

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :
:
GERARD P. MCLAUGHLIN, M.D. :

ORDER AND ENTRY

On July 8, 1998, the State Medical Board of Ohio issued a notice of opportunity for hearing to Gerard P. McLaughlin, M.D., which notice is attached hereto and incorporated herein by this reference.

Subsequently, on August 12, 1998, the State Medical Board of Ohio issued a Finding and Order permanently revoking Dr. McLaughlin's Ohio medical license on the basis of a separate notice of opportunity for hearing that had been issued June 10, 1998 and duly served. The Medical Board's transmittal letter accompanying the August 12, 1998 Finding and Order mailed to Dr. McLaughlin notified him of his appeal rights pursuant to Section 119.12, Ohio Revised Code. No appeal has been filed by Dr. McLaughlin, and the statutorily prescribed time period for doing so has since elapsed.

WHEREFORE, it is hereby ORDERED that the allegations set forth in the State Medical Board of Ohio's July 8, 1998 notice of opportunity for hearing be and are hereby DISMISSED without prejudice as MOOT.

So ORDERED this 2nd day of October, 1998.

(SEAL)



Anand G. Garg, M.D.
Secretary

10/02/98

Date



State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/466-3934 • Website: www.state.oh.us/med/

August 12, 1998

Gerard P. McLaughlin, M.D.
2627 Parkway
East Liverpool, OH 43920

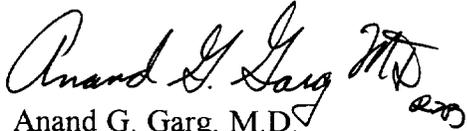
Dear Doctor McLaughlin:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on August 12, 1998.

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

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

Very truly yours,


Anand G. Garg, M.D.
Secretary

AGG:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. Z 233 840 064
RETURN RECEIPT REQUESTED

Mailed 8/13/98

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry, approved by the State Medical Board, meeting in regular session on August 12, 1998, constitute a true and complete copy of the Findings, Order and Journal Entry in the Matter of Gerard P. McLaughlin, M.D., as it appears in the Journal of the State Medical Board of Ohio.

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

(SEAL)


Anand G. Garg, M.D.
Secretary

August 12, 1998
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

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GERARD P. MCLAUGHLIN, M.D.

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FINDINGS, ORDER AND JOURNAL ENTRY

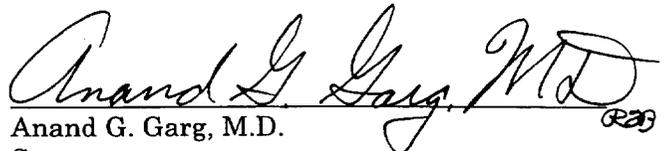
By letter dated June 10, 1998, and mailed on June 11, 1998, notice was given to Gerard P. McLaughlin, M.D., that the State Medical Board intended to consider disciplinary action regarding his license to practice medicine and surgery in Ohio, and that he was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of said notice. In accordance with Section 119.07, Ohio Revised Code, said notice was sent via certified mail, return receipt requested, to the last known address of Gerard P. McLaughlin, M.D., that being 2627 Parkway, East Liverpool, Ohio, 43920. Service was achieved, as documented by the signed certified mail receipts returned to the Medical Board's offices.

No hearing request has been received from Gerard P. McLaughlin, M.D., and more than thirty (30) days have now elapsed since the mailing of the aforesaid notice.

WHEREFORE, for the reasons outlined in the June 10, 1998 letter of notice, which is attached hereto and incorporated herein, it is hereby ORDERED that the license of Gerard P. McLaughlin, M.D., to practice medicine and surgery in the State of Ohio be _____
PERMANENTLY REVOKED

This Order shall become effective IMMEDIATELY.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 12th day of August, 1998, and the original thereof shall be kept with said Journal.


