING TO OTHER STATE LICENSING AUTHORITIES:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Uhl 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. Uhl shall also provide a copy of this Order by certified mail, return receipt requested, at the 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. Uhl shall provide this Board with a copy of the return receipt as proof of notification within 30 days of receiving that return receipt, unless otherwise determined by the Board. This requirement shall continue until Dr. Uhl receives from the Board written notification of his successful completion of probation.
- E. **VIOLATION OF THE TERMS OF THIS ORDER:** If Dr. Uhl violates the terms of this Order 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.

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



Gretchen L. Petrucci
Hearing Examiner

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127



Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
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EXCERPT FROM THE DRAFT MINUTES OF JUNE 11, 2008

REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Varyani announced that the Board would now consider the Reports and Recommendations and the Proposed Findings and Proposed Orders appearing on its agenda. He asked whether each member of the Board had received, read and considered the hearing record; the findings of fact, conclusions of law and proposed orders; and any objections filed in the matters of Wilfred Louis Anderson, M.D.; Richard Luboga Byakika, M.D.; George Jakymenko, M.D.; and Gregory S. Uhl, M.D.; and the Proposed Findings and Proposed Order in the matter of Brian Matthew Gease. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

Dr. Varyani 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. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye

Dr. Stephens - aye
Dr. Steinbergh - aye
Dr. Varyani - aye

Dr. Varyani 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. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

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

.....

GREGORY S. UHL, M.D.

Dr. Varyani directed the Board's attention to the matter of Gregory S. Uhl, M.D. He advised that no objections were filed to Hearing Examiner Petrucci's Report and Recommendation.

Dr. Varyani continued that a request to address the Board has been timely filed on behalf of Dr. Uhl. Five minutes would be allowed for that address.

Dr. Uhl was accompanied by his attorney, Paul-Michael LaFayette. Mr. LaFayette stated that he's been very fortunate to represent Dr. Uhl in the administrative process. He stated that they filed no objections to the Hearing Examiner's Findings of Fact and Conclusions of Law. He believes that the Hearing Examiner did a thorough and accurate job of reporting what transpired at the hearing, as well as the history, as far as what has happened with Dr. Uhl over the last few years. Mr. LaFayette stated that they agree with the Hearing Examiner's Findings of Fact and Conclusions of Law and request that the Board approve them in their present form.

Dr. Uhl stated that he's had several problems over the last decade or so, most of which were addressed early on in the decade. In the last five years, he's gone to any length that anyone has ever asked him to go to try to get his life back in shape and he has continued to be a good doctor. He explained that one of the main reasons that he wanted to maintain his Ohio license is that he was born here, he went to school here, has an elderly mother whom he can't extract from here, and, probably, at some point in time he will have to take care of her. He believes that he may eventually need to return to Ohio to practice medicine. Dr. Uhl stated that he would like to have that option available. He's dedicated his life over the last five or six years to trying to get a much better handle on his life and the problems that he created for himself. He's had his eyes opened wide in this meeting today to see how other things can affect people's lives as well. Dr. Uhl stated that he is humbly before the Board to accept whatever recommendations the Board makes, and to

answer any questions the Board may have.

Dr. Varyani asked whether the Assistant Attorney General wished to respond.

Ms. Unver stated that she wants to highlight the pattern of failures and successes that Dr. Uhl experienced as he battled depression and anger management issues over the past several years. This case involves a sister state violation, stemming from Dr. Uhl's voluntary surrender of his New Mexico license after that board had sent Dr. Uhl a letter in 2003. The letter from the New Mexico Board informed Dr. Uhl that it had reason to believe that he was impaired. It ordered him to submit to an interview before a special examining committee. Ms. Unver advised that Dr. Uhl's career was suffering, and it was at this time that he moved his family to Georgia. He was contacted by the Georgia Medical Board, and he voluntarily sought treatment for his anger and depression issues. Since seeking help in 2004, Dr. Uhl has entered into a private Consent Order with the Georgia Medical Board and his New Mexico license has been reinstated under conditions with the New Mexico Medical Board.

