



State Medical Board of Ohio

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June 11, 2008

George Jakymenko, M.D.
1001 Pleasant Valley Road
Seven Hills, OH 44131

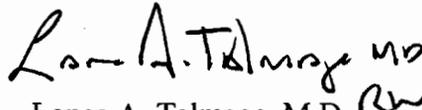
Dear Doctor Jakymenko:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Gretchen L. Petrucci, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on June 11, 2008, including motions approving and confirming the Findings of Fact and Conclusions 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 must be taken to the Franklin County Court of Common Pleas.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of an original Notice of Appeal with the State Medical Board of Ohio and a copy of the Notice of Appeal with the Franklin County Court of Common Pleas. 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 3934 3688 8995
RETURN RECEIPT REQUESTED

Cc: Elizabeth Y. Collis, Esq.
CERTIFIED MAIL NO. 91 7108 2133 3934 3688 9008
RETURN RECEIPT REQUESTED

Mailed 7-3-08

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on June 11, 2008, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of George Jakymenko, M.D., as it appears in the Journal of the State Medical Board of Ohio.

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

Lance A. Talmage MD

Lance A. Talmage, M.D. *RTW*
Secretary

(SEAL)

June 11, 2008

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

GEORGE JAKYMENKO, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on June 11, 2008.

Upon the Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney 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 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:

- A. **SUSPENSION OF CERTIFICATE:** The certificate of George Jakymenko, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than 30 days.
- B. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Jakymenko's certificate to practice medicine and surgery until all of the following conditions have been met:
 1. **Application for Reinstatement or Restoration:** Dr. Jakymenko shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
 2. **Personal Ethics Course or Courses:** Before Dr. Jakymenko applies for reinstatement or restoration, or as otherwise determined by the Board, Dr. Jakymenko shall provide acceptable documentation of successful completion of a course or courses dealing with personal ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements

for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Jakymenko submits the documentation of successful completion of the course or courses dealing with personal ethics, he shall also submit to the Board a written report describing the course(s), setting forth what he learned from the course(s), and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

3. **Psychiatric Assessment:** Prior to submitting his application for reinstatement or restoration, Dr. Jakymenko shall submit to the Board for its prior approval the name and curriculum vitae of one or more psychiatrists of Dr. Jakymenko's choice. The Board or its designated representative(s) will consider Dr. Jakymenko's proposed psychiatrist(s).

Upon approval by the Board or its designated representative(s) Dr. Jakymenko shall obtain from the approved psychiatrist an assessment of Dr. Jakymenko's current psychiatric status. The assessment shall take place no more than 30 days prior to the submission of Dr. Jakymenko's application for reinstatement or restoration, unless otherwise approved by the Board. Prior to the initial assessment, Dr. Jakymenko shall furnish the approved psychiatrist copies of the Board's Order, including the Summary of the Evidence, Findings of Fact, and Conclusions of Law, and any other documentation from the hearing record which the Board may deem appropriate or helpful to that psychiatrist.

Upon completion of the initial assessment, Dr. Jakymenko shall cause a written report to be submitted to the Board from the approved psychiatrist. The written report shall include:

- a. A detailed report of the evaluation of Dr. Jakymenko's current psychiatric status and condition;
- b. A detailed plan of recommended psychiatric treatment, if any, based upon the psychiatrist's informed assessment of Dr. Jakymenko's current needs;
- c. A statement regarding any recommended limitations upon his practice, and
- d. Any reports upon which the treatment recommendation is based, including reports of physical examination and psychological or other testing.

Should the Board-approved psychiatrist recommend psychiatric treatment, and upon approval by the Board, Dr. Jakymenko shall undergo and continue psychiatric treatment weekly or as otherwise directed by the Board. The sessions shall be in person and may not be conducted by telephone or other electronic means. Dr. Jakymenko shall comply with his psychiatric treatment plan, including taking medications as prescribed for his psychiatric disorder.

Dr. Jakymenko shall continue in psychiatric treatment until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require reports from the approved treating psychiatrist. The psychiatric reports shall contain information describing Dr. Jakymenko's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Jakymenko's compliance with the treatment plan; Dr. Jakymenko's psychiatric status; Dr. Jakymenko's progress in treatment; and results of any laboratory studies that have been conducted since the prior report. Dr. Jakymenko shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Jakymenko's quarterly declaration as set forth in paragraph C.4., below.

In addition, Dr. Jakymenko shall ensure that his treating psychiatrist immediately notifies the Board of Dr. Jakymenko's failure to comply with his psychiatric treatment plan and/or any determination that Dr. Jakymenko is unable to practice due to his psychiatric disorder.

In the event that the designated psychiatrist becomes unable or unwilling to serve in this capacity, Dr. Jakymenko must immediately so notify the Board in writing and make arrangements acceptable to the Board for another psychiatrist as soon as practicable. Dr. Jakymenko shall further ensure that the previously designated psychiatrist also notifies the Board directly of his or her inability to continue to serve and the reasons therefor.

4. **Practice Plan:** At the time that Dr. Jakymenko applies for reinstatement or restoration, or as otherwise determined by the Board, Dr. Jakymenko shall also submit to the Board and receive its approval for a plan of practice in Ohio. The practice plan, unless otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Jakymenko's activities will be directly supervised and overseen by a monitoring physician approved by the Board. Dr. Jakymenko shall obtain the Board's prior approval for any alteration to the practice plan approved pursuant to this Order.

At the time Dr. Jakymenko submits his practice plan, he shall also submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary or Supervising Member will give preference to a physician who practices in the same locale as Dr. Jakymenko and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Jakymenko and his medical practice, and shall review Dr. Jakymenko's patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Jakymenko and his medical practice, and on the review of Dr. Jakymenko's patient charts. Dr. Jakymenko shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Jakymenko's quarterly declaration.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Jakymenko must immediately so notify the Board in writing. In addition, Dr. Jakymenko shall make arrangements acceptable to the Board for another monitoring physician within 30 days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Jakymenko shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefor.

5. **Additional Evidence of Fitness To Resume Practice:** In the event that Dr. Jakymenko has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to recommencing the practice of medicine in Ohio, the Board may exercise its discretion under Section 4731.222 of the Revised Code to require additional evidence of his fitness to resume practice.

C. **PROBATION:** Upon reinstatement or restoration, Dr. Jakymenko's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least two years:

1. **Obey the Law:** Dr. Jakymenko shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.
2. **Cooperate with the Board:** Dr. Jakymenko shall cooperate with requests and inquiries of the Board.
3. **Comply with Psychiatric Treatment Plan and Practice Plan:** Dr. Jakymenko shall practice in accordance with the psychiatric treatment plan as set forth in paragraph B.3., above, and the practice plan approved by the Board as set forth in paragraph B.4., above.
4. **Declarations of Compliance:** Dr. Jakymenko shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which Dr. Jakymenko's certificate is restored or reinstated, or as otherwise directed by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

5. **Personal Appearances:** Dr. Jakymenko shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which Dr. Jakymenko's certificate is restored or reinstated, or as otherwise directed by the Board. Subsequent personal appearances must occur every six months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
 6. **Modification of Terms:** Dr. Jakymenko shall not request modification of the terms, conditions, or limitations of probation for at least one year after imposition of these probationary terms, conditions, and limitations.
 7. **Noncompliance Will Not Reduce Probationary Period:** In the event Dr. Jakymenko is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.
 8. **Termination of Probation:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Jakymenko's certificate will be fully restored.
- D. **REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Jakymenko shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Jakymenko shall provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments. This requirement shall continue until Dr. Jakymenko receives from the Board written notification of his successful completion of probation.
- E. **REQUIRED REPORTING TO OTHER STATE LICENSING AUTHORITIES:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Jakymenko shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Jakymenko shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration of any professional license. Further, Dr. Jakymenko shall provide this Board with a copy of the return receipt as proof of notification within 30 days of receiving that return receipt, unless otherwise determined by the Board. This requirement shall continue until Dr. Jakymenko receives from the Board written notification of his successful completion of probation.