Anand G. Garg, M.D.
Secretary

(SEAL)

August 12, 1998
Date

JAM

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

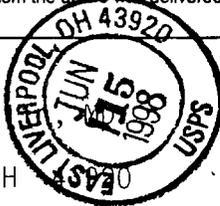
I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Gerard P. McLaughlin
2627 Parkway
East Liverpool, OH



4a. Article Number

Z 395 591 244

4b. Service Type

- Registered Certified
- Express Mail Insured
- Return Receipt for Merchandise COD

7. Date of Delivery

6-15-98

5. Received By: (Print Name)

X GERARD MCLAUGHLIN

8. Addressee's Address (Only if requested and fee is paid)

city

6. Signature: (Addressee or Agent)

X Gerard P. McLaughlin

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

AFFIDAVIT

I, Debra Jones, being duly cautioned and sworn, do hereby depose and say:

- 1) That I am employed by the State Medical Board of Ohio (hereinafter, "The Board")
- 2) That I serve the Board in the position of Chief, Continuing Medical Education, Records, and Renewal;
- 3) That 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) That I have this day carefully examined the records of the Board pertaining to Gerard P. McLaughlin, M.D.;
- 5) That based on such examination, I have found the last known address of record of Gerard P. McLaughlin, M.D., to be:

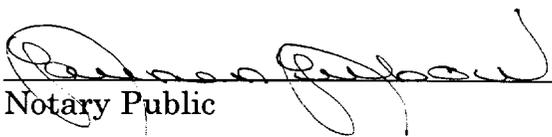
2627 Parkway
East Liverpool, OH 43920

- 6) Further, Affiant Sayeth Naught.



Debra L. Jones, Chief
Continuing Medical Education,
Records and Renewal

Sworn to and signed before me, Lauren Lubow, Notary
Public, this 11th day of August, 1998



Notary Public

LAUREN LUBOW, Attorney At Law
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date
Section 147.03 R.C.



State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/ 466-3934 • Website: www.state.oh.us/med/

July 8, 1998

Gerard P. McLaughlin, M.D.
2627 Parkway
East Liverpool, OH 43920

Dear Doctor McLaughlin:

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

- (1) In the routine course of your practice, you undertook the care of Patient 1 (as identified on the attached Patient Key - Key confidential and not subject to public disclosure), a 21-year-old, 5'6" woman. Prior to initiating treatment for weight loss utilizing controlled substance anorectics, you failed to conduct a thorough examination of Patient 1. You also failed to inquire if Patient 1 had attempted to lose weight by caloric restriction, nutritional counseling, behavior modification, or exercise, without the use of controlled substances. Even though Patient 1 was not obese, and despite Patient 1's failure to lose weight at each successive visit, you prescribed Ionamin and Fastin capsules, Schedule IV controlled substance anorectics, as follows:

<u>Date</u>	<u>Weight</u>	<u>Prescription Issued</u>
08/02/96	111	14 Ionamin
08/16/96	115	14 Ionamin
08/30/96	111	14 Ionamin
09/13/96	111	14 Ionamin
10/11/96	116	14 Ionamin
10/25/96	115	14 Fastin
11/08/96	120	14 Fastin
11/22/96	114	14 Fastin
12/04/96	116.5	14 Fastin
01/22/97	111	14 Fastin

- (2) In the routine course of your practice, you undertook the care of Patient 2 (as identified on the attached Patient Key - Key confidential and not subject to public disclosure), a 23-year-old, 5'2" woman. Prior to initiating treatment for weight loss utilizing controlled substance anorectics, you failed to conduct a thorough examination

Mailed 7/9/98

of Patient 2. You also failed to inquire if Patient 2 had attempted to lose weight by caloric restriction, nutritional counseling, behavior modification, or exercise, without the use of controlled substances. Even though Patient 2 was not obese, and despite Patient 2's failure to lose weight at each successive visit, you prescribed Ionamin and Fastin capsules, Schedule IV controlled substance anorectics, as follows:

<u>Date</u>	<u>Weight</u>	<u>Prescription Issued</u>
10/25/96	132	14 Ionamin
11/08/96	130.5	14 Ionamin
11/22/96	132	14 Fastin
12/04/96	134	14 Fastin
12/18/96	132	14 Fastin
12/27/96	132.5	14 Fastin
01/22/97	131	14 Fastin
02/05/97	131	14 Fastin

On 11/22/96, Patient 2 informed you that she had taken some of the Fastin capsules that you had prescribed to Patient 1. Nevertheless, you prescribed 14 Fastin capsules to Patient 2.

