

STATE OF OHIO
THE STATE MEDICAL BOARD
77 South High Street
17th Floor
Columbus, Ohio 43266-0315
(614)466-3934

July 13, 1990

Charles A. Petersen, M.D.
9575 E. Morrill Way
Tucson, Arizona 85749

Dear Doctor Petersen:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Joan Irwin Fishel, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of the Minutes of the State Medical Board, meeting in regular session on July 11, 1990, including Motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board.

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

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

THE STATE MEDICAL BOARD OF OHIO

Henry G. Cramblett, M.D.
Henry G. Cramblett, M.D.
Secretary

HGC:em

Enclosures

CERTIFIED MAIL RECEIPT NO. P 055 325 304
RETURN RECEIPT REQUESTED

Mailed 7/13/90

STATE OF OHIO
STATE MEDICAL BOARD

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of Joan Irwin Fishel, Attorney Hearing Examiner, State Medical Board; and attached excerpt of Minutes of the State Medical Board, meeting in regular session on July 11, 1990, including Motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board, constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Charles A. Petersen, 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.

(SEAL)

Henry G. Cramblett, M.D.
Henry G. Cramblett, M.D.
Secretary

Date July 13, 1990

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

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CHARLES A. PETERSEN, M.D.

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ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 11th day of July, 1990.

Upon the Report and Recommendation of Joan Irwin Fishel, Attorney Hearing Examiner, Medical Board, in this matter designated pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the 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 for the above date.

It is hereby ORDERED:

1. That the certificate of Charles A. Petersen, M.D., to practice medicine and surgery in the State of Ohio shall be REVOKED. Such revocation shall be stayed, and Dr. Petersen's certificate shall be SUSPENDED for an indefinite period of time, but not less than ninety (90) days.
2. The Board shall not consider reinstatement of Dr. Petersen's certificate to practice unless and until all of the following minimum requirements are met:
 - a. Dr. Petersen shall submit an application for reinstatement, accompanied by appropriate fees. Dr. Petersen shall not make such application for at least ninety (90) days from the effective date of this Order.
 - b. Dr. Petersen shall provide written documentation acceptable to the Board verifying that he holds a full and unrestricted license to practice medicine and surgery in all other states in which he is at the time of application or has been in the past licensed, or that he would be entitled to such license but for the nonpayment of renewal fees.

Charles A. Petersen, M.D.

- c. In the event that Dr. Petersen has not been engaged in the active practice of medicine or surgery for a period in excess of two (2) years prior to his application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Petersen's fitness to resume practice.
3. Upon reinstatement of his Ohio certificate and his commencement of practice in Ohio, the certificate of Charles A. Petersen, M.D. shall be subject to the following probationary terms, conditions, and limitations for a period of three (3) years:
 - a. Dr. Petersen shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
 - b. Dr. Petersen shall submit quarterly declarations under penalty of perjury stating whether or not there has been compliance with all the conditions of probation.
 - c. Dr. Petersen shall appear in person for interviews before the full Board or its designated representative at six (6) month intervals, or as otherwise requested by the Board.
 - d. In the event that Dr. Petersen should leave Ohio for three (3) continuous months, or reside or practice outside the State, Dr. Petersen must notify the State Medical Board in writing of the dates of departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary period.
4. If Dr. Petersen violates probation in any respect, the Board, after giving Dr. Petersen notice and an opportunity to be heard, may set aside the stay Order and impose the revocation of his certificate.
5. Upon successful completion of probation, Dr. Petersen's certificate shall be fully restored.

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Charles A. Petersen, M.D.

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

(SEAL)

Henry G. Cramblett, M.D. #28
Henry G. Cramblett, M.D.
Secretary

July 13, 1990
Date

REPORT AND RECOMMENDATION
IN THE MATTER OF CHARLES A. PETERSEN
MAY 24 PM 2:10

The Matter of Charles A. Petersen, M.D., came on for hearing before me, Joan Irwin Fishel, Esq., Hearing Examiner for the State Medical Board of Ohio, on May 15, 1990.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Basis for Hearing

- A. By letter dated February 14, 1990 (State's Exhibit #4), the State Medical Board notified Charles A. Petersen, M.D., that it proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. On or about October 11, 1988, the Board of Medical Examiners of the State of Arizona entered into a Stipulation and Order with Dr. Petersen, placing limitations on his license to practice medicine and surgery in Arizona. On or about October 17, 1988, Dr. Petersen signed his Ohio application for biennial license renewal but failed to respond to the question on that application which asked, "At any time since signing your last application for renewal of your certification have you surrendered or consented to limitation upon a license to practice medicine or state or federal privileges to prescribe controlled substances?" In fact, on or about October 6, 1988, Dr. Petersen had signed a Stipulation and Order before the Board of Medical Examiners, State of Arizona, in which he agreed to immediately surrender his DEA registration certificate for Schedule II controlled substances.

