

STATE OF OHIO
THE STATE MEDICAL BOARD OF OHIO
65 SOUTH FRONT STREET
SUITE 510
COLUMBUS, OHIO 43266-0315

September 11, 1987

Joseph C. Woofter, M.D.
1110 20th Street
Parkersburg, W. VA. 26101

Dear Doctor Woofter:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Lauren Lubow, Hearing Officer, State Medical Board; and a certified copy of the Motions by the State Medical Board, meeting in regular session on September 9, 1987, adopting the Findings of Fact and Conclusions of the Hearing Officer, and adopting a modified Order.

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

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

THE STATE MEDICAL BOARD OF OHIO



Henry G. Cramblett, M.D.
Secretary

HGC:em
Enclosures

CERTIFIED MAIL NO. P 158 073 912
RETURN RECEIPT REQUESTED

cc: Alan Radnor, Esq.

CERTIFIED MAIL NO. P 158 073 921
RETURN RECEIPT REQUESTED

Mailed 9/21/87

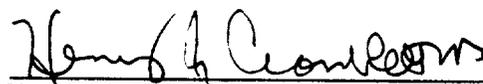
STATE MEDICAL BOARD OF OHIO

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of Lauren Lubow, Hearing Officer, State Medical Board of Ohio; and attached copy of Motions by the State Medical Board, meeting in regular session on September 9, 1987, adopting the Findings and Conclusions of Lauren Lubow, Esq., and adopting a modified Order, constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Joseph C. Woofter, 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 and in its behalf.

(SEAL)



Henry G. Cramblett, M.D.
Secretary

September 11, 1987
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *
 *
JOSEPH C. WOOFER, M.D. *

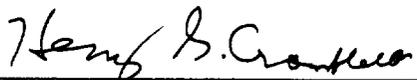
ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 9th day of September, 1987. Upon the Report and Recommendation of Lauren Lubow, Attorney Hearing Examiner, State Medical Board, in this matter designated pursuant to R.C. 119.09, a true copy of which is attached hereto and incorporated herein, which Report and Recommendation was modified by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board for the 9th day of September, 1987.

It is hereby ORDERED:

1. That the application of Joseph C. Woofter, M.D., for reinstatement of his certificate to practice medicine and surgery in the State of Ohio is DENIED.
2. Further, that Joseph C. Woofter, M.D., shall be ineligible to apply for a license to practice medicine and surgery in the State of Ohio for a period of twelve (12) months.

(SEAL)



Henry G. Cramblett, M.D.
Secretary

September 11, 1987
Date

STATE OF OHIO
THE STATE MEDICAL BOARD

REPORT AND RECOMMENDATION
IN THE MATTER OF JOSEPH C. WOOFER, M.D.

The Matter of Joseph C. Woofter, M.D., came on for hearing before me, Lauren Lubow, Esq., Hearing Examiner for the State Medical Board of Ohio, on November 13, 1986.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Mode of Conduct

- A. During the course of this hearing, rules of evidence were relaxed and both the State and the Respondent were given great latitude in demonstrating the relevancy and materiality of testimony and exhibits offered, as well as in attempting to discredit testimony and evidence presented by the opposing party.

II. Basis for Hearing

- A. By letter dated April 10, 1986 (State's Exhibit #1), the State Medical Board notified Joseph C. Woofter, M.D., that it proposed to refuse to reinstate his certificate to practice medicine and surgery in Ohio. The Board's proposal was based upon alleged violations of the Medical Practice Act, specifically:
1. Section 4731.22(B)(16), Ohio Revised Code, "Violating or attempting to violate, directly or indirectly,...any provisions of this Chapter...", to-wit: Sections 4731.41 and 4731.36, Ohio Revised Code. In support of this charge it was alleged that Dr. Woofter had maintained an office in Athens, Ohio, where he saw and treated patients and received calls on a regular basis during the period from December 31, 1979, until January, 1986. It was further alleged that Dr. Woofter's certificate to practice medicine and surgery in Ohio had expired on December 31, 1979.

