

CONSENT AGREEMENT

THIS AGREEMENT is entered into by and between JOSETTE W. BIANCHINE, M.D., hereinafter "Dr. Bianchine", a licensee of the State Medical Board of Ohio, and THE STATE MEDICAL BOARD OF OHIO, hereinafter the "Board", the State agency charged with enforcing Chapter 4731, Ohio Revised Code.

Dr. Bianchine enters into this Agreement being fully informed of her rights under Chapter 119, Ohio Revised Code, including her right to representation by counsel and her right to a full, formal adjudication hearing on the issues disposed of herein, and this Agreement is intended to dispose of all issues between the parties without such a hearing.

WHEREAS, the Board entered an Order on December 7, 1983 indefinitely suspending Dr. Bianchine's license to practice medicine or surgery in the State of Ohio; and

WHEREAS, the said suspension was stayed with certain probationary provisions, including among other provisions, the following:

(a) That she not prescribe or dispense any drugs, chemicals, or substances that are habit-forming and addicting; and

(b) That she appear before the Board or its representatives every four months; and

WHEREAS, Dr. Bianchine failed to appear before the Board on July 14, 1983, and as a result the Board, by Order effective December 3, 1983, removed the stay of the indefinite suspension; and

WHEREAS, the said indefinite suspension remains in effect as of the date of the signing of this Consent Agreement; and

WHEREAS, the parties desire to settle the issues between them without a full, formal adjudication hearing, and to set forth their understanding of the settlement;

88  
JAN 14 09:37  
OHIO  
MEDICAL BOARD

**NOW THEREFORE**, the parties hereto hereby agree as follows:

1. The Board shall reinstate the license of Dr. Bianchine to practice medicine or surgery in the State of Ohio, effective immediately upon the signing hereof, upon the following terms, conditions and limitations:

(a) Dr. Bianchine shall not prescribe or dispense in the State of Ohio any drugs, chemicals, or substances that are habit-forming or addicting; and

(b) Dr. Bianchine shall obey all federal, state and local laws, and all rules governing the practice of medicine; and

(c) Should Dr. Bianchine intend to engage in the active practice of medicine or surgery within the State of Ohio, then she shall give to the Board at least thirty (30) days notice of such intention, in writing, and the Board may then require that she undergo evaluation by psychological and psychometric testing, prior to her commencement of active practice; provided, however, that the Board shall give to Dr. Bianchine notice of its intention to require said evaluation within thirty (30) days after its receipt of the notice from Dr. Bianchine that she intends to engage in the active practice of medicine or surgery within the State of Ohio. The said evaluation shall be performed by a person designated as an "approved treatment provider" within the State of Ohio as that phrase is used in Section 4731.25, Ohio Revised Code, or such other person as the parties may agree.

2. The above described terms, limitations and conditions may not be modified or amended except upon written agreement of the parties; provided, however, that the Board may unilaterally terminate the said terms, limitations and conditions at any time.

3. Violation of any of the foregoing terms, limitations and conditions shall constitute a violation of a condition of limitation on the medical license of Dr. Bianchine, under Section 4731.22(B)(15), Ohio Revised Code, and any action initiated by the Board thereon shall comply with the Administrative Procedure Act, Chapter 119, Ohio Revised Code, and nothing herein contained shall be construed as a waiver or limitation of Dr. Bianchine's rights under the law governing such actions.

4. Nothing herein contained shall be so construed as to waive or limit the Board's statutory power and duty to limit, revoke or suspend, or refuse to register or refuse to reinstate, or reprimand or place on probation Dr. Bianchine for any reason, under Section 4731.22, Ohio Revised Code, of which the Board is not presently aware, but this Agreement is intended as a full and final settlement of all issues contained in the Notice of Opportunity for Hearing sent to Dr. Bianchine by the Board on November 6, 1986.

5. Dr. Bianchine hereby releases the Board, its members, employees, agents, officers, and representatives, jointly and severally, from any and all liability heretofore arising from the within matter, but not hereafter arising.

6. This agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code, and shall be effective upon the date of signing by all parties hereto.

Dated: 12/14/87

Jolette W. Bianchine M.D.  
JOSETTE W. BIANCHINE, M.D.

Dated: 1/6/87

John H. Buchan D.P.M.  
JOHN H. BUCHAN, D.P.M.  
Supervising Member  
State Medical Board of Ohio

Dated: 12/14/87

Robert W. Savage Esq.  
ROBERT W. SAVAGE, Esq.  
OFFICES OF KERN & AUGUSTINE, P.A.  
Attorneys for Dr. Bianchine

88 JAN 14 AM 9:38

Dated: 12-6-87

Christopher M. Culley  
CHRISTOPHER M. CULLEY, Esq.  
OFFICE OF ATTORNEY GENERAL OF OHIO  
Attorneys for the Board

Timothy L. Stephens, Jr., M.D.  
TIMOTHY L. STEPHENS, Jr., M.D.  
President  
State Medical Board of Ohio

STATE OF OHIO  
THE STATE MEDICAL BOARD  
Suite 510  
65 South Front Street  
Columbus, Ohio 43266-0315

November 6, 1986

Josette W. Bianchine, M.D.  
369 Cresmont Street  
Cedar Grove, New Jersey 07009

Dear Doctor Bianchine:

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

1. On or about December 8, 1983, by Order of the State Medical Board of Ohio, which Order is attached hereto and fully incorporated herein, your license to practice medicine or surgery was indefinitely suspended based upon your violation of the "terms of the Order of the State Medical Board of July 14, 1982, in that you have failed to appear at the July 14, 1983, Board meeting, although a letter of notice was sent to you on June 22, 1983. Further, you were sent a certified mail letter on July 21, 1983 and a restricted certified mail letter on July 27, 1983, to appear at the August 11, 1983 Board Meeting."

The acts or omissions as alleged in paragraph 1, above, individually and/or collectively, constitute the "violation of the conditions of limitation placed by the Board upon a certificate to practice" as that clause is used in Section 4731.22(B)(11) of the Revised Code.

Further, such acts or omissions constitute grounds for continuing the indefinite suspension of your certificate to practice medicine or surgery.