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

(SEAL)

Lance A. Talmage
Lance A. Talmage, M.D. *rw*
Secretary

June 11, 2008
Date

2008 MAY 15 P 2: 52

**REPORT AND RECOMMENDATION
IN THE MATTER OF GEORGE JAKYMENKO, M.D.**

The Matter of George Jakymenko, M.D., was heard by Gretchen L. Petrucci, Hearing Examiner for the State Medical Board of Ohio, on April 8, 2008.

INTRODUCTION

Basis for Hearing

By letter dated June 14, 2007, the State Medical Board of Ohio [Board] notified George Jakymenko, M.D., that it intended to determine whether to impose discipline based on allegations that, in the course of a Board investigation between November 2006 and April 2007, Dr. Jakymenko had failed to cooperate by: (a) failing to respond to telephone messages and business cards from Board staff; (b) failing to telephone a Board investigator after promising to do so; (c) failing to respond to Board interrogatories; (d) failing to respond to a letter from Board staff; and (e) failing to appear at a scheduled Board deposition.

The Board's notice letter also stated that Dr. Jakymenko's acts, conduct, and/or omissions, individually and/or collectively, constitute "[f]ailure to cooperate in an investigation by the board under division (F) of [Section 4731.22(B)(34), Ohio Revised Code], including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold testimony or evidence in issue," as set forth in Section 4731.22(B)(34), Ohio Revised Code.

The Board advised Dr. Jakymenko of his right to request a hearing, and received his written request for hearing on September 27, 2007. (State Exhibits 1A, 1B)

Appearances at the Hearing

Marc Dann, Attorney General, by Kyle C. Wilcox, Assistant Attorney General, on behalf of the State of Ohio.

Elizabeth Y. Collis, Esq., on behalf of the Respondent, George Jakymenko, M.D.

EVIDENCE EXAMINED

Testimony Heard

George Jakymenko, M.D.
Peter J. Vitucci
Dawn Smith
Mark Blackmer, Esq.

Exhibits Examined

A. Presented by the State

State's Exhibits 1A through 1J: Procedural exhibits.

State's Exhibit 2: Dr. Jakymenko's 2006 certificate renewal application and accompanying certification. [Redacted in part to obscure a social security number.]

State's Exhibit 3: January 30, 2007, letter from the Board Enforcement Attorney to Dr. Jakymenko, with a consent for disclosure form, an authorization for release of medical information and/or records form, the first set of interrogatories, and certified mail receipts.

State's Exhibit 4: February 2007 e-mails between Board staff.

State's Exhibit 5: March 8, 2007, letter from the Board Enforcement Attorney to Dr. Jakymenko.

State's Exhibit 6: April 5, 2007, memorandum from a Board Enforcement Investigator; March 30, 2007, subpoena to Dr. Jakymenko; and the return of service of that subpoena.

State's Exhibit 7: Copies of the Interim Agreement between the Board and Dr. Jakymenko as executed in stages by the parties.

B. Presented by the Respondent

Respondent's Exhibit A: August 24, 2004, letter to Dr. Jakymenko from his former counsel.

Respondent's Exhibit A1: Various court documents from *State of Ohio v. George Jakymenko*, in Massillon Municipal Court, Stark County, Ohio, Case No. 2004-TRC-05140. [Redacted in part to obscure a social security number.]

Respondent's Exhibit A2: October 10, 2004, Driver Intervention Program Report. [Redacted in part to obscure a social security number.]

Respondent's Exhibit A3: August 24, 2004, Community Service Work Program Order. [Redacted in part to obscure a social security number.]

Respondent's Exhibit A4: Dr. Jakymenko's certificate of completion of the Driver Intervention Program.

Respondent's Exhibit B: October 2, 2006, notice to Dr. Jakymenko of the suspension of his privileges at Aultman Hospital.

Respondent's Exhibit C: October 4, 2006, notice to Dr. Jakymenko of his ineligibility to be an AultCare panel provider.

Respondent's Exhibit D: Various court documents in *Third Federal Savings and Loan Association of Cleveland v. George Jakymenko, et al.*, in the Court of Common Pleas of Stark County, Ohio, Case No. 2007CV01188.

Respondent's Exhibit E: March 1, 2007, notice to Dr. Jakymenko of a federal tax lien. [Redacted in part to obscure a social security number.]

Respondent's Exhibit E1: Response by the Internal Revenue Service Appeals Office regarding a hearing about the federal tax lien identified in Respondent's Exhibit E. [Redacted in part to obscure a social security number.]

Respondent's Exhibit E2: August 16, 2007, notice to Dr. Jakymenko of a determination by the Internal Revenue Service. [Redacted in part to obscure a social security number.]

Respondent's Exhibit F: May 16, 2007, notice of default to Dr. Jakymenko from the American Honda Finance Corporation.

SUMMARY OF EVIDENCE

All exhibits, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

Background

1. George Jakymenko, M.D., earned an undergraduate degree from Baldwin Wallace College in Berea, Ohio. He then obtained a medical degree from Universidad de Guadalajara in Mexico in 1981. Afterward, he completed a Fifth Pathway Program at Case Western Reserve University. In 1984, he completed a residency program at Aultman and Timkin Hospitals in Ohio. He obtained an Ohio certificate to practice medicine and surgery in 1984. He holds no other medical licenses. Dr. Jakymenko testified that he was board-certified in internal medicine by the American Board of Internal Medicine, but he let that certification lapse in 2005. (Hearing Transcript [Tr.] at 20-23, 96, 136; Ohio ELicense Center, April 7, 2008, <<https://license.ohio.gov/Lookup/>>)
2. Dr. Jakymenko explained that, after completing his training, he had taken over an internal medicine practice in Canton, Ohio, and had continued that practice until November 2006 when he closed it. His practice was located at 3447 Tuscarawas Street in Canton for at least the last 10 years during which it was open. He employed a receptionist/administrative assistant, and had an answering service. He stated that, prior to November 2006, he had had approximately 1,000 to 2,000 patients, and he had seen roughly 10 to 15 patients each day, working four days each week. He held hospital privileges at Aultman Hospital in Canton, and was an approved provider under the AultCare and PrimeTime healthcare programs. Nearly all of Dr. Jakymenko's patients participated in and/or had healthcare coverage through AultCare and PrimeTime. (Tr. at 21, 24, 31-33, 97, 99, 107)

Dr. Jakymenko's 2004 Traffic Conviction

3. Dr. Jakymenko stated that, on August 6, 2004, while visiting friends, he had had too much to drink. When driving home that evening, he was stopped by the police in Jackson Township, Stark County, Ohio. He was arrested and later charged in the Massillon Municipal Court, Stark County, Ohio, with driving under the influence [DUI] in violation of Section 4511.19(A)(1), Ohio Revised Code, and with a right-of-way violation. *State of Ohio v. George Jakymenko*, Case No. 2004-TRC-05140. On August 24, 2004, he pleaded no contest to the charges and was sentenced to 180 days in jail, of which 174 days were suspended and the remaining six days were to be completed at a residential/inpatient driver intervention program. Additionally, he was required to complete 40 hours of community service, fined \$350 dollars, required to pay court costs, and given limited driving privileges for a period of time. (Tr. at 28-30, 100-102, 105-106; Respondent's Exhibits [Resp. Exs.] A, A1)

Dr. Jakymenko completed the driver intervention program and the community service in August through October 2004. The driver intervention program did not refer Dr. Jakymenko for any further treatment. (Resp. Exs. A2, A3, A4; Tr. at 104-105)

Dr. Jakymenko's Financial Difficulties

4. Dr. Jakymenko testified that, beginning in 2004, he had begun experiencing increased overhead costs and decreased income at his medical practice. He explained that, because Aultman Hospital or AultCare had imposed caps on the amounts he could charge for his services, his income had dropped. However, his expenses did not decrease. He noted that his malpractice insurance costs had increased significantly, and he had added computer equipment to his practice. He stated that he had struggled to keep the practice afloat. (Tr. at 31-33, 98-100)

He testified that, by October 2006, he had been unable to continue to pay for malpractice insurance and, as a result, he had lost privileges at Aultman Hospital, which had caused him to be removed from the AultCare provider panel. In November 2006, Dr. Jakymenko closed his medical practice for financial reasons and has not practiced medicine since. The property is for sale. (Tr. at 23-24, 138; Resp. Exs. B, C)

