

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

January 11, 2012

Armando Abel Cortez, M.D.
11413 Village Brook Drive, #626
Cincinnati, OH 45249

RE: Case No. 11-CRF-071

Dear Doctor Cortez:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Danielle R. Blue, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on January 11, 2012, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

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

Such an appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board and the Franklin County Court of Common Pleas. The Notice of Appeal must set forth the Order appealed from and state that the State Medical Board's Order is not supported by reliable, probative, and substantive evidence and is not in accordance with law. The Notice of Appeal may, but is not required to, set forth the specific grounds of the appeal. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO



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

JCS:jam
Enclosures

CERTIFIED MAIL NO. 91 7199 9991 7030 3311 0752
RETURN RECEIPT REQUESTED

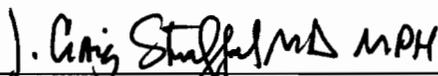
Eric J. Plinke, Esq.
CERTIFIED MAIL NO. 91 7199 9991 7030 3311 0769
RETURN RECEIPT REQUESTED

Mailed 1-12-12

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Danielle R. Blue, State Medical Board Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on January 11, 2012, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Armando Abel Cortez, M.D., Case No. 11-CRF-071, as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.



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

(SEAL)

January 11, 2012

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

CASE NO. 11-CRF-071

ARMANDO ABEL CORTEZ, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on January 11, 2012.

Upon the Report and Recommendation of Danielle R. Blue, State Medical Board Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

The certificate of Armando Abel Cortez, M.D., to practice medicine and surgery in the State of Ohio is hereby REVOKED.

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



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

(SEAL)

January 11, 2012

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of

Armando Abel Cortez, M.D.,

Respondent.

*

*

*

Case No. 11-CRF-071

Hearing Examiner Blue

2011 NOV 21 PM 1:31

STATE MEDICAL BOARD
OF OHIO

REPORT AND RECOMMENDATION

Basis for Hearing:

In a Notice of Summary Suspension and Opportunity for Hearing [Notice] dated July 13, 2011, the State Medical Board of Ohio [Board] notified Armando Abel Cortez, M.D., that pursuant to Ohio Revised Code Section [R.C.] 4731.22(G), the Board had adopted an Entry of Order summarily suspending his certificate to practice medicine and surgery in the State of Ohio. In addition, the Board notified Dr. Cortez that it proposed to determine whether his failure to submit to an examination in April 2011 was due to circumstances beyond his control, which would rebut the legal presumption of an admission of inability to practice and merit rescheduling the examination as directed by the Board, or whether his failure to submit to the examination was due to circumstances within his control, which would render the legal presumption of an admission of inability to practice conclusive and result in the Board taking other disciplinary action against him.

The Board alleged that Dr. Cortez's acts, conduct, and/or omissions, individually and/or collectively, constitute, "[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills," as set forth in R.C. 4731.22(B)(19).

Finally, the Board advised Dr. Cortez of his right to request a hearing in this matter, and the Board received Dr. Cortez's request for a hearing on August 10, 2011. (State's Exhibits [St. Exs.] 1A, 1B)

Appearances:

Mike DeWine, Attorney General of Ohio, and Kyle C. Wilcox, Assistant Attorney General, for the State of Ohio. Eric J. Plinke, Esq., for Dr. Cortez.

Hearing Date: November 15, 2011

PROCEDURAL MATTER

Upon review of the transcript, the Hearing Examiner discovered that a portion of the transcript needed to be redacted because it disclosed information that was previously redacted from Respondent's Exhibit B. Therefore, the Hearing Examiner redacted the hearing transcript beginning on page 20 line 24 through page 21 line 4.

SUMMARY OF THE EVIDENCE

All evidence admitted in this matter, including the testimony, even if not specifically mentioned, was thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

Background Information

1. Armando Abel Cortez, M.D., was born in 1942 in Honduras. He obtained his medical degree in 1971 from the Faculty of Medical Sciences, University of the West Indies. Before the Board's summary suspension, Dr. Cortez had practiced Obstetrics and Gynecology in Cincinnati, Ohio, for 30 years. Dr. Cortez was initially licensed to practice medicine and surgery in Ohio in 1978; however, he currently holds an inactive license to practice medicine in Ohio. (Ohio eLicense Center at <https://license.ohio.gov/lookup>, query on November 15, 2011; Respondent's Exhibit [Resp. Ex.] A)

Board-Ordered Examination

2. In a certified letter dated February 10, 2011, the Board ordered Dr. Cortez to submit to an examination with Steven G. Simensky, M.D., at Columbus Neurology and Neurosurgery, 285 East State Street, Suite 430, Columbus, Ohio 43215, on April 7, 2011, at 1:00 p.m. The letter also stated that Dr. Cortez was responsible for paying the cost of the examination, which was estimated to be \$600.00. The letter stated as follows, in pertinent part:

The State Medical Board of Ohio [Board] has determined that it has reason to believe that you are in violation of Section 4731.22(B)(19), Ohio Revised Code, to wit: "[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills."

This determination is based upon one or more of the following reasons:

- (1) The Board has received information indicating that since you were diagnosed with Parkinson's Disease several years ago, your speech is significantly more difficult to understand; your writing has become illegible, requiring your medical assistants to write out all chart notations and all prescriptions; you have fallen in exam rooms and in the hallway at your office, including in front of patients, but you blamed the falls on your bad knee that requires surgery; you have dropped instruments, including speculums and specimen brushes used to perform Pap smears; and since you have transitioned into a scooter for mobility purposes, you have had trouble controlling the scooter, and have run into walls and people with the scooter.
- (2) On or about February 18, 2010, you met with a Board investigator. The investigator noted that you seemed unsteady in your gait, and that you used a cane and the wall to assist you in walking. The investigator observed that when you were ready to make a turn, you would come to a complete stop, and slowly shuffle your feet to make a turn. After introducing himself to you, the investigator followed you to your office, where you sat in a scooter and the investigator sat at your desk. The investigator explained that the Board had received information that you have Parkinson's Disease and that your ability to practice medicine and surgery was in question. The investigator noted that you have a very pronounced accent and that you speak very fast, making it difficult to understand you. The investigator asked you a number of times to slow down and repeat yourself, but he still had difficulty understanding you. You explained that the only complaint that you have heard from patients was that you are hard to understand due to your accent. You explained that you have your medical assistants attend to patients with you so that they can explain what you are saying.

During the discussion with the investigator, you explained that you previously held privileges at Christ Hospital, Good Samaritan Hospital, and Bethesda North Hospital, all in Cincinnati, but that you resigned those privileges and further stated that you have not performed deliveries or surgeries since the summer of 2009. You indicated that your associate has taken over deliveries for your patients, and that you continue to care for your pregnant patients until the final month before their delivery, at which point, your associate takes over their care.

Upon inquiry, you identified the neurologist who treats you for Parkinson's Disease. When you attempted to find a business card for the neurologist, the investigator observed a slight shaking of your

hand. You identified that you were taking Pramipexole and Carbidopa/Levodopa and explained that your condition primarily affects your speech and gait. You indicated that you have not had any dementia issues. You further explained that your neurologist is considering deep brain stimulation to try to improve your gait and speech.

You stated that you have some problems writing, so your medical assistants write the chart notes based on what you tell them. When the investigator inquired about prescribing, you indicated that you tell the medical assistants what to write and that you then sign the completed prescriptions. The investigator observed you print and sign your name on a form that he gave to you, and noted that both your printed name and signature were barely legible.

You further explained to the investigator that you can still drive and perform daily functions. You denied having any problems performing examinations, and denied that you have had any falls in the office or have had any problems with dropping instruments, however, documentation from your family physician regarding your attempt to secure a power chair, reveals that you are no longer able to complete activities of daily living, and your health conditions, including Parkinson's Disease, unsteady gait and upper body weakness are severely affecting your mobility. More specifically, you cannot ambulate with a cane or walker and you are having problems with freezing while attempting to ambulate which causes you to fall four or five times per month.

- (3) Your treatment records from your treating neurologist indicate that you have been aware of your Parkinson's Disease since at least in or about mid-2006. Further, in or about May 2009, your chart indicates that your tremor, rigidity, and bradykinesia were of sufficient severity that it was no longer safe for you to continue doing surgical procedures. Following the above chart notation, your treating neurologist contacted your disability carrier. Subsequently, on or about November 5, 2010, your treating neurologist stated that you are unable to practice clinical medicine due to your "tremor, difficulty with movement control and their associated physical impairment."

(St. Ex. 4)

* * *

In addition, the Board stated in that letter that “failure to submit to this examination as directed constitutes an admission of the allegations against you unless the failure is due to circumstances beyond your control, and that a default and final order may thereupon be entered without the taking of testimony or presentation of evidence.” (St. Ex. 4)

3. On February 21, 2011, the Board received electronic notice of a certified mail receipt showing that the February 10, 2011 certified letter to Dr. Cortez had been delivered to him at his address of record “11413 Village Brook Drive, #626, Cincinnati, OH 45249” on February 15, 2011. (St. Ex. 4)
4. On March 31, 2011, Respondent’s counsel notified the Board that Dr. Cortez would be unable to attend the scheduled examination because Dr. Cortez’s sister died and he had to attend her funeral out-of-state. Respondent’s counsel advised the Board that Dr. Cortez would attend a rescheduled examination. (St. Ex. 3)
5. On April 5, 2011, the Board sent a certified letter, return receipt requested, to Dr. Cortez stating that his examination had been rescheduled to Friday, April 22, 2011, at 1:00 p.m. The letter further advised Dr. Cortez that all other terms and conditions of the February 10, 2011, certified letter remained in full force and effect. (St. Ex. 6)
6. By letter dated April 4, 2011, Dr. Simensky sent a letter to the Board confirming the rescheduling of Dr. Cortez’s examination for April 22, 2011 at 1:00 p.m. (St. Ex. 5)
7. On April 11, 2011, the Board received electronic notice of a certified mail return receipt showing that Respondent’s counsel had received his copy of the April 5, 2011 certified letter on April 6, 2011. (St. Exs. 3, 6)
8. By letter dated April 29, 2011, the Board received a letter from Dr. Simensky confirming that Dr. Cortez did not appear for his scheduled examination on April 22, 2011. Additionally, Dr. Simensky noted that Dr. Cortez did not contact his office regarding rescheduling his appointment. (St. Ex. 7)
9. Angela McNair, the Board’s Enforcement Attorney, attested that she checked the United States Postal Service [USPS] track and confirm website and found that the Board’s April 5, 2011 certified letter to Dr. Cortez was declared “unclaimed” on April 25, 2011. (St. Exs. 3, 6)
10. Ms. McNair further attested that she offered to reschedule the examination again to Respondent’s counsel. But, on May 27, 2011, she received the following e-mail from Respondent’s counsel:

Rebecca and Angela, As I mentioned to Angela previously, there has been some difficulty in contacting Dr. Cortez since his accident and his office closing at the end of April. * * * Dr. Cortez has asked that I convey to

you that he does not contest the fact that he is impaired and can no longer practice medicine and, in fact, he is not. As a result, since he does not contest his inability to practice medicine, he will not attend an evaluation. * * * I understand from your prior email that this means you will proceed with a summary suspension. If you can think of another approach that concludes this matter sooner and more efficiently * * * I am sure he would entertain it.

