

State Medical Board of Ohio

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

(614) 466-3934

med.ohio.gov

March 12, 2014

Case number: 14-CRF- *037*

David Jay Fishman, M.D.
34500 Chardon Rd.
Unit 1
Willoughby Hills, OH 44094

Dear Doctor Fishman:

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

- (1) On or about August 13, 2013, in the United States District Court for the Northern District of Ohio, a one count information was filed against you alleging a violation of Title 21, §§331(a), 352(f) and 333(a)(1) which prohibit the introduction into interstate commerce of any drug that is misbranded. On or about September 30, 2013, you pled guilty to one count of Misbranding, in violation of Title 21, §§331(a), 352(f) and 333(a)(1), a Class A misdemeanor. On or about November 20, 2013 you were sentenced to one year of probation. The facts underlying your guilty plea involved your purchase and use of foreign oncology drugs that were not approved by the FDA.

Your acts, conduct and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute a "plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice," as that clause is used in Section 4731.22(B)(11), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

Mailed 03-13-14

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

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant a certificate to an applicant, revokes an individual’s certificate to practice, refuses to register an applicant, or refuses to reinstate an individual’s certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,



J. Craig Strafford, M.D., M.P.H.
Secretary

JCS/AGL/pev
Enclosures

CERTIFIED MAIL #91 7199 9991 7033 2016 1337
RETURN RECEIPT REQUESTED

4 ✓

CLEAVELAND

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

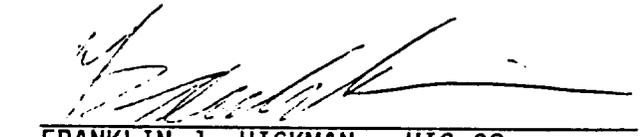
DAVID J. FISHMAN, M.D.)
)
Appellant)
)
vs.)
)
THE STATE MEDICAL BOARD OF OHIO)
)
Appellee)

CASE NO. 87 CV 08-5381
JUDGE REDA

NOTICE OF WITHDRAWAL OF APPEAL

David J. Fishman, M.D., by and through his attorney, hereby gives notice that he is withdrawing his appeal in the above-captioned case.

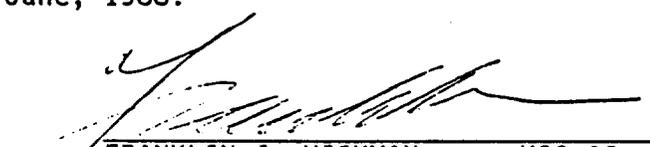
Respectfully submitted,



FRANKLIN J. HICKMAN HIC-08
Stege, Delbaum & Hickman Co., L.P.A.
Standard Building - Suite 1620
1370 Ontario Street
Cleveland, Ohio 44113
(216) 861-0360
Attorney for Appellant

SERVICE

A copy of the foregoing Notice of Withdrawal of Appeal was sent by regular U.S. Mail to Christopher M. Culley, Esq., Assistant Attorney General, 1680 State Office Tower, 30 East Broad Street, Columbus, Ohio 43266-0410 this 15 day of June, 1988.



FRANKLIN J. HICKMAN HIC-08
Attorney for Appellant

STEGE, DELBAUM
HICKMAN, CO., L.P.A.
ATTORNEYS AT LAW
20 STANDARD BUILDING
1370 ONTARIO STREET
CLEVELAND, OHIO 44113
(216) 861-0360

5
IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

David J. Fishman, M.D., :

Appellant, :

- vs - :

The State Medical Board of Ohio, :

Appellee. :

Case No. 87-CV-08-5381

Judge Reda

TERMINATE

JOURNAL ENTRY OF DISMISSAL

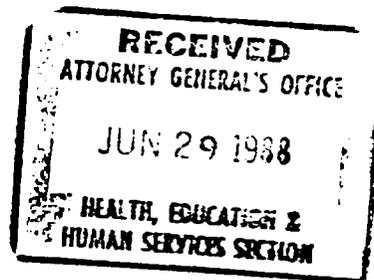
The Court hereby DISMISSES the above cause of action based on appellant's Notice of Withdrawal of Appeal filed June 20, 1988.

FRANK A. REDA, JUDGE

Copies to:

Franklin J. Hickman
Attorney for Appellant

Christopher M. Culley
Assistant Attorney General
Attorney for Appellee



IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

DAVID J. FISHMAN, M.D.,
Appellant,

v.

THE STATE MEDICAL BOARD OF OHIO,
Appellee.

.....

