

**CONSENT AGREEMENT  
BETWEEN  
RONALD M. GALL  
AND  
THE STATE MEDICAL BOARD OF OHIO**

This Consent Agreement is entered into by and between RONALD M. GALL, M.D., and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

RONALD M. GALL, M.D., voluntarily enters into this Consent Agreement being fully informed of his rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

This Consent Agreement contains the entire Consent Agreement between the parties, there being no other Consent Agreement of any kind, verbal or otherwise, which varies the terms of this Consent Agreement.

**BASIS FOR ACTION**

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

- A. THE STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22(B), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for any of the enumerated violations.
- B. THE STATE MEDICAL BOARD OF OHIO enters into this Consent Agreement in lieu of further formal proceedings based upon the violations of Section 4731.22, Ohio Revised Code set forth in the Notice of Opportunity for Hearing issued by the BOARD on May 10, 2000, attached hereto as Exhibit A and incorporated herein by this reference. The BOARD expressly reserves the right to institute additional formal proceedings based upon any other violations of Chapter 4731 of the Ohio Revised Code whether occurring before or after the effective date of this Consent Agreement.
- C. RONALD M. GALL, M.D., is licensed to practice medicine and surgery in the State of Ohio. RONALD M. GALL, M.D., STATES that he is not licensed to practice medicine or surgery in any other state or jurisdiction.
- D. RONALD M. GALL, M.D., ADMITS that he failed to document and/or record in the medical record prescriptions issued to Patients 1 and 2 for controlled substances on several occasions in 1996, 1997 and 1998.
- E. RONALD M. GALL, M.D., ADMITS that he utilized a controlled substance for weight loss for Patients 1 and 2 and failed to inquire or

document that Patients 1 and 2 had attempted to lose weight by caloric restriction, nutritional counseling, behavior modification, and exercise without the use of controlled substances and that the medical records fail to reflect that the patients had lost weight over a fourteen day period due to his failure to document and/or record any weight measurement on one or more occasions.

- F. RONALD M. GALL, M.D., states that the conduct set forth in paragraphs D and E above occurred when he was treating Patients 1 and 2 by making house calls. Both patients had been seen in his office prior to the initiation of the house calls and one patient was being treated at no cost. The patients were members of the same family and resided together.
- G. RONALD M. GALL, M.D., ADMITS that the conduct as set forth in paragraphs D and E above constitutes a violation of Ohio Adm. Code 4731-11-02(D) and (F), Ohio Adm. Code 4731-11-04(B) and (C) and R.C. 4731.22(B)(2), (3), (6) and (20).

#### **AGREED CONDITIONS**

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any further formal proceedings at this time, RONALD M. GALL, M.D., knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following terms, conditions and limitations:

#### **REPRIMAND**

- I. RONALD M. GALL, M.D. shall be and hereby is REPRIMANDED.

#### **PROBATIONARY CONDITIONS**

- II. RONALD M. GALL, M.D.'s certificate to practice medicine and surgery shall be subject to the following PROBATIONARY terms, conditions, and limitations for a minimum period of ONE (1) year:

#### **Laws, Appearances, and Declarations**

- A. DOCTOR GALL shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio.
- B. DOCTOR GALL shall submit quarterly declarations under penalty of BOARD disciplinary action or criminal prosecution stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the BOARD'S offices

on the first day of the third month following the month in which this Consent Agreement becomes effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the BOARD'S offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the BOARD'S offices on or before the first day of every third month;

- C. DOCTOR GALL shall appear in person for quarterly interviews before the BOARD or its designated representative, or as otherwise directed by the BOARD.

If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled. (Example: The first quarterly appearance is scheduled for February, but based upon the doctor's serious personal illness he is permitted to delay appearance until April. The next appearance will still be scheduled for May, three months after the appearance as originally scheduled.) Although the BOARD will normally give DOCTOR GALL written notification of scheduled appearances, it is DOCTOR GALL's responsibility to know when personal appearances will occur. If he does not receive written notification from the BOARD by the end of the month in which the appearance should have occurred, DOCTOR GALL shall immediately submit to the BOARD a written request to be notified of his next scheduled appearance.

#### Tolling Provisions

- D. In the event that DOCTOR GALL should leave Ohio for three (3) continuous months, or reside or practice outside the State, DOCTOR GALL must notify the BOARD in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under the Consent Agreement, unless otherwise determined by motion of the BOARD in instances where the BOARD can be assured that probationary monitoring is otherwise being performed.

#### Periods of Noncompliance

- E. In the event DOCTOR GALL is found by the Secretary of the BOARD to have failed to comply with any provision of this Consent Agreement, and is so notified of that deficiency in writing, such periods of noncompliance will not apply to the reduction of the probationary period under this Consent Agreement.

Controlled Substances Prescribing Course

- F. DOCTOR GALL shall provide acceptable documentation of successful completion of a course dealing with the prescribing of controlled substances. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the BOARD or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the continuing medical education acquisition period(s) in which they are completed.