The Board alleged that the actions of the Arizona Board constituted "the limitation, revocation or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, or the imposition of probation by that authority, for an action that would also have been a violation of this chapter, except for nonpayment of fees", as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, to wit: Section 4731.22(B)(2) and (B)(6). The Board also alleged that Dr. Petersen's acts, conduct, and/or omissions in regard to his application renewal card constituted "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the Board", as that clause is used in Section 4731.22(A), Ohio Revised Code, and "publishing a false, fraudulent, deceptive, or misleading statement", as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

- B. A letter from Dr. Petersen, received by the State Medical Board on March 6, 1990, (State's Exhibit #3), was construed as a hearing request.

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II. Appearances

- A. On behalf of the State of Ohio: Anthony J. Celebrezze, Jr., Attorney General, by Rachel L. Belenker, Assistant Attorney General
- B. On behalf of the Respondent: Dr. Petersen did not appear at hearing and was not represented by counsel, however, documents admitted as State's Exhibits #3, #6, #7 and #8 were documents sent to the Board by Dr. Petersen and will be considered his written arguments and contentions.

III. Testimony Heard

Neither side presented any witnesses in this Matter.

IV. Exhibits Examined

In addition to those listed above, the following exhibits were identified by the State and admitted into evidence in this Matter:

- A. State's Exhibit #1: March 13, 1990 letter to Dr. Petersen from the State Medical Board scheduling the hearing for May 15, 1990.
- B. State's Exhibit #2: March 7, 1990 letter to Dr. Petersen from the State Medical Board advising that his February 27, 1990 letter was being construed as a hearing request, and that a hearing initially scheduled for March 20, 1990 had been postponed pursuant to Section 119.09, Ohio Revised Code.
- C. State's Exhibit #5: Stipulation and Order of the Board of Medical Examiners of the State of Arizona, in the matter of Charles A. Petersen, M.D., signed by Dr. Peterson on October 6, 1988 and adopted by the Arizona Board on October 11, 1988.
- D. State's Exhibit #6: November 17, 1989 letter to Dr. Petersen from the Arizona Board of Medical Examiners informing him that a copy of the Order Terminating Stipulation and Order was enclosed.
- E. State's Exhibit #7: Order Terminating Stipulation and Order issued by the Board of Medical Examiners of the State of Arizona on October 20, 1989.
- F. State's Exhibit #8: Copy of the controlled substances registration certificate of Charles A. Petersen, issued December 8, 1989.
- G. State's Exhibit #9: Copy of Dr. Petersen's Ohio application renewal card for the 1989-1990 biennial registration period, signed by Dr. Petersen October 17, 1989.

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- H. State's Exhibit #10: Copy of the certified mail return card showing service of State's Exhibit #4.

FINDINGS OF FACT

1. On October 6, 1988, Charles A. Petersen, M.D., signed a Stipulation with the Board of Medical Examiners of the State of Arizona, consenting to the entering of a certain Order against him. That Order, dated October 11, 1988, required Dr. Petersen to immediately surrender his Controlled Substances Registration Certificate for Schedule II Substances to the Drug Enforcement Administration. He was not to reapply until authorized by the Arizona Board. He further was prohibited from personally taking any controlled substances unless prescribed by his treating physician. Dr. Petersen was also to comply with any requests by the Arizona Board to submit to random biological fluid testing.

The Order recites that it was issued "pursuant to the foregoing Stipulation and upon consideration of the files, records and proceedings; and in order to protect the public and ensure the physician's ability faithfully to engage in the practice of medicine..."

These facts are established by State's Exhibit #5.

2. On October 17, 1988, Dr. Petersen signed the front of his 1989-1990 biennial application renewal card for the State of Ohio. Dr. Petersen did not answer any of the questions on the back of his renewal card, including the question which asked "At any since signing your last application for renewal of your certification have you surrendered or consented to limitation upon a license to practice medicine or state or federal privileges to prescribe controlled substances?" The front of the renewal card instructs all applicants that they are required to answer the questions on the back of the card.

These facts are established by State's Exhibit #9.

3. In a letter dated February 27, 1990, written in response to the Board's allegation letter, Dr. Petersen apologized for not indicating on his renewal card the Stipulation and Order that was in place in Arizona. He attributed his failure to answer the question regarding license limitation to either oversight or confusion resulting from the timing of the Arizona Order.

These facts are established by State's Exhibit #3.

4. During the course of an October 20, 1989 interview between Dr. Petersen and the Arizona Board, the Arizona Board determined to terminate its Stipulation and Order with Dr. Petersen. Dr. Petersen received a DEA certificate on December 8, 1989 which showed the reinstatement of his ability to prescribe Schedule II controlled substances.