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2. Section 4731.22(A), Ohio Revised Code, Committing "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the Board." This allegation was based upon Dr. Woofter's failure to list all the activities and locations of his medical practice in Ohio on his January 16, 1986, application for reinstatement of his Ohio certificate to practice medicine and surgery.
- *87 AUG 25 P3:12 3. Section 4731.22(B)(10), Ohio Revised Code, "Conviction of a misdemeanor committed in the course of his practice." This allegation was based upon Dr. Woofter's first degree misdemeanor conviction, on or about February 26, 1986, for practicing medicine without a license.
 - B. By letter received by the State Medical Board on April 23, 1986, Sandra J. Anderson, Esq., requested a hearing in this matter on behalf of Dr. Woofter (State's Exhibit #2).

III. Appearance of Counsel

- A. On behalf of the State of Ohio: Anthony J. Celebrezze, Attorney General, by Christopher M. Culley, Assistant Attorney General.
- B. On behalf of the Respondent: Alan T. Radnor, Esq.

IV. Testimony Heard

- A. Presented by the State
 1. Joseph C. Woofter, M.D., as on cross-examination
- B. Presented by the Respondent
 1. Joseph C. Woofter, M.D.
 2. Mary Ellen Woofter, Dr. Woofter's wife and Secretary-Treasurer of Associated Dermatology, Inc.

V. Exhibits Examined

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

- A. Presented by the State
 1. State's Exhibit #3: April 25, 1986, letter to Sandra J. Anderson, Esq., from the State Medical Board postponing the hearing initially set for May 6, 1986, pursuant to Section 119.09, Ohio Revised Code.

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2. State's Exhibit #4: September 24, 1986, letter to Sandra J. Anderson, Esq., from the State Medical Board scheduling the hearing in this matter for November 13, 1986.
3. State's Exhibit #5: Dr. Woofter's Application for Reinstatement of Certificate to Practice Medicine and Surgery in Ohio, received in the Board offices on January 16, 1986.
4. State's Exhibit #6: Dr. Woofter's Ohio renewal application for the 1985-1986 biennium, due November 15, 1984.
5. State's Exhibit #7: Documents filed in the Athens County Municipal Court in connection with charges against Dr. Woofter of unlicensed practice of medicine in violation of Section 4731.41, Ohio Revised Code. These documents include a January 31, 1986, Complaint and Summons; a February 6, 1986, Demand for Jury Trial; a February 27, 1986, Pretrial Order; and a March 4, 1986, Entry of the Athens County Municipal Court finding Dr. Woofter guilty, upon his plea of no contest, of unlicensed practice of medicine and fining him \$70 plus costs.
6. State's Exhibit #8: Copies of telephone book pages showing ads for Dr. Woofter's offices in Athens, Ohio; Pomeroy, Ohio; and Parkersburg, West Virginia.
7. State's Exhibit #9: Dr. Woofter's Ohio renewal application for the 1977-1979 triennium, due November 15, 1976.

B. Presented by the Respondent

1. Defendant's Exhibit A: Certificate of Dr. Woofter's residency in dermatology at the University of Missouri-Columbia School of Medicine from July 1, 1972, to June 30, 1975.
2. Defendant's Exhibit B: Dr. Woofter's November, 1976, American Board of Dermatology certificate.
3. Defendant's Exhibit C: Dr. Woofter's 1975 American Academy of Dermatology certificate of membership.
4. Defendant's Exhibit D: Dr. Woofter's 1985 American Dermatologic Society for Allergy and Immunology certificate of membership.
5. Defendant's Exhibit E: Dr. Woofter's 1978 Certificate of Authorization from the West Virginia Medical Licensing Board authorizing him to practice medicine and surgery as a medical corporation under the name of Associated Dermatology, Inc.