(Resp. Ex. B, signature omitted)

Dr. Cortez's Explanation

11. Dr. Cortez did not attend the hearing. In his defense, Dr. Cortez submitted a written statement dated November 3, 2011, in which he stated:

Dear Board Members:

I am requesting to be permitted to retire my license in good standing. As background, I completed my training in Obstetrics and Gynecology at Good Samaritan Hospital in Cincinnati in 1980. I became board certified shortly thereafter and practiced for greater than 30 years in the Cincinnati community. Regretfully, my medical conditions do not permit me to practice and I have not actively practiced medicine since February of 2011. My office remained open until April 30, 2011 for purposes of transferring medical records.

I suffer from Parkinson's Disease which greatly limits my gait and speech. It was my physical deterioration that first led the Board to investigate my health status in 2010. I had already limited my practice at that time. After that, on March 9, 2011, I was in an automobile accident in which I fractured my pelvis which further worsened my condition. I presently need a walker to ambulate and even then with great difficulty. While I initially agreed to go to the examination ordered by the Board, I came to realize that there was no need for the examination because I could not practice, had not been practicing, and did not intend to return to practice.

I simply wish to retire from medicine in good standing. I have no argument with the Board. I loved practicing medicine and I miss it immensely.

I didn't do anything wrong. I suffer from a disease and injuries from a car accident. I am requesting an accommodation from you in order to retire in good standing.

(Resp. Ex. A, signature omitted)

FINDINGS OF FACT

1. By certified letter dated February 10, 2011, the Board notified Dr. Cortez of its determination that it had reason to believe that he was in violation of R.C. 4731.22(B)(19), and the Board ordered him to undergo an evaluation to determine whether he has an “inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills.” The Board stated that its determination was based on one or more reasons as set forth in the letter, which included the following:
 - The Board has received information indicating that since you were diagnosed with Parkinson’s Disease several years ago, your speech is significantly more difficult to understand; your writing has become illegible, requiring your medical assistants to write out all chart notations and all prescriptions; you have fallen in exam rooms and in the hallway at your office, including in front of patients, but you blamed the falls on your bad knee that requires surgery; you have dropped instruments, including speculums and specimen brushes used to perform Pap smears; and since you have transitioned into a scooter for mobility purposes, you have had trouble controlling the scooter, and have run into walls and people with the scooter.
 - On or about February 18, 2010, you met with a Board investigator. The investigator noted that you seemed unsteady in your gait, and that you used a cane and the wall to assist you in walking. The investigator observed that when you were ready to make a turn, you would come to a complete stop, and slowly shuffle your feet to make a turn. After introducing himself to you, the investigator followed you to your office, where you sat in a scooter and the investigator sat at your desk. The investigator explained that the Board had received information that you have Parkinson’s Disease and that your ability to practice medicine and surgery was in question. The investigator noted that you have a very pronounced accent and that you speak very fast, making it difficult to understand you. The investigator asked you a number of times to slow down and repeat yourself, but he still had difficulty understanding you. You explained that the only complaint that you have heard from patients was that you are hard to understand due to your accent. You explained

that you have your medical assistants attend to patients with you so that they can explain what you are saying.

During the discussion with the investigator, you explained that you previously held privileges at Christ Hospital, Good Samaritan Hospital, and Bethesda North Hospital, all in Cincinnati, but that you resigned those privileges and further stated that you have not performed deliveries or surgeries since the summer of 2009. You indicated that your associate has taken over deliveries for your patients, and that you continue to care for your pregnant patients until the final month before their delivery, at which point, your associate takes over their care.

Upon inquiry, you identified the neurologist who treats you for Parkinson's Disease. When you attempted to find a business card for the neurologist, the investigator observed a slight shaking of your hand. You identified that you were taking Pramipexole and Carbidopa/Levodopa and explained that your condition primarily affects your speech and gait. You indicated that you have not had any dementia issues. You further explained that your neurologist is considering deep brain stimulation to try to improve your gait and speech.

You stated that you have some problems writing, so your medical assistants write the chart notes based on what you tell them. When the investigator inquired about prescribing, you indicated that you tell the medical assistants what to write and that you then sign the completed prescriptions. The investigator observed you print and sign your name on a form that he gave to you, and noted that both your printed name and signature were barely legible.

You further explained to the investigator that you can still drive and perform daily functions. You denied having any problems performing examinations, and denied that you have had any falls in the office or have had any problems with dropping instruments, however, documentation from your family physician regarding your attempt to secure a power chair, reveals that you are no longer able to complete activities of daily living, and your health conditions, including Parkinson's Disease, unsteady gait and upper body weakness are severely affecting your mobility. More specifically, you cannot ambulate with a cane or walker and you are having problems with freezing while attempting to ambulate which causes you to fall four or five times per month.

- Your treatment records from your treating neurologist indicate that you have been aware of your Parkinson's Disease since at least in or about mid-2006. Further, in or about May 2009, your chart indicates that your

tremor, rigidity, and bradykinesia were of sufficient severity that it was no longer safe for you to continue doing surgical procedures. Following the above chart notation, your treating neurologist contacted your disability carrier. Subsequently, on or about November 5, 2010, your treating neurologist stated that you are unable to practice clinical medicine due to your “tremor, difficulty with movement control and their associated physical impairment.”

2. In its letter dated February 10, 2011, the Board ordered Dr. Cortez to an examination pursuant to R.C. 4731.22(B)(19). The Board stated that the examination was scheduled to take place with Steven G. Simensky, M.D., a Board-approved treatment provider, on April 7, 2011, at 1:00 p.m., and that Dr. Cortez was responsible for paying the cost of the examination, which was estimated to be \$600.00.

The Board also notified Dr. Cortez in its letter that failure to submit to an examination ordered by the Board constitutes an admission of the allegations against him unless the failure is due to circumstances beyond his control. Finally, the Board notified Dr. Cortez that, if he failed to submit to the examination and if such failure was not due to circumstances beyond his control, the Board would be authorized to enter a default and final order without the taking of testimony or presentation of evidence.

3. Dr. Cortez was served by certified mail with the February 10, 2011 letter at his last known address of record.
4. On March 31, 2011, Respondent’s counsel notified the Board that Dr. Cortez would be unable to attend the scheduled examination because Dr. Cortez’s sister had died and he had to attend her funeral out-of-state. Respondent’s counsel advised the Board that Dr. Cortez would attend a rescheduled examination.
5. In its letter dated April 5, 2011, the Board notified Dr. Cortez that it had rescheduled his examination with Dr. Simensky for April 22, 2011 at 1:00 p.m.
6. Respondent’s counsel was served by certified mail with the April 5, 2011 letter on April 6, 2011. On April 27, 2011, Ms. McNair checked the USPS website and found that the April 5, 2011 letter sent to Dr. Cortez by certified mail was declared “unclaimed” on April 25, 2011.
7. Dr. Cortez did not appear for the Board-ordered examination with Dr. Simensky as ordered. In his written statement, Dr. Cortez stated that he did not appear for the examination as scheduled because he could not practice, had not been practicing, and did not intend to return to the practice of medicine due to his Parkinson’s Disease and the injuries he received in a March 2011 automobile accident.

CONCLUSIONS OF LAW

1. R.C. 4731.22(B) provides, in pertinent part:

The board * * * shall * * * limit, revoke, or suspend an individual's certificate to practice, refuse to register an individual, refuse to reinstate a certificate, or reprimand or place on probation the holder of a certificate for one or more of the following reasons:

* * *

(19) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor or perceptive skills.

In enforcing this division, the board, upon a showing of a possible violation, may compel any individual authorized to practice by this chapter or who has submitted an application pursuant to this chapter to submit to a mental examination, physical examination * * *.

The expense of the examination is the responsibility of the individual compelled to be examined.

Failure to submit to a mental or physical examination * * * ordered by the Board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence.

2. Based on the information set forth in the Board's letter dated February 10, 2011, the Board lawfully ordered Armando Abel Cortez, M.D., to submit to an evaluation to assess his ability to practice according to acceptable and prevailing standards of care as set forth in R.C. 4731.22(B)(19). The Board duly notified him of the examination order and the scheduled date, time, and place of the examination.
3. Dr. Cortez did not attend the examination due to circumstances within his control.
4. Pursuant to R.C. 4731.22(B)(19), Dr. Cortez's failure to submit to the Board-ordered examination, for reasons within his control, constitutes an admission by Dr. Cortez of the truth of the allegations in the Board's letter dated February 10, 2011.
5. Pursuant to R.C. 4731.22(B)(19), the foregoing Findings of Fact and Conclusions of Law establish that Dr. Cortez has an "inability to practice according to acceptable and

prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills.”

DISCUSSION OF PROPOSED ORDER

Dr. Cortez admits that he is unable to practice medicine according to acceptable and prevailing standards of care because he suffers from Parkinson’s Disease which limits his gait and speech and also because of recent injuries from a motor vehicle accident which worsened his condition. Dr. Cortez further admits that he chose not to attend the rescheduled examination because he realized that “there was no need for the examination because I could not practice, had not been practicing, and did not intend to return to practice.”

With regard to the discipline in this matter, the Hearing Examiner is unfortunately limited to only one option. Due to the fact that Dr. Cortez’s disease is degenerative and he does not intend to return to the practice of medicine, the Hearing Examiner recommends that this Board issue an order revoking Dr. Cortez’s certificate to practice medicine and surgery.

PROPOSED ORDER

It is hereby ORDERED that:

The certificate of Armando Abel Cortez, M.D., to practice medicine and surgery in the State of Ohio is hereby REVOKED.

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



Danielle R. Blue, Esq.
Hearing Examiner

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

EXCERPT FROM THE DRAFT MINUTES OF JANUARY 11, 2012

REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Mahajan announced that the Board would now consider the Reports and Recommendations, and the Proposed Findings and Proposed Order appearing on its agenda.

Dr. Mahajan asked whether each member of the Board had received, read and considered the hearing records; the Findings of Fact, Conclusions of Law, Proposed Orders, and any objections filed in the matters of: Margy Temponeras, M.D.; Armando Abel Cortez, M.D.; Stephen August Schemenauer, P.A.; and Dawn Zacharias, M.D. A roll call was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye

Dr. Mahajan asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye

Dr. Mahajan noted that, in accordance with the provision in section 4731.22(F)(2), Ohio Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters. In the matters before the Board today, Dr. Talmage

served as Secretary and Dr. Amato served as Supervising Member.

