



# STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

July 16, 1993

Ulysses A. Hughey, M.D.  
5645 Montgomery Road  
Cincinnati, Ohio 45212

Dear Doctor Hughey:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of the Minutes of the State Medical Board, meeting in regular session on July 14, 1993, including a Motion approving and confirming the Findings of Fact, and Conclusions of Law of the Hearing Examiner, and adopting an amended Order.

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

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

THE STATE MEDICAL BOARD OF OHIO

*Carla S. O'Day, M.D.*  
Carla S. O'Day, M.D.  
Secretary

CSO:em

Enclosures

CERTIFIED MAIL RECEIPT NO. P 741 123 860  
RETURN RECEIPT REQUESTED

cc: Douglas E. Graff, Esq.

CERTIFIED MAIL RECEIPT NO. P 741 123 861  
RETURN RECEIPT REQUESTED

*Mailed 7/21/93*



# STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

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ULYSSES A. HUGHEY, M.D.

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## ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on the 14th day of July, 1993.

Upon the Report and Recommendation of Wanita J. Sage, Hearing Examiner, Medical Board, in this matter designated pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification, 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:

1. The certificate of Ulysses A. Hughey, M.D., to practice medicine and surgery in the State of Ohio shall be permanently REVOKED. Such revocation is STAYED, and Dr. Hughey's certificate is hereby SUSPENDED for an indefinite period of time.
2. The State Medical Board shall not consider REINSTATEMENT of Dr. Hughey's certificate to practice unless and until all of the following minimum REQUIREMENTS are met:
  - a. Dr. Hughey shall submit an application for reinstatement, accompanied by appropriate fees.
  - b. Within sixty (60) days of the effective date of this Order, or as otherwise determined by the Board, Dr. Hughey shall commence appropriate treatment, as determined by an informed assesement of his current needs. Such assessment shall be by a psychiatrist selected by the State Medical Board. All other arrangements for the assessment are to be made by Dr. Hughey. Prior to the initial assessment, the Board shall provide the assessing psychiatrist with copies of the Board's Finding of Fact, Conclusions, and Order in this Matter, and any other documentation from the hearing record which it may deem appropriate or helpful to that provider.



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Ulysses A. Hughey, M.D.

Said reports shall describe with particularity the bases for such determination and shall set forth any recommended limitations upon Dr. Hughey's practice.

- e. Dr. Hughey shall submit to the Board and receive its approval for a plan of practice in Ohio which, unless and until otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Hughey's activities will be directly supervised and overseen by another physician approved by the Board. Such practice plan shall also conform to any limitations recommended pursuant to paragraph 2.d., above, and any additional limitations the Board may deem appropriate as a condition for reinstatement.
  - f. In the event that Dr. Hughey has not been engaged in the active practice of medicine and surgery for a period in excess of two (2) years prior to his application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Hughey's fitness to resume practice.
3. Upon reinstatement, Dr. Hughey's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least ten (10) years:
- a. Dr. Hughey shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
  - b. Dr. Hughey shall submit quarterly declarations under penalty of perjury stating whether or not there has been compliance with all the provisions of probation.
  - c. Dr. Hughey shall appear in person for interviews before the full Board or its designated representative at three (3) month intervals, or as otherwise requested by the Board.
  - d. In the event that Dr. Hughey should leave Ohio for three (3) consecutive months, or reside or practice outside the State, Dr. Hughey must notify the State Medical Board in writing of the dates of departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary period, unless otherwise determined by motion of the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.



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- e. Dr. Hughey shall obtain the Board's prior approval for any alteration to the practice plan which was approved by the Board prior to the reinstatement of his certificate. Dr. Hughey's supervising physician under this practice plan, or another physician approved by the Board, shall monitor Dr. Hughey's progress, status, and patient care, and shall immediately report to the Board any instances of substandard care, any unusual occurrences, or any indication that Dr. Hughey is currently unable to practice in accordance with acceptable and prevailing standards of care. In addition, said monitoring physician shall provide the Board with quarterly reports on Dr. Hughey's progress and status. Dr. Hughey shall ensure that said reports are forwarded to the Board on a quarterly basis. In the event that Dr. Hughey's supervising physician under his approved practice plan and/or his approved monitoring physician becomes unable or unwilling to so serve, Dr. Hughey shall immediately notify the Board in writing, and make arrangements acceptable to the Board for supervision and/or monitoring by another physician as soon as practicable. Dr. Hughey shall refrain from practicing unless and until acceptable supervision and monitoring is in place, unless otherwise determined by the Board.
- f. Dr. Hughey shall comply with any and all limitations imposed by the Board as a condition for reinstatement of his certificate pursuant to paragraphs 2.d. and 2.e., above.
- g. Dr. Hughey shall continue treatment with a psychiatrist approved by the Board, at such intervals as are deemed appropriate by the treating psychiatrist but not less than once per month, and shall comply with all treatment and/or medication regimens recommended by the approved treating psychiatrist, until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require quarterly reports from the approved treating psychiatrist. Said reports shall indicate Dr. Hughey's progress and status, including his compliance with any recommended treatments and/or medication and the reasons for such changes. Dr. Hughey shall ensure that these reports are forwarded to the Board on a quarterly basis, or as otherwise directed by the Board. In its discretion, the Board may request additional information from the treating psychiatrist.



## STATE MEDICAL BOARD OF OHIO

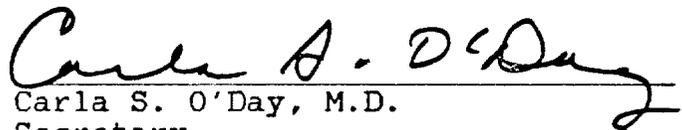
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Ulysses A. Hughey, M.D.

- h. Dr. Hughey shall provide a copy of this Order to all employers and the chief of staff at each hospital where he has, applies for, or obtains privileges.
4. If Dr. Hughey violates probation in any respect, the Board, after giving Dr. Hughey notice and the opportunity to be heard, may set aside the stay order and impose the revocation of Dr. Hughey's certificate.
5. Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Hughey's certificate will be fully restored, except for any permanent limitations or restrictions the Board deems fit to impose as a condition of release from probation.

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

  
Carla S. O'Day, M.D.  
Secretary

(SEAL)

7/15/93  
Date

STATE MEDICAL BOARD  
OF OHIO

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REPORT AND RECOMMENDATION  
IN THE MATTER OF ULYSSES A. HUGHEY, M.D.

The Matter of Ulysses A. Hughey, M.D., came on for hearing before me, Wanita J. Sage, Esq., Hearing Examiner for the State Medical Board of Ohio, on April 29, 1993.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Basis for Hearing

- A. By letter of February 10, 1993 (State's Exhibit #1), the State Medical Board notified Ulysses A. Hughey, M.D., that it proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. Paragraph (1)(e) of Dr. Hughey's May 13, 1992, Consent Agreement with the State Medical Board required Dr. Hughey to submit to the Board the name of a monitoring physician and that physician's curriculum vitae within 30 days of the execution of the Agreement. The Board alleged that, as of February 10, 1993, Dr. Hughey had failed to do so. Such acts, conduct, and/or omissions were alleged to constitute "violation of the conditions of limitation placed by the Board upon a certificate to practice or violation of the conditions of limitation upon which a limited or temporary registration or certificate to practice is issued", as that clause is used in Section 4731.22(B)(15), Ohio Revised Code. Dr. Hughey was advised of his right to request a hearing in this Matter.
- B. By document filed with the State Medical Board on or about February 15, 1993 (State's Exhibit #2), Douglas E. Graff, Esq., requested a hearing on behalf of Dr. Hughey.