5. Additionally, Dr. Jakymenko explained his other financial difficulties. He stated that he was unable to pay the expenses for his condominium, located at 5001 Belden Park Drive Northwest, in Canton, Ohio. As a result, the mortgage company filed a foreclosure action in the Stark County Court of Common Pleas. Dr. Jakymenko did not respond to the foreclosure complaint, and a foreclosure judgment was issued against him. The police required him to leave the residence, and the property was later auctioned. At the time of the hearing in this matter, Dr. Jakymenko was residing with family. (Tr. at 19, 108, 117-119, 134-136; Resp. Ex. D)

Furthermore, he was unable to pay for his automobile and it was repossessed. Dr. Jakymenko also noted that he owes the company from which he had leased computer equipment for his medical practice, and he owes the gas company. He fell behind on paying federal taxes as well. Moreover, in 2007, the Internal Revenue Service [IRS] imposed a lien on his office property due to his failure to pay taxes for the year 2002. Dr. Jakymenko testified that he did not attempt to work out a payment plan with the IRS in order to avoid a tax lien. (Tr. at 108, 120-121, 123-124; Resp. Exs. E-F)

6. Dr. Jakymenko estimated that, overall, he owes approximately \$100,000. He stated that he might owe more, depending upon what the IRS decides to impose for penalties and interest. Dr. Jakymenko explained, "What I should have done was to declare bankruptcy, but I thought maybe things would get better. And I'm not a business person. I know medicine. I know nothing about business." (Tr. at 121-122, 137)
7. Dr. Jakymenko indicated that he has not looked for another physician position since November 2006 because it would be very difficult for him to locate a job due to his DUI conviction and his lack of board certification. He further stated that he has not even filled out an application with a locum tenens company or sought other employment. (Tr. at 107-108, 136-137)

2006 Ohio Certificate Renewal Application

8. On September 28, 2006, Dr. Jakymenko signed and submitted an application to renew his Ohio certificate. In the application, he answered “Yes” to the question that asked whether, at any time since signing his last application for renewal of his Ohio certificate, he had “been found guilty of, or plead guilty or no contest to, or received treatment or intervention in lieu of conviction of, a misdemeanor or felony.” Additionally, Dr. Jakymenko wrote on the renewal application, indicating that he had pleaded no contest to a misdemeanor charge of DUI. (State’s Exhibit [St. Ex.] 2; Tr. at 28)
9. Also, Dr. Jakymenko noted on his 2006 renewal application that he resided at the Belden Park condominium, and he selected his residence as the location for receiving mailings from the Board.¹ Thus, his Belden Park residence was his “credential address.” (St. Ex. 2; see also, Tr. at 24, 27-28)

Board Investigation Efforts from November 2006 to Mid-January 2007

10. In November 2006, Peter J. Vitucci, an investigator at the Board, was assigned to conduct an investigation of Dr. Jakymenko in order to discuss his DUI conviction. (Tr. at 51-52)

Mr. Vitucci testified that, first, he had gone to Dr. Jakymenko’s office to contact him, but it was closed. Then, he called Dr. Jakymenko’s office, and left a message with the answering service. He noted that the service had given him a projected date upon which Dr. Jakymenko’s office would reopen. After that date, Mr. Vitucci returned to Dr. Jakymenko’s office two more times, but it was still closed. Mr. Vitucci next left messages with Dr. Jakymenko’s answering service three more times. These efforts took place between November 20, 2006, and January 4, 2007. (Tr. at 53-55)
11. Additionally, Mr. Vitucci testified that, on January 4, 2007, he had received a telephone call from Dr. Jakymenko. Mr. Vitucci asked to meet with Dr. Jakymenko, instead of discussing the matter on the telephone. Mr. Vitucci testified that Dr. Jakymenko had promised to call him back on January 5 or 8 to schedule an appointment. Mr. Vitucci testified that Dr. Jakymenko had never called him back. (Tr. at 55-56, 61)
12. Mr. Vitucci explained that, on January 11 and 12, 2007, he had left two additional messages with Dr. Jakymenko’s answering service. He further stated that he had visited Dr. Jakymenko’s residence on two occasions. He believes that, on one of those occasions, he had left his business card at the residence with a note asking Dr. Jakymenko to call him. (Tr. at 56-57, 60)

¹In September 2007, Dr. Jakymenko notified the Board of a new residential address. (Tr. at 25-26)

13. Mr. Vitucci retired in mid-January 2007. He stated that, from November until his retirement, he had not personally met with Dr. Jakymenko and, other than the one telephone conversation on January 4, 2007, he had not spoken with Dr. Jakymenko. (Tr. at 56-57)

Board Investigation Efforts from Mid-January 2007 to April 2007

14. After Mr. Vitucci retired, the investigation of Dr. Jakymenko was reassigned to Mark Blackmer, an Enforcement Attorney at the Board.
15. On January 31, 2007, Mr. Blackmer sent a set of interrogatories to Dr. Jakymenko. The cover letter and the interrogatories were sent by certified and regular U.S. mail to Dr. Jakymenko's residence address in Canton, which was the address of record at the Board at that time. A duplicate copy was also sent by certified and regular U.S. mail to Dr. Jakymenko's business address. The Board received no response to the interrogatories. Mr. Blackmer testified that he believes both certified mailings went unclaimed, and neither regular mailing was returned. (Tr. at 74, 76, 83-84; St. Ex. 3)
16. Next, Mr. Blackmer stated that he had contacted Dr. Jakymenko's answering service, which indicated that it was no longer a service for him. Mr. Blackmer also contacted Aultman Hospital, which indicated that it had no information as to how to reach Dr. Jakymenko. (Tr. at 77-78)
17. Mr. Blackmer then obtained assistance from the Board's investigators. Angelo Kissos and Dawn Smith, investigators at the Board, were asked to make contact with Dr. Jakymenko. (Tr. at 64-65, 73, 78, 79)
18. Ms. Smith testified that she and Mr. Kissos had gone to Dr. Jakymenko's office in February 2007, and it had appeared vacant. She further stated that she and Mr. Kissos had gone to Dr. Jakymenko's residence that same day and had left a business card in the front door, with a note asking Dr. Jakymenko to contact Mr. Kissos. Ms. Smith stated that, when she had returned several days later, the business card was still in the front door, but its position had been changed. (Tr. at 66-68, 70)
19. Ms. Smith and Mr. Kissos went to Dr. Jakymenko's residence on a third occasion, shortly after a neighbor had called them because the neighbor had observed Dr. Jakymenko taking his trash out. She testified that she could hear movement inside the residence on that occasion, but no one answered the investigators' knock at the door. At that same time, she and Mr. Kissos tried calling the residence, but no one answered the telephone. (Tr. at 68, 71)
20. After those efforts, Mr. Blackmer sent a letter by certified and regular U.S. mail to Dr. Jakymenko's residence on March 8, 2007. The letter outlined the Board's various attempts to reach Dr. Jakymenko and stated that Dr. Jakymenko has refused and/or failed to

cooperate with the Board in its investigation. Mr. Blackmer asked that Dr. Jakymenko immediately contact him. The U.S. Post Office indicated that the certified mail was delivered on March 22, 2007, but the record does not indicate who signed for that certified mail. (St. Ex. 5; Tr. at 78-79, 84-86)

21. Mr. Blackmer testified that, when he had received no response to the March 8, 2007, letter, he had asked for a deposition subpoena. On March 30, 2007, the Board's Secretary issued a subpoena commanding Dr. Jakymenko to appear at the Board's offices for a deposition on April 24, 2007. (Tr. at 80; St. Ex. 6)
22. Ms. Smith testified that, in April 2007, Mr. Kissos was assigned to serve the deposition subpoena upon Dr. Jakymenko. On April 5, 2007, Mr. Kissos went to Dr. Jakymenko's residence and taped the subpoena to the front door.² Ms. Smith testified that, shortly after Mr. Kissos had left the subpoena at the residence, she was asked to drive by Dr. Jakymenko's residence, which she did. She stated that, at that time, the subpoena had not been attached to the front door and there had been no evidence that it was anywhere else. (Tr. at 68-69, 70, 81, 88-89)
23. Mr. Blackmer stated that Dr. Jakymenko had not appeared at the scheduled deposition. He further testified that Dr. Jakymenko had had no contacts with Board personnel until after the notice of opportunity for hearing was issued in this matter. (Tr. at 82, 89-90)