These facts are established by State's Exhibits #6, #7 and #8.

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CONCLUSIONS

1. It is clear from the record that the State of Arizona took an action against Dr. Petersen's Arizona license which would constitute "the limitation, revocation or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state...", as that clause is used in Section 4731.22(B)(22), Ohio Revised Code. However, there is insufficient evidence in the record to conclude that Arizona's action was based upon behavior by Dr. Petersen "that would also have been a violation of this chapter, except for nonpayment of fees" as is required by Section 4731.22(B)(22), Ohio Revised Code. It is simply not known exactly what Dr. Petersen did in the State of Arizona to trigger the action taken by that board. There are no admissions by Dr. Petersen or findings of fact in the Arizona Stipulation and Order.
2. The acts, conduct, and/or omissions of Charles A. Petersen, M.D., as set forth in Finding of Fact #2 constitute:
 - a. "Fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the Board", as that clause is used in Section 4731.22(A), Ohio Revised Code; and
 - b. "Publishing a false, fraudulent, deceptive, or misleading statement", as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Dr. Petersen negligently failed to complete the reverse side of his 1989-1990 biennial application renewal card. By so doing, he misrepresented the status of his Arizona license to the Ohio Board. The information the Board requests from its licensees on the biennial application renewal card is vital to the fulfillment of its statutory duty to assure the competency of its licensees. It clearly states on the front of that card, in a section marked "INSTRUCTIONS", that the reverse side of the card must be completed. Any failure to fully cooperate with the Board cannot be taken lightly, whether that failure is inadvertent or intentional.

PROPOSED ORDER

It is hereby ORDERED that:

1. The certificate of Charles A. Petersen, M.D., to practice medicine and surgery in Ohio, shall be REVOKED. Such revocation shall be stayed and Dr. Petersen's certificate shall be suspended for an indefinite period of time, but not less than ninety (90) days.

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2. The Board shall not consider reinstatement of Dr. Petersen's certificate to practice unless and until all of the following minimum requirements are met:
 - a. Dr. Petersen shall submit an application for reinstatement, accompanied by appropriate fees. Dr. Petersen shall not make such application for at least ninety (90) days from the effective date of this Order.
 - b. Dr. Petersen shall provide written documentation acceptable to the Board verifying that he holds a full and unrestricted license to practice medicine and surgery in all other states in which he is at the time of application or has been in the past licensed, or that he would be entitled to such license but for the nonpayment of renewal fees.
 - c. In the event that Dr. Petersen has not been engaged in the active practice of medicine or surgery for a period in excess of two years prior to his application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Petersen's fitness to resume practice.

3. Upon the reinstatement of his Ohio certificate and his commencement of practice in Ohio, the certificate of Charles A. Petersen, M.D., shall be subject to the following probationary terms, conditions, and limitations for a period of three (3) years:
 - a. Dr. Petersen shall obey all federal, state, and local laws and all rules governing the practice of medicine in Ohio.
 - b. Dr. Petersen shall submit quarterly declarations under penalty of perjury stating whether there has been compliance with all the conditions of probation.
 - c. Dr. Petersen shall appear in person for interviews before the full Board or its designated representatives at six (6) month intervals, or as otherwise requested by the Board.
 - d. In the event that Dr. Petersen should leave Ohio for three (3) continuous months, or reside or practice outside the state, Dr. Petersen must notify the State Medical Board in writing of the dates of departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary period.

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4. If Dr. Petersen violates probation in any respect, the Board, after giving Dr. Petersen notice and an opportunity to be heard, may set aside the stay order and impose the revocation of his certificate.
5. Upon successful completion of probation, Dr. Petersen's certificate shall be fully restored.

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


Joan Irwin Fishel
Attorney Hearing Examiner

EXCERPT FROM THE MINUTES OF JULY 11, 1990

REPORTS AND RECOMMENDATIONS

Ms. Belenker and all Enforcement Coordinators left the meeting at this time.

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Dr. Kaplansky asked if each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of James R. Loeb, M.D.; Charles A. Petersen, M.D.; Sukumar Roy, M.D.; and Leonid Krivitskiy, M.D. A roll call was taken:

ROLL CALL:	Dr. O'Day	- aye
	Dr. Gretter	- aye
	Dr. Stephens	- aye
	Mr. Jost	- aye
	Dr. Ross	- aye
	Dr. Rauch	- aye
	Mr. Albert	- aye
	Ms. Rolfes	- aye
	Dr. Agresta	- aye
	Dr. Kaplansky	- aye

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REPORT AND RECOMMENDATION IN THE MATTER OF CHARLES A. PETERSEN, M.D.

