

STATE MEDICAL BOARD
OF OHIO

2010 OCT 12 AM 11:28

**STEP II
CONSENT AGREEMENT
BETWEEN
BRADLEY REX WOLF, M.D.,
AND
THE STATE MEDICAL BOARD OF OHIO**

This Consent Agreement is entered into by and between Bradley Rex Wolf, M.D., [Dr. Wolf], and the State Medical Board of Ohio [Board], a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

Dr. Wolf enters into this Consent Agreement being fully informed of his rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

BASIS FOR ACTION

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

- A. The Board is empowered by Section 4731.22(B), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for violation of Section 4731.22(B)(26), Ohio Revised Code, "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;" Section 4731.22(B)(5), Ohio Revised Code, "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board;" Section 4731.22(B)(15), Ohio Revised Code, "[v]iolation of the conditions of limitation placed by the board upon a certificate to practice;" and/or Section 4731.22(B)(10), Ohio Revised Code, "[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed.
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violations of Section 4731.22(B)(26), Ohio Revised Code; Section 4731.22(B)(5), Ohio Revised Code; Section 4731.22(B)(15), Ohio Revised Code; and Section 4731.22(B)(10), Ohio Revised Code, to wit: Section 2925.22, Ohio Revised Code, Deception to Obtain a Dangerous Drug, and Section 2925.23, Ohio Revised Code, Illegal Processing of Drug Documents, as set forth in the Step I Consent

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Agreement Between Bradley Rex Wolf, M.D., and the State Medical Board of Ohio [October 2009 Step I Consent Agreement], effective October 14, 2009, and Paragraphs E-G, below, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Consent Agreement.

- C. Dr. Wolf is seeking reinstatement of his certificate to practice medicine and surgery, license number 35.052721, which was permanently revoked, with said permanent revocation stayed, and indefinitely suspended, but not less than one year, pursuant to the October 2009 Step I Consent Agreement, a copy of which is attached hereto and incorporated herein.
- D. Dr. Wolf states that he is also licensed to practice medicine and surgery in the States of Wisconsin and Colorado.
- E. Dr. Wolf admits that he was impaired in his ability to practice medicine and surgery pursuant to the terms of his October 2009 Step I Consent Agreement. Dr. Wolf states, and the Board acknowledges receipt of information to support, that he successfully completed fifty-eight days of inpatient treatment at Shepherd Hill, a Board-approved treatment provider located in Newark, Ohio [Shepherd Hill], on May 19, 2009. Dr. Wolf further states, and the Board acknowledges receipt information to support, that he entered into an aftercare contract on January 21, 2010, as amended on or about September 30, 2010, with Bethesda Hospital Alcohol and Treatment Program [Bethesda], a Board-approved treatment provider located in Cincinnati, Ohio. Dr. Wolf further states, and the Board acknowledges receipt information to support, that he has remained compliant with his aftercare contract with Bethesda.
- F. Dr. Wolf states, and the Board acknowledges, that Richard N. Whitney, M.D., of Shepherd Hill, and Gregory B. Collins, M.D., of the Cleveland Clinic Foundation, a Board approved treatment provider in Cleveland, Ohio, have provided written reports indicating that Dr. Wolf's ability to practice has been assessed and that he has been found capable of practicing medicine and surgery according to acceptable and prevailing standards of care, so long as certain treatment and monitoring requirements are in place.
- G. Dr. Wolf states, and the Board acknowledges, that Dr. Wolf has fulfilled the conditions for reinstatement of his certificate to practice medicine and surgery in the State of Ohio, as established in the above-referenced October 2009 Step I Consent Agreement.

AGREED CONDITIONS

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Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, the certificate of Dr. Wolf to practice medicine and surgery in the State of Ohio shall be REINSTATED effective October 14, 2010, and Dr. Wolf knowingly and voluntarily agrees with the Board to the following PROBATIONARY terms, conditions and limitations:

1. Dr. Wolf shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
2. Dr. Wolf shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the date his quarterly declaration would have been due pursuant to his October 2009 Consent Agreement with the Board, or as otherwise requested by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. Dr. Wolf shall appear in person for an interview before the full Board or its designated representative. The first such appearance shall take place on the date his appearance would have been scheduled pursuant to his October 2009 Step I Consent Agreement with the Board. Subsequent personal appearances must occur every three 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.
4. Dr. Wolf shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed. Further, the Secretary and Supervising Member of the Board shall have the discretion to grant a waiver of part or all of the probationary terms set forth in this Consent Agreement for occasional periods of absence of fourteen days or less. In the event that Dr. Wolf resides and/or is employed at a location that is within fifty miles of the geographic border of Ohio and any of its contiguous states, Dr. Wolf may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Dr. Wolf is able to otherwise maintain full compliance with all other terms, conditions and limitations set forth in this Consent Agreement.
5. In the event Dr. Wolf is found by the Secretary of the Board to have failed to comply with any provision of this Consent Agreement, 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 Consent Agreement.