II. Appearances

- A. On behalf of the State of Ohio: Lee I. Fisher, Attorney General, by Susan C. Walker, Assistant Attorney General
- B. On behalf of the Respondent: Douglas E. Graff, Esq.

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III. Testimony Heard

A. Presented by the State

Jan Sussex, Projects Coordinator, State Medical Board

B. Presented by the Respondent

Ulysses A. Hughey, M.D.

IV. Exhibits Examined

In addition to State's Exhibits #1 and #2, noted above, the following exhibits were identified and admitted into evidence in this Matter:

A. Presented by the State

1. State's Exhibit #3: February 20, 1993, letter to Douglas E. Graff, Esq., from the State Medical Board, advising that a hearing initially set for March 4, 1993, was postponed pursuant to Section 119.09, Ohio Revised Code.
2. State's Exhibit #4: February 22, 1993, letter to Attorney Graff from the State Medical Board, scheduling the hearing for April 29, 1993.
3. State's Exhibit #5: August 28, 1992, letter to Dr. Hughey from the State Medical Board, advising him that he had not complied with the terms of his May 13, 1992, Consent Agreement requiring him to submit for Board approval a detailed plan of practice, the curriculum vitae of a physician to monitor his practice, and the curriculum vitae of a treating psychiatrist.
4. State's Exhibit #6: Excerpt from draft minutes of the September 10, 1992, meeting of the State Medical Board with regard to Dr. Hughey's appearance; September 16, 1992, letter to Dr. Hughey from his attorney, Douglas E. Graff, specifying documentation that needed to be submitted in order to achieve compliance with Dr. Hughey's Consent Agreement.
5. State's Exhibit #7: September 16, 1992, letter to Dr. Hughey from his attorney, Douglas E. Graff, specifying documentation that needed to be submitted prior to October 2, 1992, in order to achieve compliance with Dr. Hughey's Consent Agreement.

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6. State's Exhibit #8: Excerpt from the official minutes of the October 15, 1992, meeting of the State Medical Board with regard to Dr. Hughey's appearance.
7. State's Exhibit #9: October 6, 1992, letter to Dr. Hughey from the State Medical Board, advising him that he needed to submit a curriculum vitae for his monitoring physician, and was not to practice until a physician had been approved for this purpose.
8. State's Exhibit #10: November 11, 1992, letter to the State Medical Board from Dr. Hughey, detailing his efforts to obtain the services of Dr. Marsha Smith as his monitoring physician.
9. State's Exhibit #11: December 4, 1992, letter, written on Dr. Hughey's letterhead stationery, to the State Medical Board from Dianne Oxendine, advising that she had agreed to be Dr. Hughey's "monitoring physician."
10. State's Exhibit #12: December 4, 1992, letter to the State Medical Board from Dr. Hughey, advising that he had failed to contact Dr. Marsha Smith, but had hired a physician's assistant to monitor his cases.

B. Presented by the Respondent

1. Respondent's Exhibit A: Packet of documents, including: December 4, 1992, letter to the State Medical Board from Dr. Hughey, advising that he had failed to contact Dr. Marsha Smith, but had hired a physician's assistant to monitor his cases; December 4, 1992, letter to the State Medical Board from Dianne Oxendine, advising that she had agreed to be Dr. Hughey's "monitoring physician"; curriculum vitae of Dianne Oxendine; June 1, 1992, letter from Leroy J. Kearney, Jr., D.O., recommending Ms. Oxendine; and December 4, 1992, report of Dianne Oxendine with regard to her review of 25% (seven) of Dr. Hughey's office charts for November, 1992. (NOTE: MS. OXENDINE'S REPORT HAS BEEN SEALED TO PROTECT PATIENT CONFIDENTIALITY.)
2. Respondent's Exhibit B: January 6, 1993, letter to the State Medical Board from Dianne Oxendine, indicating that she had monitored the charts of 25% of the patients Dr. Hughey saw in his office during December, 1992.

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3. Respondent's Exhibit C: Various documents, including: memorandum of Carla S. O'Day, M.D., Secretary, State Medical Board, with regard to Dr. Hughey's probationary appearance on February 11, 1993; 1993 compliance chart; summary of Dr. Hughey's probationary terms; and receipt signed by a State Medical Board Investigator, indicating the return of medical records to Mr. Graff for Dr. Hughey on February 17, 1993.
4. Respondent's Exhibit D: April 7, 1993, letter to the State Medical Board from Charles O. Dillard, M.D., enclosing his curriculum vitae and agreeing to be Dr. Hughey's monitoring physician.
5. Respondent's Exhibit E: March 15, 1993, letter to Dr. Hughey from the State Medical Board, advising that the State Medical Board, at its meeting of March 10, 1993, approved a motion to approve Dr. Dillard as Dr. Hughey's monitoring physician, pending receipt of written verification from Dr. Dillard that he was willing to do what the Board required.
6. Respondent's Exhibit F: Receipt signed by a State Medical Board Investigator, indicating the return of medical records to the office of Dr. Hughey on November 4, 1992.

V. Other Matters

Upon the Hearing Examiner's own motion, the following documents, submitted by the State as attachments to State's Exhibit #1, are hereby marked for convenience of reference as follows:

- A. State's Exhibit #1A: May 13, 1992, Consent Agreement between Ulysses A. Hughey, M.D., and the State Medical Board of Ohio.
- B. State's Exhibit #1B: Notice of Opportunity for Hearing dated November 13, 1991.
- C. State's Exhibit #1C: November 13, 1980 Consent Agreement between Ulysses A. Hughey, M.D., and the State Medical Board of Ohio.
- D. State's Exhibit #1D: March 21, 1980, Consent Agreement between Ulysses A. Hughey, M.D., and the State Medical Board of Ohio.

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- E. State's Exhibit #1E: Copies of certified mail receipts and return cards showing service of State's Exhibit #1 to Dr. Hughey and his attorney.

#### FINDINGS OF FACT

1. On or about May 13, 1992, Ulysses A. Hughey, M.D., entered into a Consent Agreement with the State Medical Board of Ohio.

This fact is established by State's Exhibit #1A.