Dr. Mahajan reminded all parties that no oral motions may be made during these proceedings.

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

.....
ARMANDO ABEL CORTEZ, M.D., Case No. 11-CRF-071
.....

Dr. Ramprasad exited the meeting prior to this discussion

.....
Dr. Steinbergh moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Armando Abel Cortez, M.D. Mr. Hairston seconded the motion.
.....

A vote was taken on Dr. Steinbergh's motion to approve:

ROLL CALL:	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Dr. Amato	- abstain
	Dr. Strafford	- abstain
	Ms. Elsass	- aye
	Mr. Hairston	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye

The motion to approve carried.

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

July 14, 2011

Armando Abel Cortez, M.D.
11413 Village Brook Drive, #626
Cincinnati, OH 45249

RE: Case No.: 11-CRF-071

Dear Doctor Cortez:

On July 14, 2011, an Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice was mailed to you by certified mail, return receipt requested and by personal service. Due to a clerical error, the draft minutes incorrectly indentified the name of the physician in the Motion. Enclosed are CORRECTED draft excerpt minutes and a CORRECTED Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice

If you have any questions, please feel free to contact me.

Very truly yours,



Barbara A. Jacobs
Senior Executive Staff Attorney

BAJ: jam
Enclosure(s)

Cc: Eric J. Plinke, Esq.

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

CORRECTED

July 13, 2011

Case number: 11-CRF- 071

Armando Abel Cortez, M.D.
11413 Village Brook Drive #626
Cincinnati, OH 45249

Dear Dr. Cortez:

Enclosed please find certified copies of the Entry of Order, Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice, and an excerpt of the Minutes of the State Medical Board, meeting in regular session on July 13, 2011, including a Motion adopting the Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice.

You are advised that continued practice after receipt of this Order shall be considered practicing without a certificate, in violation of Section 4731.41, Ohio Revised Code.

Pursuant to Chapter 119, Ohio Revised Code, you are hereby advised that you are entitled to a hearing concerning whether your failure to submit to the examination as directed was due to circumstances beyond your control as set forth in the Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice. If you wish to request such hearing, that request must be made in writing and be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice. Further information concerning such hearing is contained within the Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice.

THE STATE MEDICAL BOARD OF OHIO

Lance A. Talmage, M.D.
Lance A. Talmage, M.D., Secretary *by authorization*

Mailed 7-14-11

CERTIFICATION

I hereby certify that the attached copies of the Entry of Order of the State Medical Board of Ohio and the Motion by the State Medical Board, meeting in regular session on July 13, 2011, to Adopt the Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice, constitute true and complete copies of the Motion and Order in the Matter of Armando Abel Cortez, M.D., Case number: 11-CRF- 071 as they appear in the Journal of the State Medical Board of Ohio.

This certification is made under the authority of the State Medical Board of Ohio and in its behalf.

Lance A. Talmage, MD
Lance A. Talmage, M.D., Secretary *by authorization*

(SEAL)

~~July 13, 2011~~ *July 14, 2011*
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :
:
ARMANDO ABEL CORTEZ, M.D. :

CASE NUMBER: 11-CRF- 071

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 13th day of July, 2011.

Pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Lance A. Talmage, M.D., Secretary, and Jack C. Amato, M.D., Supervising Member; and

Pursuant to their determination, based upon their review of the information supporting the allegations as set forth in the Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice, that there is clear and convincing evidence that Armando Abel Cortez, M.D., has violated Section 4731.22(B)(19), Ohio Revised Code, as alleged in the Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice that is enclosed herewith and fully incorporated herein; and

Pursuant to their further determination, based upon their review of the information supporting the allegations as set forth in the Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice, that Dr. Cortez's continued practice presents a danger of immediate and serious harm to the public;

The following Order is hereby entered on the Journal of the State Medical Board of Ohio for the 13th day of July, 2011:

It is hereby ORDERED that the certificate of Armando Abel Cortez, M.D., to practice medicine and surgery in the State of Ohio be summarily suspended.

It is hereby ORDERED that Armando Abel Cortez, M.D., shall immediately cease the practice of medicine and surgery in Ohio and immediately refer all active patients to other appropriate physicians.

This Order shall become effective immediately.

Lance A. Talmage, MD
Lance A. Talmage, M.D., Secretary *by authorization*

(SEAL)

~~July 13, 2011~~ *July 14, 2011*
Date

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

EXCERPT FROM THE DRAFT MINUTES OF JULY 13, 2011

CITATIONS, PROPOSED DENIALS, ORDERS OF SUMMARY SUSPENSION & NOTICES OF IMMEDIATE SUSPENSION

ARMANDO ABEL CORTEZ, M.D. – OPPORTUNITY FOR HEARING ON FAILURE TO SUBMIT TO AN EXAMINATION AND NOTICE OF SUMMARY SUSPENSION BASED UPON PRESUMPTION OF AN ADMISSION OF INABILITY TO PRACTICE

Dr. Stephens exited the meeting prior to this discussion.

At this time the Board read and considered the proposed Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based upon Presumption of an Admission of Inability to Practice in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

Dr. Steinbergh moved to enter an Order of Summary Suspension in the matter of Armando Abel Coretz, M.D., in accordance with Section 4731.22(G), Ohio Revised Code, and to issue the Notice of Summary Suspension and Opportunity for Hearing. Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye

The motion carried.

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

CORRECTED

OPPORTUNITY FOR HEARING ON FAILURE TO SUBMIT TO AN EXAMINATION
AND
NOTICE OF SUMMARY SUSPENSION
BASED UPON PRESUMPTION OF AN ADMISSION OF INABILITY TO PRACTICE

July 13, 2011

Case number: 11-CRF- *C71*

Armando Abel Cortez, M.D.
11413 Village Brook Drive #626
Cincinnati, OH 45249

Dear Dr. Cortez:

Due to your failure to submit to an examination on April 22, 2011, as ordered by the State Medical Board of Ohio [Board] and your failure to notify the Board of any circumstances beyond your control preventing you from submitting to said examination, pursuant to Section 4731.22(B)(19), Ohio Revised Code, a legal presumption has been established that you have admitted the factual and legal allegations demonstrating an inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills, as alleged against you in the Board's letters sent to you by certified mail and dated February 10, 2011 [February 10, 2011 certified letter]; and April 5, 2011 [April 5, 2011 certified letter], so ordering you to submit to such examination. Accordingly, the Secretary and the Supervising Member of the Board have determined that there is clear and convincing evidence that you have violated Section 4731.22(B)(19), Ohio Revised Code, and have further determined that your continued practice presents a danger of immediate and serious harm to the public, as set forth in paragraphs (1) through (7), below.

Therefore, pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Lance A. Talmage, M.D., Secretary, and Jack C. Amato, M.D., Supervising Member,

you are hereby notified that, as set forth in the attached Entry of Order, your certificate to practice medicine or surgery in the State of Ohio is summarily suspended. Accordingly, at this time, you are no longer authorized to practice medicine and surgery in Ohio.

Furthermore, in accordance with Chapter 119., Ohio Revised Code, and Chapter 4731., Ohio Revised Code, you are hereby notified that the Board intends, for one or more of the following reasons, to determine whether your failure to submit to the aforementioned examination was due to circumstances beyond your control, which would rebut the legal presumption of inability to practice and merit termination of the instant summary suspension of your certificate in conjunction with rescheduling the examination as directed by the Board, or conversely, whether your failure to submit to the aforementioned examination was due to circumstances within your control, which would render the legal presumption of inability to practice conclusive and result in the Board further determining whether 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 based upon your legally admitted inability to practice:

- (1) By letter dated February 10, 2011, the Board notified you of its determination that it had reason to believe that you are in violation of Section 4731.22(B)(19), Ohio Revised Code, and ordered you to undergo a physical examination to determine if you are in violation of Section 4731.22(B)(19), Ohio Revised Code. The Board's determination was based upon one or more of the reasons outlined in such letter, including the fact that you were diagnosed with Parkinson's Disease several years ago, which affects, *inter alia*, your speech, writing, gait, mobility, and ability to perform medical procedures due to tremor, rigidity and bradykinesia. Additionally, you resigned your privileges at Christ Hospital, Good Samaritan Hospital and Bethesda North Hospital, all in Cincinnati.
- (2) The February 10, 2011 certified letter from the Board further notified you that, pursuant to Section 4731.22(B)(19), Ohio Revised Code, you were ordered to submit to an examination. The examination was scheduled to take place with Steven Simensky, M.D., at Columbus Neurology and Neurosurgery, 285 East State Street, Suite 430, Columbus, Ohio, on April 7, 2011, at 1:00 p.m.

The February 10, 2011 certified letter from the Board further notified you that failure of an individual to submit to an examination as directed constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control. Finally, the letter notified you that if you failed to submit to the examination, and such failure was not due to circumstances beyond your control, the Board would be authorized to enter a default and final order without the taking of testimony or presentation of evidence.

- (3) You were duly notified of the examination order and its scheduled date. The certified letter return receipt is signed and dated February 15, 2011.
- (4) On March 31, 2011, your attorney notified the Board that, due to a death in your family, you would not be able to attend the scheduled examination because the death was out-of-state. Your attorney indicated that you would attend a rescheduled examination. In the spirit of cooperation, the Board agreed to reschedule your examination and accordingly, by certified letter dated April 5, 2011, notified you that your examination was rescheduled with Dr. Simensky at Columbus Neurology and Neurosurgery, on Friday, April 22, 2011, at 1:00 p.m. The letter further advised that all other terms and conditions of the February 10, 2011 certified letter remained in full force and effect.
- (5) You failed to claim the April 5, 2011 certified letter. The certified return receipt for your attorney's courtesy copy of the April 5, 2011 certified letter is signed and dated April 6, 2011.
- (6) By letter dated April 4, 2011, Dr. Simensky confirmed that your examination had been rescheduled to Friday, April 22, 2011, at 1:00 p.m.
- (7) By letter dated April 29, 2011, Dr. Simensky notified the Board that you failed to appear for the examination that the Board rescheduled for you. At no time did you inform the Board that your failure to appear was due to circumstances beyond your control. Accordingly, pursuant to Section 4731.22(B)(19), Ohio Revised Code, and in consideration of the affidavits of Angela M. McNair, Enforcement Attorney, and Kay Rieve, Administrative Officer, copies of which are attached hereto and fully incorporated herein, the Board hereby FINDS that you have admitted the truth of the allegations demonstrating inability to practice as set forth in the February 10, 2011 certified letter and the April 5, 2011 certified letter from the Board. The Board FINDS that pursuant to Section 4731.22(B)(19), Ohio Revised Code, your failure to appear for the examination ordered by the Board as directed constitutes "[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills," as that clause is used in Section 4731.22(B)(19), Ohio Revised Code.