CASE NO. 87-CV-08-5381

JUDGE REDA

87 DEC 17 AM 10:08

OHIO STATE
MEDICAL BOARD

JOURNAL ENTRY

This matter came on before the Court upon application of Appellant, David J. Fishman, M.D. for suspension of the Order of the State Medical Board of August 13, 1987 in which Dr. Fishman's medical license was placed under enumerated probationary terms and conditions.

The Court, having heard the arguments of counsel on this date, does hereby modify the effect of the State Medical Board Order as follows during the pendency of the appeal before this Court:

State Medical Board Order #6 is hereby stayed and during the pendency of the appeal before the Court the following #6 shall apply:

- #6 Dr. Fishman shall maintain participation in Northeast Ohio Doctors in Alcoholics Anonymous not less than two (2) times per month and at such additional times as his supervising physician shall require. In his quarterly report to the Board, Dr. Fishman shall document his continuing compliance with this program.

The Order of the State Medical Board shall in all other respects be given full and immediate effect.

JUDGE REDA

APPROVED:

Franklin Hickman 9-16-87
PER PHONE AUTHORIZATION
FRANKLIN HICKMAN
Counsel for Appellant

Christopher M. Culley
CHRISTOPHER M. CULLEY
Assistant Attorney General
Counsel for Appellee

6193S

'87 DEC 17 AM 1:08

STATE OF
OHIO
MEDICAL BOARD

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

August 13, 1987

David J. Fishman, M.D.
26300 Euclid Avenue
Euclid, Ohio 44132

Dear Doctor Fishman:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, State Medical Board; a certified copy of the Motions by the State Medical Board, meeting in regular session on August 12, 1987, approving and confirming said Report and Recommendation as the Findings and Order of the State Medical Board.

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 026 072 783
RETURN RECEIPT REQUESTED

cc: Franklin J. Hickman, Esq.

CERTIFIED MAIL NO. P 026 072 784
RETURN RECEIPT REQUESTED

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 Wanita J. Sage, Attorney Hearing Examiner, State Medical Board of Ohio; attached copy of the Motion by the State Medical Board, meeting in regular session on August 12, 1987, approving and confirming said Report and Recommendation as the Findings and Order of the State Medical Board, constitutes a true and complete copy of the Findings and Order of the State Medical Board in the matter of David J. Fishman, 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

8/13/87

Date

4. Dr. Fishman shall continue counseling with Donald K. Freedheim, Ph.d., or with a psychiatrist approved by the Board, a minimum of once per month, or as otherwise directed by the Board, until such time as the Board deems that no further treatment is necessary. To make this determination, the Board shall require quarterly reports from Dr. Freedheim or the treating psychiatrist. Dr. Fishman shall ensure that these reports are forwarded to the Board on a quarterly basis, or as otherwise directed by the Board.
5. Dr. Fishman shall abstain completely from the personal use or possession of drugs except those available for purchase over the counter or those prescribed, administered, or dispensed to Dr. Fishman by another so authorized by law.
6. Dr. Fishman shall maintain participation in an alcohol and drug rehabilitation program, such as AA, NA, or Caduceus, acceptable to the Board, no less than three (3) times per week. In his quarterly reports to the Board, Dr. Fishman shall provide documentary evidence to his continuing compliance with this program.
7. Dr. Fishman shall submit urine specimens for random screenings for drugs on a monthly basis, or as otherwise directed by the Board. Dr. Fishman shall insure that all screening reports are forwarded directly to the Board on a monthly basis. Within 30 days of the effective date of this Order, Dr. Fishman shall submit to the Board for its prior approval the name of a supervising physician. Dr. Fishman shall submit the required urine specimen to the supervising physician approved by the Board. The supervising physician shall ensure that the urine specimens are obtained on a random basis, without prior notice; that the giving of the specimen is witnessed by a reliable person; and that appropriate control over the specimen is maintained. In the event that the designated supervising physician becomes unable or unwilling to so serve, Dr. Fishman must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable.

8. Dr. Fishman shall submit blood or urine specimens for analysis without prior notice at such times as the Board may request.
9. Dr. Fishman shall keep a log of all controlled substances prescribed, dispensed, or administered. Such logs shall be submitted in the format approved by the Board 30 days in advance of Dr. Fishman's personal appearances before the Board, or as otherwise directed by the Board.
10. In the event that Dr. Fishman should leave Ohio for three (3) continuous months, or reside or practice outside the State, Dr. Fishman must notify the State Medical Board in writing of the dates of departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary period.
11. If Dr. Fishman violates probation in any respect, the Board, after giving Dr. Fishman notice and opportunity to be heard, may set aside the stay Order and impose the revocation of his certificate.
12. Upon successful completion of probation, Dr. Fishman's certificate will be fully restored.