2. This Consent Agreement was based upon certain stipulations, admissions, and understandings, including Dr. Hughey's admissions to the factual allegations stated in a notice of opportunity for hearing dated November 13, 1991, which indicated that:
- a. Dr. Hughey was granted an Ohio medical license in March, 1980, subject to his compliance with the terms of a Consent Agreement. In November, 1980, he entered into an amended Consent Agreement with the Board. Under the terms of those Agreements, Dr. Hughey received continuing psychiatric treatment on an approved schedule. He continued such treatment and was monitored by the Board until about April, 1982.
  - b. In October, 1985, after being hospitalized for treatment of a stab wound in the abdomen, Dr. Hughey was seen by a psychiatrist. He thereafter saw that psychiatrist on 13 occasions for psychiatric treatment until May, 1989. Dr. Hughey initially demonstrated signs of depression and paranoia. Further along in the treatments, he exhibited signs of paranoid schizophrenia. His treatment included receiving Trilafon, an antipsychotic medication. Although Dr. Hughey was not discharged from the psychiatrist's care, he chose to discontinue seeing this psychiatrist for therapy.
  - c. On or about January 2, 1991, Dr. Hughey's temporary emergency room privileges were revoked in the middle of his emergency room shift at Memorial Hospital, Manchester, Kentucky, based on his conduct with regard to three patients and reports of adverse actions in two other local hospitals. The first patient involved had a fracture of the distal radius. Dr. Hughey missed diagnosing the obviously fractured arm, even though physical examination and x-rays should have allowed him to diagnose it. In the second case, Dr. Hughey administered IV therapy to an insulin-dependent diabetic

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patient who presented with a blood sugar of 400. The IV unnecessarily contained glucose, and the IV rate was insufficient to compensate for any contracted vascular volume that resulted from polyuria. Moreover, Dr. Hughey did not order blood gases and serum ketones to determine whether this patient was in or likely to enter a ketotic state. In the third case, Dr. Hughey, as an emergency room physician at Memorial Hospital, failed to adequately communicate to the admitting pediatrician that a child who presented with a fever had a pre-existing central nervous system shunt in place.

- d. When Dr. Hughey was questioned by investigators from the State Medical Board of Ohio and the Kentucky Board of Medical Licensure with regard to the revocation of his temporary emergency room privileges at Memorial Hospital, he stated that the Ohio and Kentucky Boards had sent him patients who were difficult to diagnose for the purpose of catching him in a mistake. He further claimed that the first day at a hospital was the most difficult because that is when the Boards would send in the most tricky patients.
- e. In July, 1991, Dr. Hughey submitted to psychiatric evaluation ordered by the State Medical Board of Ohio. The report of that evaluation, received by the Board in October, 1991, stated that Dr. Hughey "continues to show some of the symptoms which indicate an ongoing mental illness process."

These facts are established by State's Exhibits #1A through #1D.

3. Paragraph (1)(e) of Dr. Hughey's May 13, 1992, Consent Agreement states, in part: "DR. HUGHEY shall provide a monitoring physician, subject to approval by the BOARD. DR. HUGHEY shall submit to the BOARD the name of the monitoring physician and that physician's curriculum vitae within thirty (30) days of the execution of this AGREEMENT."

The remainder of provision (1)(e) specifies that the monitoring physician is to review 25% of Dr. Hughey's charts, immediately report to the Board any unusual occurrences or deviation from acceptable and prevailing standards of care, and provide the Board with quarterly reports on Dr. Hughey's progress and status. It also specifies that Dr. Hughey must immediately notify the Board in writing in the event that the monitoring physician becomes unable or unwilling to so serve, and that he must make arrangements acceptable to the Board for another monitoring physician before resuming his practice.

These facts are established by State's Exhibit #1A.

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4. Dr. Hughey failed to submit to the Board the name and curriculum vitae of a monitoring physician within 30 days of the execution of his May 13, 1992, Consent Agreement.

By letter of August 28, 1992, the State Medical Board advised Dr. Hughey that he was not in compliance with his Consent Agreement because he had not submitted for Board approval a detailed plan of practice, the curriculum vitae of a physician to monitor his practice, and the curriculum vitae of a treating psychiatrist. At his required appearance before the State Medical Board on September 10, 1992, Dr. Hughey submitted a practice plan for Board approval; however, he did not submit a curriculum vitae for either a monitoring physician or a treating psychiatrist. Dr. Hughey stated at that time that he had had difficulty finding a monitoring physician, as everyone he had contacted had denied his request to serve as his monitoring physician. He indicated, however, that he was currently engaged in private practice. The Board advised Dr. Hughey that he was responsible for finding a monitoring physician and for meeting the terms of his Consent Agreement. The Board instructed him to get into compliance by his October appearance before the Board.

Approximate six days after Dr. Hughey's appearance at the September, 1992, meeting of the State Medical Board, Dr. Hughey's attorney wrote to him, listing the documents Dr. Hughey needed to submit in order to achieve compliance with his Consent Agreement. This list included the name, address, and curriculum vitae of a monitoring physician.

Subsequently, by letter of October 6, 1992, the State Medical Board acknowledged receipt of certain information, but advised Dr. Hughey that the curriculum vitae of a monitoring physician was still needed. The Board's letter further indicated that Dr. Hughey was not to practice until a monitoring physician had been approved.

When Dr. Hughey appeared at the October 15, 1992, meeting of the State Medical Board, he again stated that he had been unable to find anyone to serve as his monitoring physician. He reported that he had asked one physician who had not yet refused his request, but that physician was uncertain as to what the duties of a monitoring physician entailed. Dr. Hughey indicated that he was still practicing four half-days per week in his office, seeing fewer than 10 patients per day. The Board advised Dr. Hughey that his failure to nominate a monitoring physician was jeopardizing his license.

Nearly one month later, by letter of November 11, 1992, Dr. Hughey advised the State Medical Board that Dr. Marsha Smith had agreed

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to be his monitoring physician, but had not responded to his requests for a curriculum vitae. By letter of December 4, 1992, Dr. Hughey advised the Board that he had failed to contact Dr. Smith, but had succeeded in hiring a Physician's Assistant to monitor his office cases.

As of February 10, 1993, Dr. Hughey had not submitted to the Board the name and curriculum vitae of a monitoring physician.

These facts are established by State's Exhibits #5 through #12 and the testimony of Jan Sussex (Tr. at 17-23).

5. At a probationary appearance before the Secretary of the State Medical Board on February 11, 1993, Dr. Hughey presented a curriculum vitae for a monitoring physician to be submitted for approval at the March meeting of the Board. By letter of March 15, 1993, the State Medical Board advised Dr. Hughey that, at its meeting of March 10, 1993, Charles O. Dillard, M.D., had been approved by the Board to serve as Dr. Hughey's monitoring physician, pending receipt of written verification from Dr. Dillard that he was willing to do what the Board required. By letter of April 7, 1993, Dr. Dillard advised the Board that he had received a copy of Dr. Hughey's Consent Agreement and agreed to be Dr. Hughey's monitoring physician.

These facts are established by Respondent's Exhibits C through E.

6. At hearing, Dr. Hughey stated that Dr. Dillard was not currently serving as his monitoring physician because Dr. Hughey had not known that Dr. Dillard had been approved for that purpose by the State Medical Board. Dr. Hughey initially testified that he had seen the Board's letter of March 15, 1993 (Respondent's Exhibit E), but had not noticed that it said that Dr. Dillard had been approved as his monitoring physician. He later stated that he had never seen the Board's letter of March 15, 1993, which was presented on his behalf at hearing.

These facts are established by the testimony of Dr. Hughey (Tr. at 26-27, 35-36, 37).

7. Dr. Hughey's demeanor at hearing was disconcerting. At one point, for no apparent reason, Dr. Hughey broke into loud, inappropriate laughter (see Tr. at 31). He gave contradictory testimony (see Finding of Fact #6, above). His responses to his own attorney's questions often seemed evasive and/or hostile (see, e.g., Tr. at 29-30). When Dr. Hughey's attorney asked him if he understood the importance of a monitoring physician under a Consent Agreement, Dr. Hughey responded, "No comment." (Tr. at 34). Finally, though Dr. Hughey stated that he would attempt to work with Dr. Dillard,

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he expressed doubts as to whether or not Dr. Dillard would "comply" with his agreement to be Dr. Hughey's monitoring physician (Tr. at 34).

