

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

March 13, 1987

Richard Mayhew, M.D.  
233 Poplar Avenue, N.W.  
Canton, Ohio 44708

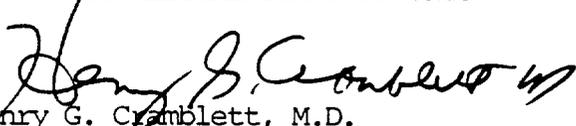
Dear Doctor Mayhew:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of John H. Buchan, D.P.M., Hearing Member, Medical Board; a certified copy of the Motions by the State Medical Board, meeting in regular session on March 12, 1987, approving and confirming said Report and Recommendation as the Findings and Order of the State Medical Board.

You are hereby notified that you may appeal this Order to the Court of Common Pleas of the county in which your place of business is located, or the county in which you reside. If you are not a resident and have no place of business in this state, you may appeal to the Court of Common Pleas of Franklin County, Ohio.

To appeal as stated above, you must file a notice of appeal with the Board setting forth the Order appealed from, and the grounds of the appeal. You must also file a copy of such notice with the Court. Such notices of appeal shall be filed within fifteen (15) days after the date of mailing of this letter and in accordance with Section 119.12, Revised Code.

THE STATE MEDICAL BOARD OF OHIO

  
Henry G. Cramblett, M.D.  
Secretary

HGC:em

Enclosures

CERTIFIED MAIL NO. P 026 072 769  
RETURN RECEIPT REQUESTED

cc: Paul Scott, Esq.  
510 S. High St.,  
Columbus, Ohio 43215

CERTIFIED MAIL NO. P 026 072 770  
RETURN RECEIPT REQUESTED

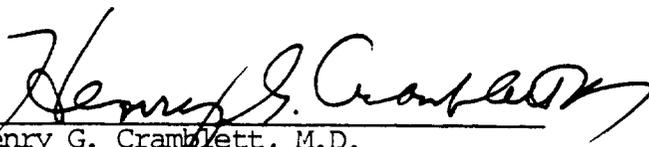
STATE OF OHIO  
THE STATE MEDICAL BOARD  
Suite 510  
65 South Front Street  
Columbus, Ohio 43215

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of John H. Buchan, D.P.M., Hearing Member, State Medical Board of Ohio; and the attached copy of the Motions by the State Medical Board, meeting in regular session on March 12, 1987, approving and confirming said Report and Recommendation as the Findings and Order of the State Medical Board, constitutes a true and complete copy of the Findings and Order of the State Medical Board in the matter of Richard Mayhew, M.D., as it appears in the Journal of the State Medical Board of Ohio.

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

(SEAL)

  
Henry G. Cramblett, M.D.  
Secretary

March 13, 1987

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Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF                   \*  
  \*  
RICHARD MAYHEW, M.D.            \*

ENTRY OF ORDER

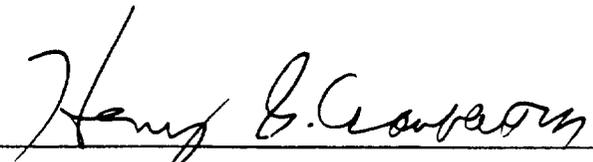
This matter came on for consideration before the State Medical Board of Ohio the 12th day of March, 1987.

Upon the Report and Recommendation of John H. Buchan, D.P.M., Hearing Member, in this matter designated pursuant to R.C. 119.09, a true copy of which is attached hereto and incorporated herein, which Report and Recommendation was approved and confirmed by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board for the 12th day of March, 1987.

It is hereby ORDERED:

That the charges and allegations against Richard Mayhew, M.D., as specified in the Board's April 10, 1985 citation letter, are hereby DISMISSED with prejudice to future action.

(SEAL)

  
Henry G. Cramblett, M.D.  
Secretary

March 13, 1987  
Date

STATE OF OHIO  
THE STATE MEDICAL BOARD

REPORT AND RECOMMENDATION  
IN THE MATTER OF RICHARD MAYHEW, M.D.

The matter of Richard Mayhew, M.D., came on for hearing before me, John H. Buchan, D.P.M., Member of the State Medical Board of Ohio, on October 18, 1985.

INTRODUCTION AND SUMMARY OF EVIDENCE

1. By letter of April 10, 1985, the State Medical Board notified Richard Mayhew, M.D., that it proposed to take disciplinary action against his license to practice medicine and surgery in the State of Ohio. Dr. Mayhew was advised that he was in potential violation of the Medical Practice Act due to alleged conduct with regard to a patient identified for purposes of confidentiality as Patient 1, and due to his alleged conviction of a misdemeanor committed in the course of his practice, specifically:
  - A. Section 4731.22(B)(6), Ohio Revised Code, "A departure from or failure to conform to minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established."
  - B. Section 4731.22(B)(10), Ohio Revised Code, "Conviction of a misdemeanor committed in the course of practice."
2. Included in State's Group Exhibit #1 are the Board's April 10, 1985, citation letter; a letter from Dr. Mayhew's attorney requesting a hearing; and various letters concerning scheduling of the hearing.
3. Dr. Mayhew was present at the October 18, 1985, hearing with his attorney, Paul Scott. Assistant Attorney General Mary Joseph Maxwell appeared on behalf of the State of Ohio.
4. Upon the introduction of State's Exhibit #2, a letter dated three days prior to the hearing (October 15, 1985) from Patient 1's attorney withdrawing her complaint in this matter, the Assistant Attorney General recommended that allegation 1 of the Board's citation, concerning Dr. Mayhew's conduct toward Patient 1, be dropped.