Section 4731.22(B)(19), Ohio Revised Code, provides that any individual authorized to practice accepts the privilege of practicing in this state, and by doing so, shall be deemed to have given consent to submit to a mental or physical examination when ordered to do so by the Board in writing; and that the expense of the examination is the responsibility of the

Armando Abel Cortez, M.D.

Opportunity for Hearing on Failure to Submit to an Examination and

Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice

Page 4

individual compelled to be examined. Failure to submit to a mental or physical examination ordered by the Board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (7) above, individually and/or collectively, constitute "[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills," as that clause is used in Section 4731.22(B)(19), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, and Chapter 4731., Ohio Revised Code, you are hereby advised that you are entitled to a hearing concerning whether your failure to submit to the examination as directed was due to circumstances beyond your control. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

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

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

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

Armando Abel Cortez, M.D.

Opportunity for Hearing on Failure to Submit to an Examination and

Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice

Page 5

Copies of the applicable sections are enclosed for your information.

Very truly yours,

Lance A. Talmage, MD
Lance A. Talmage, M.D. *by authorization*
Secretary

LAT/AMM/FLB

Enclosures

CERTIFIED MAIL #91 7180 2133 3936 3082 6540

RETURN RECEIPT REQUESTED

BY PERSONAL SERVICE

cc: Eric J. Plinke
Dinsmore & Shohl, LLP
191 W. Nationwide Boulevard, Suite 300
Columbus, OH 43215

CERTIFIED MAIL #91 7108 2133 3936 3082 6557

RETURN RECEIPT REQUESTED

AFFIDAVIT

The State of Ohio
Franklin County, SS

I, Kay Rieve, being duly cautioned and sworn, do hereby depose and state that the following is true based upon my first-hand knowledge:

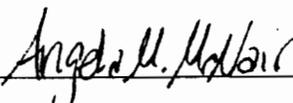
- 1) I am employed by the State Medical Board of Ohio [Board].
- 2) I serve the Board in the position of Administrative Officer.
- 3) In such position, I am the responsible custodian of all public licensee records maintained by the Board pertaining to individuals who have received certificates issued pursuant to Chapter 4731., Ohio Revised Code.
- 4) I have this day carefully examined the records of the Board pertaining to Armando Abel Cortez, M.D.
- 5) Based on such examination, I have found the last known address of record of Armando Abel Cortez, M.D. to be:

11413 Village Brook Drive #626
Cincinnati, Ohio 45249

- 6) Further, Affiant Sayeth Naught.



Kay Rieve
Administrative Officer

Sworn to and signed before me, , Notary Public, this 20th
day of May, 2011.



Notary Public



Angela M. McNair
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.

AFFIDAVIT

The State of Ohio
Franklin County, SS

I, Angela M. McNair, being duly cautioned and sworn, do hereby depose and state that the following is true based upon my first-hand knowledge:

- 1) I am employed by the State Medical Board of Ohio [Board].
- 2) I serve the Board in the position of Enforcement Attorney.
- 3) In the course of my regular duties, I am responsible for coordinating the investigation of complaints against applicants and licensees under the jurisdiction of the Board and assembling the evidence necessary to prove potential violations of the Medical Practices Act of Ohio, Chapters 4730., 4731., 4760., 4762., 4774., and 4776., Ohio Revised Code.
- 4) I coordinated the investigation of the complaints filed against Armando Abel Cortez, M.D., which resulted in the Secretary and Supervising Member of the Board directing the issuance of a letter ordering Dr. Cortez to submit to a physical examination pursuant to Section 4731.22(B)(19), Ohio Revised Code.
- 5) On February 10, 2011, a letter was sent via certified mail, return receipt requested, to Dr. Cortez, at the following address: 11413 Village Brook Drive, #626, Cincinnati, OH 45249. A copy of said letter, by which Dr. Cortez was ordered to submit to a physical examination with Steven Simensky, M.D., at Columbus Neurology and Neurosurgery, 285 East State Street, Suite 430, Columbus, Ohio 43215, on Thursday, April 7, 2011, at 1:00 p.m., is attached hereto and fully incorporated herein.
- 6) On February 21, 2011, the Board received electronic notice of a certified mail return receipt showing that the February 10, 2011 certified letter to Dr. Cortez had been delivered to the address set forth in paragraph 5 above, on February 15, 2011. A copy of said electronic certified mail return receipt is attached hereto and fully incorporated herein.
- 7) On March 25, 2011, I received a call from Dr. Simensky's assistant, Ervena, who explained that she had received a voicemail from a Betty at Dr. Cortez's office. Ervena further explained that Betty stated that Dr. Cortez was in the process of closing his office and he wanted to know if he still was required to attend the examination. I subsequently received a telephone call from Betty who claimed to be calling on behalf of Dr. Cortez. I explained that I was unable to talk to her, Dr. Cortez, or anyone else because he is represented by an attorney. I immediately

called Dr. Cortez's counsel of record, Eric J. Plinke, and left a voicemail requesting that he contact me about Dr. Cortez.

- 8) On March 30, 2011, I sent Mr. Plinke an email to follow-up on my March 25, 2011 voicemail. Mr. Plinke sent back an email indicating that he was checking into the matter.
- 9) On March 31, 2011, I received a voicemail from Betty from Dr. Cortez's office, wherein she explained the Dr. Cortez's sister passed away and that Dr. Cortez would not be able to make the scheduled April 7, 2011 evaluation as he would need to be in New York for her funeral. I immediately sent Mr. Plinke another email explaining that I needed him to advise as to the status of Dr. Cortez's examination, and whether or not Dr. Cortez was requesting the scheduled examination be cancelled and rescheduled. Mr. Plinke later confirmed that Dr. Cortez's sister passed away and he would be attending her funeral at the time of the examination. Mr. Plinke further explained that Dr. Cortez was not practicing due to an automobile accident that resulted in his pelvis being fractured. Mr. Plinke indicated that Dr. Cortez is no longer practicing, was planning to retire, and was only leaving his office open to transfer patient records. Finally, Mr. Plinke indicated that Dr. Cortez "will agree to go to an exam if [the Board] can reschedule."
- 10) By letter dated April 4, 2011, I received written confirmation from Steven Simensky, M.D., that Dr. Cortez's April 7, 2011 appointment had been cancelled and rescheduled to April 22, 2011, at 1:00 p.m. A copy of the letter from Dr. Simensky is attached hereto and fully incorporated herein.
- 11) On or about April 5, 2011, a letter was sent via certified mail, return receipt requested, to Dr. Cortez indicating that his examination had been rescheduled to Friday, April 22, 2011, at 1:00 p.m. The letter further advised that all other terms and conditions of the February 10, 2011 certified letter remained in full force and effect. A copy of the April 5, 2011 certified letter is attached hereto and fully incorporated herein.
- 12) On April 11, 2011, the Board received electronic notice of a certified mail return receipt showing Mr. Plinke had received his copy of the April 5, 2011 certified letter on April 6, 2011. A copy of said electronic certified mail return receipt is attached hereto and fully incorporated herein.
- 13) On April 22, 2011, I received an email from Dr. Simensky explaining that Dr. Cortez was a no-show for his 1:00 p.m. appointment that day. Dr. Simensky indicated that attempts to contact Dr. Cortez at his home and work were unsuccessful because it seemed that the telephone lines had been disconnected. I subsequently called Mr. Plinke and left him a voicemail inquiring about Dr. Cortez's failure to appear for the scheduled examination.

- 14) On April 25, 2011, I received a telephone call from Mr. Plinke, at which time he indicated that it was his recollection that Dr. Cortez would go to the exam if it was rescheduled; that the exam had in fact been rescheduled; and that Dr. Cortez was supposed to appear for the rescheduled examination. Mr. Plinke stated that he would check into the matter and get back to me.
- 15) On April 27, 2011, I checked the United States Postal Service [USPS] track and confirm website and found that the April 5, 2011 certified letter the Board had mailed to Dr. Cortez was declared unclaimed on April 25, 2011. The April 5, 2011 certified letter was subsequently returned to the Board's offices on April 29, 2011. Copies of the USPS track and confirm page and electronic certified return receipt are attached hereto and fully incorporated herein.
- 16) On April 28, 2011, I sent Mr. Plinke an email inquiring whether he had heard anything about Dr. Cortez's failure to appear for his examination.
- 17) By letter dated April 29, 2011, I received written confirmation from Dr. Simensky that Dr. Cortez failed to show for his appointment scheduled for April 22, 2011. Additionally, Dr. Simensky noted Dr. Cortez had not contacted his office for a rescheduled examination date. A copy of the letter from Dr. Simensky is attached hereto and fully incorporated herein.
- 18) On April 29, 2011, I received an email from Mr. Plinke wherein he indicated that he had a call to Dr. Cortez and "should have info for you in the next couple of hours."
- 19) On May 4, 2011, I sent Mr. Plinke an email to request an update on Dr. Cortez.
- 20) On May 5, 2011, Mr. Plinke sent me an email wherein he stated that he had not heard back from Dr. Cortez and was trying to call him again.
- 21) On May 11, 2011, Mr. Plinke spoke to me at the Board's office, at which time he explained that he was having trouble getting in touch with Dr. Cortez, that his "contact" from Dr. Cortez's office had not returned his call on April 29, 2011, and that Dr. Cortez's phone lines did not seem to be working properly. Mr. Plinke stated that he was again trying to contact Dr. Cortez, and would let me know as soon as he heard anything.
- 22) On May 19, 2011, I contacted Ervena in Dr. Simensky's office to request a tentative appointment time for purposes of trying to reschedule Dr. Cortez again. Ervena immediately returned my call, indicating that Monday, June 27, 2011, at 2:00 p.m. could be held for Dr. Cortez if I thought he would attend. I subsequently emailed Mr. Plinke to inquire whether Dr. Cortez was willing to attend this new examination date, and indicated that I would need an answer by Wednesday, May 25, 2011, so that I could notify Ervena whether or not she could release the appointment slot for another patient.

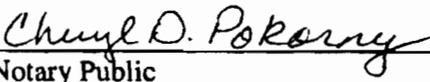
23) On May 27, 2011, I received an email from Mr. Plinke wherein he explained that since Dr. Cortez does not contest his inability to practice medicine, he would not attend an evaluation. I subsequently called Ervena at Dr. Simensky's office to cancel the appointment scheduled for June 27, 2011.

Further, Affiant Sayeth Naught.



Angela M. McFair, Enforcement Attorney

Sworn to and signed before me, CHERYL D. POKORNY, Notary Public, this 6th
day of JULY, 2011.



Notary Public
Cheryl D. Pokorny
State of Ohio
Attorney At Law
Lifetime Commission

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

February 10, 2011

Personal and Confidential

Armando A. Cortez, M.D.
11413 Village Brook Drive #626
Cincinnati, OH 45249

Dear Doctor Cortez:

The State Medical Board of Ohio [Board] has determined that it has reason to believe that you are in violation of Section 4731.22(B)(19), Ohio Revised Code, to wit: “[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills.”