Dr. Jakymenko's Admissions and Denials

24. Dr. Jakymenko testified that he had spoken with a male who had stated he was from the Board. Dr. Jakymenko admitted that he had been asked to meet with that person. Dr. Jakymenko further admitted that he had stated that he would call him back, and he had not called him back. (Tr. at 36-37, 116-117, 126)
25. Dr. Jakymenko also admitted the following:
 - He had received one business card from a Board employee and he had not called that person because he was afraid he might lose his Ohio certificate as a result of his DUI conviction and because of "everything that was going on" at that time. (Tr. at 39-40, 115-116)
 - He had received the January 2007 interrogatories and had not responded to them because he was afraid he might lose his Ohio certificate and because of "everything that was going on" at that time. (Tr. at 113-114, 126, 131)

²Although the return of service form for the deposition subpoena reflects that the deposition subpoena was served via personal service, Mr. Kissos did not personally serve the deposition subpoena upon Dr. Jakymenko. Instead, residential service of the deposition subpoena was accomplished. (Tr. at 68-69, 81, 87; St. Ex. 5)

- He had received at his residence a certified letter from the Board. Although he was unable to identify the particular letter among the State's exhibits, he stated that the letter essentially had asked him to contact the Board and he had not contacted the Board. When specifically asked about receiving the March 2007 letter from Mr. Blackmer, which is the letter that essentially had asked Dr. Jakymenko to contact the Board, Dr. Jakymenko denied receiving it. (Tr. at 41, 43, 115)
 - He had been aware that the Board was trying to contact him on several occasions, and he had not responded. (Tr. at 40, 48)
 - No one else had lived at his Belden Park residence or signed for any of his mail between November 2006 and April 2007. (Tr. at 115, 133)
26. Dr. Jakymenko denied being at his residence and not answering a Board investigator's knocks on the door, but admitted that he does not always answer his door when someone is knocking. He denied receiving a subpoena from the Board or finding one taped to the front door of his residence. (Tr. at 46-47, 128-129)

Additional Information

27. With regard to his alcohol consumption, the following exchange took place:
- Q. [By Ms. Collis:] Do you have a problem with alcohol?
- A. [By Dr. Jakymenko:] No.
- Q. How often do you drink an alcoholic beverage?
- A. Zero to three times a week.
- Q. And when you do drink, how many beverages do you have?
- A. Like one or two.
- Q. Do you usually drink to intoxication?
- A. No.
- Q. Have you ever been diagnosed as having a chemical dependency issue?
- A. No.

Q. Do you have a family history of chemical dependency?

A. No.

Q. While you were still employed, were there ever days you could not go to work because you felt you were chemically impaired?

A. No.

Q. Did you ever miss work because of a hangover or any kind of chemical issues?

A. No.

(Tr. at 126-127)

28. Dr. Jakymenko stated that, if the Board allows him to keep his Ohio certificate, he plans to work in a hospital as a “hospitalist” or provide locum tenens work. He promised to communicate with the Board if any issues or questions come up in the future. (Tr. at 125-126)

FINDINGS OF FACT

1. On September 28, 2006, George Jakymenko, M.D., submitted to the Board an application for renewal of his certificate to practice medicine and surgery in Ohio. He answered in the affirmative to one of the questions on the renewal application and indicated that he had pleaded no contest to a misdemeanor charge for driving under the influence.
2. The Board, thereafter, conducted an investigation of Dr. Jakymenko.
 - a. A Board investigator made numerous attempts to contact Dr. Jakymenko from November 2006 to mid-January 2007, which included visiting his medical office, going to his residence, and leaving messages with his answering service.

On January 4, 2007, Dr. Jakymenko returned one of the messages that the Board investigator had left with his answering service, and the investigator asked to meet with him. Although Dr. Jakymenko stated that he would call the investigator back on January 5 or 8, 2007, to schedule a meeting, Dr. Jakymenko failed to do so. He also failed to return any subsequent calls after the Board investigator had left messages with his answering service.

- b. On January 31, 2007, a representative of the Board sent Dr. Jakymenko a letter and enclosed "The State Medical Board of Ohio's First Set of Interrogatories Directed to George Jakymenko, M.D." The letter was sent to both his credential address and office address via certified and regular U.S. mail.

Dr. Jakymenko admitted that he had received the interrogatories. Although responses to the Board interrogatories were due by February 26, 2007, Dr. Jakymenko did not provide any answers to the interrogatories or otherwise contact the representative of the Board.

- c. From February 28 through April 2007, Board investigators made several additional attempts to contact Dr. Jakymenko, including attempts by telephone, in person, and leaving business cards at his residence with instructions for him to call. Dr. Jakymenko failed to contact the Board investigators or any other representative of the Board.

After Board investigators had learned from a neighbor that Dr. Jakymenko had taken trash to the curb, the Board investigators then went to his residence and knocked on the front door. Although no one answered the door, the Board investigators heard someone inside Dr. Jakymenko's residence.

Dr. Jakymenko admitted that he does not always answer his door when someone is knocking.

- d. On March 8, 2007, a representative of the Board sent a letter to Dr. Jakymenko's credential address via certified and regular U.S. mail, specifically reminding him of his obligation to cooperate in an investigation conducted by the Board and requesting that he immediately contact the representative. Dr. Jakymenko did not respond to that letter.

The U.S. Post Office indicates that the letter was delivered by certificated mail. Dr. Jakymenko admitted to receiving a letter that essentially asked him to contact the Board and admitted that he did not respond to that letter. However, Dr. Jakymenko denied that he had received the March 8, 2007, letter.

- e. A subpoena was issued by the Board on March 30, 2007, for the deposition of Dr. Jakymenko. On April 5, 2007, that subpoena was left on the front door of Dr. Jakymenko's residence by a Board investigator. The deposition date was April 24, 2007. Dr. Jakymenko failed to appear for that deposition on the scheduled date or otherwise contact any representative of the Board.

3. There is no evidence that a court of competent jurisdiction has issued an order that either quashed the Board's March 30, 2007, subpoena to Dr. Jakymenko or otherwise permitted him to withhold testimony or evidence from the Board.

CONCLUSIONS OF LAW

1. The acts, conduct, and/or omissions of George Jakymenko, M.D., as set forth in Findings of Fact 2(a) through 2(d), individually and collectively, constitute a "[f]ailure to cooperate in an investigation by the board under division (F) of [Section 4731.22(B)(34), Ohio Revised Code], including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold testimony or evidence in issue," as set forth in Section 4731.22(B)(34), Ohio Revised Code.³
2. Section 4731.22(F)(3), Ohio Revised Code, states in pertinent part:

In investigating a possible violation of this chapter or any rule adopted under this chapter, the board may administer oaths, order the taking of depositions, issue subpoenas, and compel the attendance of witnesses * * *.

A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence. (Emphasis added.)

As set forth in Finding of Fact 2(e), Dr. Jakymenko was duly served with the March 30, 2007, deposition subpoena and thereafter failed to appear or otherwise contact the Board. The acts, conduct, and/or omissions of Dr. Jakymenko, as set forth in Findings of Fact 2(e), individually and collectively, constitute a "[f]ailure to cooperate in an investigation by the board under division (F) of [Section 4731.22(B)(34), Ohio Revised Code], including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of

³Although the Board initiated an investigation of Dr. Jakymenko due to a concern about his admitted conviction for driving under the influence, and Dr. Jakymenko discussed his alcohol consumption during the hearing, the Board did not allege impairment in the June 14, 2007, notice of opportunity for hearing. Moreover, Dr. Jakymenko chose not to waive any objection he may have to the Board placing impairment-related requirements in its order. (St. Ex. 1A; Tr. at 143-144) See, *In re Eastway* (1994), 95 Ohio App.3d; *Krain, M.D., v. State Med. Bd. of Ohio* (Oct. 29, 1998), Franklin App. No. 97APE08-981, unreported.

competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold testimony or evidence in issue,” as set forth in Section 4731.22(B)(34), Ohio Revised Code.