5. With regard to allegation 2 of the Board's citation, Dr. Mayhew's conviction of a misdemeanor committed in the course of his practice, Dr. Mayhew's attorney offered for the record a copy of an October 15, 1985, Expungement Order of the Canton Municipal Court, Stark County, Ohio, showing that the misdemeanor conviction had been expunged. The Assistant Attorney General joined in Attorney Scott's recommendation that the second allegation of the Board's citation be dismissed. Said expungement had been obtained during a continuance of this matter which had been requested by Respondent and joined by the State.

#### FINDINGS OF FACT

No evidence having been introduced at hearing to prove the truth of the Board's allegations, no findings of fact are made.

#### CONCLUSIONS

Although this Hearing Member is greatly troubled by the questionable circumstances leading to the Board's being foreclosed from hearing a case which involves serious allegations, I must conclude that, under the circumstances, further pursuit of this matter would be fruitless. Accordingly, I recommend that this matter be dismissed by the Board.

#### PROPOSED ORDER

It is hereby ORDERED that the charges and allegations against Richard Mayhew, M.D., as specified in the Board's April 10, 1985, citation letter, are hereby dismissed with prejudice to future action.

  
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John H. Buchan, D.P.M.  
Hearing Member

87 FEB 11 11 33 AM '88

EXCERPT FROM THE MINUTES OF MARCH 12, 1987

REPORT AND RECOMMENDATION IN THE MATTER OF RICHARD MAYHEW, M.D.

Dr. Stephens asked if each member of the Board had received, read, and considered the hearing record, the proposed findings and order, and any objections filed to the proposed findings and order in the matter of Richard Mayhew, M.D. A roll call was taken:

ROLL CALL:

Dr. Cramblett	- abstain
Dr. Lancione	- aye
Dr. Barnes	- aye
Dr. Buchan	- aye
Dr. Lovshin	- aye
Dr. Rothman	- aye
Dr. Rauch	- aye
Dr. O'Day	- aye
Ms. Rolfes	- aye

.....

DR. BARNES MOVED TO APPROVE AND CONFIRM DR. BUCHAN'S FINDINGS OF FACT AND CONCLUSIONS IN THE MATTER OF RICHARD MAYHEW, M.D. DR. ROTHMAN SECONDED THE MOTION.

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A roll call vote was taken on Dr. Barnes' motion:

ROLL CALL VOTE:

Dr. Cramblett	- abstain
Dr. Lancione	- aye
Dr. Barnes	- aye
Dr. Buchan	- abstain
Dr. Lovshin	- aye
Dr. Rothman	- aye
Dr. Rauch	- aye
Dr. O'Day	- aye
Ms. Rolfes	- aye

The motion carried.

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

ROLL CALL VOTE:

Dr. Cramblett	- abstain
Dr. Lancione	- aye
Dr. Barnes	- aye
Dr. Buchan	- abstain
Dr. Lovshin	- aye
Dr. Rothman	- aye
Dr. Rauch	- aye
Dr. O'Day	- aye
Ms. Rolfes	- aye

The motion carried.

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

April 10, 1985

Richard Mayhew, M. D.  
1330 Timken Mercy Drive  
Canton, Ohio 44708

Dear Doctor Mayhew:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine under the provisions of Section 4731.22, Ohio Revised Code, 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 January 10, 1984 at your office located at 1330 Timken Mercy Drive, Canton, Ohio and within the scope of the physician-patient relationship you performed a rectal examination of Patient 1 (Patient 1 is identified in the attached Patient Key, not for public disclosure). During the course of said examination you ejaculated on Patient 1's buttocks near the rectum.

The act alleged in paragraph 1 constitutes a violation of Section 4731.22(B)(6), Ohio Revised Code, to wit: a departure from, or failure to conform to minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established.

2. On or about September 20, 1984, in the Canton Municipal Court you were found guilty of disorderly conduct, to wit: creating a condition which was physically offensive to persons or presented a risk of physical harm to persons or property serving no lawful and reasonable purpose. Said finding of guilt was a misdemeanor of the fourth degree and occurred in the course of your practice.

The conviction alleged in paragraph 2 constitutes a violation of Section 4731.22(B)(10), Ohio Revised Code, to wit: conviction of a misdemeanor committed in the course of practice.

Page Two  
Richard Mayhew, M. D.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you may request a hearing on this matter. If you wish to request such hearing, that request must be made within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing made within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, reprimand, revoke, place on probation, refuse to register, or reinstate your certificate to practice medicine or surgery.

A copy of the Ohio Medical Practice Act is enclosed for your information.

Very truly yours,



Henry G. Cramblett, M. D.  
Secretary

HGC:caa

enclosures

CERTIFIED MAIL NO. P. 569 361 713  
RETURN RECEIPT REQUESTED