This determination is based upon one or more of the following reasons:

- (1) The Board has received information indicating that since you were diagnosed with Parkinson’s Disease several years ago, your speech is significantly more difficult to understand; your writing has become illegible, requiring your medical assistants to write out all chart notations and all prescriptions; you have fallen in exam rooms and in the hallway at your office, including in front of patients, but you blamed the falls on your bad knee that requires surgery; you have dropped instruments, including speculums and specimen brushes used to perform Pap smears; and since you have transitioned into a scooter for mobility purposes, you have had trouble controlling the scooter, and have run into walls and people with the scooter.
- (2) On or about February 18, 2010, you met with a Board investigator. The investigator noted that you seemed unsteady in your gait, and that you used a cane and the wall to assist you in walking. The investigator observed that when you were ready to make a turn, you would come to a complete stop, and slowly shuffled your feet to make a turn. After introducing himself to you, the investigator followed you to your office, where you sat in a scooter and the investigator sat at your desk. The investigator explained that the Board had received information that you have Parkinson’s Disease and that your ability to practice medicine and surgery was in question. The investigator noted that you have a very pronounced accent and that you speak very fast, making it difficult to understand you. The investigator asked you a number of times to slow down and repeat yourself, but he still had difficulty understanding you. You explained that the only complaint that you have heard from patients was that you are hard to understand due to your accent.

You explained that you have your medical assistants attend to patients with you so that they can explain what you are saying.

During the discussion with the investigator, you explained that you previously held privileges at Christ Hospital, Good Samaritan Hospital and Bethesda North Hospital, all in Cincinnati, but that you resigned those privileges and further stated that you have not performed deliveries or surgeries since the summer of 2009. You indicated that your associate has taken over deliveries for your patients, and that you continue to care for your pregnant patients until the final month before their delivery, at which point, your associate takes over their care.

Upon inquiry, you identified the neurologist who treats you for Parkinson's Disease. When you attempted to find a business card for the neurologist, the investigator observed a slight shaking of your hand. You identified that you were taking Pramipexole and Carbidopa/Levodopa and explained that your condition primarily affects your speech and gait. You indicated that you have not had any dementia issues. You further explained that your neurologist is considering deep brain stimulation to try to improve your gait and speech.

You stated that you have some problems writing, so your medical assistants write the chart notes based on what you tell them. When the investigator inquired about prescribing, you indicated that you tell the medical assistants what to write and that you then sign the completed prescriptions. The investigator observed you print and sign your name on a form that he gave to you, and noted that both your printed name and signature were barely legible.

You further explained to the investigator that you can still drive and perform daily functions. You denied having any problems performing examinations, and denied that you have had any falls in the office or have had any problems with dropping instruments, however, documentation from your family physician regarding your attempt to secure a power chair, reveals that you are no longer able to complete activities of daily living, and your health conditions, including Parkinson's Disease, unsteady gait and upper body weakness are severely affecting your mobility. More specifically, you cannot ambulate with a cane or walker and you are having problems with freezing while attempting to ambulate which causes you to fall four to five times per month.

- (3) Your treatment records from your treating neurologist indicate that you have been aware of your Parkinson's Disease since at least in or about mid-2006. Further, in or about May 2009, your chart indicates that your tremor, rigidity and bradykinesia were of sufficient severity that it was no longer safe for you to continue doing surgical procedures. Following the above chart notation, your treating neurologist contacted your disability carrier. Subsequently, on or about November 5, 2010, your treating neurologist stated that you are unable to practice clinical medicine due to your "tremor, difficulty with movement control and their associated physical impairment."

By the authority vested in the State Medical Board of Ohio by Section 4731.22(B)(19), Ohio Revised Code, you are ordered to submit to an examination. This examination will take place at

B19 Examination
Armando A. Cortez, M.D.
Page 3

Columbus Neurology and Neurosurgery, 285 East State Street, Suite 430, Columbus, OH 43215. You are to report to Steven G. Simensky, M.D., on Thursday, April 7, 2011, at 1:00 p.m. for a physical illness evaluation. If you need directions to your appointment, please contact Ervena at 614-566-9777.

Pursuant to Section 4731.22(B)(19), Ohio Revised Code, you are responsible for the expense of this evaluation. The total estimated cost of this evaluation is \$600.00. You must present a certified check or money order in this amount made payable to Steven G. Simensky, M.D. to the examiner prior to the beginning of the examination. Failure to present a certified check or money order in the amount specified to the examiner will result in the examination being cancelled, and will be deemed by the Board to be a failure to submit to the examination as directed due to circumstances within your control.

Please be advised that failure to submit to this examination as directed constitutes an admission of the allegations against you unless the failure is due to circumstances beyond your control, and that a default and final order may thereupon be entered without the taking of testimony or presentation of evidence.

Copies of the applicable statute sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/AMM/fib
Enclosures

CERTIFIED MAIL #91 7108 2133 3938 3017 6612
RETURN RECEIPT REQUESTED

cc: Eric J. Plinke, Esq.
Dinsmore & Shohl, LLP
191 West Nationwide Blvd.
Columbus, OH 43215-8120

CERTIFIED MAIL #91 7108 2133 3938 3017 6605
RETURN RECEIPT REQUESTED



Date Produced: 02/21/2011

STATE MEDICAL BOARD OF OHIO

The following is the delivery information for Certified Mail™ item number 7108 2133 3938 3017 6612. Our records indicate that this item was delivered on 02/15/2011 at 01:59 p.m. in CINCINNATI, OH, 45249. The scanned image of the recipient information is provided below.

Signature of Recipient:

Benjamin A. Cortez
Benjamin A. Cortez

Address of Recipient:

*81413 Vinton Ave
45249*

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,

United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 4225901 18019711CORTEZ AMM

Columbus
Neurology & Neurosurgery

Neurosurgery

Akram H. Mahmoud, D.O.
A.O.B.S.

Kailash Narayan, M.D.
A.B.N.S.

285 East State Street, Suite 430, Columbus, OH 43215

(614) 566-9777 Fax (614) 566-8611

Neurology

William E. Carroll, M.D.

A.B.P.N., Vascular Neurology

Steven Simensky, M.D., Ph.D.

A.B.P.N., Clinical Neurophysiology

John Novak, M.D.

A.B.P.N.

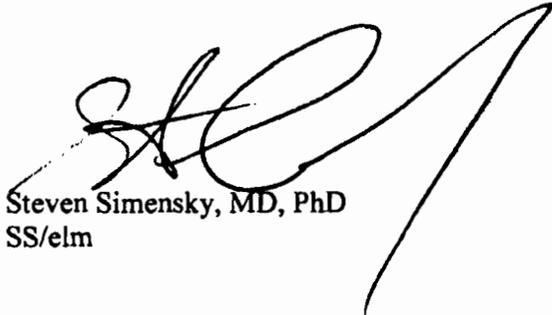
Emily T. Klatter, M.D.

A.B.P.N., Clinical Neurophysiology

April 4, 2011

Angela M. McNair
Enforcement Attorney State Medical Board of Ohio
30 E. Broad Street, 3rd Floor
Columbus, Ohio 43215

This is to confirm that the appointment for Dr. Armando Cortez on April 7, 2011 at 1:00pm has been cancelled and rescheduled to April 22, 2011 at 1:00pm.


Steven Simensky, MD, PhD
SS/elm

STATE MEDICAL BOARD
OF OHIO
2011 APR 13 AM 10:05

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

April 5, 2011

Personal and Confidential

Armando A. Cortez, M.D.
11413 Village Brook Drive #626
Cincinnati, OH 45249

Dear Doctor Cortez:

This correspondence is being directed to you in follow up to the certified letter dated February 10, 2011, which is fully incorporated herein by reference, through which the State Medical Board of Ohio ordered you to submit to a psychiatric examination by Steven G. Simensky, M.D. at Columbus Neurology and Neurosurgery, 285 East State Street, Suite 430, Columbus, Ohio 43215 on Thursday April 7, 2011, at 1:00 p.m., pursuant to the Board's authority under Section 4731.22(B)(19), Ohio Revised Code.

Although you have requested that the aforementioned examination be rescheduled, please be advised that the Board is under no legal obligation to negotiate the terms or conditions of any Board-ordered evaluation. Nonetheless, in the spirit of cooperation, the Board has agreed to reschedule your examination. Accordingly, by the authority vested in the Board pursuant to Section 4731.22(B)(19), Ohio Revised Code, you are ordered to submit to the physical examination that has been rescheduled to Friday, April 22, 2011 at 1:00 p.m. Further, please be advised that all other terms and conditions of the February 10, 2011 certified letter remain in full force and effect.

Should you have any questions concerning this matter, please have your attorney contact Angela McNair at (614) 752-4834.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/AMM/llb

CERTIFIED MAIL # 91 7108 2133 3938 3023 5456
RETURN RECEIPT REQUESTED

cc: Eric J. Plinke, Esq.
Dinsmore & Shohl, LLP
191 West Nationwide Blvd.
Columbus, OH 43215-8120

CERTIFIED MAIL # 91 7108 2133 3938 3023 5449
RETURN RECEIPT REQUESTED



Date Produced: 04/11/2011

STATE MEDICAL BOARD OF OHIO

The following is the delivery information for Certified Mail™ item number 7108 2133 3938 3023 5449. Our records indicate that this item was delivered on 04/06/2011 at 11:04 a.m. in COLUMBUS, OH, 43215. The scanned image of the recipient information is provided below.

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Signature: *[Handwritten Signature]*
Printed Name: JOHN MARTIN

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Sincerely,

United States Postal Service

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Customer Reference Number: 4225901 18019711CORTEZ AMM

plinke / cortez



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Detailed Results:

- Unclaimed, April 25, 2011, 11:35 am, CINCINNATI, OH
- Notice Left, April 06, 2011, 11:34 am, CINCINNATI, OH 45249
- Arrival at Unit, April 06, 2011, 8:28 am, CINCINNATI, OH 45249
- Processed through Sort Facility, April 06, 2011, 5:35 am, CINCINNATI, OH 45234
- Electronic Shipping Info Received, April 05, 2011

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Date: 05/20/2011

Fonda Brooks:

The following is in response to your 05/20/2011 request for delivery information on your Certified Mail(TM) item number 7108 2133 3938 3023 5456. The delivery record shows that this item was delivered on 04/29/2011 at 10:10 AM in COLUMBUS, OH 43215 to A BATTLE. The scanned image of the recipient information is provided below.

Signature of Recipient:

Delivery section
Signature: April E. Battle
Printed Name: April E. Battle

Address of Recipient:

Address: 30 E Broad

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Sincerely,

United States Postal Service

Columbus **Neurology & Neurosurgery**

Neurosurgery

Akram H. Mahmoud, D.O.

A.O.B.S.

Kailash Narayan, M.D.

A.B.N.S.