* * * * *

Dr. Jakymenko was experiencing a personal and professional financial crisis at the time the Board was conducting the investigation. That crisis began well before that Board’s investigation was initiated, as evidenced by Dr. Jakymenko’s failure to pay certain taxes in 2002. Nevertheless, Dr. Jakymenko purposely avoided numerous attempts made by the Board investigators and the enforcement attorney to discuss issues of concern. Dr. Jakymenko repeatedly failed to cooperate with the Board. While it is understandable that he feared a Board investigation and he certainly faced many serious issues, he was not excused from cooperating with the Board. Given those facts, the Board is justified in taking disciplinary action against Dr. Jakymenko’s certificate.

It must be noted that Dr. Jakymenko’s crisis was continuing at the time of the hearing and will take some time to resolve. Dr. Jakymenko has not practiced medicine for nearly two years, and it is unclear when or whether he will return to the practice of medicine. Thus, the Proposed Order includes provisions to ensure that Dr. Jakymenko is capable of safely practicing medicine and surgery in Ohio if he chooses to return to that profession, and provisions to monitor Dr. Jakymenko’s practice of medicine for a period of time, if he chooses to return to medicine.

PROPOSED ORDER

It is hereby ORDERED that:

- A. **SUSPENSION OF CERTIFICATE:** The certificate of George Jakymenko, M.D., to practice medicine and surgery in the State of Ohio shall be **SUSPENDED** for an indefinite period of time, but not less than 90 days.
- B. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Jakymenko’s certificate to practice medicine and surgery until all of the following conditions have been met:
 - 1. **Application for Reinstatement or Restoration:** Dr. Jakymenko shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
 - 2. **Personal Ethics Course or Courses:** Before Dr. Jakymenko applies for reinstatement or restoration, or as otherwise determined by the Board, Dr. Jakymenko shall provide acceptable documentation of successful completion of a course or courses dealing with personal ethics. The exact number of hours and the specific content of the course or

courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Jakymenko submits the documentation of successful completion of the course or courses dealing with personal ethics, he shall also submit to the Board a written report describing the course(s), setting forth what he learned from the course(s), and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

3. **Practice Plan:** At the time that Dr. Jakymenko applies for reinstatement or restoration, or as otherwise determined by the Board, Dr. Jakymenko shall also submit to the Board and receive its approval for a plan of practice in Ohio. The practice plan, unless otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Jakymenko's activities will be directly supervised and overseen by a monitoring physician approved by the Board. Dr. Jakymenko shall obtain the Board's prior approval for any alteration to the practice plan approved pursuant to this Order.

At the time Dr. Jakymenko submits his practice plan, he shall also submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary or Supervising Member will give preference to a physician who practices in the same locale as Dr. Jakymenko and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Jakymenko and his medical practice, and shall review Dr. Jakymenko's patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Jakymenko and his medical practice, and on the review of Dr. Jakymenko's patient charts. Dr. Jakymenko shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Jakymenko's quarterly declaration.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Jakymenko must immediately so notify the Board in writing. In addition, Dr. Jakymenko shall make arrangements acceptable to the Board for another monitoring physician within 30 days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Jakymenko shall ensure that the previously designated monitoring

physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefor.

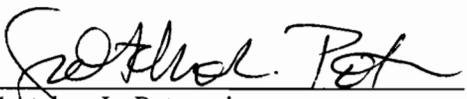
4. **Additional Evidence of Fitness To Resume Practice:** In the event that Dr. Jakymenko has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to recommencing the practice of medicine in Ohio, the Board may exercise its discretion under Section 4731.222 of the Revised Code to require additional evidence of his fitness to resume practice.

C. **PROBATION:** Upon reinstatement or restoration, Dr. Jakymenko's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least two years:

1. **Obey the Law:** Dr. Jakymenko shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.
2. **Cooperate with the Board:** Dr. Jakymenko shall cooperate with requests and inquiries of the Board.
3. **Comply with Practice Plan:** Dr. Jakymenko shall practice in accordance with the practice plan approved by the Board, as set forth in paragraph B.3., above.
4. **Declarations of Compliance:** Dr. Jakymenko shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which Dr. Jakymenko's certificate is restored or reinstated, or as otherwise directed by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
5. **Personal Appearances:** Dr. Jakymenko shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which Dr. Jakymenko's certificate is restored or reinstated, or as otherwise directed by the Board. Subsequent personal appearances must occur every six months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
6. **Modification of Terms:** Dr. Jakymenko shall not request modification of the terms, conditions, or limitations of probation for at least one year after imposition of these probationary terms, conditions, and limitations.

7. **Noncompliance Will Not Reduce Probationary Period:** In the event Dr. Jakymenko is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.
 8. **Termination of Probation:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Jakymenko's certificate will be fully restored.
- D. **REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Jakymenko shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Jakymenko shall provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments. This requirement shall continue until Dr. Jakymenko receives from the Board written notification of his successful completion of probation.
- E. **REQUIRED REPORTING TO OTHER STATE LICENSING AUTHORITIES:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Jakymenko shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Jakymenko shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration or restoration of any professional license. Further, Dr. Jakymenko shall provide this Board with a copy of the return receipt as proof of notification within 30 days of receiving that return receipt, unless otherwise determined by the Board. This requirement shall continue until Dr. Jakymenko receives from the Board written notification of his successful completion of probation.

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


Gretchen L. Petrucci
Hearing Examiner

State Medical Board of Ohio

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EXCERPT FROM THE DRAFT MINUTES OF JUNE 11, 2008

REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Varyani announced that the Board would now consider the Reports and Recommendations and the Proposed Findings and Proposed Orders appearing on its agenda. He asked whether each member of the Board had received, read and considered the hearing record; the findings of fact, conclusions of law and proposed orders; and any objections filed in the matters of Wilfred Louis Anderson, M.D.; Richard Luboga Byakika, M.D.; George Jakymenko, M.D.; and Gregory S. Uhl, M.D.; and the Proposed Findings and Proposed Order in the matter of Brian Matthew Gease. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

Dr. Varyani 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:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye

Dr. Stephens - aye
Dr. Steinbergh - aye
Dr. Varyani - aye

Dr. Varyani noted that, in accordance with the provision in Section 4731.22(F)(2), 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 served as Supervising Member.

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

.....
GEORGE JAKYMENKO, M.D.

Dr. Varyani directed the Board's attention to the matter of George Jakymenko, M.D. He advised that no objections were filed to Hearing Examiner Petrucci's Report and Recommendation.

Dr. Varyani continued that a request to address the Board has been timely filed on behalf of Dr. Jakymenko. Five minutes would be allowed for that address.

Dr. Jakymenko was accompanied by his attorney, Elizabeth Y. Collis. Ms. Collis stated that Dr. Jakymenko has a statement he would like to make. She advised that they did not file objections, based upon the fact that the Hearing Examiner has accurately outlined the facts and the details in this case. Ms. Collis stated that they would ask, based on the fact that this does not involve patients, patient care or anything having to do with Dr. Jakymenko's medical practice, that a 90-day suspension not be imposed at this point and that the Board allow him to continue to practice medicine. She stated that the Board may impose some restrictions or some requirements before he would be able to return to practice; however, they ask that he not be required to have a practice plan or monitor put in place, based on the fact that this matter does not involve patient care.

Dr. Jakymenko thanked the Board for its time and consideration of his case. He stated that he practiced medicine in Canton, Ohio for 21 years as a family practice physician in a small private office. He was an approved provider under AultCare and the PrimeTime healthcare programs. He was well liked in the medical community by his colleagues and by his patients.

Dr. Jakymenko stated that he's a good physician and he would like to continue to practice medicine for many years; however, by 2004, with the changes in the economy, he found it more and more difficult to make ends meet in a small private practice. AultCare and Aultman Hospital had imposed caps on how

much he was reimbursed for the work he did, but his overhead expenses continued to rise. In 2004, he received one DUI after being out with friends one evening and having too much to drink. He stated that he has never had a drinking problem; this was a one-night aberration. Dr. Jakymenko stated that he completed all the requirements of the Court for the DUI, and additional treatment was not recommended for him.