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

(SEAL)


Henry G. Cramblett, M.D.
Secretary

8/13/87
Date

STATE OF OHIO
THE STATE MEDICAL BOARD

REPORT AND RECOMMENDATION
IN THE MATTER OF DAVID FISHMAN, M.D.

The Matter of David Fishman, M.D., came on for hearing before me, Wanita J. Sage, Esq., Hearing Examiner for the State Medical Board of Ohio, on May 28, 1987.

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 of July 9, 1986 (State's Exhibit #1), the State Medical Board notified David Fishman, M.D., that it proposed to take disciplinary action against his certificate to practice medicine and surgery on the basis of his answer of "No" to the question on his November, 1984, renewal application, "At any time since the last renewal of your certificate have you been addicted to or dependent upon alcohol or any chemical substance?" It was alleged that Dr. Fishman was, in fact, addicted to or dependent upon Demerol during that period. Dr. Fishman's acts, conduct, and/or omissions were alleged to constitute "committing fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the Board", in violation of Section 4731.22(A), Ohio Revised Code.

- B. By letter received by the State Medical Board on August 5, 1986, Dr. Fishman requested a hearing in this matter (State's Exhibit #3).

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: Franklin J. Hickman, Esq.

87 JUN 24 11:33

RECEIVED
OHIO STATE
MEDICAL BOARD

87 JUN 24 AM 10:34
RECEIVED
OHIO STATE
MEDICAL BOARD

IV. Testimony Heard

A. Presented by the State

1. David Fishman, M.D., as on cross-examination

B. Presented by the Respondent

1. David Fishman, M.D.
2. Edward T. Carden, M.D.

V. Exhibits Examined

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

A. Presented by the State

1. State's Exhibit #2: July 9, 1986, letter to Dr. Fishman from the State Medical Board ordering him to submit to a mental and physical examination pursuant to Section 4731.22(B)(15), Ohio Revised Code.
2. State's Exhibit #4: August 8, 1986, letter to Dr. Fishman from the State Medical Board advising him that a hearing initially set for August 15, 1986, was postponed pursuant to Section 119.09, Ohio Revised Code.
3. State's Exhibit #5: August 21, 1986, letter to the State Medical Board from Franklin J. Hickman, Esq., entering his appearance as attorney for Dr. Fishman and proposing that Dr. Carden supervise random urine screens for Dr. Fishman.
4. State's Exhibit #6: December 29, 1986, letter to Dr. Fishman from the State Medical Board requesting an explanation of the affirmative answer on his 1986 renewal application concerning revocation of hospital privileges.
5. State's Exhibit #7: January 6, 1987, letter to the State Medical Board from Dr. Fishman concerning the suspension of his privileges at St. Luke's Hospital, Cleveland.
6. State's Exhibit #8: February 6, 1987, letter to Attorney Hickman from the State Medical Board setting a date for hearing of March 6, 1987.

7. State's Exhibit #9: February 24, 1987, letter to the State Medical Board from Attorney Hickman requesting postponement of Dr. Fishman's March 6 hearing due to the unavailability of a necessary witness for that date.
8. State's Exhibit #10: March 5, 1987, Entry of Hearing Examiner Lubow granting continuance and rescheduling the hearing for April 10, 1987.
9. State's Exhibit #11: April 3, 1987, letter to Attorney Hickman and Assistant Attorney General Culley advising that the April 10, 1987 hearing was continued due to recent legislative changes.
10. State's Exhibit #12: May 8, 1987, letter to Attorney Hickman from the State Medical Board rescheduling the hearing for May 28, 1987.
11. State's Exhibit #13: Dr. Fishman's November, 1986, Licensure renewal application.
12. State's Exhibit #14: Records from Flower Hospital, Sylvania, concerning Dr. Fishman's June 3 to July 7, 1984, confinement.
13. State's Exhibit #15: Dr. Fishman's November, 1984, Licensure renewal application.

B. Presented by the Respondent

1. Respondent's Exhibit A: February 26, 1987, sworn statement of Donald K. Freedheim, Ph.D.
2. Respondent's Exhibit B: Lab reports for six (6) urine screens done for Dr. Fishman from August, 1986, through April, 1987.
3. Respondent's Exhibit C: March 20, 1987, letter to Dr. Fishman from Carl W. Groppe, Jr., M.D., Director, Oncology Division, St. Luke's Hospital, Cleveland, verifying reinstatement of Dr. Fishman's hospital privileges.