2. At a conference held on October 17, 1986, to discuss your application for reinstatement of licensure, you were asked whether you had had any contact or problems with any police, police officers or courts while in New Jersey, to which you responded "No." Another party present with you stated "Not even a traffic ticket", which statement was not corrected by you. In fact, as you later admitted, you were arrested and charged with shoplifting by officers of the Wayne Township Police Department, New Jersey.

STATE OF OHIO  
THE STATE MEDICAL BOARD

Page Two  
Josette W. Bianchine, M.D.

November 6, 1986

3. At the conference held on October 17, 1986, you were asked if your activities while in New Jersey have included attending, participating in or accompanying physicians on "rounds" in a local hospital. You would not answer the question directly, but stated that all activities in which you participated are listed on Form II, Resume of Activities and the CME log submitted to the Board on or about August 11, 1986. You further stated that if an activity is not listed on those forms, you did not engage in it. In fact, you have been attending rounds at the New Jersey Medical School, which activity is not listed on Form II, Resume of Activities or the CME log.
4. At the conference held on October 17, 1986, you were asked about medical licenses in other states. You stated that you have a license in New York, but that you have no other licenses. In fact, you hold medical licenses in New York, Maryland, and Texas.

The acts or omissions as alleged in the above Paragraphs 2, 3, and 4, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the Board", as that clause is used in Section 4731.22(A) of the Revised Code.

Further, such acts as alleged in the above Paragraphs 2, 3, and 4, individually and/or collectively, demonstrate that you lack the good moral character required by Section 4731.222 and 4731.08 of the Revised Code for a license or certificate to practice medicine or surgery to be issued or reinstated.

5. Based upon your demeanor at the conference on October 17, 1986, as observed by a Board Member and Staff, you may be unable to practice according to acceptable and prevailing standards of care by reason of illness, excessive use of alcohol, excessive use of controlled substances, drugs, or chemicals, or as a result of a mental or physical condition.

Pursuant to Section 4731.22(B)(15) of the Revised Code, the Board may limit, revoke, suspend, refuse to register or reinstate a certificate or reprimand or place on probation the holder of a certificate for one or more of the reasons listed in Paragraph 5 above.

Further, because your certificate to practice medicine or surgery has been suspended for more than two (2) years, the provisions of Section 4731.222 of the Revised Code apply and you may be required to obtain additional training, pass an examination, or your certificate, if reinstated, may be restricted or limited in scope or as to the extent or type of practice in which you may engage.

STATE OF OHIO  
THE STATE MEDICAL BOARD

Page Three

November 6, 1986

Josette W. Bianchine, M.D.

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

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or 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 made within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,



John H. Buchan, D.P.M.  
Acting Secretary

JHB:caa

enclosures

CERTIFIED MAIL NO. P 569 361 896  
RETURN RECEIPT REQUESTED

*Bianchine file* 6/6/84

JB-Copies to  
Ad Members - (116)  
Legal Staff - original

**RECEIVED**

to SWR for file  
MAY 31 1984  
*Ray*

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

IN THE MATTER OF THE APPEAL OF :

JOSETTE W. BIANCHINE MD, :

Appellant, :

v. :

STATE MEDICAL BOARD OF OHIO, :

Appellee, :

OFFICE OF MEDICAL ADMINISTRATION

'84 JUN -5 P3:16

CASE NUMBER 84CV-02-1031

ASSIGNED TO JUDGE WILLIAMS

ADMINISTRATIVE AGENCY

DECISION

Rendered this 28th day of May, 1984.

WILLIAMS, J.

Appellee has moved this Court for dismissal.

This Court has reviewed the instant matter and examined the record, both upon the grounds alleged for dismissal, failure to exhaust administrative remedy, and for the merits of the issues raised by Appellant.

This Court finds that Appellant failed to exhaust her administrative remedies. In particular, she failed to timely pursue her R. C. 119 appellate review. This is true despite the fact that Appellee diligently attempted to contact Appellant.

Assuming arguendo that the appeal was timely filed, the record reflects reliable substantial and probative evidence supporting Appellee's decision of February 8, 1984.

Said decision is not contrary to the law and therefore the instant appeal must be DISMISSED.

Counsel for Appellee shall prepare a Judgment Entry pursuant to Local Rule 39.01.

*Frederick T. Williams*  
FREDERICK T. WILLIAMS, JUDGE

FILED  
COMMON PLEAS COURT  
FRANKLIN CO. OHIO  
1984 MAY 28 PM 3:32  
THOMAS J. HARRIS  
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

27 FEB 1984

IN THE MATTER OF

THE APPEAL OF:

JOSETTE W. BIANCHINE, M.D.

Appellant

vs.

STATE MEDICAL BOARD OF OHIO

Appellee

84CV - 02 - 1031

CASE NO. \_\_\_\_\_

1984 FEB 23 AM 9:43  
THOMAS J. ENRIGHT  
CLERK OF COURTS

NOTICE OF APPEAL

Notice is hereby given that Josette W. Bianchine, M.D., Appellant, hereby appeals to the Court of Common Pleas, Franklin County, Ohio, pursuant to Section 119.12, Revised Code, from the Order of the State Medical Board of Ohio, mailed February 8, 1984, approving and confirming the findings, order, and journal entry of Leonard L. Lovshin, M.D., dated February 8, 1984, and indefinite suspension of Appellant's license. Appellant appeals on the grounds: that the Board and its counsel were aware Appellant was represented by counsel since February 24, 1983, and failed to notify Attorney Thomas J. Simon of the various hearings, and that said Order is not supported by reliable, probative and substantial evidence, and is not in accordance with law.

Respectfully submitted,



WILLIAM G. HALGAS (HAL-02)  
Attorney for Appellant  
48 West Whittier Street  
Columbus, Ohio 43206  
(614) 443-1948



THOMAS J. SIMON (SIM-05) *wsd*  
Attorney for Appellant  
1189 North High Street  
Columbus, Ohio 43201  
(614) 294-2503

'84 FEB 22 P 1:40

27 FEB 1984

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Notice of Appeal was hand-delivered to the Office of the State Medical Board of Ohio, 65 South Front Street, Columbus, Ohio 43215, and to Norm Joseph Maxwell, Assistant Attorney General, Administrative Services Section, 15th Floor, State Office Tower, 30 East Broad Street, Columbus, Ohio 43215, this 22nd day of February, 1984.