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MONITORING OF REHABILITATION AND TREATMENT

Drug Associated Restrictions

6. Dr. Wolf shall keep a log of all controlled substances prescribed. Such log shall be submitted, in the format approved by the Board, on the date upon which Dr. Wolf's quarterly declaration is due, or as otherwise directed by the Board. Further, Dr. Wolf shall make his patient records with regard to such prescribing available for review by an agent of the Board immediately upon request.
7. Dr. Wolf shall not, without prior Board approval, administer, personally furnish, or possess (except as allowed under Paragraph 8 below) any controlled substances as defined by state or federal law. In the event that the Board agrees at a future date to modify this Consent Agreement to allow Dr. Wolf to administer or personally furnish controlled substances, Dr. Wolf shall keep a log of all controlled substances prescribed, administered or personally furnished. Such log shall be submitted in the format approved by the Board and shall be submitted to the Board no later than the date upon which Dr. Wolf's quarterly declaration is due, or as otherwise directed by the Board. Further, Dr. Wolf shall make his patient records with regard to such prescribing, administering, or personally furnishing available for review by an agent of the Board immediately upon request.

Sobriety

8. Dr. Wolf shall abstain completely from the personal use or personal possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Dr. Wolf's history of chemical dependency. Further, in the event that Dr. Wolf is so prescribed, dispensed or administered any controlled substance, carisoprodol, or tramadol, Dr. Wolf shall notify the Board in writing within seven days, providing the Board with the identity of the prescriber; the name of the drug Dr. Wolf received; the medical purpose for which he received said drug; the date such drug was initially received; and the dosage, amount, number of refills, and directions for use. Further, within thirty days of the date said drug is so prescribed, dispensed, or administered to him, Dr. Wolf shall provide the Board with either a copy of the written prescription or other written verification from the prescriber, including the dosage, amount, number of refills, and directions for use.
9. Dr. Wolf shall abstain completely from the use of alcohol.

Drug and Alcohol Screens/Drug Testing Facility and Collection Site

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10. Dr. Wolf shall submit to random urine screenings for drugs and alcohol at least two times per month, or as otherwise directed by the Board. Dr. Wolf shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board, and shall include Dr. Wolf's drug(s) of choice.

Dr. Wolf shall abstain from the use of any substance and the consumption of poppy seeds or any other food or liquid that may produce a low level positive result in a toxicology screen. Dr. Wolf acknowledges that he understands that the consumption or use of such substances, including but not limited to substances such as mouthwash or hand cleaning gel, may cause a positive drug screen that may not be able to be differentiated from intentional ingestion, and therefore such consumption or use is prohibited under this Consent Agreement.

All such urine screenings for drugs and alcohol shall be conducted through a Board-approved drug testing facility and collection site pursuant to the global contract between said facility and the Board, that provides for the Board to maintain ultimate control over the urine screening process and to preserve the confidentiality of all positive screening results in accordance with Section 4731.22(F)(5), Ohio Revised Code, and the screening process shall require a daily call-in procedure. Further, in the event that the Board exercises its discretion, as provided in Paragraph 11 below, to approve urine screenings to be conducted at an alternative drug testing facility and/or collection site or a supervising physician, such approval shall be expressly contingent upon the Board retaining ultimate control over the urine screening process in a manner that preserves the aforementioned confidentiality of all positive screening results.

Dr. Wolf shall submit, at his expense and on the day selected, urine specimens for drug and/or alcohol analysis. All specimens submitted by Dr. Wolf shall be negative, except for those substances prescribed, administered, or dispensed to him in conformance with the terms, conditions and limitations set forth in this Consent Agreement. Refusal to submit such specimen, or failure to submit such specimen on the day he is selected or in such manner as the Board may request, shall constitute a violation of this Consent Agreement.

Further, within thirty days of the effective date of this Consent Agreement, Dr. Wolf shall enter into the necessary financial and/or contractual arrangements with the Board-approved drug testing facility and/or collection site in order to facilitate the urine screening process in the manner required by this Consent Agreement. Further, Dr. Wolf shall promptly provide to the Board written documentation of completion of such arrangements, including a copy of any contract entered into between Dr. Wolf and the Board-approved drug testing facility and/or collection site. Dr. Wolf's failure to timely complete such arrangements, or failure to timely provide written

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documentation to the Board of completion of such arrangements, shall constitute a violation of this Consent Agreement. However, Dr. Wolf and the Board further agree that in the event Dr. Wolf previously entered into the aforementioned financial and contractual agreements pursuant to the requirements of a prior consent agreement with the Board under which Dr. Wolf is currently participating in an ongoing urine screening process, then this requirement shall be waived under the instant consent agreement.

Dr. Wolf shall ensure that the urine screening process performed through the Board-approved drug testing facility and/or collection site requires a daily call-in procedure; that the urine specimens are obtained on a random basis; and that the giving of the specimen is witnessed by a reliable person. In addition, Dr. Wolf and the Board-approved drug testing facility and collection site shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

Dr. Wolf shall ensure that the Board-approved drug testing facility and/or collection site provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, and whether all urine screens have been negative.