'87 JUN 24 AM 11:34

RECEIVED
OHIO STATE
MEDICAL BOARD

87 JAN 24 11:34
RECEIVED
OHIO
MEDICAL BOARD

FINDINGS OF FACT

1. On his November 5, 1984, application for the biennial registration of his certificate to practice medicine and surgery in Ohio, David Fishman, M.D., answered "No" to the question, "At any time since the last renewal of your certificate have you: Been addicted to or dependent upon alcohol or any chemical substance?"

This fact is established by State's Exhibit #15.

2. In fact, Dr. Fishman had been treated as an inpatient at Flower Hospital, Sylvania, Ohio, from June 3, 1984, to July 7, 1984, for chemical dependency, chiefly Demerol. By his own admission, Dr. Fishman had, between 1982 and 1984, abused both Percodan and Demerol.

These facts are established by State's Exhibit #14 and by the testimony of Dr. Fishman (Tr. at 13-18).

CONCLUSIONS

Dr. Fishman admitted that he intentionally gave a false answer to the question on his November, 1984, renewal application concerning chemical dependency or addiction (Tr. at 14, 42-43). Accordingly, I find that this false statement on his renewal application constitutes "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board", a violation of Section 4731.22(A). Under this section, the Board may revoke or may refuse to grant a certificate to a person found to have committed such fraud, misrepresentation, or deception.

The intentional falsification of a licensure application cannot be taken lightly. Yet, it is important to encourage the rehabilitation of impaired physicians when there is assurance that the public is not at risk and there is no evidence of other Medical Practice Act violations. To Dr. Fishman's credit, he had already taken positive steps toward recovery at the time he filed his renewal application.

Although Dr. Fishman's violation of Section 4731.22(A) provides grounds for permanent revocation of his license to practice in Ohio, his impairment (with a relapse evidenced by Dr. Fishman's testimony and a positive urine screen around November, 1984) may be considered as a mitigating factor. The Board has stated that impairment cannot excuse acts that result in conviction or have adverse impact on other individuals. Dr. Fishman's misrepresentation on his renewal application falls into neither category.

In the event that Dr. Fishman is permitted to continue the practice of medicine, measures must be taken to ensure that the public is adequately protected. It is noted that Dr. Fishman's "short" history of addiction was stressed in Dr. Carden's favorable prognosis, but that Dr. Fishman's statements to staff at Flower Hospital indicate a chemical dependency history of at least fifteen years (State's Exhibit #14, pg. 28). It is also an area of concern that Dr. Fishman is presently engaged in unsupervised solo practice and specializes in oncology which requires the ability to prescribe controlled substances. Although the evidence in this matter substantially indicates that he has been drug free for over a year, Dr. Fishman must demonstrate his ability to maintain sobriety over the long term.

PROPOSED ORDER

It is hereby ORDERED that the license of David Fishman, M.D., to practice medicine and surgery in the State of Ohio be revoked.

Such revocation is stayed subject to the following probationary terms, conditions, and limitations for a period of five (5) years:

1. Dr. Fishman shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
2. Dr. Fishman shall submit quarterly declarations under penalty of perjury stating whether there has been compliance with all the conditions of probation.
3. Dr. Fishman shall appear in person for interviews before the full Board or its designated representative at three (3) month intervals, or as otherwise requested by the Board.
4. Dr. Fishman shall continue counseling with Donald K. Freedheim, Ph.D., or with a psychiatrist approved by the Board, a minimum of once per month, or as otherwise directed by the Board, until such time as the Board deems that no further treatment is necessary. To make this determination, the Board shall require quarterly reports from Dr. Freedheim or the treating psychiatrist. Dr. Fishman shall ensure that these reports are forwarded to the Board on a quarterly basis, or as otherwise directed by the Board.
5. Dr. Fishman shall abstain completely from the personal use or possession of drugs except those available for purchase over the counter or those prescribed, administered, or dispensed to Dr. Fishman by another so authorized by law.