*W. G. Halgas*

WILLIAM G. HALGAS (HAL-02)  
Attorney for Appellant

84 FEB 22 PM:41

110015

STATE OF OHIO  
THE STATE MEDICAL BOARD  
Suite 510  
65 South Front Street  
Columbus, Ohio 43215

December 14, 1983

Josette W. Bianchine, M.D.  
2444 W. Lane Avenue  
Columbus, OH. 43221

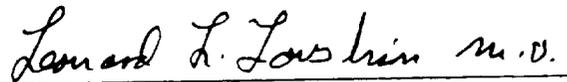
Dear Doctor Bianchine:

Please find enclosed a certified copy of the Findings, Order, and Journal Entry of the State Medical Board of Ohio and a certified copy of the Motion by the State Medical Board, meeting in regular session on December 7, 1983, approving said Findings, Order, and Journal Entry.

You are hereby notified that you may appeal this Order to the Court of Common Pleas of the county in which your place of business is located, or the county in which you reside. If you are not a resident and have no place of business in this state, you may appeal to the Court of Common Pleas of Franklin County, Ohio.

To appeal as stated above, you must file a notice of appeal with the Board setting forth the Order appealed from, and the grounds of the appeal. You must also file a copy of such notice with the court. Such notices of appeal shall be filed within fifteen (15) days after the date of mailing of this letter and in accordance with Section 119.12, Revised Code.

THE STATE MEDICAL BOARD OF OHIO



Leonard L. Lovshin, M.D.  
Acting Secretary

LLL:em

Enclosures

CERTIFIED MAIL NO. P 354 447 733  
RETURN RECEIPT REQUESTED

STATE OF OHIO  
THE STATE MEDICAL BOARD  
Suite 510  
65 South Front Street  
Columbus, Ohio 43215

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order, and Journal Entry of the State Medical Board of Ohio, and the attached copy of the Motion approved by the State Medical Board meeting in regular session on December 7, 1983, approving said Findings, Order, and Journal Entry, constitute a true and complete copy of the same, as it appears in the Journal of the State Medical Board of Ohio in the matter of Josette W. Bianchine, M.D.

(SEAL)

Leonard L. Lovshin M.D.  
Leonard L. Lovshin, M.D.  
Acting Secretary

12/22/83  
Date

FINDINGS, ORDER, AND JOURNAL ENTRY

This matter came on for consideration after a citation letter was sent to Josette W. Bianchine, M.D., by the Ohio State Medical Board on August 11, 1983 and was published once a week for three consecutive weeks on the dates of September 23, 1983, October 5, 1983, and October 12, 1983, in a newspaper of general circulation in the county of the last known place of residence or business of Josette W. Bianchine, M.D.

On October 12, 1983, notice was deemed received by Josette W. Bianchine, M.D., that the State Medical Board of Ohio intended to consider whether to reinstate the indefinite suspension of her license to practice medicine or surgery in Ohio according to the provisions of the Board's Order of July 14, 1982, and that she was entitled to a hearing if such hearing was requested within thirty (30) days. Dr. Bianchine has not requested a hearing, and thirty (30) days have elapsed since the receipt of the aforesaid notice.

WHEREFORE, it is hereby ORDERED that for the reasons outlined in the August 11, 1983 letter of notice which is attached hereto and incorporated herein, accordingly, the license of Josette W. Bianchine, M.D., to practice medicine and surgery in Ohio be indefinitely suspended.

This Order shall become effective on the 7th day of December, 1983.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 7th day of December, 1983, and the original thereof shall be kept with said Journal.

(SEAL)

Leonard L. Lovshin  
Leonard L. Lovshin, M.D.  
Acting Secretary

12/13/83  
DATE

STATE OF OHIO  
THE STATE MEDICAL BOARD  
Suite 510  
65 South Front Street  
Columbus, Ohio 43215

EXCERPT FROM THE MINUTES OF DECEMBER 7, 1983

FINDINGS, ORDER, AND JOURNAL ENTRY IN THE MATTER OF JOSETTE W. BIANCHINE, M.D.

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DR. LANCIONE MOVED THAT AN EFFECTIVE DATE OF DECEMBER 8, 1983 BE PLACED ON THE PROPOSED ORDER IN THE MATTER OF JOSETTE W. BIANCHINE, M.D. DR. RAUCH SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. O'Connor	- aye
	Dr. Buchan	- aye
	Dr. Rauch	- aye
	Dr. Yut	- aye
	Dr. Oxlev	- aye
	Ms. Rolfes	- abstain
	Dr. Lancione	- aye

The motion carried.

DR. BUCHAN MOVED TO ADOPT THE FINDINGS, ORDER, AND JOURNAL ENTRY IN THE MATTER OF JOSETTE W. BIANCHINE, M.D. DR. YUT SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. O'Connor	- aye
	Dr. Buchan	- aye
	Dr. Rauch	- aye
	Dr. Yut	- aye
	Dr. Oxlev	- aye
	Ms. Rolfes	- abstain
	Dr. Lancione	- aye

The motion carried.

STATE OF OHIO  
THE STATE MEDICAL BOARD  
Suite 510  
65 South Front Street  
Columbus, Ohio 43215

February 8, 1984

Josette W. Bianchine, M.D.  
2444 W. Lane Avenue  
Columbus, OH. 43221

Dear Doctor Bianchine:

Please find enclosed a certified copy of the Findings, Order, and Journal Entry of the State Medical Board of Ohio and a certified copy of the Motion by the State Medical Board, meeting in regular session on December 7, 1983, approving said Findings, Order, and Journal Entry.

You are hereby notified that you may appeal this Order to the Court of Common Pleas of the county in which your place of business is located, or the county in which you reside. If you are not a resident and have no place of business in this state, you may appeal to the Court of Common Pleas of Franklin County, Ohio.