Ms. Unver stated that she thinks that the Hearing Examiner summed up very nicely the actions that Dr. Uhl has taken since 2004. Hearing Examiner Petrucci wrote, in part, "Dr. Uhl has completed an inpatient treatment program, has taken positive responsibility for his prior actions, and has practiced medicine actively in Georgia in a position of responsibility. . . . Uhl has certainly moved in a healthier direction and appears to be very committed to his mental health." Ms. Unver stated that the State agrees with the Hearing Examiner's Report and Recommendation, as written, and encourages the Board to adopt it, as written.

DR. MADIA MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF GREGORY S. UHL, M.D. MR. HAIRSTON SECONDED THE MOTION.

Dr. Varyani stated that he would now entertain discussion in the above matter.

Dr. Steinbergh stated that she thinks that this particular Proposed Order is fine. Dr. Uhl has suffered from depression all of these years and, fortunately, he has had a positive response to the Board's concerns. Dr. Steinbergh stated that Ms. Petrucci's Conclusions of Law are a good summation of the positive way in which Dr. Uhl has handled his difficulties.

Dr. Steinbergh stated that the only thing she would amend in the Proposed Order is the probationary period. She stated that she would reduce it from a minimum of three years to a minimum of two years. She noted that Dr. Uhl would be making an appearance before the full Board in the third month following the effective date of the Order, and then again upon his request for release from probation.

DR. STEINBERGH MOVED TO AMEND THE PROPOSED ORDER TO REDUCE THE PROBATIONARY PERIOD FROM A MINIMUM OF THREE YEARS TO A MINIMUM OF

TWO YEARS. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF GREGORY S. UHL, M.D. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127



Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

September 12, 2007

Gregory S. Uhl, M.D.
4156 Springruff Drive
Valdosta, GA 31602

Dear Doctor Uhl:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] 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:

- (1) On or about June 24, 2003, the New Mexico Board of Medical Examiners [New Mexico Board] informed you by letter [2003 Letter] that it had reason to believe you may be impaired, and ordered you to submit to an interview before a special examining committee. On or about December 12, 2003, you executed a Voluntary Surrender of New Mexico License to Practice Medicine [Voluntary Surrender]. Further, on or about June 6, 2005, you entered into a Stipulation of License [Stipulation] with the New Mexico Board, whereby your license to practice medicine in New Mexico was reinstated subject to certain conditions, including, *inter alia*, the following: that you shall abstain completely from the use of mind-altering substances, controlled substances or alcoholic beverages; you shall be monitored by the New Mexico Monitored Treatment Program, and shall provide all releases necessary to report on your ongoing treatment; and you shall continue to comply with the terms reached in the Private Consent Order approved by the Georgia Medical Board on December 3, 2004, including continued mental health care and quarterly reports to the Georgia Board from your monitoring physician.

Copies of the 2003 Letter, Voluntary Surrender and Stipulation are attached hereto and incorporated herein.

The Voluntary Surrender and Stipulation as alleged in paragraph (1) above, individually and/or collectively, constitute "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an

Mailed 9-13-07

individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4731.22(B)(22), 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.

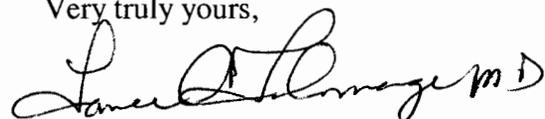
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at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

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,

A handwritten signature in black ink, appearing to read "Lance A. Talmage M.D.", written in a cursive style.

Lance A. Talmage, M.D.