285 East State Street, Suite 430, Columbus, OH 43215

(614) 566-9777 Fax (614) 566-8611

Neurology

William E. Carroll, M.D.

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John Novak, M.D.

A.B.P.N.

Emily T. Klatte, M.D.

A.B.P.N., Clinical Neurophysiology

April 29, 2011

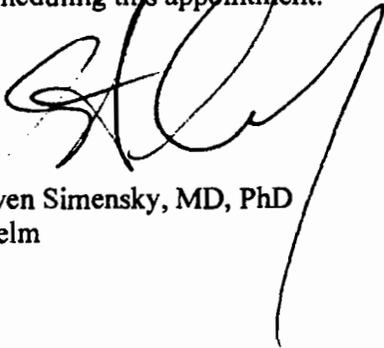
Angela M. McNair

Enforcement Attorney State Medical Board of Ohio

30 E. Broad Street, 3rd Floor

Columbus, Ohio 43215

This is to inform you that Dr. Armando Cortez was rescheduled to see Dr. Steven Simensky on April 22, 2011 at 1:00PM. Dr. Cortez failed to show up for this appointment. We have not heard from him regarding rescheduling this appointment.



Steven Simensky, MD, PhD

SS/elm

RECEIVED

APR 29 2011

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

July 13, 2011

Case number: 11-CRF-071

Armando Abel Cortez, M.D.
11413 Village Brook Drive #626
Cincinnati, OH 45249

Dear Dr. Cortez:

Enclosed please find certified copies of the Entry of Order, Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice, and an excerpt of the Minutes of the State Medical Board, meeting in regular session on July 13, 2011, including a Motion adopting the Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice.

You are advised that continued practice after receipt of this Order shall be considered practicing without a certificate, in violation of Section 4731.41, Ohio Revised Code.

Pursuant to Chapter 119, Ohio Revised Code, you are hereby advised that you are entitled to a hearing concerning whether your failure to submit to the examination as directed was due to circumstances beyond your control as set forth in the Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice. If you wish to request such hearing, that request must be made in writing and be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice. Further information concerning such hearing is contained within the Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice.

THE STATE MEDICAL BOARD OF OHIO


Lance A. Talmage, M.D., Secretary

Mailed 7-14-11

CERTIFICATION

I hereby certify that the attached copies of the Entry of Order of the State Medical Board of Ohio and the Motion by the State Medical Board, meeting in regular session on July 13, 2011, to Adopt the Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice, constitute true and complete copies of the Motion and Order in the Matter of Armando Abel Cortez, M.D., Case number: 11-CRF- **071** as they appear in the Journal of the State Medical Board of Ohio.

This certification is made under the authority of the State Medical Board of Ohio and in its behalf.


Lance A. Talmage, M.D., Secretary

(SEAL)

July 13, 2011
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :
:
ARMANDO ABEL CORTEZ, M.D. :

CASE NUMBER: 11-CRF- 071

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 13th day of July, 2011.

Pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Lance A. Talmage, M.D., Secretary, and Jack C. Amato, M.D., Supervising Member; and

Pursuant to their determination, based upon their review of the information supporting the allegations as set forth in the Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice, that there is clear and convincing evidence that Armando Abel Cortez, M.D., has violated Section 4731.22(B)(19), Ohio Revised Code, as alleged in the Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice that is enclosed herewith and fully incorporated herein; and

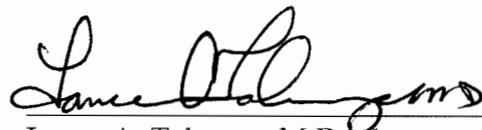
Pursuant to their further determination, based upon their review of the information supporting the allegations as set forth in the Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice, that Dr. Cortez's continued practice presents a danger of immediate and serious harm to the public;

The following Order is hereby entered on the Journal of the State Medical Board of Ohio for the 13th day of July, 2011:

It is hereby ORDERED that the certificate of Armando Abel Cortez, M.D., to practice medicine and surgery in the State of Ohio be summarily suspended.

It is hereby ORDERED that Armando Abel Cortez, M.D., shall immediately cease the practice of medicine and surgery in Ohio and immediately refer all active patients to other appropriate physicians.

This Order shall become effective immediately.


Lance A. Talmage, M.D., Secretary

(SEAL)

July 13, 2011
Date



State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

EXCEPT FROM THE DRAFT MINUTES OF JULY 13, 2011

CITATIONS, PROPOSED DENIALS, ORDERS OF SUMMARY SUSPENSION & NOTICES OF IMMEDIATE SUSPENSION

ARMANDO ABEL CORTEZ, M.D. – OPPORTUNITY FOR HEARING ON FAILURE TO SUBMIT TO AN EXAMINATION AND NOTICE OF SUMMARY SUSPENSION BASED UPON PRESUMPTION OF AN ADMISSION OF INABILITY TO PRACTICE

Dr. Stephens exited the meeting prior to this discussion.

At this time the Board read and considered the proposed Order of Summary Suspension and Notice of Opportunity for Hearing in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

Dr. Steinbergh moved to enter an Order of Summary Suspension in the matter of Jerome David Homish, D.O., in accordance with Section 4731.22(G), Ohio Revised Code, and to issue the Notice of Summary Suspension and Opportunity for Hearing. Mr. Hairston seconded the motion. A vote was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Dr. Talmage	- abstain
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye

The motion carried.



State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
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OPPORTUNITY FOR HEARING ON FAILURE TO SUBMIT TO AN EXAMINATION
AND
NOTICE OF SUMMARY SUSPENSION
BASED UPON PRESUMPTION OF AN ADMISSION OF INABILITY TO PRACTICE

July 13, 2011

Case number: 11-CRF- **071**

Armando Abel Cortez, M.D.
11413 Village Brook Drive #626
Cincinnati, OH 45249

Dear Dr. Cortez:

Due to your failure to submit to an examination on April 22, 2011, as ordered by the State Medical Board of Ohio [Board] and your failure to notify the Board of any circumstances beyond your control preventing you from submitting to said examination, pursuant to Section 4731.22(B)(19), Ohio Revised Code, a legal presumption has been established that you have admitted the factual and legal allegations demonstrating an inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills, as alleged against you in the Board's letters sent to you by certified mail and dated February 10, 2011 [February 10, 2011 certified letter]; and April 5, 2011 [April 5, 2011 certified letter], so ordering you to submit to such examination. Accordingly, the Secretary and the Supervising Member of the Board have determined that there is clear and convincing evidence that you have violated Section 4731.22(B)(19), Ohio Revised Code, and have further determined that your continued practice presents a danger of immediate and serious harm to the public, as set forth in paragraphs (1) through (7), below.

Therefore, pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Lance A. Talmage, M.D., Secretary, and Jack C. Amato, M.D., Supervising Member, you are hereby notified that, as set forth in the attached Entry of Order, your certificate to

practice medicine or surgery in the State of Ohio is summarily suspended. Accordingly, at this time, you are no longer authorized to practice medicine and surgery in Ohio.

Furthermore, in accordance with Chapter 119., Ohio Revised Code, and Chapter 4731., Ohio Revised Code, you are hereby notified that the Board intends, for one or more of the following reasons, to determine whether your failure to submit to the aforementioned examination was due to circumstances beyond your control, which would rebut the legal presumption of inability to practice and merit termination of the instant summary suspension of your certificate in conjunction with rescheduling the examination as directed by the Board, or conversely, whether your failure to submit to the aforementioned examination was due to circumstances within your control, which would render the legal presumption of inability to practice conclusive and result in the Board further determining whether 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 based upon your legally admitted inability to practice:

- (1) By letter dated February 10, 2011, the Board notified you of its determination that it had reason to believe that you are in violation of Section 4731.22(B)(19), Ohio Revised Code, and ordered you to undergo a physical examination to determine if you are in violation of Section 4731.22(B)(19), Ohio Revised Code. The Board's determination was based upon one or more of the reasons outlined in such letter, including the fact that you were diagnosed with Parkinson's Disease several years ago, which affects, *inter alia*, your speech, writing, gait, mobility, and ability to perform medical procedures due to tremor, rigidity and bradykinesia. Additionally, you resigned your privileges at Christ Hospital, Good Samaritan Hospital and Bethesda North Hospital, all in Cincinnati.
- (2) The February 10, 2011 certified letter from the Board further notified you that, pursuant to Section 4731.22(B)(19), Ohio Revised Code, you were ordered to submit to an examination. The examination was scheduled to take place with Steven Simensky, M.D., at Columbus Neurology and Neurosurgery, 285 East State Street, Suite 430, Columbus, Ohio, on April 7, 2011, at 1:00 p.m.

The February 10, 2011 certified letter from the Board further notified you that failure of an individual to submit to an examination as directed constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control. Finally, the letter notified you that if you failed to submit to the examination, and such failure was not due to circumstances beyond your control, the Board would be authorized to enter a default and final order without the taking of testimony or presentation of evidence.

- (3) You were duly notified of the examination order and its scheduled date. The certified letter return receipt is signed and dated February 15, 2011.
- (4) On March 31, 2011, your attorney notified the Board that, due to a death in your family, you would not be able to attend the scheduled examination because the death was out-of-state. Your attorney indicated that you would attend a rescheduled examination. In the spirit of cooperation, the Board agreed to reschedule your examination and accordingly, by certified letter dated April 5, 2011, notified you that your examination was rescheduled with Dr. Simensky at Columbus Neurology and Neurosurgery, on Friday, April 22, 2011, at 1:00 p.m. The letter further advised that all other terms and conditions of the February 10, 2011 certified letter remained in full force and effect.
- (5) You failed to claim the April 5, 2011 certified letter. The certified return receipt for your attorney's courtesy copy of the April 5, 2011 certified letter is signed and dated April 6, 2011.
- (6) By letter dated April 4, 2011, Dr. Simensky confirmed that your examination had been rescheduled to Friday, April 22, 2011, at 1:00 p.m.
- (7) By letter dated April 29, 2011, Dr. Simensky notified the Board that you failed to appear for the examination that the Board rescheduled for you. At no time did you inform the Board that your failure to appear was due to circumstances beyond your control. Accordingly, pursuant to Section 4731.22(B)(19), Ohio Revised Code, and in consideration of the affidavits of Angela M. McNair, Enforcement Attorney, and Kay Rieve, Administrative Officer, copies of which are attached hereto and fully incorporated herein, the Board hereby FINDS that you have admitted the truth of the allegations demonstrating inability to practice as set forth in the February 10, 2011 certified letter and the April 5, 2011 certified letter from the Board. The Board FINDS that pursuant to Section 4731.22(B)(19), Ohio Revised Code, your failure to appear for the examination ordered by the Board as directed constitutes "[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills," as that clause is used in Section 4731.22(B)(19), Ohio Revised Code.

Section 4731.22(B)(19), Ohio Revised Code, provides that any individual authorized to practice accepts the privilege of practicing in this state, and by doing so, shall be deemed to have given consent to submit to a mental or physical examination when ordered to do so by the Board in writing; and that the expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical

Armando Abel Cortez, M.D.