To appeal as stated above, you must file a notice of appeal with the Board setting forth the Order appealed from, and the grounds of the appeal. You must also file a copy of such notice with the court. Such notices of appeal shall be filed within fifteen (15) days after the date of mailing of this letter and in accordance with Section 119.12, Revised Code.

THE STATE MEDICAL BOARD OF OHIO

  
Leonard L. Lovshin, M.D.  
President and Acting Secretary

LLL:em

Enclosures

CERTIFIED MAIL NO. P 354 447 785  
RETURN RECEIPT REQUESTED

cc: Thomas J. Simon, Esq.  
Attorney at Law  
1189 North High Street  
Columbus, OH. 43201

CERTIFIED MAIL NO. P 354 447 786  
RETURN RECEIPT REQUESTED

STATE OF OHIO  
THE STATE MEDICAL BOARD  
Suite 510  
65 South Front Street  
Columbus, Ohio 43215

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order, and Journal Entry of the State Medical Board of Ohio, and the attached copy of the Motion approved by the State Medical Board meeting in regular session on December 7, 1983, approving said Findings, Order, and Journal Entry, constitute a true and complete copy of the same, as it appears in the Journal of the State Medical Board of Ohio in the matter of Josette W. Bianchine, M.D.

Leonard L. Lovshin M.D.  
Leonard L. Lovshin, M.D.  
President and Acting Secretary

(SEAL)

2/8/84  
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

\*

\*

JOSETTE W. BIANCHINE, M.D.

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FINDINGS, ORDER, AND JOURNAL ENTRY

This matter came on for consideration after a citation letter was sent to Josette W. Bianchine, M.D., by the Ohio State Medical Board on August 11, 1983 and was published once a week for three consecutive weeks on the dates of September 28, 1983, October 5, 1983, and October 12, 1983, in a newspaper of general circulation in the county of the last known place of residence or business of Josette W. Bianchine, M.D.

On October 12, 1983, notice was deemed received by Josette W. Bianchine, M.D., that the State Medical Board of Ohio intended to consider whether to reinstate the indefinite suspension of her license to practice medicine or surgery in Ohio according to the provisions of the Board's Order of July 14, 1982, and that she was entitled to a hearing if such hearing was requested within thirty (30) days. Dr. Bianchine has not requested a hearing, and thirty (30) days have elapsed since the receipt of the aforesaid notice.

WHEREFORE, it is hereby ORDERED that for the reasons outlined in the August 11, 1983 letter of notice which is attached hereto and incorporated herein, accordingly, the license of Josette W. Bianchine, M.D., to practice medicine and surgery in Ohio be indefinitely suspended.

This Order shall become effective on the 8th day of December, 1983.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 7th day of December, 1983, and the original thereof shall be kept with said Journal.

(SEAL)

Leonard L. Lovshin M.D.

Leonard L. Lovshin, M.D.  
President and Acting Secretary

2/8/84  
Date

STATE OF OHIO  
THE STATE MEDICAL BOARD  
Suite 510  
65 South Front Street  
Columbus, Ohio 43215

August 11, 1983

Josette W. Bianchine, M.D.  
2444 W. Lane Avenue  
Columbus, OH 43221

Dear Doctor Bianchine:

On April 28, 1982, you did have a formal adjudicatory hearing before Jerauld D. Ferritto, D.P.M., a member of the State Medical Board of Ohio, in accordance with Chapter 119. of the Ohio Revised Code. On July 14, 1982, in accordance with Section 4731.23 and under the authority of Section 4731.22 of the Revised Code, the State Medical Board adopted with modification Dr. Ferritto's Report and Recommendation as its Findings and Order in the matter. The Findings and Order of the State Medical Board provided in part as follows:

"...it is hereby ORDERED that effective immediately:

1. Josette W. Bianchine, M.D., is guilty of having violated Section 4731.22(B)(3) of the Ohio Revised Code and her license to practice medicine is hereby suspended indefinitely.
2. Josette W. Bianchine, M.D., is guilty of having violated Section 4731.22(B)(10) of the Ohio Revised Code and her license to practice medicine is hereby suspended indefinitely.
3. The indefinite suspension of Dr. Bianchine's license is stayed with the following probationary provisions:
  - A. She is not to prescribe or dispense any drugs, chemicals or substances that are habit-forming and addicting.
  - B. She is to appear in person before the Ohio State Medical Board or its representatives every four months.
  - C. She is to comply with all provisions of her court probation.

\*\*\*"

You were notified of this Findings and Order by certified mail, return receipt requested, which was mailed to you on July 22, 1982.

In accordance with Chapter 119, Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to reinstate your original indefinite suspension for the following reason(s):

1. You have violated the terms of the Order of the State Medical Board of July 14, 1982, in that you have failed to appear at the July 14, 1983, Board meeting, although a letter of notice was sent to you on June 22, 1983. Further, you were sent a certified mail letter on July 21, 1983 and a restricted certified mail letter on July 27, 1983, to appear at the August 11, 1983 Board meeting. You refused delivery of both letters, and you failed to appear at the August 11, 1983, Board meeting.

Violation of the conditions of the Medical Board Order of July 14, 1982, constitutes grounds to remove the stay and reinstate the indefinite suspension of your certificate to practice medicine and surgery. (See Section 4731.22, Ohio Revised Code, and division (B)(11) of that Section.)

Pursuant to Chapter 119., Ohio Revised Code, please be advised that you may request a hearing on this matter. If you wish to request such a hearing, that request must be made within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or 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 there is no request for such hearing made within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to reinstate the indefinite suspension of your certificate to practice medicine and surgery.

A copy of the Medical Board's July 14, 1982, Findings and Order is enclosed.