These facts are established by the testimony of Dr. Hughey (Tr. at 25-39 and the first-hand observations of the Hearing Examiner.

#### CONCLUSIONS

The acts, conduct, and/or omissions of Ulysses A. Hughey, M.D., as set forth in the above Findings of Fact, constitute "violation of the conditions of limitation placed by the Board upon a certificate to practice or violation of the conditions of limitation upon which a limited or temporary registration or certificate to practice is issued", as that clause is used in Section 4731.22(B)(15), Ohio Revised Code.

Dr. Hughey holds his certificate to practice medicine and surgery in Ohio, subject to his compliance with the probationary conditions and limitations of his Consent Agreement with the State Medical Board. He has violated those conditions and limitations. Dr. Hughey's May 13, 1993, Consent Agreement required him to provide a monitoring physician and to submit the name and curriculum vitae of such monitoring physician for Board approval within one month. Dr. Hughey did not submit the name and curriculum vitae of a monitoring physician until nearly nine months after this Agreement became effective. Then, even though the Board approved a monitoring physician for him in March, 1993, Dr. Hughey continued to practice without submitting to the required monitoring by this physician. As of the time of hearing, almost one year after the effective date of his Consent Agreement, Dr. Hughey was still practicing without a monitor.

Whatever efforts he made, Dr. Hughey failed to comply with the monitoring physician requirement of his Consent Agreement. Such failure cannot be taken lightly. It is apparent that Dr. Hughey's Consent Agreement was premised on his history of mental illness that affected his patient care. Dr. Hughey's violation of a limitation imposed by the Board for the purpose of assuring that he practice in a safe manner is a cause for great concern.

Although the Board is free to impose any sanction it deems appropriate, its disciplinary guidelines suggest revocation as the penalty for violation of practice limitations placed by the Board. The testimony and evidence Dr. Hughey presented at hearing reflect no significant mitigating factors. The fact that Dr. Hughey apparently made several attempts to find a monitoring physician and made his records available

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for review by the State Medical Board, does not justify or mitigate his continuing to practice for nearly a year without a monitoring physician, contrary to the Board's instructions. Moreover, he continued to practice without the required monitoring after the Board approved a monitoring physician for him in March, 1993. Dr. Hughey's claim that he was unaware that the Board had approved his monitoring physician is simply not credible. Both his attorney and the approved physician were aware of the Board's notice of approval. In fact, that notice was presented on Dr. Hughey's behalf at hearing.

Despite the serious nature of Dr. Hughey's violation of his Consent Agreement, the Board may wish to consider the possibility that his acts and omissions resulted from mental impairment that may be amenable to treatment. Dr. Hughey's history of mental illness, his irregular course of conduct since May, 1992, his inappropriate demeanor at hearing, and his apparent inability to comprehend the import of the Board's notice letter (Respondent's Exhibit E), cummulatively suggest the need for further psychiatric evaluation and treatment. While it is possible that Dr. Hughey may never become able or willing to comply with Board requirements, the Board may wish to provide him the opportunity to prove otherwise.

#### PROPOSED ORDER

It is hereby ORDERED that:

1. The certificate of Ulysses A. Hughey, M.D., to practice medicine and surgery in the State of Ohio shall be permanently REVOKED. Such revocation is STAYED, and Dr. Hughey's certificate is hereby SUSPENDED for an indefinite period of time.
2. The State Medical Board shall not consider REINSTATEMENT of Dr. Hughey's certificate to practice unless and until all of the following minimum REQUIREMENTS are met:
  - a. Dr. Hughey shall submit an application for reinstatement, accompanied by appropriate fees.
  - b. Within sixty (60) days of the effective date of this Order, or as otherwise approved by the Board, Dr. Hughey shall commence appropriate treatment, as determined by an informed assesement of his current needs. Such assessment and treatment shall be by a psychiatrist or psychiatrists approved in advance by the State Medical Board. The Board's approval or disapproval of any

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psychiatrist proposed by Dr. Hughey shall be based upon the Board's review of the candidate's credentials and its determination by interview or otherwise the candidate's experience in dealing with various mental illnesses, including depression, paranoia, and paranoid schizophrenia. Prior to the initial assessment, Dr. Hughey shall provide the approved psychiatrist with copies of the Board's Findings of Fact, Conclusions, and Order in this Matter, and the Board may provide any other documentation from the hearing record which it may deem appropriate or helpful to that provider. Within ten (10) days after completion of the initial assessment, Dr. Hughey shall cause a written report to be submitted to the State Medical Board from the approved psychiatrist, which report shall include:

- i. A statement indicating whether or not Dr. Hughey suffers from any treatable mental or physical disorder that may have contributed to the acts and omissions found as violations herein;
- ii. A detailed plan of recommended treatment, if any, including any recommended medications, based upon the psychiatrist's informed assessment of Dr. Hughey's current needs; and
- iii. Any reports upon which the treatment recommendation is based, including reports of physical examination, psychological testing, and any other testing.

The Board may request additional information or testing as it sees fit.

In the event that the assessment indicates that Dr. Hughey does not suffer from any treatable mental or physical disorder that may have contributed to the acts and omissions found as violations herein, Dr. Hughey shall be ineligible to apply for reinstatement.

- c. In the event that Dr. Hughey is deemed eligible to apply for reinstatement pursuant to paragraph 2.b., above, Dr. Hughey shall provide the Board with acceptable documentation evidencing his compliance for a period of at least six (6) months with the plan of recommended treatment required under paragraph 2.b.

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- d. Dr. Hughey shall provide the Board with written reports by his approved treating psychiatrist and by one other physician approved in advance by the Board, indicating that he is currently capable of practicing in accordance with acceptable and prevailing standards of care. Said reports shall describe with particularity the bases for such determination and shall set forth any recommended limitations upon Dr. Hughey's practice.
  - e. Dr. Hughey shall submit to the Board and receive its approval for a plan of practice in Ohio which, unless and until otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Hughey's activities will be directly supervised and overseen by another physician approved by the Board. Such practice plan shall also conform to any limitations recommended pursuant to paragraph 2.d., above, and any additional limitations the Board may deem appropriate as a condition for reinstatement.
  - f. In the event that Dr. Hughey has not been engaged in the active practice of medicine and surgery for a period in excess of two (2) years prior to his application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Hughey's fitness to resume practice.
3. Upon reinstatement, Dr. Hughey's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least ten (10) years:
- a. Dr. Hughey shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
  - b. Dr. Hughey shall submit quarterly declarations under penalty of perjury stating whether or not there has been compliance with all the provisions of probation.
  - c. Dr. Hughey shall appear in person for interviews before the full Board or its designated representative at three (3) month intervals, or as otherwise requested by the Board.
  - d. In the event that Dr. Hughey should leave Ohio for three (3) consecutive months, or reside or practice outside the State, Dr. Hughey must notify the State Medical Board in writing of the dates of departure and return.