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6. Defendant's Exhibit F: Dr. Woofter's 1986 West Virginia State Medical Association membership card.
7. Defendant's Exhibit G: Dr. Woofter's Application for Reinstatement of Certificate to Practice Medicine and Surgery in Ohio submitted January 16, 1986 (duplicate of State's Exhibit #5) with attached correspondence from Dr. Woofter.
8. Defendant's Exhibit H: Letters commending Dr. Woofter from Larry E. Millikan, M.D., Professor and Chairman, Department of Dermatology, Tulane University Medical Center; Charles L. Cooke, M.D., McGuire Clinic, Inc.; Leo P. Durocher, Retired U.S. Marshal; Major R. H. Miller, Chief of Staff, West Virginia State Police; SFC Jim M. Ainsley, United States Army Retired; and Don Dale, WTVR Television News.
9. Defendant's Exhibit I: Responses to this Board's requests for verification of Dr. Woofter's credentials from Richard L. Dobson, M.D., Dean, University of South Carolina; Charles Camisa, M.D., Chairman, Department of Dermatology, Ohio State University; West Virginia Board of Medicine; Pennsylvania Board of Medical Education and Licensure; Virginia State Board of Medicine; Missouri State Board of Registration for the Healing Arts; and Commonwealth of Virginia Board of Medicine.
10. Defendant's Exhibit J: Six checks paid to the Virginia and West Virginia Boards of Medicine from Dr. Woofter's Parkersburg, West Virginia office.
11. Defendant's Exhibit K: Sample deposit slips and a handwritten summary prepared by Mrs. Woofter to show the frequency and locations of Dr. Woofter's practice in Ohio from October, 1976, through January, 1986.
12. Defendant's Exhibit L: Certified check vouchers showing September, 1975, payments from Dr. Woofter to the State Medical Board of Ohio.
13. Defendant's Exhibit M: Three checks written by Dr. and Mrs. Woofter for Ohio taxes.
14. Defendant's Exhibit O: January, 1986, phone bill for Dr. Woofter's Parkersburg, West Virginia office.
15. Defendant's Exhibit P: January-February, 1986, phone bill for Dr. Woofter's Parkersburg, West Virginia, residence.

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16. Defendant's Exhibit Q: March, 1986, phone bill for Dr. Woofter's Parkersburg, West Virginia office.
17. Defendant's Exhibit R: April, 1986, phone bill for Dr. Woofter's Parkersburg, West Virginia office.
18. Defendant's Exhibit S: Copy of Dr. Woofter's Yellow Pages ad from the 1985 Athens, Ohio telephone directory.
19. Defendant's Exhibit T: Copy of Dr. Woofter's Yellow Pages ad from the 1983-84 Pomeroy-Middleport, Ohio telephone directory.
20. Defendant's Exhibit U: Sample of the Application for Reinstatement form used by the State Medical Board of Ohio.

FINDINGS OF FACT

1. Joseph C. Woofter, M.D., was issued a certificate to practice medicine and surgery in Ohio in 1975. Dr. Woofter has not held a valid certificate to practice medicine and surgery in Ohio since that certificate expired on December 31, 1979.

These facts are established by the testimony of Dr. Woofter (Tr. at 22, 54-55).

2. During the period from December, 1979, through December, 1985, Joseph C. Woofter, M.D., maintained offices in Athens, Ohio, and Pomeroy, Ohio, where he saw and treated patients and received calls.

These facts are established by the testimony of Dr. Woofter (Tr. at 23-28, 44, 93-97); the testimony of Mrs. Woofter (Tr. at 105-107, 109-110); State's Exhibit #8; and Defendant's Exhibits K, S, and T.

3. An Ohio Application for Biennial License Renewal to practice as a doctor of medicine, showing an amount due of \$275 and a date due of 11/15/84, was mailed to Joseph Woofter, 1110 20th Street, Parkersburg, West Virginia 26101. An itemization on this application of the \$275 amount due showed \$150 delinquent, \$25 penalty, and \$100 current fees. Although Dr. Woofter's signature on this application is dated January 10, 1985, Dr. Woofter forwarded it, along with a check for \$275, to the State Medical Board on or about January 14, 1986.