Very truly yours,

  
Henry G. Camblett, M.D.  
Secretary

HGC:ls

Enclosures

CERTIFIED MAIL NO. P 354 447 863  
RETURN RECEIPT REQUESTED

STATE OF OHIO  
THE STATE MEDICAL BOARD  
Suite 510  
65 South Front Street  
Columbus, Ohio 43215

July 22, 1982

Josette W. Bianchine, M.D.  
2444 W. Lane Avenue  
Columbus, OH. 43221

Dear Doctor Bianchine:

Please find enclosed a certified copy of the Order and the Report and Recommendation of Jerauld D. Ferritto, D.P.M., Member, State Medical Board of Ohio, a certified copy of the Motions by the State Medical Board, meeting in regular session on July 14, 1982, modifying said Report and Recommendation, and approving and confirming said modified Report and Recommendation as the Findings and Order of the State Medical Board.

You are hereby notified that you may appeal this Order to the Court of Common Pleas of the county in which your place of business is located, or the county in which you reside. If you are not a resident and have no place of business in this state, you may appeal to the Court of Common Pleas of Franklin County, Ohio.

To appeal as stated above, you must file a notice of appeal with the Board setting forth the Order appealed from, and the grounds of the appeal. You must also file a copy of such notice with the court. Such notices of appeal shall be filed within fifteen (15) days after the date of mailing of this letter and in accordance with Section 119.12, Revised Code.

THE STATE MEDICAL BOARD OF OHIO

  
Anthony Ruppertsberg, Jr., M.D.  
Secretary

AR:em

Encls.

CERTIFIED MAIL NO.P 349 641 996  
RETURN RECEIPT REQUESTED

STATE OF OHIO  
THE STATE MEDICAL BOARD  
Suite 510  
65 South Front Street  
Columbus, Ohio 43215

CERTIFICATION

I hereby certify that the attached copy of the Order and Report and Recommendation of Jerauld D. Fenritto, D.P.M., Member, State Medical Board of Ohio and the attached copy of the Motions approved by the State Medical Board, meeting in regular session on July 14, 1982, modifying said Report and Recommendation and approving and confirming said modified Report and Recommendation as the Findings and Order of the State Medical Board constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Josette W. Bianchine, M.D., as it appears in the Journal of the State Medical Board.

(SEAL)

  
\_\_\_\_\_  
Anthony Ruppertsberg, Jr., M.D.

\_\_\_\_\_  
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

JOSETTE W. BIANCHINE, M.D.

\*  
\*  
\*

ORDER

This matter came on for consideration before the State Medical Board the 14th day of July, 1982.

Upon the Report and Recommendation, attached hereto and incorporated herein, of Jerauld D. Ferritto, D.P.M., the Hearing Member in this matter designated pursuant to R.C. 4731.23, the Findings of Fact and Conclusions are hereby APPROVED and CONFIRMED, and the Recommended Order is hereby MODIFIED for the reasons specified in the minutes of the Board meeting for the above date, which are attached hereto and incorporated herein.

Therefore, it is hereby ORDERED that effective immediately:

1. Josette W. Bianchine, M.D., is guilty of having violated Section 4731.22(B)(3) of the Ohio Revised Code and her license to practice medicine is hereby suspended indefinitely.
2. Josette W. Bianchine, M.D., is guilty of having violated Section 4731.22(B)(10) of the Ohio Revised Code and her license to practice medicine is hereby suspended indefinitely.
3. The indefinite suspension of Dr. Bianchine's license is stayed with the following probationary provisions:
  - A. She is not to prescribe or dispense any drugs, chemicals or substances that are habit-forming and addicting.
  - B. She is to appear in person before the Ohio State Medical Board or its representatives every four months.
  - C. She is to comply with all provisions of her court probation.

This Order is hereby entered upon the Journal of the State Medical Board the 14th days of July, 1982.

(SEAL)

Date

\_\_\_\_\_  
Anthony Ruppertsberg, Jr., M.D.  
Secretary

STATE OF OHIO  
THE STATE MEDICAL BOARD

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OHIO STATE  
MEDICAL BOARD  
REPORT AND RECOMMENDATION  
IN THE MATTER OF JOSETTE W. BIANCHINE, M.D.

The Matter of Josette W. Bianchine, M.D., came before me, Jerauld D. Ferritto, D.P.M., Member of the State Medical Board of Ohio, for hearing on April 28, 1982.

FINDING OF FACTS

1. On April 28, 1982, a formal hearing by the State Medical Board was held before me in the matter of Josette W. Bianchine, M.D.
2. Dr. Bianchine had been cited by the Board in regard to her plea of guilty and subsequent conviction of seven counts of ". . . Illegal Processing of Drug Documents, felonies of the fourth degree under Section 2925.33, ORC." (State Exhibit #2—Ruppersberg's letter, March 10th.)
3. Under Section 4731.22(B), the State Medical Board shall, to the extent permitted by law, limit, reprimand, revoke, suspend, place on probation, refuse to register or reinstate a certificate for, among other reasons, the conviction of a felony committed not in the course of one's practice, the conviction of a felony or misdemeanor in the course of one's practice, or the conviction of violation of any federal or state law regulating the possession, distribution, or use of any drug in this regard.
4. Dr. Bianchine chose not to be present at the hearing nor to be represented by an attorney. Her husband, Joseph Raymond Bianchine, M.D., requested to be heard as her "witness" and the request was granted.
5. Various exhibits were admitted into the record by both parties and appear as part of the transcript of the proceedings. They include a certified copy of the indictment; various pieces of correspondence between Dr. Bianchine, the Board and the Attorney General and a curriculum vitae of both Drs. Bianchine. (Transcript at 6-8, and 20.)
6. Dr. Joseph Bianchine was sworn in to testify. His testimony revealed the following:
  - A. Dr. Josette Bianchine's problem started with a family named Bailey. They had a boy named Darrell who was frequently in trouble with the law.
  - B. Darrell needed medical attention and Dr. Bianchine was his doctor.
  - C. Darrell was in trouble with the police and implicated Dr. Bianchine for prescribing medicine to him. The police began surveillance of her home.