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Periods of time spent outside of Ohio will not apply to the reduction of this probationary period, unless otherwise determined by motion of the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.

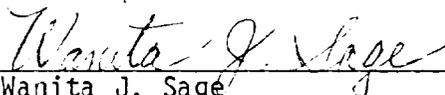
- e. Dr. Hughey shall obtain the Board's prior approval for any alteration to the practice plan which was approved by the Board prior to the reinstatement of his certificate. Dr. Hughey's supervising physician under this practice plan, or another physician approved by the Board, shall monitor Dr. Hughey's progress, status, and patient care, and shall immediately report to the Board any instances of substandard care, any unusual occurrences, or any indication that Dr. Hughey is currently unable to practice in accordance with acceptable and prevailing standards of care. In addition, said monitoring physician shall provide the Board with quarterly reports on Dr. Hughey's progress and status. Dr. Hughey shall ensure that said reports are forwarded to the Board on a quarterly basis. In the event that Dr. Hughey's supervising physician under his approved practice plan and/or his approved monitoring physician becomes unable or unwilling to so serve, Dr. Hughey shall immediately notify the Board in writing, and make arrangements acceptable to the Board for supervision and/or monitoring by another physician as soon as practicable. Dr. Hughey shall refrain from practicing unless and until acceptable supervision and monitoring is in place, unless otherwise determined by the Board.
- f. Dr. Hughey shall comply with any and all limitations imposed by the Board as a condition for reinstatement of his certificate pursuant to paragraphs 2.d. and 2.e., above.
- g. Dr. Hughey shall continue treatment with a psychiatrist approved by the Board, at such intervals as are deemed appropriate by the treating psychiatrist but not less than once per month, and shall comply with all treatment and/or medication regimens recommended by the approved treating psychiatrist, until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require quarterly reports from the approved treating psychiatrist. Said reports shall indicate Dr. Hughey's progress and status, including his compliance with any recommended treatments and/or medication regimens, and shall specify any changes in recommended treatment

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and/or medication and the reasons for such changes. Dr. Hughey shall ensure that these reports are forwarded to the Board on a quarterly basis, or as otherwise directed by the Board. In its discretion, the Board may request additional information from the treating psychiatrist.

- h. Dr. Hughey shall provide a copy of this Order to all employers and the chief of staff at each hospital where he has, applies for, or obtains privileges.
- 4. If Dr. Hughey violates probation in any respect, the Board, after giving Dr. Hughey notice and the opportunity to be heard, may set aside the stay order and impose the revocation of Dr. Hughey's certificate.
- 5. Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Hughey's certificate will be fully restored, except for any permanent limitations or restrictions the Board deems fit to impose as a condition of release from probation.

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

  
\_\_\_\_\_  
Wanita J. Sage  
Attorney Hearing Examiner



# STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

EXCERPT FROM THE MINUTES OF JULY 14, 1993

## REPORTS AND RECOMMENDATIONS

Dr. Agresta announced that the Board would now consider the findings and orders appearing on the Board's agenda.

Dr. Agresta asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Ulysses A. Hughey, M.D.; Suresh Kolli, M.D.; Gaston Bouquett, M.D. A roll call was taken:

ROLL CALL:	Dr. O'Day	- aye
	Mr. Albert	- aye
	Dr. Stienecker	- aye
	Dr. Stephens	- aye
	Dr. Gretter	- aye
	Dr. Heidt	- aye
	Dr. Buchan	- aye
	Dr. Garg	- aye
	Ms. Rolfes	- aye
	Dr. Agresta	- aye

Dr. Agresta 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. O'Day	- aye
	Mr. Albert	- aye
	Dr. Stienecker	- aye
	Dr. Stephens	- aye
	Dr. Gretter	- aye
	Dr. Heidt	- aye
	Dr. Buchan	- aye
	Dr. Garg	- aye
	Ms. Rolfes	- aye
	Dr. Agresta	- aye

In accordance with the provision in Section 4731.22(C)(1), 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 this matter.



# STATE MEDICAL BOARD OF OHIO

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EXCERPT FROM THE MINUTES OF JULY 14, 1993  
IN THE MATTER OF ULYSSES A. HUGHEY, M.D.

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

## REPORT AND RECOMMENDATION IN THE MATTER OF ULYSSES A. HUGHEY, M.D.

Dr. Agresta stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and order in the above matter. No objections were voiced by Board members present.

Dr. Agresta advised Mr. Graff that there is not a court reporter present, but instead the Board's minutes serve as the Board's official record of the meeting. Mr. Graff stated that he did not have any objection to the absence of a court reporter.

Dr. Agresta reminded Mr. Graff that the Board members have read the entire hearing record, including the exhibits and any objections filed. He added that the Board will not retry the case at this time, and that pursuant to Section 4731.23(C), Revised Code, oral arguments made at this time are to address the proposed findings of fact and conclusions of the hearing examiner. Dr. Agresta stated that Mr. Graff would be allotted approximately five minutes for his address.

Mr. Graff stated that, as the record makes clear, Dr. Hughey has a Consent Agreement with the Board under which he is required to have a monitoring physician. There was a delay in Dr. Hughey's getting a monitoring physician in place. He did try alternative methods, including requesting approval of a P.A. as his monitoring physician. The Board turned down the alternative suggestions. During the lapsed time, Dr. Hughey submitted a record to the Board through its investigator so that the Board was aware of the level of care he was giving.

Dr. Hughey now has a Board approved supervising/monitoring physician in place. The Proposed Order goes beyond the issue of a supervising physician. It revokes Dr. Hughey's license, stays the revocation, institutes an indefinite suspension, and includes a provision for psychiatric evaluation and treatment. This goes far beyond the stature of the citation letter. The remaining terms of the Order are the same as those in the Consent Agreement, with which Dr. Hughey is currently in compliance.

Mr. Graff stated that the record is clear. Dr. Hughey took an inordinately long time in getting a supervising physician. But he asks that the Board reprimand him, rather than revoke and indefinitely suspend his license. Dr. Hughey also requests that the Board not take him out of practice for an additional six months, as is required under the Proposed Order. The Board has been well aware of Dr. Hughey, and his ongoing psychiatric evaluations have been available to the Board. Dr. Hughey wishes to practice medicine and asks the Board to look favorably on his request for a reprimand.



## STATE MEDICAL BOARD OF OHIO

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EXCERPT FROM THE MINUTES OF JULY 14, 1993  
IN THE MATTER OF ULYSSES A. HUGHEY, M.D.

Page 3

Ms. Walker stated that the objections filed on behalf of Dr. Hughey address the Hearing Officer's assessment of Dr. Hughey's demeanor at hearing. Ms. Walker stated that part of the responsibility of the hearing examiner is to observe the demeanor of witnesses. In this case, Mr. Graff, on behalf of Dr. Hughey, has objected to the fact that the Hearing Examiner made note of Dr. Hughey's demeanor. Mr. Graff indicates that Dr. Hughey's demeanor was not relevant. Ms. Walker stated that the Medical Board entered into an Agreement with Dr. Hughey, which Dr. Hughey violated. The basis for the Agreement was Dr. Hughey's inability to practice due to mental impairment. Dr. Hughey made admissions in that Agreement as to his mental impairment. Those facts are relevant to the Board's decision. It is the duty of the Board to regulate the safe practice of medicine. Further, Dr. Hughey violated an important part of the Agreement, in that the monitoring physician is key with respect to Dr. Hughey's continuing mental impairment.