Dr. Jakymenko stated that in 2006, when he completed his Medical Board renewal application, he also disclosed this DUI to the Board. Finally, in October 2006 he was unable to afford his malpractice insurance. He therefore lost his hospital privileges at Aultman Hospital, and he was removed from the AultCare and PrimeTime provider panels. Dr. Jakymenko stated that the removal was financially devastating. He was forced to close his medical practice in 2006. He subsequently lost his condominium, which was foreclosed on by the bank, and his car, which was repossessed by the lender. By 2007, he also fell behind in paying his taxes, so the federal government put a lien on his office property. He stated that in the past year he's had numerous creditors who have called his office and come to his home. He stated that it was a hard time for him, and, unfortunately, instead of dealing with his problems head on, he buried his head in the sand. He often did not open his mail, answer his phone or open the door because he was tired of being hounded by creditors.

Dr. Jakymenko stated that he does remember receiving a telephone call from someone who claimed to be a Medical Board investigator; but, based on all the creditor calls that he was receiving, he was suspicious and he did not call that individual back. He added that he also remembers receiving some paperwork from the Board, that he did not return. He does not remember investigators from the Medical Board coming to his home, but he did not intentionally try to avoid the Board. He also does not remember receiving a subpoena from the Board, and he never tried to not cooperate with the Board. Dr. Jakymenko stated that, since he was not working during this time period, there were many weeks when he would go to Cleveland to visit family or friends for weeks at a time. He stated that he now understands that by failing to respond to the creditors and the Medical Board, he was just making matters worse for himself. However, without a job and without the finances to support many of his bills, he did not know what to do.

Dr. Jakymenko stated that he knows that the only way to help himself at this point is to face his problems. He knows that he's a good physician, but he's not a good businessman. If the Board allows him to keep his license, he would like to seek employment as a hospitalist or a locum tenens physician. He will seek work as a physician where he can just be a doctor and not have to be responsible for dealing with the business side of medicine. At this point, he has not practiced medicine for almost two years. He asked that this Board not suspend his license but to allow him to continue to practice as soon as he completes the personal ethics course recommended by the Hearing Examiner. Dr. Jakymenko stated that there's no way for him to get back on his feet financially if he can't work. He stated that now he's ready, willing and able to work and he would respectfully request that the Board not impose an additional 90-day suspension on his license and not require that his practice be supervised by a monitoring physician, since he's never had a problem with patient care and his work as a physician is not at issue in this case.

Dr. Varyani asked whether the Assistant Attorney General wished to respond.

Ms. Pfeiffer stated that this was also Mr. Wilcox's case, and there would be no response.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF GEORGE JAKYMENKO, M.D. DR. EGNER SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

Dr. Varyani stated that he would now entertain discussion in the above matter.

Dr. Egner stated that Dr. Jakymenko has some real red flags here. His life just fell apart for various and, for the Board, unknown reasons. She added that she wishes that the medical students from Ohio University were here today because Dr. Jakymenko presents an example of what can happen from a simple DUI. She stated that she doesn't believe that the DUI was the cause of the domino effect that happened in his life, and she's not certain what the cause was, but it is what brought him to the Board's attention. Dr. Egner stated that she thinks that Dr. Jakymenko needs to be here, and that he does need some supervision.

Dr. Egner continued that she thinks that Dr. Jakymenko should also be evaluated by a psychiatrist prior to resuming practice. She noted that Dr. Jakymenko was board-certified in internal medicine and he let that certification lapse in 2005. She stated that it is very unusual for internists to let board certification lapse. She added that to see the progression of losing his malpractice insurance, losing his office, losing his car, not paying taxes, it is glaring that something very serious was going on with Dr. Jakymenko. In all that period of time, he didn't even fill out an application for a locum tenens job or seek any other type of employment to try to get himself out of this financial nightmare. Dr. Egner stated that that is one of the reasons she feels he should have a psychiatric evaluation, to make sure that he is not suffering from severe depression or some other issue that could impair his life and his practice.

Dr. Egner stated that to say that Dr. Jakymenko doesn't need to have a practice plan or a monitoring

physician because these issues weren't related to his practice is not consistent with anything else the Board does. The Board has impaired physicians all the time who could make that same claim: "I didn't drink while practicing, it didn't affect how I treated patients." She stated that the Board's response to that is "yes it does, and we have a right to look at that." Dr. Egner stated that she feels the same way in this case.

Dr. Egner stated that she agrees with the Report and Recommendation. The suspension of 90 days to get his affairs in order, take the ethics course and come up with a practice plan is the right thing to do. Dr. Egner stated that Dr. Jakymenko should also be on probation with the Board for a couple of years so that the Board can monitor his progress.

Dr. Steinbergh concurred with adding the psychiatric evaluation as a condition for reinstatement. She stated that the Board has boilerplate language for that, which includes a requirement that the evaluating psychiatrist submit his or her report to the Board. Dr. Steinbergh stated that this case was significant in the fact that this physician used such poor judgment, and therefore she does agree with a psychiatric evaluation requirement.

Dr. Steinbergh stated that Dr. Jakymenko certainly experienced a lot of personal and professional crises; however, this does not excuse him from his professional and personal responsibilities to this Board. It's a privilege to practice medicine, not a right, and the Board upholds that kind of thought. Dr. Steinbergh stated that she appreciates all of the problems that Dr. Jakymenko had, but there is absolutely no excuse for his not responding to this Board on multiple occasions.

Dr. Steinbergh stated that Dr. Jakymenko hasn't practiced in almost two years and he let his internal medicine board-certification run out. She stated that she can't imagine that he'll be a hospitalist or a locum tenens without getting some type of certification again. Dr. Steinbergh stated that she doesn't feel that Dr. Jakymenko's goals are consistent with his ability to practice at this point. She added that she absolutely agrees with the practice plan requirement. There's no other way to monitor this physician who, in fact, has demonstrated such poor judgment.

Dr. Steinbergh stated that she agrees with the Conclusions of Law and the Proposed Order, except that she would add the psychiatric evaluation requirement.

Dr. Stephens disagreed. She stated that she's not surprised that Dr. Jakymenko let his internal medicine board-certification lapse. She stated that having witnessed people with financial difficulties that spiral, everything gets expensive and you have people calling you, coming to your house, things like that, and you don't open the mail. She stated that she's seen people have a houseful of mail that's never opened because they cannot face the mountain of issues coming their way. She stated that she would like to have some sympathy for this physician. She stated that she can see how things could escalate – malpractice insurance and internal medicine recertification are expensive and if you don't have the money, you continue to not have the money.

Dr. Amato stated that he definitely thinks that this is a practitioner who would benefit from psychiatric help at this point, if he has not already sought same. He's certainly been overwhelmed. Dr. Amato stated, however, that Dr. Jakymenko's biggest problem is financial. It seems that everything the Board has discovered in its investigation relates to financial issues. He stated that he's not sure about the proposed 90-day suspension. Dr. Amato stated that he hopes that the Board now has this practitioner's attention. He stated that the only way out of financial crisis is for Dr. Jakymenko to go to work. The Board will slow that down by another quarter of a year if it leaves the Proposed Order as it stands. Dr. Amato stated that he would like to see the suspension markedly reduced. Realistically, Dr. Jakymenko is in financial difficulties, and the Board is discussing the imposition of more financial hurdles, i.e., psychiatric evaluations and potential aftercare, by doing what it needs to do to protect the public.

Dr. Steinbergh stated that there are certain things that the Board can do. It could stay the suspension and require that he completes certain requirements within a certain period of time. He does, however, need some time to undergo the psychiatric evaluation and to present the Board with a practice plan. The Proposed Order could be amended to change the minimum suspension period to 30 days, but the bottom line is that whatever you put in place, he should not come back until he's done these things to get his license reinstated.

Dr. Amato stated that he would prefer a suspension period of not less than ten days, and also include conditions for reinstatement.