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- D. One evening Dr. Bianchine bought some material to lay some carpet on her floor. It was to be glued and nailed down by a man Dr. Bianchine thought was a friend of the Bailey family. Instead he was a police officer. He wanted medication in lieu of payment for carpeting her floor. She gave him the prescriptions for the medicine because she felt uneasy, because she was alone and it was early evening. However, there was no physical abuse and Dr. Bianchine did not notify the Pharmaceutical Board, the State Medical Board, or the police. (Transcript at 22.)
7. Dr. Bianchine plead guilty to and was convicted of seven counts of illegal processing of drug documents. These documents were, in reality, prescriptions for controlled substances in lieu of cash payment for laying the carpet in Dr. Bianchine's office.
  8. Of the seven drug documents that constituted the indictment, five were written in one evening. (Transcript at 26.)
  9. As a result of the conviction, Dr. Bianchine was sentenced to one to ten years in the Ohio Reformatory for Women. The sentence was suspended and she was placed on five years probation under the conditions that she have no further contact with (the family whose member she supplied with the prescriptions) and no abuse of prescription writing. (State Exhibit #1.)
  10. Because of her felony conviction, Dr. Bianchine no longer has a job and has no privileges at any hospital.
  11. Dr. Bianchine's narcotic license was returned.

#### CONCLUSION

1. The pleas of guilty and the conviction of the felonies are sufficient grounds for the Medical Board to take action against her license to practice medicine in the State of Ohio (Section 4731.22(B)(3) and Section 4731.22(B)(10).
2. No evidence was presented to show a felony was committed " . . . in the course of her practice." (Section 4731.22(B)(11).
3. According to testimony by her husband, and not challenged by the State, Dr. Bianchine rarely wrote prescriptions for narcotics in her practice (twenty-three over a seven year period. See Transcript page 15 lines 8-16.) and it seems reasonable to assume that she would not change her practice pattern in the future.

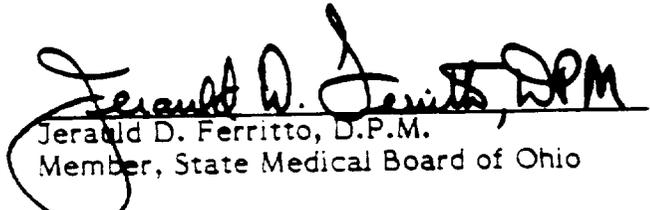
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PROPOSED ORDER

1. Josette W. Bianchine, M.D., is guilty of having violated Section 4731.22(B)(3) of the Ohio Revised Code and her license to practice medicine is hereby suspended indefinitely.
2. Josette W. Bianchine, M.D., is guilty of having violated Section 4731.22(B)(10) of the Ohio Revised Code and her license to practice medicine is hereby suspended indefinitely.
3. The indefinite suspension of Dr. Bianchine's license is stayed with the following probationary provisions:
  - A. She is not to prescribe or dispense any drugs, chemicals or substances that are habit-forming.
  - B. She is to appear in person before the Ohio State Medical Board or its representatives every four months.
  - C. She is to comply with all provisions of her court probation.

  
Gerald D. Ferritto, D.P.M.  
Member, State Medical Board of Ohio

Missing: 3/10/82 Citation; 2/23/84  
court action

STATE OF OHIO  
THE STATE MEDICAL BOARD  
Suite 510  
65 South Front Street  
Columbus, Ohio 43215

EXCERPT FROM THE MINUTES OF JULY 14, 1982

REPORT AND RECOMMENDATION IN THE MATTER OF JOSETTE W. BIANCHINE, M.D.

Mr. Bumgarner, Mr. Schmidt, Ms. Cato and Mr. Meyer left the meeting at this time.

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DR. CLARKE MOVED TO MODIFY SECTION 3(A) OF DR. FERRITTO'S ORDER TO SAY: "A. SHE IS NOT TO PRESCRIBE OR DISPENSE ANY DRUGS, CHEMICALS OR SUBSTANCES THAT ARE HABIT-FORMING AND ADDICTING." DR. YUT SECONDED THE MOTION. A roll call vote was taken:

Dr. Cramblett at this time disqualified himself from discussion and voting on this case.

ROLL CALL VOTE:	Dr. Lancione	- abstain
	Dr. Clarke	- aye
	Dr. Yut	- aye
	Dr. Oxley	- aye
	Mr. Paulo	- aye
	Dr. Ferritto	- abstain
	Dr. Ruppertsberg	- abstain

The motion carried.

DR. YUT MOVED TO APPROVE AND CONFIRM THE FINDINGS OF FACT, CONCLUSIONS AND MODIFIED ORDER IN THE MATTER OF JOSETTE W. BIANCHINE, M.D. DR. CLARKE SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Lancione	- abstain
	Dr. Clarke	- aye
	Dr. Yut	- aye
	Dr. Oxley	- aye
	Mr. Paulo	- nay
	Dr. Ferritto	- abstain
	Dr. Ruppertsberg	- abstain
	Dr. Cover	- abstain

The motion carried.

Dr. Cover asked if each member of the Board received, read and considered the hearing record, the proposed findings and order, and any objections filed to the proposed findings and order in the matter of Josette W. Bianchine, M.D. A roll call was taken:

ROLL CALL:	Dr. Lancione	- aye
	Dr. Clarke	- aye
	Dr. Yut	- aye
	Dr. Oxley	- aye

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of Josette W. Bianchine, M.D.

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Mr. Paulo	- aye
Dr. Ferritto	- aye
Dr. Ruppertsberg	- aye

**Ohio Revised Code**

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colleges, institutions, or individuals giving instruction in such limited branches, the applicant for such certificate shall, as a condition of admission to the examination, produce a diploma or certificate from such a school, college, institution, or individual in good standing as determined by the board, showing the completion of the required courses of instruction.

The entrance examiner of the board shall determine the sufficiency of the preliminary education of applicants for such limited certificate as is provided in section 4731.09 of the Revised Code. The board may adopt rules defining and establishing for any limited branch of medicine or surgery such preliminary educational requirements, less exacting than those prescribed by such section, as the nature of the case may require.

**Sec. 4731.20 Powers and duties of board.**

Sections 4731.07, 4731.08, and 4731.14 to 4731.26 of the Revised Code shall govern the state medical board, all of the officers mentioned therein, and the applicants for and recipients of limited certificates to practice a limited branch of medicine or surgery. In addition to the power of the board to revoke and suspend certificates provided for in section 4731.22 of the Revised Code it may also revoke or suspend the certificate of any one to whom a limited certificate has been issued upon proof of violation of the rules established by the board governing such limited practice.