These facts are established by State's Exhibit #6 and by Dr. Woofter's January 14, 1986, letter to the State Medical Board which was submitted as an attachment to Defendant's Exhibit G.

4. On or about January 16, 1986, Dr. Woofter filed with the State Medical Board of Ohio an Application for Reinstatement of Certificate to Practice Medicine and Surgery. Form II, "Resume of Activities", of that application instructed Dr. Woofter to: "List ALL activities since lapse of Ohio License. ACCOUNT FOR ALL TIME, include WORKING AND NON-WORKING TIME. Include all training, continuing education, and private practice. Place in chronological order; give names of institutions and complete addresses including cities and states. If NON-WORKING, explain WHAT you were doing during that period." In response to these instructions, Dr. Woofter listed, "July, 1975 to Present; Private Practice of Dermatology-Parkersburg, W. Va.; 1110 20th St., Parkersburg, W. Va.; Solo Practice." Although Dr. Woofter also listed various meetings and memberships, he did not in any manner indicate that he had maintained offices and practiced medicine in Athens, Ohio, and Pomeroy, Ohio.

These facts are established by State's Exhibit #5, Defendant's Exhibit G, and the testimony of Dr. Woofter (Tr. at 30-40).

5. On or about March 4, 1986, the Athens County Municipal Court found Dr. Woofter guilty, pursuant to his plea of no contest, of practicing medicine without a license in violation of Section 4731.41, Ohio Revised Code, a misdemeanor of the first degree. As a result of this conviction, Dr. Woofter was assessed a fine of \$70 and costs.

These facts are established by State's Exhibit #7.

CONCLUSIONS

1. Dr. Woofter admitted that he practiced medicine in Ohio without a valid certificate from January, 1980, through December, 1985. Accordingly, I find that the acts, conduct, and/or omissions of Joseph C. Woofter, M.D., with regard to Findings of Fact #1 and #2, above, constitute violations of Sections 4731.41 and 4731.36, Ohio Revised Code, and thus constitute "violating or attempting to violate, directly or indirectly,...any provisions of this chapter..." as that clause is used in Section 4731.22(B)(16), Ohio Revised Code, as in effect at that time.

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These violations are not significantly mitigated by Dr. Woofter's claim that renewal forms were not received because they were mailed to an invalid Athens, Ohio address, rather than to his main office address in Parkersburg, West Virginia. Section 4731.281, Ohio Revised Code, states that a person is not excused from the biennial registration requirement because of failure to receive an application from the Board. Furthermore, this Section requires the physician to give written notice of any change of practice address within thirty days of the change. On the change of address portion of his Ohio renewal application for 1977-1979 (State's Exhibit #9), Dr. Woofter listed his address as 444 W. Union Street, Athens, Ohio. While no evidence was submitted as to any subsequent address notices, it is apparent that an Ohio renewal application for the 1985-1986 biennium, due on November 15, 1984, (State's Exhibit #6), was mailed to and received by Dr. Woofter at his Parkersburg, West Virginia office address; even then that renewal was not submitted to the Board until Dr. Woofter mailed his Application for Reinstatement in November, 1986, more than a year later.

Dr. Woofter's attempt to show that his failure to renew his Ohio license for six years was attributable to neglect or error on his wife's part is certainly not well taken. Although Mrs. Woofter's testimony established that she was generally responsible for paying bills in Dr. Woofter's office, she obviously could not have signed the Ohio renewal application's CME certification which requires Dr. Woofter's signature. As Dr. Woofter reluctantly acknowledged, Ohio law makes biennial registration the physician's responsibility.

There is also no mitigation by virtue of the fact that Dr. Woofter's Ohio practice represented only a small portion of his total practice. Ohio licensure requirements, which enable the State Medical Board to protect the people of Ohio from incompetent and fraudulent practitioners, cannot be taken lightly, regardless of their relative importance to a given practitioner.

