

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

October 12, 2011

Mark A. Wangler, M.D.
Inmate No. A647689
Toledo Correctional Institution
2001 East Central Avenue
Toledo, OH 43608

RE: Case No. 11-CRF-047

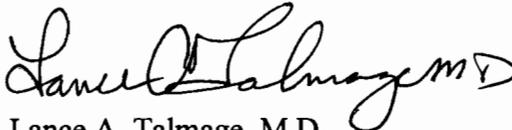
Dear Doctor Wangler:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Danielle R. Blue, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on October 12, 2011, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

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

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

THE STATE MEDICAL BOARD OF OHIO



Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3938 3021 5755
RETURN RECEIPT REQUESTED

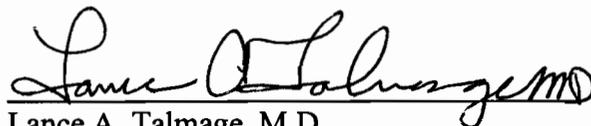
Eric J. Plinke, Esq.
CERTIFIED MAIL NO. 91 7108 2133 3938 3021 5762
RETURN RECEIPT REQUESTED

Mailed 10-13-11

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Danielle R. Blue, State Medical Board Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on October 12, 2011, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Mark A. Wangler, M.D., Case No. 11-CRF-047, as it appears in the Journal of the State Medical Board of Ohio.

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


Lance A. Talmage, M.D.
Secretary

(SEAL)

October 12, 2011

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

CASE NO. 11-CRF-047

MARK A. WANGLER, M.D.

*

ENTRY OF ORDER

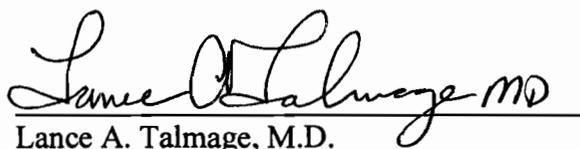
This matter came on for consideration before the State Medical Board of Ohio on October 12, 2011.

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

It is hereby ORDERED that:

The certificate of Mark A. Wangler, M.D., to practice medicine and surgery in the State of Ohio is PERMANENTLY REVOKED.

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


Lance A. Talmage, M.D.
Secretary

(SEAL)

October 12, 2011
Date

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STATE MEDICAL BOARD
OF OHIO

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of

*

Case No. 11-CRF-047

Mark A. Wangler, M.D.,

*

Hearing Examiner Blue

Respondent.

*

REPORT AND RECOMMENDATION

In a Notice of Automatic Suspension and Opportunity for Hearing dated April 13, 2011, the State Medical Board of Ohio [Board] notified Mark A. Wangler, M.D., that pursuant to Ohio Revised Code Section [R.C.] 4731.22(I), the Board automatically suspended his certificate to practice medicine and surgery in Ohio. In addition, the Board notified Dr. Wangler that it intended to determine whether to take disciplinary action against his certificate based on an allegation that on March 16, 2011, Dr. Wangler was convicted of Aggravated Murder, in violation of R.C. 2903.01(A).

The Board further alleged that the conviction constitutes “[a] plea of guilty to, judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony,” as set forth in R.C. 4731.22(B)(9). (State’s Exhibit [St. Ex.] 1)

The Board received Dr. Wangler’s request for a hearing on May 10, 2011. (St. Ex. 3)

Appearances:

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

Hearing Date: August 15, 2011

PROCEDURAL MATTER

The hearing record was held open until August 25, 2011, to allow the Respondent additional time to submit an exhibit. On August 24, 2011, Respondent’s counsel submitted a document which was marked as Respondent’s Exhibit A. The State had no objection. The Hearing Examiner admitted Respondent’s Exhibit A into evidence and closed the hearing record on August 24, 2011.