Secretary

LAT/DSZ/flb

Enclosures

CERTIFIED MAIL #91 7108 2133 3931 8317 1036
RETURN RECEIPT REQUESTED – RESTRICTED DELIVERY

Gregory S. Uhl, M.D.
Page 3

DUPLICATE MAILING:

Gregory S. Uhl, M.D.
Satilla Heart Center
410 Darling Avenue
Waycross, GA 31501

CERTIFIED MAIL #91 7108 2133 3931 8317 1531
RETURN RECEIPT REQUESTED – RESTRICTED DELIVERY

DUPLICATE MAILING:

Gregory S. Uhl, M.D.
615 Kentland Dr.
Waycross, GA 31503

CERTIFIED MAIL #91 7108 2133 3931 8317 1524
RETURN RECEIPT REQUESTED – RESTRICTED DELIVERY



New Mexico Medical Board

491 Old Santa Fe Trail
2nd Floor, Lamy Bldg.
Santa Fe NM 87501
505-827-5022 Fax 505-827-7377

STATE MEDICAL BOARD
OF OHIO

2004 AUG 23 P 3 42

August 19,2004

I, Charlotte Kinney, Executive Director of the New Mexico Medical Board, as a custodian of this record, certify that it is a copy accurately recorded, maintained and reproduced by this agency in accordance with the procedures attached hereto.

Gregory S. Uhl
NM License# 82-146
Public Actions

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the seal of the New Mexico Medical Board to be affixed, the day and year first above written.

SEAL

Charlotte Kinney
Executive Director
Records Custodian



NEW MEXICO BOARD OF MEDICAL EXAMINERS

2nd Floor Lamy Building
491 Old Santa Fe Trail
Santa Fe, New Mexico 87501
505-827-5022 505-827-7377 fax

BILL RICHARDSON
GOVERNOR

JOHN S. ROMINE, M.D.
PRESIDENT

OHIO STATE MEDICAL BOARD

June 24, 2003

AUG 16 2004

Gregory Uhl, M.D.
141 Overlook Way
Carrollton, GA 30117

CERTIFIED MAIL

Dear Dr. Uhl:

The New Mexico Board of Medical Examiners has reason to believe that you may be impaired under the provisions of the Impaired Health Care Provider Act §61-7-3 NMSA 1978. The Board has determined that you must meet with and be interviewed by a special examining committee in accordance with the provisions of §61-7-4. I realize you are now residing outside of New Mexico and would like to arrange with you a convenient time for this interview.

By virtue of your license to practice medicine in New Mexico and the triennial renewal of your license # 82-146, you have:

1. Already given your consent to submit to mental or physical examination when so directed by the special examining committee;
2. Waived all objections to the admissibility of the examining committee report to the Board of Medical Examiners on the grounds of privileged communication.

Failure to comply with these requirements (Section 61-7-5.D.) shall be grounds for the immediate and summary suspension by the Board of your license to practice medicine in this State until further order of the Board.

A copy of the Impaired Health Care Provider Act is enclosed. If you have any questions please don't hesitate to contact me at 827-7363 or 800-945-5845.

If you have decided to no longer practice in New Mexico and would prefer to consider relinquishing your New Mexico license please let me know. Otherwise give me several dates in July or August that you can be available to interview with the Committee.

Sincerely,

Charlotte Kinney
Executive Director

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Gregory Uhl, MD
141 Overlook Way
Carrollton GA 30117

2. Article Number
(Transfer from service label)

7000 1530 0000 3030 4576

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Agent
 Addressee

B. Received by (Printed Name)
GREGORY S. UHL

C. Date of Delivery
6/30/03

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below No



3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

OHIO STATE MEDICAL BOARD

AUG 16 2004

RECEIVED

JUL 09 2003

NM BOARD OF
MEDICAL EXAMINERS

141 Overlook Way
Carrollton, Georgia 30117

July 7, 2003

New Mexico Board of Medical Examiners
Second Floor, Lamy Building
491 Old Santa Fe Trail
Santa Fe, New Mexico 87501

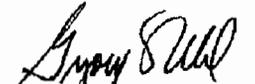
ATTN: Charlotte Kinney
Executive Director

Dear Ms. Kinney;

I am writing you this letter to inform you that in December, 2002, I left New Mexico and relocated to Georgia and will no longer be practicing in New Mexico and don't intend to practice in the state at a later date. This letter is to inform you that I wish to voluntarily relinquish my license to practice in the state. I have searched to find the copy of my license since my move but have been unable to locate it. I shall continue to search for it and if found, will send it to the Board immediately.