Opportunity for Hearing on Failure to Submit to an Examination and

Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice

Page 4

examination ordered by the Board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (7) above, individually and/or collectively, constitute "[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills," as that clause is used in Section 4731.22(B)(19), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, and Chapter 4731., Ohio Revised Code, you are hereby advised that you are entitled to a hearing concerning whether your failure to submit to the examination as directed was due to circumstances beyond your control. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

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

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

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

Armando Abel Cortez, M.D.

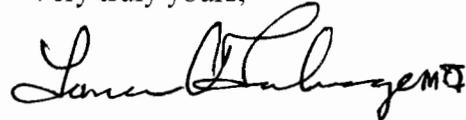
Opportunity for Hearing on Failure to Submit to an Examination and

Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice

Page 5

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lance A. Talmage, M.D.", with a stylized flourish at the end.

Lance A. Talmage, M.D.

Secretary

LAT/AMM/FLB

Enclosures

CERTIFIED MAIL #91 7199 9991 7030 3380 5474

RETURN RECEIPT REQUESTED

BY PERSONAL SERVICE

cc: Eric J. Plinke

Dinsmore & Shohl, LLP

191 W. Nationwide Boulevard, Suite 300

Columbus, OH 43215

CERTIFIED MAIL #91 7199 9991 7030 3380 5467

RETURN RECEIPT REQUESTED

AFFIDAVIT

The State of Ohio
Franklin County, SS

I, Kay Rieve, being duly cautioned and sworn, do hereby depose and state that the following is true based upon my first-hand knowledge:

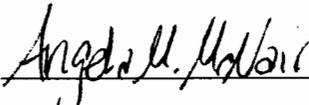
- 1) I am employed by the State Medical Board of Ohio [Board].
- 2) I serve the Board in the position of Administrative Officer.
- 3) In such position, I am the responsible custodian of all public licensee records maintained by the Board pertaining to individuals who have received certificates issued pursuant to Chapter 4731., Ohio Revised Code.
- 4) I have this day carefully examined the records of the Board pertaining to Armando Abel Cortez, M.D.
- 5) Based on such examination, I have found the last known address of record of Armando Abel Cortez, M.D. to be:

11413 Village Brook Drive #626
Cincinnati, Ohio 45249

- 6) Further, Affiant Sayeth Naught.



Kay Rieve
Administrative Officer

Sworn to and signed before me, , Notary Public, this 20th
day of May, 2011.



Notary Public



Angela M. McNair
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.

AFFIDAVIT

The State of Ohio
Franklin County, SS

I, Angela M. McNair, being duly cautioned and sworn, do hereby depose and state that the following is true based upon my first-hand knowledge:

- 1) I am employed by the State Medical Board of Ohio [Board].
- 2) I serve the Board in the position of Enforcement Attorney.
- 3) In the course of my regular duties, I am responsible for coordinating the investigation of complaints against applicants and licensees under the jurisdiction of the Board and assembling the evidence necessary to prove potential violations of the Medical Practices Act of Ohio, Chapters 4730., 4731., 4760., 4762., 4774., and 4776., Ohio Revised Code.
- 4) I coordinated the investigation of the complaints filed against Armando Abel Cortez, M.D., which resulted in the Secretary and Supervising Member of the Board directing the issuance of a letter ordering Dr. Cortez to submit to a physical examination pursuant to Section 4731.22(B)(19), Ohio Revised Code.
- 5) On February 10, 2011, a letter was sent via certified mail, return receipt requested, to Dr. Cortez, at the following address: 11413 Village Brook Drive, #626, Cincinnati, OH 45249. A copy of said letter, by which Dr. Cortez was ordered to submit to a physical examination with Steven Simensky, M.D., at Columbus Neurology and Neurosurgery, 285 East State Street, Suite 430, Columbus, Ohio 43215, on Thursday, April 7, 2011, at 1:00 p.m., is attached hereto and fully incorporated herein.
- 6) On February 21, 2011, the Board received electronic notice of a certified mail return receipt showing that the February 10, 2011 certified letter to Dr. Cortez had been delivered to the address set forth in paragraph 5 above, on February 15, 2011. A copy of said electronic certified mail return receipt is attached hereto and fully incorporated herein.
- 7) On March 25, 2011, I received a call from Dr. Simensky's assistant, Ervena, who explained that she had received a voicemail from a Betty at Dr. Cortez's office. Ervena further explained that Betty stated that Dr. Cortez was in the process of closing his office and he wanted to know if he still was required to attend the examination. I subsequently received a telephone call from Betty who claimed to be calling on behalf of Dr. Cortez. I explained that I was unable to talk to her, Dr. Cortez, or anyone else because he is represented by an attorney. I immediately

called Dr. Cortez's counsel of record, Eric J. Plinke, and left a voicemail requesting that he contact me about Dr. Cortez.

- 8) On March 30, 2011, I sent Mr. Plinke an email to follow-up on my March 25, 2011 voicemail. Mr. Plinke sent back an email indicating that he was checking into the matter.
- 9) On March 31, 2011, I received a voicemail from Betty from Dr. Cortez's office, wherein she explained the Dr. Cortez's sister passed away and that Dr. Cortez would not be able to make the scheduled April 7, 2011 evaluation as he would need to be in New York for her funeral. I immediately sent Mr. Plinke another email explaining that I needed him to advise as to the status of Dr. Cortez's examination, and whether or not Dr. Cortez was requesting the scheduled examination be cancelled and rescheduled. Mr. Plinke later confirmed that Dr. Cortez's sister passed away and he would be attending her funeral at the time of the examination. Mr. Plinke further explained that Dr. Cortez was not practicing due to an automobile accident that resulted in his pelvis being fractured. Mr. Plinke indicated that Dr. Cortez is no longer practicing, was planning to retire, and was only leaving his office open to transfer patient records. Finally, Mr. Plinke indicated that Dr. Cortez "will agree to go to an exam if [the Board] can reschedule."
- 10) By letter dated April 4, 2011, I received written confirmation from Steven Simensky, M.D., that Dr. Cortez's April 7, 2011 appointment had been cancelled and rescheduled to April 22, 2011, at 1:00 p.m. A copy of the letter from Dr. Simensky is attached hereto and fully incorporated herein.
- 11) On or about April 5, 2011, a letter was sent via certified mail, return receipt requested, to Dr. Cortez indicating that his examination had been rescheduled to Friday, April 22, 2011, at 1:00 p.m. The letter further advised that all other terms and conditions of the February 10, 2011 certified letter remained in full force and effect. A copy of the April 5, 2011 certified letter is attached hereto and fully incorporated herein.
- 12) On April 11, 2011, the Board received electronic notice of a certified mail return receipt showing Mr. Plinke had received his copy of the April 5, 2011 certified letter on April 6, 2011. A copy of said electronic certified mail return receipt is attached hereto and fully incorporated herein.
- 13) On April 22, 2011, I received an email from Dr. Simensky explaining that Dr. Cortez was a no-show for his 1:00 p.m. appointment that day. Dr. Simensky indicated that attempts to contact Dr. Cortez at his home and work were unsuccessful because it seemed that the telephone lines had been disconnected. I subsequently called Mr. Plinke and left him a voicemail inquiring about Dr. Cortez's failure to appear for the scheduled examination.

- 14) On April 25, 2011, I received a telephone call from Mr. Plinke, at which time he indicated that it was his recollection that Dr. Cortez would go to the exam if it was rescheduled; that the exam had in fact been rescheduled; and that Dr. Cortez was supposed to appear for the rescheduled examination. Mr. Plinke stated that he would check into the matter and get back to me.
- 15) On April 27, 2011, I checked the United States Postal Service [USPS] track and confirm website and found that the April 5, 2011 certified letter the Board had mailed to Dr. Cortez was declared unclaimed on April 25, 2011. The April 5, 2011 certified letter was subsequently returned to the Board's offices on April 29, 2011. Copies of the USPS track and confirm page and electronic certified return receipt are attached hereto and fully incorporated herein.
- 16) On April 28, 2011, I sent Mr. Plinke an email inquiring whether he had heard anything about Dr. Cortez's failure to appear for his examination.
- 17) By letter dated April 29, 2011, I received written confirmation from Dr. Simensky that Dr. Cortez failed to show for his appointment scheduled for April 22, 2011. Additionally, Dr. Simensky noted Dr. Cortez had not contacted his office for a rescheduled examination date. A copy of the letter from Dr. Simensky is attached hereto and fully incorporated herein.
- 18) On April 29, 2011, I received an email from Mr. Plinke wherein he indicated that he had a call to Dr. Cortez and "should have info for you in the next couple of hours."
- 19) On May 4, 2011, I sent Mr. Plinke an email to request an update on Dr. Cortez.
- 20) On May 5, 2011, Mr. Plinke sent me an email wherein he stated that he had not heard back from Dr. Cortez and was trying to call him again.
- 21) On May 11, 2011, Mr. Plinke spoke to me at the Board's office, at which time he explained that he was having trouble getting in touch with Dr. Cortez, that his "contact" from Dr. Cortez's office had not returned his call on April 29, 2011, and that Dr. Cortez's phone lines did not seem to be working properly. Mr. Plinke stated that he was again trying to contact Dr. Cortez, and would let me know as soon as he heard anything.
- 22) On May 19, 2011, I contacted Ervena in Dr. Simensky's office to request a tentative appointment time for purposes of trying to reschedule Dr. Cortez again. Ervena immediately returned my call, indicating that Monday, June 27, 2011, at 2:00 p.m. could be held for Dr. Cortez if I thought he would attend. I subsequently emailed Mr. Plinke to inquire whether Dr. Cortez was willing to attend this new examination date, and indicated that I would need an answer by Wednesday, May 25, 2011, so that I could notify Ervena whether or not she could release the appointment slot for another patient.

23) On May 27, 2011, I received an email from Mr. Plinke wherein he explained that since Dr. Cortez does not contest his inability to practice medicine, he would not attend an evaluation. I subsequently called Ervena at Dr. Simensky's office to cancel the appointment scheduled for June 27, 2011.

Further, Affiant Sayeth Naught.



Angela M. McNair, Enforcement Attorney

Sworn to and signed before me, CHERYL D. POKORNY, Notary Public, this 6th
day of JULY, 2011.



Notary Public
Cheryl D. Pokorny
State of Ohio
Attorney At Law
Lifetime Commission

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

February 10, 2011

Personal and Confidential

Armando A. Cortez, M.D.
11413 Village Brook Drive #626
Cincinnati, OH 45249

Dear Doctor Cortez:

The State Medical Board of Ohio [Board] has determined that it has reason to believe that you are in violation of Section 4731.22(B)(19), Ohio Revised Code, to wit: “[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills.”