87 JUN 24 11:34

MEDICAL BOARD
OHIO
RECEIVED

6. Dr. Fishman shall maintain participation in an alcohol and drug rehabilitation program, such as AA, NA, or Cadecus, acceptable to the Board, no less than three (3) times per week. In his quarterly reports to the Board, Dr. Fishman shall provide documentary evidence of his continuing compliance with this program.
7. Dr. Fishman shall submit urine specimens for random screenings for drugs on a monthly basis, or as otherwise directed by the Board. Dr. Fishman shall insure that all screening reports are forwarded directly to the Board on a monthly basis. Within 30 days of the effective date of this Order, Dr. Fishman shall submit to the Board for its prior approval the name of a supervising physician. Dr. Fishman shall submit the required urine specimen to the supervising physician approved by the Board. The supervising physician shall ensure that the urine specimens are obtained on a random basis, without prior notice; that the giving of the specimen is witnessed by a reliable person; and that appropriate control over the specimen is maintained. In the event that the designated supervising physician becomes unable or unwilling to so serve, Dr. Fishman must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable.
8. Dr. Fishman shall submit blood or urine specimens for analysis without prior notice at such times as the Board may request.
9. Dr. Fishman shall keep a log of all controlled substances prescribed, dispensed, or administered. Such logs shall be submitted in the format approved by the Board 30 days in advance of Dr. Fishman's personal appearances before the Board, or as otherwise directed by the Board.
10. In the event that Dr. Fishman should leave Ohio for three (3) continuous months, or reside or practice outside the State, Dr. Fishman must notify the State Medical Board in writing of the dates of departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary period.
11. If Dr. Fishman violates probation in any respect, the Board, after giving Dr. Fishman notice and opportunity to be heard, may set aside the stay Order and impose the revocation of his certificate.

87 JUN 24 11:34

OHIO
MEDICAL BOARD

12. Upon successful completion of probation, Dr. Fishman's certificate will be fully restored.

This ORDER shall become effective upon the mailing of notification of approval by the State Medical Board of Ohio.


Wanita J. Sage
Attorney Hearing Examiner

87 JAN 24 AM 11:34

OHIO
MEDICAL BOARD

EXCERPT FROM THE MINUTES OF AUGUST 12, 1987

REPORTS AND RECOMMENDATIONS

.....

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 Otis S. Latimer, M.D., Jeffrey T. Martin, M.D., Ferdinand J. Niehaus, Jr., M.D., Allen R. Evans, M.D., and David Fishman, M.D. A roll call was taken:

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

The motion carried.

.....

REPORT AND RECOMMENDATION IN THE MATTER OF DAVID FISHMAN, M.D.

Dr. Stephens stated that if there are 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 noted that Dr. Fishman's attorney has submitted a motion to orally address the Board. However, since Dr. Fishman's attorney cannot be present at this meeting, the Board would need to table this matter until the September meeting if the motion is granted.

DR. O'DAY MOVED TO GRANT DR. FISHMAN'S REQUEST TO ADDRESS THE BOARD. DR. ROTHMAN SECONDED THE MOTION.

Dr. Cramblett noted that this matter had been initially scheduled for the July, 1987 Board meeting and the doctor and his attorney has already been granted one extension.

Dr. Buchan asked if Dr. Fishman has offered any indication that his statement would address matters not already discussed in the hearing record. Mr. Bumgarner referred Dr. Buchan to Dr. Fishman's motion.

A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Lancione	- nay
	Dr. Buchan	- nay

Dr. Rothman	- nay
Dr. Rauch	- nay
Dr. O'Day	- aye
Ms. Rolfes	- nay
Mr. Johnston	- abstain
Dr. Stephens	- nay

The motion failed.

.....

DR. BUCHAN MOVED TO APPROVE AND CONFIRM MS. SAGE'S FINDINGS OF FACT AND CONCLUSIONS IN THE MATTER OF DAVID FISHMAN, M.D. DR. RAUCH SECONDED THE MOTION. A roll call vote was taken:

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

The motion carried.

.....

DR. BUCHAN MOVED TO APPROVE AND CONFIRM MS. SAGE'S PROPOSED ORDER IN THE MATTER OF DAVID FISHMAN, M.D. DR. ROTHMAN SECONDED THE MOTION. A roll call vote was taken:

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

The motion carried.

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

July 9, 1986

David Fishman, M.D.
26300 Euclid Avenue
Euclid, Ohio 44132

Dear Doctor Fishman:

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 November 5, 1984, you submitted a renewal card to the State Medical Board of Ohio. To the question, "At any time since the last renewal of your certificate have you: Been addicted to or dependent upon alcohol or any chemical substance?" You responded "No". In fact, you were addicted to or dependent upon Demerol during that period.

Your acts, conduct and/or omissions as alleged in Paragraph 1 constitutes a violation of Section 4731.22(A), Ohio Revised Code, to wit: committing fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the Board.

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.

July 9, 1986

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,

A handwritten signature in black ink, appearing to read "Henry G. Cramblett". The signature is written in a cursive style with a large initial "H".

Henry G. Cramblett, M.D.
Secretary

HGC:caa

enclosures

CERTIFIED MAIL NO. P 569 361 806
RETURN RECEIPT REQUESTED