- (3) On 12/18/96 and 12/27/96, Patient 2 presented to your office. On both days, you wrote a prescription for 14 Fastin capsules in Patient 1's name. You gave the prescriptions to Patient 2 for delivery to Patient 1. Patient 1 did not visit your office on either day.

Your acts, conduct, and/or omissions as alleged in paragraphs (1), (2) and (3) above, individually and/or collectively, constitute "[c]ommission of an act that constitutes a felony in this state regardless of the jurisdiction in which the act was committed," as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Section 2925.03, Ohio Revised Code, Trafficking in Drugs.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1), (2) and (3) above, individually and/or collectively, constitute "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: 4731-11-04(B), Ohio Administrative Code. Pursuant to Rule 4731-11-04(C), Ohio Administrative Code, violation of Rule 4731-11-04, Ohio Administrative Code, also violates Sections 4731.22(B)(2), (3) and (6), Ohio Revised Code.

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

writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

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

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Anand G. Garg', written in a cursive style.

Anand G. Garg, M.D.
Secretary

AGG/bjs
Enclosures

CERTIFIED MAIL #Z 395 591 264
RETURN RECEIPT REQUESTED



State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, OH 43266-0315 • 614/466-1934 • Hearing Room

June 10, 1998

NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING

Gerard P. McLaughlin, M.D.
2627 Parkway
East Liverpool, OH 43920

Dear Doctor McLaughlin:

In accordance with Sections 2929.24 and/or 3719.12, Ohio Revised Code, the Office of the United States Attorney of the Northern District of Ohio, Eastern Division reported that on or about March 24, 1998, in the United States District Court, Northern District of Ohio, Eastern Division, you pleaded guilty to one felony count of knowingly distributing a controlled substance, in violation of Title 21, Section 841(a)(1), United States Code.

Therefore, pursuant to Section 3719.121(C), Ohio Revised Code, you are hereby notified that your license to practice medicine and surgery in the State of Ohio is immediately suspended. Continued practice after this suspension shall be considered practicing medicine without a certificate in violation of Section 4731.41, Ohio Revised Code.

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

- (1) On or about March 24, 1998, in the United States District Court, Northern District of Ohio, Eastern Division, you pleaded guilty to one felony count of knowingly distributing a controlled substance; to wit: Fastin, a Schedule IV controlled substance, in violation of Title 21, Section 841(a)(1), United States Code.

Your guilty plea, as alleged in paragraph (1) above, constitutes "[s]elling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic

Mailed 6/11/98

purposes or a plea of guilty to, or a judicial finding of guilt of, a violation of any federal or state law regulating the possession, distribution, or use of any drug," as those clauses are used in Section 4731.22(B)(3), Ohio Revised Code.

Further, your guilty plea, as alleged in paragraph (1) above, constitutes "[a] plea of guilty to, or a judicial finding of guilt of, a felony." as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

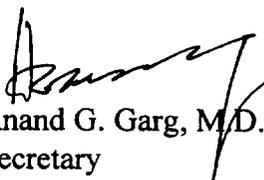
Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing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

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

Copies of the applicable sections are enclosed for your information.

Very truly yours,


Anand G. Garg, M.D.
Secretary

AGG/bjs
Enclosures

CERTIFIED MAIL # Z 395 591 244
RETURN RECEIPT REQUESTED