2. The instructions for Form II of Ohio's Application for Reinstatement are unambiguous. Dr. Woofter was instructed to list ALL activities since the lapse of his Ohio license. He was further instructed to include all training, continuing education, and private practice (emphasis added). It must be concluded that his omission of any mention of his practice in Ohio since the lapse of his Ohio license was intentional.

Accordingly, I find that the acts, conduct, and/or omissions of Joseph C. Woofter, M.D., with regard to Finding of Fact #4, above, constitute "fraud, misrepresentation, or deception in applying for...any license or certificate issued by the Board", as that clause is used in Section 4731.22(A), Ohio Revised Code.

3. Dr. Woofter admitted that he was convicted of practicing medicine without a license, a misdemeanor of the first degree. Accordingly, I find that the acts, conduct and/or omissions of Joseph C. Woofter, M.D., with regard to Finding of Fact #5, above, constitute "conviction of a misdemeanor committed in the course of his practice", as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, as in effect at that time.

PROPOSED ORDER

It is hereby ORDERED:

1. That the application of Joseph C. Woofter, M.D., for reinstatement of his certificate to practice medicine and surgery in the State of Ohio is DENIED.
2. Further, that Joseph C. Woofter, M.D., shall not at any time in the future be eligible to either apply for or obtain licensure to practice medicine and surgery or its related branches in the State of Ohio.


Lauren Lubow
Attorney Hearing Examiner

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OFFICE OF THE
ATTORNEY GENERAL

EXCERPT FROM THE MINUTES OF SEPTEMBER 9, 1987

REPORTS AND RECOMMENDATIONS

Mr. Culley and Ms. Nester left the meeting at this time.

Dr. Stephens asked if each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of Dr. Roy D. Goodwin, Dr. Bashar Kahaleh, Dr. Prasad Athota, Dr. Robert Green, Dr. Joseph C. Woofter, Dr. Nilda Lopez-Mata, and Dr. Robert L. Westerheide. A roll call was taken:

ROLL CALL:	Dr. Cramblett	- aye
	Dr. Lancione	- aye
	Dr. Barnes	- aye
	Dr. Buchan	- aye
	Dr. Lovshin	- aye
	Dr. Rothman	- nay
	Dr. Rauch	- aye
	Mr. Albert	- aye
	Dr. O'Day	- aye
	Ms. Rolfes	- aye
	Mr. Johnston	- abstain
	Dr. Stephens	- aye

Dr. Rothman stated that he will abstain from matters concerning Dr. Joseph C. Woofter and Dr. Robert L. Westerheide because he did not read the materials.

REPORT AND RECOMMENDATION IN THE MATTER OF JOSEPH C. WOOFTER, M.D.

Mr. Culley returned to the meeting at this time.

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

Dr. Stephens advised that a motion for leave to present oral argument has been submitted by Dr. Woofter's attorney, Alan Radnor, Esq. Three affirmative votes are necessary to grant this motion.

DR. BARNES MOVED TO GRANT MR. RADNOR'S MOTION TO PRESENT ORAL ARGUMENT. DR. O'DAY SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Lancione	- aye
	Dr. Barnes	- aye
	Dr. Buchan	- aye
	Dr. Lovshin	- aye
	Dr. Rothman	- abstain
	Dr. Rauch	- aye

Mr. Albert	- aye
Dr. O'Day	- aye
Ms. Rolfes	- nay
Mr. Johnston	- abstain

The motion carried.

Dr. Stephens advised Mr. Radnor that there was not a Court Reporter present, but instead the Board's minutes serve as the Board's official record of the meeting. He asked Mr. Radnor if he had any objection to the absence of a court report. Mr. Radnor stated that he did not.

Mr. Radnor thanked the Board for the opportunity to speak, and introduced Dr. and Mrs. Woofter to the Board. He advised that Dr. Woofter practices primarily in Parkersberg, West Virginia. Mr. Radnor stated that they are present this date to address the appropriateness of the penalty.