Medical Records Course

- G. DOCTOR GALL shall provide acceptable documentation of satisfactory completion of a course on maintaining adequate and appropriate medical records, such course to be approved in advance by the BOARD or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the continuing medical education acquisition period(s) in which they are completed.

Required Reporting by Licensee

- H. Within thirty (30) days of the effective date of this Consent Agreement, DOCTOR GALL shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, DOCTOR GALL shall provide a copy of this Consent Agreement to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.
- I. Within thirty (30) days of the effective date of this Consent Agreement, DOCTOR GALL shall provide a copy of this Consent Agreement by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. DOCTOR GALL further agrees to provide a copy of this Consent Agreement by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement of any professional license. Further, DOCTOR GALL shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.

### **FAILURE TO COMPLY**

- III. DOCTOR GALL agrees that if any declaration or report required by this Consent Agreement is not received in the BOARD's offices on or before its due date, DOCTOR GALL shall cease practicing beginning the day next following receipt from the BOARD of notice of non-receipt, either by writing, by telephone, or by personal contact until the declaration or report is received in the BOARD offices. Any practice during this time period shall be considered unlicensed practice in violation of Section 4731.41 of the Revised Code.

If, in the discretion of the Secretary and Supervising Member of THE STATE MEDICAL BOARD OF OHIO, DOCTOR GALL appears to have violated or breached any term or condition of this Consent Agreement, THE STATE MEDICAL BOARD OF OHIO reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

### **DURATION/MODIFICATION OF TERMS**

DOCTOR GALL shall not request termination of this Consent Agreement for a minimum of ONE (1) year. Otherwise, the above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

Periods of time during which DOCTOR GALL's certificate to practice medicine and surgery is inactive due to nonpayment of renewal fees will not apply to the reduction of the time periods set forth in this Consent Agreement, unless otherwise determined by motion of the BOARD in instances where the BOARD can be assured that the purposes of the probationary monitoring will be fulfilled.

### **ACKNOWLEDGMENTS/LIABILITY RELEASE**

DOCTOR GALL acknowledges that he has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

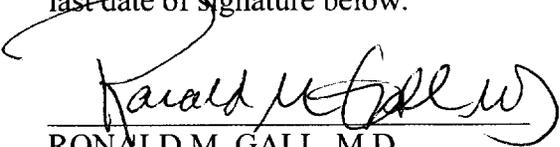
Any action initiated by the BOARD based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

DOCTOR GALL hereby releases the STATE MEDICAL BOARD OF OHIO, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies.

**EFFECTIVE DATE**

It is expressly understood that this Consent Agreement is subject to ratification by the BOARD prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

  
\_\_\_\_\_  
RONALD M. GALL, M.D.

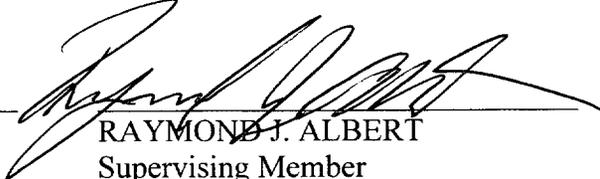
9/6/00  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
ANAND G. GARG, M.D.  
Secretary

09/13/00  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
ERIC J. PLINKE, ESQ.  
Attorney for Ronald M. Gall, M.D.

9/12/00  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
RAYMOND J. ALBERT  
Supervising Member

9/13/00  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
REBECCA J. ALBERS  
Assistant Attorney General

9/13/00  
\_\_\_\_\_  
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/](http://www.state.oh.us/med/)

May 10, 2000

Ronald M. Gall, M.D.  
3767 Clifton Avenue  
Cincinnati, OH 45220

Dear Doctor Gall:

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, permanently 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 practice you undertook care of Patient 1 (as identified on the attached Patient Key - Key confidential and not subject to public disclosure).
  - (A) You failed to record in the patient's medical record the following prescriptions for controlled substances that you issued to the patient:

<u>DRUG</u>	<u>QUANTITY</u>	<u>DATE</u>
Talwin NX	100	06-27-96
Redux 15mg	28	07-09-96
Talwin NX	90	07-24-96
Triazolam .25mg	30	07-24-96
Talwin NX	90	08-20-96
Redux 15mg	28	08-30-96
Percocet	120	09-24-96
Redux 15mg	28	10-01-96
Hydrocodone/Guaifensin	120	10-21-96
Percocet	180	11-14-96
Percocet	180	12-10-96
Percocet	180	01-03-97
Talwin NX	90	01-20-97
Triazolam .25mg	60	03-19-97
Percocet	120	03-19-97
Fastin 30mg	14	03-19-97
Fastin 30mg	14	05-27-97
Talwin NX	90	05-29-97
Fastin 30mg	14	06-09-97
Fastin 30mg	14	06-25-97