SUMMARY OF THE EVIDENCE

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

1. Mark A. Wangler, M.D., was born in 1955 in Coldwater, Ohio. He received his medical degree in 1981 from the Ohio State University College of Medicine. He was initially licensed to practice medicine and surgery in Ohio in 1982. He currently holds an inactive license in Ohio. Dr. Wangler's designated specialty is listed as anesthesiology and pain medicine. (Ohio eLicense Center at, <<https://license.ohio.gov.lookup>>, query on August 24, 2011)
2. On March 16, 2011, following a nine-day trial in the Common Pleas Court of Allen County, Ohio, a jury found Dr. Wangler guilty of Aggravated Murder, in violation of R.C. 2903.01(A), in the death of Kathleen Wangler.¹ (St. Exs. 6, 7)

On March 16, 2011, the court sentenced Dr. Wangler to life imprisonment with parole eligibility after serving 25 full years of imprisonment, to be followed by a supervised release for five years. The court further ordered Dr. Wangler to pay a fine in the amount of \$25,000.00. Dr. Wangler is currently incarcerated in the Toledo Correctional Facility in Toledo, Ohio. (St. Ex. 7; Hearing Transcript [Tr.] 7)

3. In his defense, Dr. Wangler submitted a written statement dated August 11, 2011, which states:

Dear Board Members,

My name is Mark Wangler, M.D. and I am writing to you regarding your letter of April 13, 2011. I understand that my license is currently suspended based upon my murder conviction. I am writing to request a stay of this proceeding or that you refrain from imposing final discipline until the pending motions and appeal of my conviction is complete.

As to the conviction, I am innocent. My wife died due to carbon monoxide poisoning in September of 2006 as we slept in our home. Three years later, I was charged with this crime only after a local law enforcement investigator believed me to be guilty and then set out to figure out how I allegedly committed murder. The investigator found a scientist to conduct duct work residue studies that led to my conviction. None of the FBI, Ohio BCI, nor EPA labs believed that accepted science

¹ R.C. 2903.01(A) states: "No person shall purposely, and with prior calculation and design, cause the death of another or the unlawful termination of another's pregnancy."

could conduct such studies or support such theories. Nevertheless, this scientist was permitted to testify at my trial and I was found guilty by a jury. The conviction defies accepted science and the evidence presented at the trial. I currently have a motion for a new trial pending based upon jury misconduct and have also filed an appeal of the conviction.

I am an Ohio native, attended OSU for medical school and have spent the entirety of my nearly 30 years in medicine practicing in the State of Ohio. Medicine has been a passion of mine and I have always viewed the practice of medicine as a privilege. The passion was reflected in the care I provided to my patients through the many decades of practice. Despite being in a high risk specialty, I have never been sued and have never lost a patient. Nevertheless, I understand that in light of my conviction, you must take action and you have. My hope is that I will be able to reverse this wrongful conviction and be able to return to medicine. Until then, I do request that you stay this proceeding or that you refrain from imposing final discipline until the pending motions and appeal of my conviction is complete.

(Respondent's Exhibit [Resp. Ex.] A)

4. On April 12, 2011, a Notice of Appeal was filed on behalf of Dr. Wangler. (St. Ex. 8)

FINDING OF FACT

On March 16, 2011, following a nine-day trial in the Common Pleas Court of Allen County, Ohio, a jury found Dr. Wangler guilty of Aggravated Murder, in violation of R.C. 2903.01(A), in the death of Kathleen Wangler. The court thereafter sentenced Dr. Wangler to life imprisonment with parole eligibility after serving 25 full years of imprisonment, to be followed by a supervised release for five years, and ordered Dr. Wangler to pay a fine in the amount of \$25,000.00.

CONCLUSION OF LAW

The judicial finding of guilt of Mark A. Wangler, M.D., as set forth above in the Finding of Fact, constitutes "a plea of guilty to, judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony," as set forth in R.C. 4731.22(B)(9).