Mr. Radnor advised that Dr. Woofter is a Board-certified dermatologist, who has never been denied staff privileges, never been sued, and never had any problems with the law before this. Because a small part of Dr. Woofter's practice was in Ohio, he didn't renew his license for years. When he did reapply for license, he omitted the names of some places he practiced because he thought he was supposed to fill in educational places. There was no evil intent in doing any of these things. He paid all necessary fees, including taxes. Mr. Radnor stated that it was not like Dr. Woofter was hiding from the state. When Dr. Woofter discovered he had a problem and reapplied, the Board indicted him for not renewing his license.

Mr. Radnor continued that Dr. Woofter's case went before a judge who gave him a \$70.00 fine, which was a judgment as to how the judge felt about any public harm or evil intent. The hearing officer in this case is proposing permanently banning Dr. Woofter from ever applying for an Ohio license again.

Mr. Radnor stated that he does not mean to make light of this situation, but Richard Speck and Sirhan Sirhan can at least apply for parole. Their acts were intentional. Dr. Woofter's acts were not. Mr. Radnor urged the Board to review the transcript and decide on the appropriateness and wisdom of the penalty under the circumstances. He concluded that he trusts the Board will treat Dr. Woofter fairly.

Dr. Barnes stated that he assumed from reading the transcript, motions, and objections that Dr. Woofter did not reapply through negligence; however, Mr. Radnor stated that Dr. Woofter did not reapply because his practice in Ohio was so small.

Mr. Radnor stated that that is not what he meant. He meant to say that Dr. Woofter was negligent about renewing his license because his practice was so small.

Dr. Rauch asked Dr. Woofter if he had any teaching assignments in Ohio. Dr. Woofter stated that he did not.

Dr. Barnes asked Dr. Woofter what he thinks would be a fair penalty. Dr. Woofter stated that that would be hard to say because he didn't renew his license. He stated that it was a secretarial error on his part, and on the part of the secretary

of his corporation.

Dr. Stephens asked Mr. Culley if he wished to respond. Mr. Culley stated that he has no rebuttal to the comments made, except to say that it is the state's position that the order is supported by the evidence.

DR. BARNES MOVED TO APPROVE AND CONFIRM MS. LUBOW'S FINDINGS OF FACT IN THE MATTER OF JOSEPH C. WOOFER, M.D. DR. RAUCH SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Lancione	- aye
	Dr. Barnes	- aye
	Dr. Buchan	- aye
	Dr. Lovshin	- aye
	Dr. Rothman	- abstain
	Dr. Rauch	- aye
	Mr. Albert	- aye
	Dr. O'Day	- aye
	Ms. Rolfes	- aye
	Mr. Johnston	- abstain

The motion carried.

DR. BARNES MOVED TO APPROVE AND CONFIRM MS. LUBOW'S CONCLUSIONS IN THE MATTER OF JOSEPH C. WOOFER, M.D. DR. LOVSHIN SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Lancione	- aye
	Dr. Barnes	- aye
	Dr. Buchan	- aye
	Dr. Lovshin	- aye
	Dr. Rothman	- abstain
	Dr. Rauch	- aye
	Mr. Albert	- aye
	Dr. O'Day	- aye
	Ms. Rolfes	- aye
	Mr. Johnston	- abstain

The motion carried.

MS. ROLFES MOVED TO APPROVE AND CONFIRM MS. LUBOW'S PROPOSED ORDER IN THE MATTER OF JOSEPH C. WOOFER, M.D. DR. BARNES SECONDED THE MOTION.

Dr. Barnes stated that he seconded the motion in order to get it on the floor, but will vote against it because he feels it is far too harsh. He asked if the Board could vote against the Order and end the matter there. He stated that so many things come before the Board where a physician does something bad that affects patients. He continued that he can see himself doing what Dr. Woofter did; i.e., forgetting something and not doing anything about it, particularly if the greater

part of his practice is in another state. Dr. Barnes noted that the proposed order states that Dr. Woofter can never practice in Ohio again, and he feels that this is way out of bounds. Dr. Barnes recommended that the Board permit Dr. Woofter to practice, stating that his acts were not intentional and did not hurt anyone.