Dr. Steinbergh stated that all of these things take time to do before he can be reinstated, and then when he gets reinstated, he'll go into a probationary period. There are certain things the Board will want to do to make sure that he's appropriate to go back into practice. That's what the conditions for reinstatement mean. She stated that if Board members feel that it's not important to do those things before he's reinstated, then they can stay the suspension and put him into probationary status. Then the Board could require that he complete certain things within a certain period of time. She stated that if the Board is requiring a practice plan, he has to have one before he can practice.

Dr. Amato suggested changing the minimum suspension period from 90 days to 30 days. He stated that Dr. Jakymenko could potentially get all of the requirements completed and start to practice 30 days out.

Dr. Steinbergh agreed, but suggested that getting everything done that quickly would be difficult.

Dr. Amato stated that the way the Order currently reads, if Dr. Jakymenko gets everything done in 45 days, he still has to wait another 45 days for his license. He'd like to see the period of suspension lessened so that as soon as Dr. Jakymenko gets everything done that is needed to be done to protect the citizens of this state, he can immediately go to work.

Dr. Steinbergh suggested asking Dr. Egner whether she would accept Dr. Amato's suggestion as a friendly amendment to her amendment.

Ms. Marshall stated that the Board's citation of Dr. Jakymenko is based solely on Section 4731.22(B)(34), which is the failure to cooperate with a Board investigation. The Board does not have the legal authority to require a psychiatric evaluation, unless Dr. Jakymenko is willing to waive his rights under the Eastway case law that allows the Board to do that.

Dr. Steinbergh asked why "failure to cooperate" wouldn't demonstrate impairment of judgment.

Ms. Marshall stated that in the citation process, the Board has to make certain legal allegations. It did not make an allegation of any type of mental or physical illness. It only made the allegation that he did not cooperate.

Dr. Steinbergh stated that she would like to make a point for Dr. Stephens. She stated that Board members attempt to be sensitive to these issues, but to her it goes beyond the fact that he had creditors. Dr. Jakymenko does understand that he shouldn't have just not responded to people. At this point, her concern is one of personal judgment and making sure that he is appropriate to practice medicine.

Ms. Marshall stated that the Board could ask Ms. Collis whether Dr. Jakymenko would be willing to waive his rights under the Eastway case law.

Ms. Collis stated that she's willing to consult with Dr. Jakymenko and get back with the Board in a few minutes.

DR. VARYANI MOVED TO TABLE THE MATTER OF DR. JAKYMENKO. DR. EGNER SECONDED THE MOTION. All members voted aye. The motion carried.

When the matter was removed from the table by Dr. Varyani later in the meeting, Dr. Talmage was out of the room.

Ms. Pfeiffer advised that there is a parliamentary matter that needs to be addressed. She asked Ms. Schmidt to explain.

Ms. Schmidt advised that the Board earlier adopted the Hearing Examiner's Proposed Order. She stated that if the Board wished to amend that Order, a motion to reconsider the matter would be needed.

DR. STEINBERGH MOVED TO RECONSIDER THE MATTER OF GEORGE JAKYMENKO, M.D. DR. AMATO SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Suppan	- aye

Dr. Madia	- aye
Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Steinbergh	- aye
Dr. Varyani	- aye

The motion carried.

Ms. Pfeiffer stated that Ms. Collis has talked with Dr. Jakymenko and he is willing to acquiesce with the condition of a psychiatric evaluation, in the traditional manner of doing so, where he can propose names to the Board for the Board's approval.

Ms. Collis stated that Dr. Jakymenko does want some input by making some recommendations for an appropriate psychiatrist. She stated that she doesn't want the psychiatrist requirement to be something that will have to be formally approved by the full Board; rather, she would like it to be presented as he would a practice plan, to the Board's Secretary and Supervising Member for approval.

Dr. Egner stated that she has no problem with that personally, adding that the Board entrusts those decisions to the Secretary and Supervising Member all of the time.

Dr. Steinbergh asked Dr. Egner whether she will accept Dr. Amato's friendly amendment to shorten the minimum suspension period to 30 days.

Dr. Egner stated that she thinks that that's fine, but the reality is that Dr. Jakymenko has a lot to do in 30 days. If he can do it, that's fine. Dr. Egner asked what the Board's options are if the psychiatric evaluation indicates that Dr. Jakymenko needs ongoing psychiatric care.

Ms. Marshall suggested that the Board table the matter again to allow staff sufficient time to prepare an alternative order. She stated that the standard language would provide that anything recommended by the psychiatrist be followed by the physician. It depends on what the Board puts in its Order.

Dr. Egner stated that she thinks it's implied in the Board's concerns. The Board does want him to get back into practice and to be productive. However, she doesn't want just an evaluation. If the evaluation says that Dr. Jakymenko doesn't need treatment, that's fine. If the evaluation indicates that he does need treatment, the Board wants that to be followed through.

DR. STEINBERGH MOVED TO TABLE THE MATTER TO DEVELOP AN ALTERNATIVE ORDER.

Dr. Amato asked whether this is the sort of thing that could be ironed out between the doctor, his counsel and the Board's staff for later in this meeting. He stated that Dr. Jakymenko wants to get back to work.

Dr. Steinbergh stated that this will be done today.

DR. AMATO SECONDED THE MOTION. All members voted aye. The motion carried.

Ms. Marshall stated that Ms. Thompson generally writes the alternative orders, and she is not present today.

Ms. Collis stated that Dr. Jakymenko would like the matter to be concluded today, in order to make it possible for him to seek employment and have some sort of suspension completed by July.

Dr. Varyani stated that the Board will try to accomplish this today.

Dr. Egner suggested that someone from the Hearing Unit might be able to take care of this.

Later in the meeting, by motion made by Dr. Egner, seconded by Mr. Browning, and unanimously passed, the matter was again brought off the table. Dr. Talmage was present when the matter was removed from the table.

Ms. Pfeiffer advised that Ms. Collis and Dr. Jakymenko have reviewed the proposed amended order and have agreed to its terms.

Dr. Egner thanked the Board staff, Ms. Collis and Dr. Jakymenko for being cooperative in this process. She stated that the proposal brings her to the point where she feels comfortable.

DR. EGNER MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF GEORGE JAKYMENKO, M.D., BY SUBSTITUTING THE FOLLOWING:

It is hereby ORDERED that:

- A. **SUSPENSION OF CERTIFICATE:** The certificate of George Jakymenko, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than 30 days.
- B. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Jakymenko's certificate to practice medicine and surgery until all of the following conditions have been met:
 1. **Application for Reinstatement or Restoration:** Dr. Jakymenko shall submit

an application for reinstatement or restoration, accompanied by appropriate fees, if any.

2. **Personal Ethics Course or Courses:** Before Dr. Jakymenko applies for reinstatement or restoration, or as otherwise determined by the Board, Dr. Jakymenko shall provide acceptable documentation of successful completion of a course or courses dealing with personal ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Jakymenko submits the documentation of successful completion of the course or courses dealing with personal ethics, he shall also submit to the Board a written report describing the course(s), setting forth what he learned from the course(s), and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

3. **Psychiatric Assessment:** Prior to submitting his application for reinstatement or restoration, Dr. Jakymenko shall submit to the Board for its prior approval the name and curriculum vitae of one or more psychiatrists of Dr. Jakymenko's choice. The Board or its designated representative(s) will consider Dr. Jakymenko's proposed psychiatrist(s).

Upon approval by the Board or its designated representative(s), Dr. Jakymenko shall obtain from the approved psychiatrist an assessment of Dr. Jakymenko's current psychiatric status. The assessment shall take place no more than 30 days prior to the submission of Dr. Jakymenko's application for reinstatement or restoration, unless otherwise approved by the Board. Prior to the initial assessment, Dr. Jakymenko shall furnish the approved psychiatrist copies of the Board's Order, including the Summary of the Evidence, Findings of Fact, and Conclusions of Law, and any other documentation from the hearing record which the Board may deem appropriate or helpful to that psychiatrist.