RATIONALE FOR PROPOSED ORDER

After nine days of trial, Dr. Wangler was convicted of “purposely, and with prior calculation and design,” murdering his wife, Kathleen Wangler. There is no need to refrain from imposing discipline in light of the conviction. This heinous act deserves the severest sanction from this Board and therefore, a permanent revocation of Dr. Wangler’s license is warranted to protect the public. If Dr. Wangler’s conviction is overturned on appeal, Dr. Wangler may pursue reinstatement of his medical license, as authorized by R.C. 4731.22(H).

PROPOSED ORDER

It is hereby ORDERED that:

The certificate of Mark A. Wangler, M.D., to practice medicine and surgery in the State of Ohio is PERMANENTLY REVOKED.

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


Danielle R. Blue, Esq.
Hearing Examiner



State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

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EXCERPT FROM THE DRAFT MINUTES OF OCTOBER 12, 2011

REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDERS

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

Dr. Mahajan asked whether each member of the Board had received, read and considered the hearing records; the Findings of Fact, Conclusions of Law, Proposed Orders, and any objections filed in the matters of: Daniel Howard Brumfield, M.D.; David C. Blocker, M.D.; Walter Thomas Bowers, II, M.D.; Stephen Leon Edge, M.D.; Michelle M. Walter; Mark A. Wangler, M.D.; Adil Younis Yamour, M.D. A roll call was taken:

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

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

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

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

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

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

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Dr. Talmage and Dr. Steinbergh exited the meeting prior to this discussion

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MARK A. WANGLER, M.D., Case No. 11-CRF-047

.....
Dr. Madia moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Mark A. Wangler, M.D. Mr. Hairston seconded the motion.

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

ROLL CALL:	Dr. Madia	- aye
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye
	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye

The motion to approve carried.



State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

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NOTICE OF AUTOMATIC SUSPENSION AND OPPORTUNITY FOR HEARING

April 13, 2011

Case number: 11-CRF- 047

Mark A. Wangler, M.D.
3420 High Ridge Road
Lima, OH 45805-4042

Dear Doctor Wangler:

Pursuant to Section 4731.22(I), Ohio Revised Code, you are hereby notified that your license to practice medicine and surgery in the State of Ohio has been automatically suspended as of March 16, 2011, by operation of law pursuant to Section 4731.22(I), Ohio Revised Code. This automatic suspension is based upon your having been found guilty by jury of one count of Aggravated Murder, in violation of Section 2903.01(A), Ohio Revised Code, as detailed below. Continued practice after this suspension shall be considered practicing without a certificate.

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

- (1) On or about March 16, 2011, in the Court of Common Pleas, Allen County, Ohio, you were found guilty by jury of Aggravated Murder, in violation of Section 2903.01(A), Ohio Revised Code, in the death of Kathleen Wangler.

The facts as alleged in paragraph (1) above, individually and/or collectively, constitute "[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony," as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, and Chapter 4731., Ohio Revised Code, you are hereby advised that you are entitled to a hearing concerning these matters. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

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

Mailed 4-14-11

Mark A. Wangler, M.D.
Notice of Automatic Suspension
& Opportunity for Hearing
Page 2

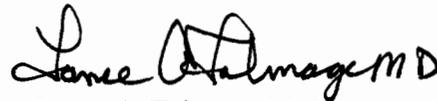
that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board shall, in your absence and upon consideration of this matter, enter a final order permanently revoking your certificate to practice medicine and surgery.

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

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/KHM/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3938 3023 5364
RETURN RECEIPT REQUESTED

Duplicate Copy:

Mark A. Wangler, M.D.
#A647689
Correctional Reception Center
11271 State Route 762
Orient, Ohio 43146

CERTIFIED MAIL #91 7108 2133 3938 3023 5265
RETURN RECEIPT REQUESTED

cc:

Eric Plinke, Esq.
Dinsmore & Shohl, LLP
191 West Nationwide Boulevard, Suite 300
Columbus, OH 43215

CERTIFIED MAIL #91 7108 2133 3938 3023 5357
RETURN RECEIPT REQUESTED