*Mailed 5-11-00*

Fastin 30mg	14	07-21-97
Talwin	90	07-22-97
Percocet	120	08-01-97
Percocet	120	08-08-97
Fastin 30mg	14	08-12-97
Fastin 30mg	14	08-25-97
Percocet	120	09-03-97
Fastin 30mg	14	09-11-97
Talwin NX	90	09-16-97
Talwin NX	90	09-22-97
Fastin 30mg	14	09-23-97
Percocet	120	09-30-97
Fastin 30mg	14	10-04-97
Triazolam .25mg	30	11-05-97
Fastin 30mg	14	11-12-97
Fastin 30mg	14	11-25-97
Fastin 30mg	14	12-06-97
Talwin NX	90	12-09-97
Vicodin ES	10	12-15-97
Vicodin ES	20	12-16-97
Percocet	180	12-18-97
Fastin 30mg	14	12-19-97
Vicodine ES	10	12-22-97
Fastin 30mg	14	12-29-97
Fastin 30mg	14	01-24-98
Fastin 30mg	14	02-02-98
Triazolam .25mg	30	05-29-98
Talwin	90	08-31-98
Fastin 30mg	14	08-31-98
Triazolam .25mg	30	10-07-98
Percocet	90	10-07-98
Triazolam	30	11-05-98
Percocet	90	11-05-98

- (B) In addition, you treated Patient 1 with controlled substance anorectics for weight loss.
- i. Prior to initiating treatment for weight loss utilizing controlled substance anorectics, you failed to obtain and/or to document a thorough history and you failed to conduct and/or document a thorough physical examination.
  - ii. You also failed to inquire and/or document if Patient 1 had attempted to lose weight by caloric restriction, nutritional counseling, behavior modification, and exercise, without the use of controlled substances.

iii. Further, in your treatment of Patient 1 with controlled substance anorectics, your records fail to reflect that the patients had lost weight over a fourteen day period due to the failure to reflect any weight measurement on one or more occasions.

(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) You failed to record in the patient's medical record the following prescriptions for controlled substances that you issued to the patient:

<u>DRUG</u>	<u>QUANTITY</u>	<u>DATE</u>
Percocet	100	11-26-96
Percocet	120	01-09-97
Fastin 30mg	14	02-27-97
Percocet	100	02-27-97
Fastin 30mg	14	03-21-97
Percocet	100	08-12-97
Fastin 30mg	14	09-05-97
Percocet	120	09-09-97
Fastin 30mg	14	09-29-97
Percocet	100	10-07-97
Fastin 30mg	14	10-23-97
Percocet	100	11-04-97
Fastin 30mg	14	11-05-97
Fastin 30mg	14	11-17-97
Fastin 30mg	14	11-25-97
Fastin 30mg	14	12-06-97
Fastin 30mg	14	12-29-97
Percocet	100	12-29-97
Fastin 30mg	14	02-02-98
Fastin 30mg	14	02-13-98
Percocet	100	03-20-98
Percocet	100	08-14-98
Percocet	90	10-12-98
Halcion .25mg	100	12-10-98
Percocet	90	12-10-98

(B) In addition, you treated Patient 2 with controlled substance anorectics for weight loss.

i. Prior to initiating treatment for weight loss utilizing controlled substance anorectics, you failed to obtain and/or to document a thorough history and you failed to conduct and/or document a thorough physical examination.

- ii. You also failed to inquire and/or document if Patient 1 had attempted to lose weight by caloric restriction, nutritional counseling, behavior modification, and exercise, without the use of controlled substances.
- iii. Further, in your treatment of Patient 1 with controlled substance anorectics, your records fail to reflect that the patients had lost weight over a fourteen day period due to the failure to reflect any weight measurement on one or more occasions.

Your acts, conduct, and/or omissions as alleged in paragraphs (1)(A) and (2)(A) 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: Section 4731-11-02(D), Ohio Administrative Code. Pursuant to Rule 4731-11-02(F), Ohio Administrative Code, a violation of Rule 4731-11-02(D), Ohio Administrative Code, also violates Sections 4731.22(B)(2), (3), and (6), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1)(B) and (2)(B) 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 charter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Section 4731-11-04(B), Ohio Administrative Code, as in effect prior to October 31, 1998. Pursuant to Rule 4731-11-04(C), Ohio Administrative Code, a violation of 4731-11-04(B), 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, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Ronald Gall, M.D.

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Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, effective March 9, 1999, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Anand G. Garg, M.D.  
Secretary

AGG/db  
Enclosures

CERTIFIED MAIL # Z 281 981 522  
RETURN RECEIPT REQUESTED

cc: Ronald M. Gall, M.D.  
2475 W. Galbraith Road  
Cincinnati, OH 45238

CERTIFIED MAIL # Z 281 981 523  
RETURN RECEIPT REQUESTED