Dr. Rothman endorsed Dr. Barnes' view, stated he had a similar experience some years ago with his D.E.A. Dr. Rothman stated that even though he didn't read the transcript, he made this statement on principle.

Dr. Rauch noted that Dr. Woofter admitted that he practiced from January, 1980 to February, 1985 without an Ohio license. He asked Dr. Woofter if he received recertification notification from the Board, and if he didn't, if he questioned that. Dr. Rauch stated that it is up to the physician to worry about his license. There are five years he would have thought Dr. Woofter would have been concerned about renewing his Ohio license if he was practicing in Ohio. Dr. Rauch agreed the proposed Order is harsh, but thought something was in order.

Dr. Barnes stated that he regularly forgets to renew his driver's license. He stated that he can see himself forgetting to renew his medical license as well.

Dr. Cramblett stated that he cannot speak to the merits of the case, but does wish to make a statement. The Inspector General and the Federal Government are going to take hard stands on people who bill patients without a license. Albeit Board Members may have their personal opinions, the Federal Government will be taking action against physicians who bill and who do not have an active license. As far as this Board is concerned, it cannot fail to take cognizance of such cases when the Federal Government is treating it as a serious offense.

DR. LANCIONE MOVED TO AMEND PARAGRAPH TWO OF THE PROPOSED ORDER TO STATE THAT DR. WOOFER SHALL BE INELIGIBLE TO APPLY FOR A LICENSE TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF OHIO FOR A PERIOD OF TWELVE MONTHS. DR. BUCHAN SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Lancione	- aye
	Dr. Barnes	- aye
	Dr. Buchan	- aye
	Dr. Lovshin	- aye
	Dr. Rothman	- abstain
	Dr. Rauch	- aye
	Mr. Albert	- aye
	Dr. O'Day	- aye
	Ms. Rolfes	- aye
	Mr. Johnston	- abstain

The motion carried.

DR. BARNES MOVED TO APPROVE AND CONFIRM MS. LUBOW'S PROPOSED ORDER IN THE MATTER OF JOSEPH C. WOOFER, M.D. AS AMENDED. DR. O'DAY SECONDED THE MOTION.

Dr. Barnes again asked if the Board could vote not to impose any of its order. He

stated that trying to keep Dr. Woofter out of practice for twelve months will create a real hardship for him.

Ms. Rolfes asked Dr. Barnes if he wants nothing done in this matter. Dr. Barnes stated that that is correct.

Ms. Rolfes stated that that would be setting a precedent that she would not be comfortable with.

Dr. Barnes stated that the Board must emphasize the fact that each case is decided on individual merits. What the Board decides in this case isn't necessarily what it will do in every case. If someone came here and knowingly practiced without a license, that's a lot different from someone who is careless.

Ms. Rolfes reminded the Board of a case involving a very prominent physician who neglected to get a license.

Dr. Barnes noted that that physician did that on purpose.

Ms. Rolfes again stated that she felt to do nothing in Dr. Woofter's case would be establishing a dangerous precedent.

Dr. Lancione stated that Dr. Woofter has an active practice in West Virginia, so there won't be a hardship on him. He stated that just because Dr. Woofter forgot to renew his license, that doesn't mean that he shouldn't be responsible for his actions. Dr. Lancione stated that he felt twelve months without an Ohio license was being lenient in this case.

Dr. O'Day stated that Dr. Woofter has been punished. He was put through a trial, and was cited. He has learned his lesson. He hasn't put the public at risk. He is Board certified and works in an underserved area. She agreed with Dr. Barnes that Dr. Woofter has paid for what he did.

Mr. Johnston cautioned the Board of the possibility of a Federal lawsuit against the Board in cases like this. He stated that he wants the record clear that he is opposed to the unauthorized practice of medicine in Ohio. His obligation as a member of this Board is to see that anyone who treats a patient in Ohio has a license. Mr. Johnston stated that the Board has seen many cases involving the unauthorized practice of medicine. He stated that although he cannot speak to this case, he must speak for the record that he is not in favor of permitting the unauthorized practice of medicine in Ohio.