Ms. Walker concluded by saying that the Report and Recommendation was well thought out and well drafted, and she urged its adoption.

DR. HEIDT MOVED TO APPROVE AND CONFIRM MS. SAGE'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF ULYSSES A. HUGHEY, M.D. DR. GARG SECONDED THE MOTION.

Dr. Agresta asked whether there were any questions concerning the proposed findings of fact, conclusions, and order in the above matter.

Dr. Gretter noted that Mr. Graff's remarks referred to a supervising and monitoring physician, interchangeably. The Board differentiates between supervising and monitoring physicians. The monitoring physician looks after the care the physician is giving. The supervising physician maintains monitoring of objective measures, such as collection of urine screens.

MS. ROLFES MOVED THAT THE PROPOSED ORDER IN THE MATTER OF ULYSSES A. HUGHEY, M.D., BE AMENDED BY SUBSTITUTING THE FOLLOWING FOR PARAGRAPH 2.b. IN ITS ENTIRETY:

Within sixty (60) days of the effective date of this Order, or as otherwise approved by the Board, Dr. Hughey shall commence appropriate treatment, as determined by an informed assessment of his current needs. Such assessment shall be by a psychiatrist selected by the State Medical Board. All other arrangements for the assessment are to be made by Dr. Hughey. Prior to the initial assessment, the Board shall provide the assessing psychiatrist with copies of the Board's Findings of Fact, Conclusions of Law, and Order in this Matter, and any other documentation from the hearing record which it may deem appropriate or helpful to that provider. As soon as practicable after completion of the initial assessment, Dr. Hughey shall cause a written report to be submitted from the assessing psychiatrist to the State Medical Board, which



## STATE MEDICAL BOARD OF OHIO

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IN THE MATTER OF ULYSSES A. HUGHEY, M.D.

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report shall include:

- i. A statement indicating whether or not Dr. Hughey suffers from any treatable mental or physical disorder that may have contributed to the acts and omissions found as violations herein;
- ii. A detailed plan of recommended treatment, if any, including any recommended medications, based upon the psychiatrist's informed assessment of Dr. Hughey's current needs; and
- iii. Any reports upon which the treatment recommendation is based, including reports of physical examination, psychological testing, and any other testing.

The Board may request additional information or testing as it sees fit.

In the event that the assessment indicates that Dr. Hughey does not suffer from any treatable mental or physical disorder that may have contributed to the acts and omissions found as violations herein, Dr. Hughey shall be ineligible to apply for reinstatement.

In the event that the assessment indicates that Dr. Hughey does suffer from a treatable mental or physical disorder that may have contributed to the acts and omissions found as violations herein, the treatment required by this Order shall be provided by a psychiatrist or psychiatrists approved in advance by the State Medical Board. The Board's approval or disapproval of any treating psychiatrist proposed by Dr. Hughey shall be based upon the Board's review of the candidate's credentials and its determination by interview or otherwise the candidate's experience in dealing with various mental illnesses, including depression, paranoia, and paranoid schizophrenia.

**MS. ROLFES ADVISED THAT ALL OTHER TERMS OF THE HEARING OFFICER'S PROPOSED ORDER WOULD REMAIN THE SAME. DR. GRETTER SECONDED THE MOTION.**

Dr. Stephens asked whether the psychiatrist doing the assessment of Dr. Hughey's current needs would be doing so at the Board's expense.

Ms. Rolfes stated that it could be done at the Board's expense.

Ms. Rolfes advised that the main part of her amendment involves who selects the assessing psychiatrist. She wants the Board to have control over the selection. Dr. Hughey's defense, in part, is based upon the fact that he is impaired. If it is found that his impairment is not treatable, Dr. Hughey would be ineligible to apply for reinstatement.



# STATE MEDICAL BOARD OF OHIO

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Mr. Albert asked whether the Board could select the psychiatrist and require Dr. Hughey to pay for it.

Mr. Bumgarner stated that he believes the Board should be obligated to pay the psychiatrist if it was the one making the choice.

Ms. Rolfes stated that there has been previous discussion about who chooses evaluating psychiatrists. She feels very strongly that this should be in the Board's domain.

Dr. Stephens stated that he is trying to understand what difference it makes.

Ms. Rolfes stated that if the Board selects the psychiatrist and pays the psychiatrist, this makes the psychiatrist responsible to the Board and the Board has some control.

Dr. Agresta stated that it is not the Board's intent to control the psychiatrist, but only to gain assurance with respect to the evaluation.

Ms. Rolfes agreed, stating that what she means by control is that the Board controls who is chosen and Dr. Hughey has no control over who is chosen as the assessing psychiatrist.

A roll call vote was taken on Ms. Rolfes' motion:

ROLL CALL VOTE:	Dr. O'Day	- abstain
	Mr. Albert	- aye
	Dr. Stienecker	- aye
	Dr. Stephens	- aye
	Dr. Gretter	- aye
	Dr. Heidt	- aye
	Dr. Buchan	- aye
	Dr. Garg	- aye
	Ms. Rolfes	- aye

The motion carried.

DR. HEIDT MOVED TO APPROVE AND CONFIRM MS. SAGE'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF ULYSSES A. HUGHEY, M.D. DR. GRETTOR SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. O'Day	- abstain
	Mr. Albert	- aye
	Dr. Stienecker	- aye



# STATE MEDICAL BOARD OF OHIO

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EXCERPT FROM THE MINUTES OF JULY 14, 1993  
IN THE MATTER OF ULYSSES A. HUGHEY, M.D.

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Dr. Stephens	- aye
Dr. Gretter	- aye
Dr. Heidt	- aye
Dr. Buchan	- aye
Dr. Garg	- aye
Ms. Rolfes	- aye

The motion carried.



# STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

February 10, 1993

Ulysses A. Hughey, M.D.  
Pleasant Ridge Family Medical Practice  
5645 Montgomery  
Cincinnati, OH 45212

Dear Doctor Hughey:

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 May 13, 1992, you entered into a Consent Agreement with the State Medical Board of Ohio, a copy of which is attached hereto and fully incorporated herein.

Paragraph (1)(e) of the above-mentioned Consent Agreement states in part that:

DR. HUGHEY shall provide a monitoring physician, subject to approval by the BOARD. DR. HUGHEY shall submit to the BOARD the name of the monitoring physician and that physician's curriculum vitae within thirty (30) days of the execution of this AGREEMENT.

As of February 10, 1993, you have failed to "submit to the BOARD the name of the monitoring physician and that physician's curriculum vitae within thirty (30) days of the execution" of the above-mentioned Consent Agreement pursuant to the terms of that Agreement.

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively constitutes "violations of the conditions of limitations placed by the board upon a certificate to practice or violation of the conditions of limitation upon which a limited or temporary registration or certificate to practice is issued," as that clause is used in Section 4731.22(B)(15) of the Ohio Revised Code.

*Mailed 2/11/93*

February 10, 1993

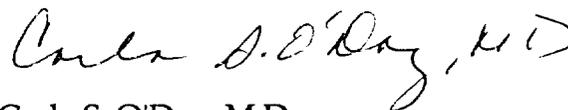
Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing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



Carla S. O'Day, M.D.  
Secretary

CSO:jmb

Enclosures:

CERTIFIED MAIL #P 055 328 997  
RETURN RECEIPT REQUESTED

cc: Douglas E. Graff, Esq.