**Sec. 4731.21 Limitations prescribed.**

Sections 4731.15 to 4731.20, inclusive, of the Revised Code do not amend sections 4731.34, 4731.36, and 4731.41 of the Revised Code or limit their application unless otherwise specifically provided.

**Sec. 4731.22 Grounds for discipline.**

(A) The state medical board, by a vote of not less than six of its members, may revoke or may refuse to grant a certificate to a person found by the board to have committed fraud in passing the examination, or to have committed fraud, misrepresentation, or de-

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ception in applying for or securing any license or certificate issued by the board.

(B) The board, by a vote of not less than six members, shall, to the extent permitted by law, limit, revoke, or suspend a certificate, refuse to register or refuse to reinstate an applicant, or reprimand or place on probation the holder of a certificate for one or more of the following reasons:

(1) Permitting one's name or one's certificate of registration to be used by a person, group, or corporation when the individual concerned is not actually directing the treatment given;

(2) Failure to use reasonable care discrimination in the administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease;

(3) Selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes or conviction of violation of any federal or state law regulating the possession, distribution, or use of any drug;

(4) Wilfully betraying a professional confidence or engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;

(5) Soliciting patients or publishing a false, fraudulent, deceptive, or misleading statement.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;

(7) Representing, with the purpose of obtaining

compensation or other advantage for himself or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured:

(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(9) Conviction of a felony whether or not committed in the course of his practice;

(10) Conviction of a misdemeanor committed in the course of his practice;

(11) Violation of the conditions of limitation placed by the board upon a certificate to practice or violation of the conditions of limitation upon which a limited or temporary registration or certificate to practice is issued;

(12) Failure to pay license renewal fees specified in this chapter;

(13) Any division of fees or charges, or any agreement or arrangement to share fees or charges, made by any person licensed to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery with any other person so licensed, or with any other person;

(14) The violation of any provision of a code of ethics of a national professional organization as specified in this division. "National professional organization" means the American medical association, the American osteopathic association, the American podiatry association, and such other national professional organizations as are determined, by rule, by the state medical board. The state medical board shall obtain and keep on file current copies of the codes of ethics of the various national professional organizations. The practitioner whose certificate is being suspended or revoked shall not be found to have violated any provision of a code of ethics of an organization not appropriate to his profession;

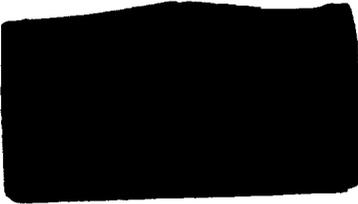
(15) Inability to practice according to acceptable and prevailing standards of care by reason of illness, excessive use of alcohol, excessive use of controlled substances, drugs, or chemicals, or as a result of a

mental or physical condition. In enforcing this division, the board upon a showing of a possible violation, may compel any individual licensed or certified to practice by this chapter or who has applied for licensure or certification pursuant to this chapter to submit to a mental or physical examination, or both, as required by and at the expense of the board. Failure of any individual to submit to a mental or physical examination when directed constitutes an admission of the allegations against him unless the failure is due to circumstances beyond his control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds a physician unable to practice because of the reasons set forth in this division, the board shall require such physician to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for initial, continued, reinstated, or renewed licensure to practice. An individual licensed by this chapter affected under this section shall be afforded an opportunity to demonstrate to the board that he can resume his practice in compliance with acceptable and prevailing standards under the provisions of his certificate. For the purpose of this section, any individual licensed or certified to practice by this chapter accepts the privilege of practicing in this state, and by so doing or by the making and filing of a registration or application to practice in this state, shall be deemed to have given his consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(16) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provisions of this chapter or any rule promulgated by the board;

(17) The violation of any abortion rule adopted by the public health council pursuant to section 3701.341 of the Revised Code;

(18) The revocation or suspension by another state of a license or certificate to practice issued by the



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The authority of the board to impose terms and conditions includes the following:

(A) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training;

(B) Restricting or limiting the extent, scope, or type of practice of the applicant.

The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity, in accordance with section 4731.08 of the Revised Code.

### **Sec. 4731.23 Hearing may be held by any member.**

Any investigation, inquiry, or hearing, which the state medical board is empowered to hold or undertake may be held or undertaken by or before any member of the board, and the finding or order of such member shall be deemed to be the order of said board when approved and confirmed by it.

### **Sec. 4731.24 Fee for examination; deposit of receipts.**

Each applicant for a certificate to practice medicine or surgery, or osteopathic medicine and surgery, shall pay a fee of one hundred fifty dollars for an examination. On failure to pass such examination the fee shall not be returned to the applicant. All receipts of the state medical board, from any source, shall be deposited in the state treasury to the credit of the general revenue fund.

### **Sec. 4731.26 Certified copies of certificate.**

Upon application the state medical board shall issue a duplicate certificate to replace one missing or damaged, reflect a name change, or for any other reasonable cause. The fee for such duplicate certificate shall be twenty-five dollars.

### **Sec. 4731.281 Biennial registration.**

On or before the first day of January, 1983, every person licensed to practice medicine or surgery, every doctor of osteopathic medicine licensed to practice

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osteopathic medicine and surgery, and every doctor of podiatric medicine licensed to practice podiatric medicine or surgery within this state shall certify to the board that in the preceding three years the practitioner has completed one hundred fifty hours of continuing medical education. On or before January, 1985, and on or before the first day of January of every odd-numbered year thereafter, every person licensed to practice medicine or surgery, every doctor of osteopathic medicine licensed to practice osteopathic medicine and surgery, and every doctor of podiatric medicine licensed to practice podiatric medicine or surgery within this state shall certify to the board that in the preceding two years the practitioner has completed one hundred hours of continuing medical education. Such certification shall be made upon the application for registration furnished by the board pursuant to this section. For purposes of meeting this requirement, all continuing medical education taken by persons licensed to practice medicine and surgery shall be certified by the Ohio state medical association and approved by the board; all continuing medical education taken by doctors of osteopathic medicine shall be certified by the Ohio osteopathic association and approved by the board; and all continuing medical education taken by doctors of podiatric medicine shall be certified by the Ohio podiatry association and approved by the board. The board shall adopt rules providing for pro rata reductions by month of the hours of continuing education required by this section for persons who are first licensed during a registration period, who have been disabled due to illness or accident, or who have been absent from the country. The physician shall be given sufficient choice of continuing education programs to assure that he has had a reasonable opportunity to participate in continuing education programs that are relevant to his medical practice in terms of subject matter and level. The board may require a random sample of practitioners to submit materials documenting completion of the continuing medical education requirement during the preceding registration period, but this provision shall not limit the board's authority to investigate possible violations of division (A) of section 4731.22 of the Revised Code.