Dr. Barnes stated that those who want to vote against the Order are not in favor of the unauthorized practice of medicine either.

Dr. Rauch asked if there is any difference in an individual who never had a license and one with a lapsed license. Mr. Johnston stated that in the eyes of the law, they are both unauthorized practitioners. The Board has taken disciplinary action in such cases in the past.

Dr. Rothman asked if a reprimand would be appropriate in certain circumstances.

Dr. Stephens stated that he could not answer that question, and added that it might not be relevant.

Dr. Barnes asked what the Board could do to impose a more lenient penalty than Dr. Lancione's amendment.

Mr. Bumgarner stated that he would certainly agree to help any Board member draft a motion, but the policy is to bring amendments up prior to the Board meeting so that they may be prepared in written form. He asked if the Board wished to table this matter until a new motion could be composed.

Dr. Cramblett stated that he doesn't understand the discussion. An amendment has been passed by the Board already. He asked if another amendment can be proposed.

Dr. Lovshin called the question.

A roll call vote was taken on Dr. Barnes' motion to approve the amended order:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Lancione	- aye
	Dr. Barnes	- nay
	Dr. Buchan	- aye
	Dr. Lovshin	- aye
	Dr. Rothman	- abstain
	Dr. Rauch	- aye
	Mr. Albert	- aye
	Dr. O'Day	- nay
	Ms. Rolfes	- aye
	Mr. Johnston	- abstain

The motion carried.

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

April 10, 1986

Joseph C. Woofter, M.D.
1110 20th Street
Parkersburg, WV 26101

Dear Doctor Woofter:

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

1. You were issued a certificate to practice medicine and surgery in the State of Ohio on December 31, 1975. This certificate expired on December 31, 1979, and you have not had a valid certificate to practice medicine and surgery in the State of Ohio since that time. During the period from December 31, 1979 until January, 1986, you maintained an office in Athens, Ohio, where you saw and treated patients and received calls on a regular basis.

The acts alleged above in Paragraph 1 constitute "violating or attempting to violate, directly or indirectly, ...any provisions of this chapter..." as that clause is used in Section 4731.22(B)(16), Ohio Revised Code, in that the acts alleged above constitute violations of Sections 4731.41 and 4731.36, Ohio Revised Code.

2. On or about January 16, 1986, you filed with the State Medical Board of Ohio an application for reinstatement of your certificate to practice medicine and surgery. Form II, "Resume of Activities", requires that you list all activities since the lapse of your Ohio license. It further requests that complete addresses be provided. You listed "July, 1975 to present, private practice of dermatology-Parkersburg, W. Va., 1110 20th Street, Parkersburg, W.Va., solo practice." You did not in any manner indicate that you also practice medicine at your office in Athens, Ohio, or at your office in Pomeroy, Ohio.

April 10, 1986

The failure to disclose the activities and locations of your practice as alleged above in Paragraph 2 constitute "fraud, misrepresentation, or deception in applying for...any license or certificate issued by the board" as that clause is used in Section 4731.22(A), Ohio Revised Code.

3. On or about February 26, 1986, you were convicted of practicing medicine without a license, a misdemeanor of the first degree.

The conviction alleged in Paragraph 3, above, constitutes a "conviction of a misdemeanor committed in the course of his practice" as that clause is used in Section 4731.22(B)(10), Ohio Revised Code.

Further, the acts as alleged in Paragraphs 1, 2, and 3, above, constitute the failure to furnish satisfactory proof that you are of good moral character, as required by Sections 4731.222 and 4731.08, Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing that request must be 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,



Henry G. Cramblett, M.D.
Secretary

HGC:jmb

Enclosures:

CERTIFIED MAIL #P 569 363 418
RETURN RECEIPT REQUESTED