*Certified Mail # P055 326 106  
Return Receipt Requested*

92 MAY 13 PM 3:24  
STATE MEDICAL BOARD

CONSENT AGREEMENT  
BETWEEN  
ULYSSES A. HUGHEY, M.D.  
AND  
THE STATE MEDICAL BOARD OF OHIO

This CONSENT AGREEMENT is entered into by and between ULYSSES A. HUGHEY, M.D., and the STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Ohio Revised Code Chapter 4731.

ULYSSES A. HUGHEY, M.D., enters into this AGREEMENT being fully informed of his rights under Ohio Revised Code Chapter 119, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

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 Ohio Revised Code Section 4731.22(B) 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 violation of any of the enumerated subsections.
- B. The STATE MEDICAL BOARD OF OHIO enters into this Consent Agreement in lieu of further formal proceedings based upon the Notice of Opportunity for Hearing dated November 13, 1991, a copy of which is attached hereto as "Exhibit A" and incorporated herein, and expressly reserves the right to institute formal proceedings based upon any other violations of Ohio Revised Code Chapter 4731, whether occurring before or after the effective date of this AGREEMENT.
- C. ULYSSES A. HUGHEY, M.D., is licensed to practice medicine and surgery in the State of Ohio.

D. ULYSSES A. HUGHEY, M.D., admits the factual allegations stated in the Notice of Opportunity for Hearing dated NOVEMBER 13, 1991. WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any further formal proceedings at this time, ULYSSES A. HUGHEY, M.D., knowingly and voluntarily agrees with the STATE MEDICAL BOARD OF OHIO to the following terms, conditions and limitations:

1. ULYSSES A. HUGHEY, M.D. is hereby placed on probation for a minimum period of ten (10) years. The probation shall begin on the effective date of this CONSENT AGREEMENT. Such probation is subject to the following probationary terms, conditions and limitations:
  - a. DR. HUGHEY shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio.
  - b. DR. HUGHEY shall submit quarterly declarations under penalty of perjury stating whether or not there has been compliance with all the provisions of probation, a sample copy of such declaration is attached hereto as "Exhibit B."
  - c. In the event that DR. HUGHEY should leave Ohio for three (3) consecutive months, or reside or practice outside the State, he must notify the STATE MEDICAL BOARD in writing of the dates of departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary period.
  - d. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DR. HUGHEY shall submit to the Board a practice plan detailing his practice. DR. HUGHEY'S private practice shall involve non-urgent care. DR. HUGHEY shall not engage in emergency room medicine, unless and until otherwise authorized in writing by the Board.
  - e. DR. HUGHEY shall provide a monitoring physician, subject to approval by the

BOARD. DR. HUGHEY shall submit to the BOARD the name of the monitoring physician and that physician's curriculum vitae within thirty (30) days of the execution of this AGREEMENT.

The monitoring physician shall review twenty-five percent (25%) of DR. HUGHEY'S hospital charts and twenty-five percent (25%) of DR. HUGHEY'S office charts selected on a random basis. This review shall be performed weekly for the first twelve (12) months of this AGREEMENT. After the first twelve (12) months of this AGREEMENT, the monitoring physician shall continue said review as directed by the BOARD.

The monitoring physician shall immediately report to the BOARD any unusual occurrences, or any deviation from acceptable and prevailing standards of care. The monitoring physician shall provide the BOARD with reports on a quarterly basis concerning DR. HUGHEY'S progress and status, with reference to the results of the chart review. In the event that the monitoring physician becomes unable or unwilling to serve in this capacity, DR. HUGHEY shall immediately so notify the BOARD in writing and make arrangements acceptable to the BOARD for another physician to monitor his progress and status before he resumes his practice.

- f. DR. HUGHEY shall continue monthly psychiatric treatment sessions with a psychiatrist approved by the Board, until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require monthly reports from the approved treating psychiatrist. DR. HUGHEY shall ensure that these reports are forwarded to the Board on a monthly basis, or as otherwise directed by the Board.
- g. DR. HUGHEY shall take all medication prescribed by his treating psychiatrist, and shall affirm under penalty of perjury that he is taking all medicine.

- h. DR. HUGHEY shall provide the Medical Board access to records documenting his care of patients, as necessary for the Board's review and investigation.
- i. DR. HUGHEY shall appear in person for interviews before the full Board or its designated representative at three (3) month intervals, or as otherwise directed by the Board.

The effective date of this AGREEMENT shall be on the date of the last signature below.

DR. HUGHEY shall provide all employers and the Chief of Staff at each hospital where he has, applies for, or obtains privileges with a copy of this CONSENT AGREEMENT during the term of this AGREEMENT.

The above described terms, limitations and conditions may be amended in writing at any time upon the agreement of both parties.

If, in the discretion of the secretary of the STATE MEDICAL BOARD OF OHIO, DR. HUGHEY appears to have violated or breached any term or condition of this AGREEMENT, the STATE MEDICAL BOARD OF OHIO reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches. No act or omission by DR. HUGHEY which occurs prior to the effective date of this AGREEMENT shall constitute a breach or violation of this AGREEMENT.

DR. HUGHEY acknowledges that he has had an opportunity to ask questions concerning the terms of this 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, Ohio Revised Code Chapter 119.

DR. HUGHEY 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 Ohio Revised Code Section 149.43, and shall become effective upon the last date of signature below. Further, this information may be reported by the Board to appropriate organizations, data banks and governmental bodies.

Ulysses A. Hughey  
ULYSSES A. HUGHEY, M.D.

Carla O'Day, M.D.  
~~HENRY G. CRAMBLETT, M.D.~~  
Secretary *Carla O'Day, MD*

5/12/92  
DATE

5/13/92  
DATE

Douglas Graff  
DOUGLAS GRAFF, Esq.  
Attorney for Ulysses Hughey M.D.

Timothy S. Jost  
TIMOTHY S. JOST, Esq.  
Supervising Member

5/13/92  
DATE

5/13/92  
DATE

Odella Lampkin  
ODELLA LAMPKIN  
Assistant Attorney General

5/13/92  
DATE

3594S



# STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

November 13, 1991

Ulysses Hughey, M.D.  
5645 Montgomery Road  
Cincinnati, OH 45212

Dear Doctor Hughey:

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) You were granted an Ohio medical license in March 1980 conditioned on your compliance with the terms of a Consent Agreement entered into on or about March 29, 1980. Subsequently, you entered into an amended Consent Agreement with the Board in November of 1980. Under the terms of those Agreements, you received continuing psychiatric treatment on an approved schedule. You continued to receive treatment and were monitored by the Board until on or about April 1982. Copies of the aforementioned Consent Agreements are attached hereto and fully incorporated herein.
- (2) On or about October 26, 1985, you were hospitalized in Bethesda Hospital in Cincinnati following a stab wound of the upper left abdomen. At that time you were seen at the Hospital by Emmett Cooper, M.D., Ph.D. You saw Dr. Cooper subsequently during 13 visits to his office for psychiatric treatments until May 1989. Initially, you demonstrated signs of depression and paranoia. Further along in the treatments you exhibited signs of paranoid schizophrenia. Part of your treatment included receiving doses of Trilafon which is indicated for use in the management of psychotic disorders. Ultimately, you chose to discontinue seeing Dr. Cooper for therapy, but were not discharged from his care.