My license number is 82-146.

Sincerely,


Gregory S. Uhl, MD

Handwritten notes:
7/7/03 820-9655
7/9/03 left Mass?
7/14/03 left Mass?

OHIO STATE MEDICAL BOARD

AUG 16 2004

**BEFORE THE MEDICAL BOARD
OF THE STATE OF NEW MEXICO**

IN THE MATTER OF)
)
GREGORY UHL, M.D.)
License # 82-146)
_____)

No. 2003- 019

**VOLUNTARY SURRENDER OF NEW MEXICO
LICENSE TO PRACTICE MEDICINE**

WHEREAS Respondent desires to voluntarily surrender his New Mexico license to practice medicine as set forth in a letter dated July 9, 2003 that is attached hereto and incorporated herein by reference; and

WHEREAS Respondent has been advised to seek the advice of an attorney regarding this action; and

WHEREAS Respondent understands that this voluntary surrender will be reported to the National Practitioner's Data Bank and the Health Care Integrity and Protection Data Bank; AND GOOD CAUSE APPEARING;

IT IS HEREBY ORDERED that Respondent's request to voluntarily surrender his New Mexico license to practice medicine is hereby ACCEPTED, and Respondent's New

Mexico license to practice medicine is hereby surrendered effective December 12, 2003.

DATE:



New Mexico Medical Board

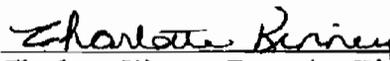
By: C. Grant La Farge, M.D., Secretary

Certificate of Service

I hereby certify that a true and correct copy of the foregoing Voluntary Surrender of New Mexico License to Practice Medicine was mailed to the Respondent,

Gregory S. Uhl, M.D.
141 Overlook Way
Carrollton, GA 30117
CERTIFIED MAIL receipt # 7099 3400 0018 3910 9612

On this 15th day of December 2003.



Charlotte Kinney, Executive Director

OHIO STATE MEDICAL BOARD

AUG 16 2004



New Mexico Medical Board

2055 S Pacheco Street
Building 400
Santa Fe NM 87505
505-476-7220 Fax 505-476-7233

I, Lynn Hart, Executive Director of the New Mexico Medical Board, as a custodian of this record, certify that it is a copy accurately recorded, maintained and reproduced by this agency in accordance with the procedures attached hereto.

Gregory S. Uhl, MD
NM License# 82-146
Public Action

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the seal of the New Mexico Medical Board to be affixed, the day and year first above written.

SEAL

Lynn Hart
Executive Director
Records Custodian

STATE MEDICAL BOARD
OF OHIO
2006 MAY -8 P 3:43

BEFORE THE NEW MEXICO MEDICAL BOARD

STATE MEDICAL BOARD
OF OHIO

2006 MAY -8 P 3:43

IN THE MATTER OF)
)
Gregory S. Uhl, M.D.)
License # 82-146)
Respondent)

2005-014

STIPULATION OF LICENSE

WHEREAS the New Mexico Medical Board (Board) suspended Gregory S. Uhl, M.D.'s (Respondent) license to practice medicine in New Mexico, pursuant to §61-7-6 NMSA 1978 on December 12, 2003; and

WHEREAS Respondent came before the Board on May 5, 2005 to request that his license to practice medicine be reinstated pursuant to the Impaired Health Care Providers Act, §61-7-9 NMSA 1978; and

WHEREAS the Board is persuaded that Respondent can safely perform the duties of a physician if under the care and supervision of a monitored treatment program and under certain additional conditions as set forth in this Stipulation of License; and