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MS. ROLFES MOVED TO APPROVE AND CONFIRM MS. FISHEL'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF CHARLES A. PETERSEN, M.D. MR. JOST SECONDED THE MOTION.

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A roll call vote was taken:

ROLL CALL VOTE:	Dr. O'Day	- aye
	Dr. Gretter	- aye
	Dr. Stephens	- aye
	Mr. Jost	- aye
	Dr. Ross	- aye
	Dr. Rauch	- abstain
	Mr. Albert	- aye
	Ms. Rolfes	- aye
	Dr. Agresta	- aye

The motion carried.

STATE OF OHIO
THE STATE MEDICAL BOARD
77 SOUTH HIGH STREET
17TH FLOOR
COLUMBUS OH 43215

February 14, 1990

Charles A. Petersen, M.D.
9575 East Morrill Way
Tucson, AZ 85749

Dear Doctor Petersen:

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

- (1) On or about October 11, 1988, the Board of Medical Examiners of the State of Arizona "upon consideration of the files, records and proceedings" entered into a Stipulation and Agreement with you placing limitations on your license to practice medicine and surgery in the State of Arizona, a copy of which is attached hereto and incorporated herein.

The limitations placed on your license to practice medicine and surgery in the State of Arizona, as alleged in the above paragraph (1), constitute "[t]he limitation, revocation or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority or the imposition of probation by that authority, for an action that would also have been a violation of this chapter, except for nonpayment of fees," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, to wit: Section 4731.22(B)(2) and (B)(6).

February 14, 1990

- (2) On or about October 17, 1988, you signed the Ohio application for biennial license renewal to practice as a doctor of medicine. You failed to respond to the question "At any time since signing your last application for renewal of your certification have you surrendered or consented to limitation upon a license to practice medicine or state or federal privileges to prescribe controlled substances?" In fact, on or about October 6, 1988, you signed a Stipulation and Order Before the Board of Medical Examiners, State of Arizona, in which you agreed to immediately surrender your D.E.A. Registration Certificate for Schedule II substances.

Your acts, conduct, and/or omissions as alleged in the above paragraph (2), individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board", as that clause is used in Section 4731.22(A), Ohio Revised Code.

Further, such acts, conduct, and/or omissions as alleged in the above paragraph (2), individually and/or collectively, constitute "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

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

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

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

Charles A. Petersen, M.D.
Page 3

February 14, 1990

Copies of the applicable sections are enclosed for your information.

Very truly yours,


Henry G. Cramblett, M.D.
Secretary

HGC:jmb

Enclosures:

CERTIFIED MAIL #P 746 510 101
RETURN RECEIPT REQUESTED

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

In the Matter of)
)
CHARLES A. PETERSEN, M.D.)
) STIPULATION AND ORDER
)
Holder of License No. 11630)
For the Practice of Medicine)
In the State of Arizona.)
_____)

Pursuant to the agreement made between CHARLES A. PETERSEN, M.D., holder of License No. 11630 for the practice of medicine in the State of Arizona and the BOARD OF MEDICAL EXAMINERS OF THE STATE OF ARIZONA ("Board") during the course of an Informal Interview on April 14, 1988, and stated on the record thereof,

IT IS HEREBY STIPULATED AND AGREED by and between CHARLES A. PETERSEN, M.D., and the Board, pursuant to A.R.S. §32-1451(F)(5), that the accompanying Order may be entered in this matter, such Order to be effective as of April 14, 1988. CHARLES A. PETERSEN, M.D. acknowledges that any violation of this Order constitutes unprofessional conduct within A.R.S. §32-1401(11)(r), and may result in disciplinary action pursuant to A.R.S. §32-1451.

DATED this 6th day of October, 1988.


CHARLES A. PETERSEN, M.D.
347-18-4330
Social Security Number

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

By 
DOUGLAS N. CERF
Executive Director

Pursuant to the foregoing Stipulation and upon consideration of the files, records and proceedings; and in order to protect the public and ensure the physician's ability safely to engage in the practice of medicine, the Board enters the following Order:

ORDER

1. CHARLES A. PETERSEN, M.D. shall immediately surrender for cancellation, his Controlled Substances Registration Certificate for Schedule II substances, together with any federal order forms, to the United States Department of Justice, Drug Enforcement Administration, and shall not apply for reissuance thereof until such time as so authorized by the Board of Medical Examiners.

2. CHARLES A. PETERSEN, M.D. shall take no controlled substances, unless such drug or medication was prescribed for him by his treating physician.

3. CHARLES A. PETERSEN, M.D. shall comply immediately with requests from the Board, its agents or

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designees, to submit to random biological fluid testing.

ENTERED this 11 day of October,

1988.

[S E A L]

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

By 
DOUGLAS N. CERF
Executive Director