This determination is based upon one or more of the following reasons:

- (1) The Board has received information indicating that since you were diagnosed with Parkinson’s Disease several years ago, your speech is significantly more difficult to understand; your writing has become illegible, requiring your medical assistants to write out all chart notations and all prescriptions; you have fallen in exam rooms and in the hallway at your office, including in front of patients, but you blamed the falls on your bad knee that requires surgery; you have dropped instruments, including speculums and specimen brushes used to perform Pap smears; and since you have transitioned into a scooter for mobility purposes, you have had trouble controlling the scooter, and have run into walls and people with the scooter.
- (2) On or about February 18, 2010, you met with a Board investigator. The investigator noted that you seemed unsteady in your gait, and that you used a cane and the wall to assist you in walking. The investigator observed that when you were ready to make a turn, you would come to a complete stop, and slowly shuffled your feet to make a turn. After introducing himself to you, the investigator followed you to your office, where you sat in a scooter and the investigator sat at your desk. The investigator explained that the Board had received information that you have Parkinson’s Disease and that your ability to practice medicine and surgery was in question. The investigator noted that you have a very pronounced accent and that you speak very fast, making it difficult to understand you. The investigator asked you a number of times to slow down and repeat yourself, but he still had difficulty understanding you. You explained that the only complaint that you have heard from patients was that you are hard to understand due to your accent.

You explained that you have your medical assistants attend to patients with you so that they can explain what you are saying.

During the discussion with the investigator, you explained that you previously held privileges at Christ Hospital, Good Samaritan Hospital and Bethesda North Hospital, all in Cincinnati, but that you resigned those privileges and further stated that you have not performed deliveries or surgeries since the summer of 2009. You indicated that your associate has taken over deliveries for your patients, and that you continue to care for your pregnant patients until the final month before their delivery, at which point, your associate takes over their care.

Upon inquiry, you identified the neurologist who treats you for Parkinson's Disease. When you attempted to find a business card for the neurologist, the investigator observed a slight shaking of your hand. You identified that you were taking Pramipexole and Carbidopa/Levodopa and explained that your condition primarily affects your speech and gait. You indicated that you have not had any dementia issues. You further explained that your neurologist is considering deep brain stimulation to try to improve your gait and speech.

You stated that you have some problems writing, so your medical assistants write the chart notes based on what you tell them. When the investigator inquired about prescribing, you indicated that you tell the medical assistants what to write and that you then sign the completed prescriptions. The investigator observed you print and sign your name on a form that he gave to you, and noted that both your printed name and signature were barely legible.

You further explained to the investigator that you can still drive and perform daily functions. You denied having any problems performing examinations, and denied that you have had any falls in the office or have had any problems with dropping instruments, however, documentation from your family physician regarding your attempt to secure a power chair, reveals that you are no longer able to complete activities of daily living, and your health conditions, including Parkinson's Disease, unsteady gait and upper body weakness are severely affecting your mobility. More specifically, you cannot ambulate with a cane or walker and you are having problems with freezing while attempting to ambulate which causes you to fall four to five times per month.

- (3) Your treatment records from your treating neurologist indicate that you have been aware of your Parkinson's Disease since at least in or about mid-2006. Further, in or about May 2009, your chart indicates that your tremor, rigidity and bradykinesia were of sufficient severity that it was no longer safe for you to continue doing surgical procedures. Following the above chart notation, your treating neurologist contacted your disability carrier. Subsequently, on or about November 5, 2010, your treating neurologist stated that you are unable to practice clinical medicine due to your "tremor, difficulty with movement control and their associated physical impairment."

B19 Examination
Armando A. Cortez, M.D.
Page 3

Columbus Neurology and Neurosurgery, 285 East State Street, Suite 430, Columbus, OH 43215. You are to report to Steven G. Simensky, M.D., on Thursday, April 7, 2011, at 1:00 p.m. for a physical illness evaluation. If you need directions to your appointment, please contact Ervena at 614-566-9777.

Pursuant to Section 4731.22(B)(19), Ohio Revised Code, you are responsible for the expense of this evaluation. **The total estimated cost of this evaluation is \$600.00.** You must present a certified check or money order in this amount made payable to Steven G. Simensky, M.D. to the examiner prior to the beginning of the examination. Failure to present a certified check or money order in the amount specified to the examiner will result in the examination being cancelled, and will be deemed by the Board to be a failure to submit to the examination as directed due to circumstances within your control.

Please be advised that failure to submit to this examination as directed constitutes an admission of the allegations against you unless the failure is due to circumstances beyond your control, and that a default and final order may thereupon be entered without the taking of testimony or presentation of evidence.

Copies of the applicable statute sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/AMM/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3938 3017 6612
RETURN RECEIPT REQUESTED

cc: Eric J. Plinke, Esq.
Dinsmore & Shohi, LLP
191 West Nationwide Blvd.
Columbus, OH 43215-8120

CERTIFIED MAIL #91 7108 2133 3938 3017 6605
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Date Produced: 02/21/2011

STATE MEDICAL BOARD OF OHIO

The following is the delivery information for Certified Mail™ item number 7108 2133 3938 3017 6612. Our records indicate that this item was delivered on 02/15/2011 at 01:59 p.m. in CINCINNATI, OH, 45249. The scanned image of the recipient information is provided below.

Signature of Recipient:

Bernard Cortez
Bernard A. Cortez

Address of Recipient:

*11413 VINEYARD AVE
45249*

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,

United States Postal Service

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Customer Reference Number: 4225901 18019711CORTEZ AMM

Columbus Neurology & Neurosurgery

Neurosurgery

Akram H. Mahmoud, D.O.
A.O.B.S.

Kailash Narayan, M.D.
A.B.N.S.

285 East State Street, Suite 430, Columbus, OH 43215
(614) 566-9777 Fax (614) 566-8611

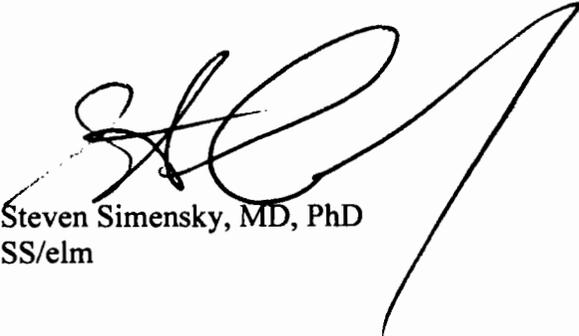
Neurology

William E. Carroll, M.D.
A.B.P.N., Vascular Neurology
Steven Simensky, M.D., Ph.D.
A.B.P.N., Clinical Neurophysiology
John Novak, M.D.
A.B.P.N.
Emily T. Klatte, M.D.
A.B.P.N., Clinical Neurophysiology

April 4, 2011

Angela M. McNair
Enforcement Attorney State Medical Board of Ohio
30 E. Broad Street, 3rd Floor
Columbus, Ohio 43215

This is to confirm that the appointment for Dr. Armando Cortez on April 7, 2011 at 1:00pm has been cancelled and rescheduled to April 22, 2011 at 1:00pm.


Steven Simensky, MD, PhD
SS/elm

STATE MEDICAL BOARD
OF OHIO
2011 APR 13 AM 10:05

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

April 5, 2011

Personal and Confidential

Armando A. Cortez, M.D.
11413 Village Brook Drive #626
Cincinnati, OH 45249

Dear Doctor Cortez:

This correspondence is being directed to you in follow up to the certified letter dated February 10, 2011, which is fully incorporated herein by reference, through which the State Medical Board of Ohio ordered you to submit to a psychiatric examination by Steven G. Simensky, M.D. at Columbus Neurology and Neurosurgery, 285 East State Street, Suite 430, Columbus, Ohio 43215 on Thursday April 7, 2011, at 1:00 p.m., pursuant to the Board's authority under Section 4731.22(B)(19), Ohio Revised Code.

Although you have requested that the aforementioned examination be rescheduled, please be advised that the Board is under no legal obligation to negotiate the terms or conditions of any Board-ordered evaluation. Nonetheless, in the spirit of cooperation, the Board has agreed to reschedule your examination. Accordingly, by the authority vested in the Board pursuant to Section 4731.22(B)(19), Ohio Revised Code, you are ordered to submit to the physical examination that has been rescheduled to Friday, April 22, 2011 at 1:00 p.m. Further, please be advised that all other terms and conditions of the February 10, 2011 certified letter remain in full force and effect.

Should you have any questions concerning this matter, please have your attorney contact Angela McNair at (614) 752-4834.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/AMM/flb

CERTIFIED MAIL # 91 7108 2133 3938 3023 5456
RETURN RECEIPT REQUESTED

cc: Eric J. Plinke, Esq.
Dinsmore & Shohl, LLP
191 West Nationwide Blvd.
Columbus, OH 43215-8120

CERTIFIED MAIL # 91 7108 2133 3938 3023 5449
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- **Notice Left, April 06, 2011, 11:34 am, CINCINNATI, OH 45249**
- **Arrival at Unit, April 06, 2011, 8:28 am, CINCINNATI, OH 45249**
- **Processed through Sort Facility, April 06, 2011, 5:35 am, CINCINNATI, OH 45234**
- **Electronic Shipping Info Received, April 05, 2011**

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Date: 05/20/2011

Fonda Brooks:

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Signature	April E. Battle
Printed Name	April E. Battle

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Address	30 E Broad

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Sincerely,

United States Postal Service

Columbus **Neurology & Neurosurgery**

Neurosurgery

Akram H. Mahmoud, D.O.
A.O.B.S.

Kailash Narayan, M.D.
A.B.N.S.

285 East State Street, Suite 430, Columbus, OH 43215
(614) 566-9777 Fax (614) 566-8611

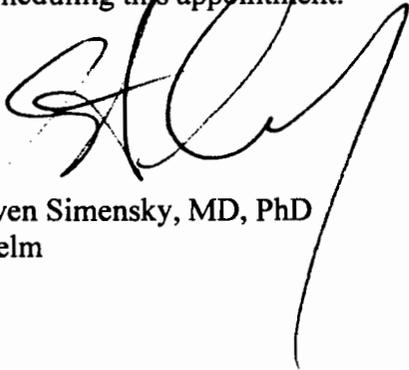
Neurology

William E. Carroll, M.D.
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A.B.P.N., Clinical Neurophysiology
John Novak, M.D.
A.B.P.N.
Emily T. Klatte, M.D.
A.B.P.N., Clinical Neurophysiology

April 29, 2011

Angela M. McNair
Enforcement Attorney State Medical Board of Ohio
30 E. Broad Street, 3rd Floor
Columbus, Ohio 43215

This is to inform you that Dr. Armando Cortez was rescheduled to see Dr. Steven Simensky on April 22, 2011 at 1:00PM. Dr. Cortez failed to show up for this appointment. We have not heard from him regarding rescheduling this appointment.



Steven Simensky, MD, PhD
SS/elm

RECEIVED
MAY 25 2011