WHEREAS Dr. Uhl shall be on probation with the following terms and conditions;

AND GOOD CAUSE APPEARING;

IT IS HEREBY ORDERED that Respondent's license to practice medicine in New Mexico is hereby REINSTATED with the following terms and conditions:

1. Respondent shall abstain completely from the use of mind-altering substances, controlled substances or alcoholic beverages except as legitimately prescribed by a licensed physician; and

2. Respondent shall be monitored by the NM Monitored Treatment Program (MTP), and he shall provide MTP with all releases necessary to report to the Board on his on-going treatment and monitoring as described below; and

3. Respondent shall continue to comply with the terms reached in the Private Consent Order approved by the Georgia Medical Board in December 3, 2004, including continued mental health care and quarterly reports to the Georgia Board from his monitoring physician. His compliance with the Georgia Order shall be monitored by the NM Monitored Treatment Program; and

4. Respondent hereby waives any right to confidentiality he may have with respect to the information gathered by the Monitored Treatment Program with respect to the Board and hereby authorizes the Monitored Treatment Program to release any and all information to the Board; and

5. Respondent shall notify the Board and the NM Monitored Treatment Program prior to returning to practice in New Mexico; and

6. If the Respondent moves back to New Mexico, he shall come under the direct monitoring of the NM Monitored Treatment Program and shall be restricted to a group or hospital practice where he shall have a workplace monitor who shall promptly report any incidents involving disruptive behavior both to the Monitored Treatment Program and directly to the Board; and

7. Respondent shall immediately submit to random fluid testing at the request of the Board or the Board's designee; and

8. Respondent shall appear before the Board upon the Board's request; and

9. Respondent shall submit quarterly reports to the Board attesting to his compliance

2006 MAY - 8 P 3:43
STATE MEDICAL BOARD
OF OHIO

with this stipulation; and

10. Respondent shall comply with all federal, state and local laws.

11. In the event Respondent breaches any of the terms of this stipulation, the Board may immediately and summarily suspend his license to practice as a physician in New Mexico. A breach of any term of this stipulation shall constitute conduct unbecoming in a person licensed to practice medicine as set forth in Sec. 61-6-15 (D) 29 NMSA 1978. The Board shall within 10 days of a summary suspension issue a Notice of Contemplated Action, and Respondent will be entitled to a formal hearing in accordance with the Uniform Licensing Act, Section 61-1-1 through 61-1-33 NMSA 1978;

12. Dr. Uhl knows and understands that this stipulation is made pursuant to the Medical Practice Act and Board 16 NMAC 10.5, that he is giving up and waives rights under the Uniform Licensing Act, Medical Practice Act and the Impaired Health Care Providers Act and a right to an appeal.

13. Dr. Uhl understands that this stipulation will be reported to the Healthcare Integrity and Protection Data Bank.

14. Respondent has been advised to seek the advice of legal counsel before signing this stipulation of license.

IT IS SO STIPULATED BY Gregory S. Uhl, M.D. and the New Mexico Medical Board.

Dated: _____, 2005

June 6, 2005

Gregory S. Uhl, M.D.

Gregory S. Uhl, M.D.
Respondent

Paul J. Kovnat, M.D.

Paul J. Kovnat, M.D., Vice Chair
New Mexico Medical Board

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STATE MEDICAL BOARD
OF OHIO

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was sent certified mail, return receipt requested, to Respondent at his last know address as shown by the records of the New Mexico Medical Board, this 20th day of May, 2005, addressed as follows:

Gregory S. Uhl, M.D.
141 Overlook Way
Carrollton, Georgia 30117

Certified # 7003 3110 0003 5406 2979

Gregory S. Uhl
(signed)

*This address is
incorrect & change of
address was reported in
Feb 2005*

*ADDRESS:
4156 SPRINGRUFF DRIVE
VALDOSTA, GA 31602*

Gregory Uhl

2006 MAY - 8 P 3:43

STATE MEDICAL BOARD
OF OHIO