STATE OF OHIO  
THE STATE MEDICAL BOARD  
Suite 510  
65 South Front Street  
Columbus, Ohio 43215

March 10, 1982

(SECOND MAILING - 3/30/82)

Josette W. Bianchine, M.D.  
2444 West Lane Avenue  
Columbus, OH 43221

Dear Doctor Bianchine:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine under the provisions of Section 4731.22, Ohio Revised Code, whether or not to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine or surgery for one or more of the following reasons:

1. Based upon your plea of guilty, you were convicted on February 24, 1982 of seven counts of the Illegal Processing of Drug Documents, felonies of the fourth degree under Section 2925.23, Ohio Revised Code.

Conviction of a felony or felonies constitutes grounds to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine or surgery pursuant to Sections 4731.22(B)(10) and 4731.22(B)(11) of the Ohio Revised Code.

Further, your conviction described above constitutes "...conviction of violation of any federal or state law regulating the possession, distribution, or use of any drug..." as that clause is used in Section 4731.22(B)(3), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you may request a hearing on this matter. If you wish to request such hearing, that request must be made within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or 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.



**Sec. 4731.22 Grounds for discipline.**

(A) The state medical board, by a vote of not less than five of its members, may refuse to grant a certificate to a person found guilty of fraud in passing the examination, or fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board.

(B) The board shall, to the extent permitted by law, limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate a certificate for one or more of the following reasons:

- (1) Permitting one's name or one's certificate of registration to be used by a person, group, or corporation when the individual concerned is not actually directing the treatment given;
- (2) Failure to use reasonable care discrimination in the administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease;
- (3) Selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes or conviction of violation of any federal or state law regulating the possession, distribution, or use of any drug;
- (4) Wilfully betraying a professional secret or engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;
- (5) Except as permitted by section 4731.44 of the Revised Code, advertising for or soliciting patients;
- (6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same of similar cir-

cumstances, whether or not actual injury to a patient is established;

- (7) Representing, with the purpose of obtaining compensation or other advantage for himself or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;
- (8) Knowingly maintaining a professional connection or association with a person who is in violation of this chapter or rules of the board or with a person who knowingly aids, assists, procures, or advises an unlicensed person to practice medicine contrary to this chapter or rules of the board;
- (9) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of treatment;
- (10) Conviction of a felony committed not in the course of his practice;
- (11) Conviction of a felony or misdemeanor committed in the course of his practice;
- (12) Violation of the conditions of limitation upon which a limited or temporary license or certificate to practice is issued;
- (13) Failure to pay license renewal fees specified in this chapter;
- (14) Any division of fees or charges, or any agreement or arrangement to share fees or charges, made by any person licensed to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery with any other person so licensed, or with any other person;
- (15) The violation of any provision of a code of ethics of a national professional organization as specified in this division. "National professional organization" means the American medical association, the American osteopathic association, the American podiatry association, the American physical therapy asso-

ciation, and such other national professional organizations as are determined, by rule, by the state medical board. The state medical board shall obtain and keep on file current copies of the codes of ethics of the various national professional organizations. The practitioner whose certificate is being suspended or revoked shall not be found guilty of the violation of a code of ethics of an organization not appropriate to his profession.

(16) Inability to practice according to acceptable and prevailing standards of care by reason of illness, excessive use of alcohol, excessive use of controlled substances, chemicals, or as a result of a physical condition or adjudication of incompetence as provided in section 4731.221 [4731.22.1] of the Revised Code. In enforcing this division, the board upon a showing or a possible violation, may compel any individual licensed or certified to practice by this chapter to submit to a mental or physical examination as required by and at the expense of the board. Failure of any individual to submit to a mental or physical examination when directed constitutes an admission of the allegations against him unless the failure is due to circumstances beyond his control, and a default and final order may be entered without the taking of testimony or presentation of evidence. An individual licensed by this chapter affected under this section shall be afforded an opportunity to demonstrate to the board that he can resume his practice in compliance with acceptable and prevailing standards under the provisions of his certificate. For the purpose of this section, any individual licensed or certified to practice by this chapter accepts the privilege of practicing in this state, and by so doing or by the making and filing of a registration to practice in this state, shall be deemed to have given his consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have

waived all objections to the admissibility of the testimony or examination reports constitute a privileged communication.

(17) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board.

(18) The violation of any abortion rule adopted by the public health council pursuant to section 3701.341 of the Revised Code.

(C) (1) The board shall investigate evidence which appears to show that any person has violated any provision of this chapter. Any person may report to the board under oath any information such person may have appearing to show a violation of any provision of this chapter.

(2) Any individual licensed or certified to practice or any association or society of individuals licensed or certified under this chapter shall report to the board any information appearing to show a violation of any provision of this chapter. Any person or society who reports under this section and provides such information in good faith shall not be subject to suit for civil damages as a result thereof.

(3) In absence of fraud or bad faith, neither the board nor any member, agent, representative, or employee thereof shall be held liable in damages to any person by reason of investigating or acting upon information presented to it pursuant to this chapter.

Sec. 4731.221 Suspension of certificate of mentally ill or mentally incompetent practitioner.

If any person who has been granted a certificate under Chapter 4731. of the Revised Code is adjudicated incompetent for the purpose of holding the certificate, as provided in section 5122.301 [5122.30.1] of the Revised Code, his