Upon completion of the initial assessment, Dr. Jakymenko shall cause a written report to be submitted to the Board from the approved psychiatrist. The written report shall include:

- a. A detailed report of the evaluation of Dr. Jakymenko's current psychiatric status and condition;

- b. A detailed plan of recommended psychiatric treatment, if any, based upon the psychiatrist's informed assessment of Dr. Jakymenko's current needs;
- c. A statement regarding any recommended limitations upon his practice, and
- d. Any reports upon which the treatment recommendation is based, including reports of physical examination and psychological or other testing.

Should the Board-approved psychiatrist recommend psychiatric treatment, and upon approval by the Board, Dr. Jakymenko shall undergo and continue psychiatric treatment weekly or as otherwise directed by the Board. The sessions shall be in person and may not be conducted by telephone or other electronic means. Dr. Jakymenko shall comply with his psychiatric treatment plan, including taking medications as prescribed for his psychiatric disorder.

Dr. Jakymenko shall continue in psychiatric treatment until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require reports from the approved treating psychiatrist. The psychiatric reports shall contain information describing Dr. Jakymenko's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Jakymenko's compliance with the treatment plan; Dr. Jakymenko's psychiatric status; Dr. Jakymenko's progress in treatment; and results of any laboratory studies that have been conducted since the prior report. Dr. Jakymenko shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Jakymenko's quarterly declaration as set forth in paragraph C.4., below.

In addition, Dr. Jakymenko shall ensure that his treating psychiatrist immediately notifies the Board of Dr. Jakymenko's failure to comply with his psychiatric treatment plan and/or any determination that Dr. Jakymenko is unable to practice due to his psychiatric disorder.

In the event that the designated psychiatrist becomes unable or unwilling to serve in this capacity, Dr. Jakymenko must immediately so notify the Board in writing and make arrangements acceptable to the Board for another psychiatrist as soon as practicable. Dr. Jakymenko shall further

ensure that the previously designated psychiatrist also notifies the Board directly of his or her inability to continue to serve and the reasons therefor.

4. **Practice Plan:** At the time that Dr. Jakymenko applies for reinstatement or restoration, or as otherwise determined by the Board, Dr. Jakymenko shall also submit to the Board and receive its approval for a plan of practice in Ohio. The practice plan, unless otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Jakymenko's activities will be directly supervised and overseen by a monitoring physician approved by the Board. Dr. Jakymenko shall obtain the Board's prior approval for any alteration to the practice plan approved pursuant to this Order.

At the time Dr. Jakymenko submits his practice plan, he shall also submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary or Supervising Member will give preference to a physician who practices in the same locale as Dr. Jakymenko and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Jakymenko and his medical practice, and shall review Dr. Jakymenko's patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Jakymenko and his medical practice, and on the review of Dr. Jakymenko's patient charts. Dr. Jakymenko shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Jakymenko's quarterly declaration.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Jakymenko must immediately so notify the Board in writing. In addition, Dr. Jakymenko shall make arrangements acceptable to the Board for another monitoring physician within 30 days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Jakymenko shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefor.

5. **Additional Evidence of Fitness To Resume Practice:** In the event that

Dr. Jakymenko has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to recommencing the practice of medicine in Ohio, the Board may exercise its discretion under Section 4731.222 of the Revised Code to require additional evidence of his fitness to resume practice.

- C. **PROBATION:** Upon reinstatement or restoration, Dr. Jakymenko's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least two years:
1. **Obey the Law:** Dr. Jakymenko shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.
 2. **Cooperate with the Board:** Dr. Jakymenko shall cooperate with requests and inquiries of the Board.
 3. **Comply with Psychiatric Treatment Plan and Practice Plan:**
Dr. Jakymenko shall practice in accordance with the psychiatric treatment plan as set forth in paragraph B.3., above, and the practice plan approved by the Board as set forth in paragraph B.4., above.
 4. **Declarations of Compliance:** Dr. Jakymenko shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which Dr. Jakymenko's certificate is restored or reinstated, or as otherwise directed by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
 5. **Personal Appearances:** Dr. Jakymenko shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which Dr. Jakymenko's certificate is restored or reinstated, or as otherwise directed by the Board. Subsequent personal appearances must occur every six months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
 6. **Modification of Terms:** Dr. Jakymenko shall not request modification of the terms, conditions, or limitations of probation for at least one year after

imposition of these probationary terms, conditions, and limitations.

7. **Noncompliance Will Not Reduce Probationary Period:** In the event Dr. Jakymenko is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.
 8. **Termination of Probation:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Jakymenko's certificate will be fully restored.
- D. **REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Jakymenko shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Jakymenko shall provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments. This requirement shall continue until Dr. Jakymenko receives from the Board written notification of his successful completion of probation.
- E. **REQUIRED REPORTING TO OTHER STATE LICENSING AUTHORITIES:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Jakymenko shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Jakymenko shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration of any professional license. Further, Dr. Jakymenko shall provide this Board with a copy of the return receipt as proof of notification within 30 days of receiving that return receipt, unless otherwise determined by the Board. This requirement shall continue until Dr. Jakymenko receives from the Board written notification of his successful completion of probation.

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

MR. BROWNING SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

MR. BROWNING MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF GEORGE JAKYMENKO, M.D. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

June 14, 2007

George Jakymenko, M.D.
5001 Belden Park Dr., NW
N. Canton, OH 44720

Dear Doctor Jakymenko:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] 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 September 28, 2006, you caused to be submitted to the Board an application for renewal of your certificate to practice medicine and surgery [renewal application]. You answered in the affirmative to one of the questions in the renewal application, and you indicated that you had pled no contest to a misdemeanor charge for DUI. You have failed to cooperate in an investigation conducted by the Board. Examples of such failure to cooperate include:
 - (a) In connection with your affirmative response in the renewal application, a Board investigator made numerous attempts to contact you from in or around November 2006 to mid-January 2007, which included visiting your medical office, going to your residence and leaving messages with your answering service. The Board investigator observed that your medical office was closed throughout the entire aforementioned time period, and no one answered the door at your residence. Then, on or about January 4, 2007, you returned one of the messages that the Board investigator left with your answering service, and the investigator asked to meet with you. Although you stated that you would call the investigator back on January 5, 2007, or January 8, 2007, to schedule a meeting, you failed to do so. You also failed to return any subsequent calls the Board investigator left with your answering service, and your office remained closed.
 - (b) On or about January 31, 2007, a representative of the Board sent you a letter and enclosed "The State Medical Board of Ohio's First Set of Interrogatories Directed to George Jakymenko, M.D." [Board Interrogatories]. The letter was sent to both your credential address and office address via certified and regular U.S. mail. Although your responses

Mailed 6-14-07

to the Board Interrogatories were due by February 26, 2007, you have not provided any answers to the interrogatories, or otherwise contacted the representative of the Board.

- (c) From on or about February 28, 2007, through April 2007, Board investigators made several additional attempts to contact you, including by phone, in person, and leaving business cards at your residence with instructions for you to call. However, you failed to contact the Board investigators or any other representative of the Board.

After Board investigators learned from one of your neighbors that you were observed at your residence on or about March 7, 2007, when you were seen taking trash to the curb, the Board investigators then went to your residence and knocked on the front door. Although no one answered your door, the Board investigators heard someone inside your residence.

- (d) On or about March 8, 2007, a representative of the Board sent you a letter to your credential address via certified and regular U.S. mail, specifically reminding you of your obligation to cooperate in an investigation conducted by the Board and requesting that you immediately contact the representative. You have not responded to the letter.
- (e) On or about April 5, 2007, a subpoena for your deposition was left at your credential address, with the deposition date set for April 24, 2007. You failed to appear for your deposition on the scheduled date or otherwise contact any representative of the Board.

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute “[f]ailure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue,” as that clause is used in Section 4731.22(B)(34), 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 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

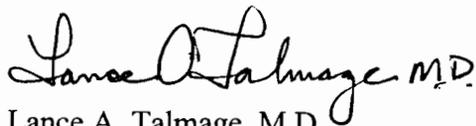
permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

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 may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

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,

A handwritten signature in black ink that reads "Lance A. Talmage, M.D." The signature is written in a cursive style with a large initial "L".

Lance A. Talmage, M.D.
Secretary

LAT/MRB/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3931 8318 3671
RETURN RECEIPT REQUESTED