*Mailed 11/15/91*

November 13, 1991

- (3) (a) On or about January 2, 1991 your temporary Emergency Room (ER) privileges were revoked in the middle of your ER shift at Memorial Hospital in Manchester, Kentucky because of your conduct in three cases in which you allegedly "missed (a) diagnosis of (an) obviously fractured arm" in your treatment of patient 1 (key confidential - not for public disclosure), "mishandled (a) diabetic (patient) with hyperglycemia" in your treatment of patient 2 (key confidential - not for public disclosure), and "failed to communicate (the) serious nature of (an) ill child to (the) attending MD" in your treatment of patient 3 (key confidential - not for public disclosure), and reports of adverse actions in two other local hospitals.

When questioned by Investigators from the State Medical Board of Ohio and the Kentucky Board of Medical Licensure concerning the aforementioned revocation of privileges, you stated in part that the Ohio and Kentucky Boards had sent you patients who were difficult to diagnose for the purpose of catching you in a mistake. You further claimed that the first day at a hospital was the most difficult because that is when the Boards would send in the most tricky patients.

- (b) More specifically, in your treatment of patient 1 (key confidential - not for public disclosure) as an emergency room physician at Memorial Hospital, physical examination and x-rays should have allowed you to diagnose the fracture of the distal radius.

In your treatment of patient 2 (key confidential - not for public disclosure) as an emergency room physician at Memorial Hospital, you performed IV therapy on an insulin-dependent diabetic female who presented with a blood sugar of 400. The IV contained glucose which was obviously not necessary. Further, the IV rate was insufficient to help compensate for any contracted vascular volume that resulted from polyuria. Moreover, you did not order blood gases and serum ketones to determine whether the patient was in or likely to enter a ketotic state.

November 13, 1991

Ulysses Hughey, M.D.  
Page 3

In your treatment of patient 3 (key confidential - not for public disclosure) as an emergency room physician at Memorial Hospital, you failed to adequately communicate to the admitting pediatrician that the pediatric patient who presented with a fever had a pre-existing Central Nervous System shunt in place.

- (4) On or about July 8, 1991 and July 15, 1991 you reported to a psychiatric evaluation ordered by the State Medical Board of Ohio pursuant to Section 4731.22(B)(19) of the Ohio Revised Code.

The report of that evaluation was received by the Board on or about October 4, 1991. The psychiatric evaluation stated that you "continue to show some of the symptoms which indicate an ongoing mental illness process."

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (4) above, individually and/or collectively, constitute "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 that clause is used in Section 4731.22(B)(19), Ohio Revised Code.

Further, your acts, conduct and/or omissions as alleged in paragraph (3)(b) above, individually and/or collectively, constitute "a departure from, or the 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," as that clause is used in Section 4731.22(B)(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.

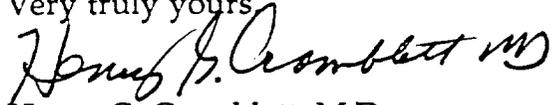
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Ulysses Hughey, M.D.  
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In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence 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,



Henry G. Cramblett, M.D.  
Secretary

HGC:jdc  
Enclosures:

CERTIFIED MAIL #P 055 328 999  
RETURN RECEIPT REQUESTED

CONSENT AGREEMENT  
BETWEEN  
ULYSSES A. HUGHEY, M.D.  
AND  
THE STATE MEDICAL BOARD OF OHIO

THIS CONSENT AGREEMENT entered into by and between ULYSSES A. HUGHEY, M.D. and THE STATE MEDICAL BOARD OF OHIO, amends and replaces the consent agreement entered into by the same parties on March 21, 1980.

ULYSSES A. HUGHEY knowingly and voluntarily enters into the following agreement with THE STATE MEDICAL BOARD OF OHIO:

1. He agrees to submit himself to the recommendations of the Physicians Effectiveness Program of the Ohio State Medical Association and adhere to any treatment regimen established through the Program;
2. He agrees to continue psychiatric treatment on the scheduling basis suggested by the Program's referring physician, the Program's treating psychiatrist, or a psychiatrist approved by the Board until such time as the Board deems it unnecessary;
3. He agrees to have reports submitted by the treating psychiatrist suggested by the Program or by an independent psychiatrist on a monthly basis, or as appropriate to the scheduling basis of his treatment; i.e., if his appointments are every month, he must submit reports every month;
4. He agrees to appear before the Board monthly or as the Board requires;
5. He will actively pursue Continuing Medical Education, as required by Chapter 4731. of the Ohio Revised Code;
6. He will obey all laws, rules and regulations of the United States, the State of Ohio and its political subdivisions related to the practice of medicine.

Unless otherwise indicated, each of the foregoing terms and conditions shall be in effect until the STATE MEDICAL BOARD OF OHIO determines the appropriateness of terminating the terms or conditions.

Upon consent of both parties, the terms and conditions of this agreement may be modified or terminated in writing.

If any of these conditions are violated, disciplinary action can be initiated pursuant to Chapter 4731. and 119. of the Ohio Revised Code.

The terms and conditions of this agreement shall become effective on the 13<sup>th</sup> day of November, 1980.

Ulysses Hughey  
ULYSSES A. HUGHEY, M.D.

November 13, 1980  
(Date)

Anthony Ruppertsberg, Jr.  
ANTHONY RUPPERSBERG, JR., M.D.  
Secretary, State Medical Board of Ohio

17 Nov. 1980  
(Date)

Jeffrey D. Jurca  
JEFFREY D. JURCA  
Assistant Attorney General  
for the State Medical Board of Ohio

11/26/80  
(Date)

Mary R. Roberts  
MARY R. ROBERTS  
NOTARY PUBLIC, STATE OF OHIO  
BY COMMISSION EXPIRES JULY 28, 1982

STATE OF OHIO  
THE STATE MEDICAL BOARD

CONSENT AGREEMENT

I, Ulysses A. Hughey, M.D., do hereby knowingly and voluntarily enter into the following agreement with the State Medical Board of Ohio:

1. I agree to continue psychiatric treatment until such time the Medical Board deems it unnecessary.
2. I agree to appear before the Medical Board in six months, as requested by the Board.
3. I agree to have my psychiatrist periodically submit reports to the Medical Board concerning my condition and progress.

I understand that my license is being issued to me upon the condition that I comply with these requirements.

I agree to comply with the requirements set forth above, with the understanding that a violation by me of any of the above conditions will constitute grounds for disciplinary action by the State Medical Board of Ohio concerning my certificate to practice medicine and surgery in the State of Ohio.

Ulysses Hughey  
Ulysses A. Hughey, M.D.

Edward W. Wenger  
Witness

Christine K. Hill  
Witness

65 S. Front St., Columbus Oh.  
65 S. Front St Columbus Ohio  
Address

\_\_\_\_\_  
Date

Sworn to and signed before me this 21st day of March, 1980.

Mary R. Roberts  
Notary Public

MARY R. ROBERTS  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES JULY 26, 1982