In the event that the Board-approved drug testing facility and/or collection site becomes unable or unwilling to serve as required by this Consent Agreement, Dr. Wolf must immediately notify the Board in writing, and make arrangements acceptable to the Board pursuant to Paragraph 11 below, as soon as practicable. Dr. Wolf shall further ensure that the Board-approved drug testing facility and/or collection site also notifies the Board directly of its inability to continue to serve and the reasons therefore.

Dr. Wolf acknowledges that the Board expressly reserves the right to withdraw its approval of any drug testing facility and/or collection site in the event that the Secretary and Supervising Member of the Board determine that the drug testing facility and/or collection site has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

11. Dr. Wolf and the Board agree that it is the intent of this Consent Agreement that Dr. Wolf shall submit his urine specimens to the Board-approved drug testing facility and collection site chosen by the Board. However, in the event that utilizing said Board-approved drug testing facility and/or collection site creates an extraordinary hardship upon Dr. Wolf, as determined in the sole discretion of the Board, then subject to the following requirements, the Board may approve an alternate drug testing facility and/or collection site, or a supervising physician, to facilitate the urine screening process for Dr. Wolf:

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- a. Within thirty days of the date upon which Dr. Wolf is notified of the Board's determination that utilizing the Board-approved drug testing facility and/or collection site constitutes an extraordinary hardship upon Dr. Wolf, he shall submit to the Board in writing for its prior approval the identity of either an alternate drug testing facility and collection site, or the name of a proposed supervising physician, to whom Dr. Wolf shall submit the required urine specimens. In approving a facility, entity, or an individual to serve in this capacity, the Board will give preference to a facility located near Dr. Wolf's residence or employment location, or to a physician who practices in the same locale as Dr. Wolf. Dr. Wolf shall ensure that the urine screening process performed through the alternate drug testing facility and/or collection site, or through the supervising physician, requires a daily call-in procedure; that the urine specimens are obtained on a random basis; and that the giving of the specimen is witnessed by a reliable person. In addition, Dr. Wolf acknowledges that the alternate drug testing facility and collection site, or the supervising physician, shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.
- b. Dr. Wolf shall ensure that the alternate drug testing facility and/or collection site, or the supervising physician, provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, and whether all urine screens have been negative.
- c. In the event that the designated alternate drug testing facility and/or collection site, or the supervising physician, becomes unable or unwilling to so serve, Dr. Wolf must immediately notify the Board in writing. Dr. Wolf shall further ensure that the previously designated alternate drug testing facility and collection site, or the supervising physician, also notifies the Board directly of the inability to continue to serve and the reasons therefore. Further, in order to ensure that there will be no interruption in his urine screening process, upon the previously approved alternate drug testing facility, collection site, or supervising physician becoming unable to serve, Dr. Wolf shall immediately commence urine screening at the Board-approved drug testing facility and collection site chosen by the Board, until such time, if any, that the Board approves a subsequent alternate drug testing facility, collection site, or supervising physician, if requested by Dr. Wolf.
- d. The Board expressly reserves the right to disapprove any entity or facility proposed to serve as Dr. Wolf's designated alternate drug testing facility and/or collection site, or any person proposed to serve as his supervising physician, or to withdraw approval of any entity, facility or person previously approved to so serve in the event that the Secretary and Supervising Member of the Board

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determine that any such entity, facility or person has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

- e. In the event that the Board approved an alternate drug testing facility and/or collection site, or a supervising physician, pursuant to the October 2009 Step I Consent Agreement between Dr. Wolf and the Board, Dr. Wolf and the Board agree that the entity, facility or person previously approved by the Board to so serve pursuant to the October 2009 Step I Consent Agreement is hereby approved to continue as Dr. Wolf's designated alternate drug testing facility and collection site or as his supervising physician under this Consent Agreement.
12. All screening reports required under this Consent Agreement from the Board-approved drug testing facility and/or collection site, or from the alternate drug testing facility and/or collection site or supervising physician, must be received in the Board's offices no later than the due date for Dr. Wolf's quarterly declaration. It is Dr. Wolf's responsibility to ensure that reports are timely submitted.
13. The Board retains the right to require, and Dr. Wolf agrees to submit, blood, urine, breath, saliva and/or hair specimens for screening for drugs and alcohol, for analysis of therapeutic levels of medications that may be prescribed for Dr. Wolf, or for any other purpose, at Dr. Wolf's expense upon the Board's request and without prior notice. Dr. Wolf's refusal to submit a specimen upon request of the Board shall result in a minimum of one year of actual license suspension. Further, the collection of such specimens shall be witnessed by a representative of the Board, or another person acceptable to the Secretary or Supervising Member of the Board.

Monitoring Physician

14. Before engaging in any medical practice, Dr. Wolf shall submit to the Board in writing 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 and Supervising Member will give preference to a physician who practices in the same locale as Dr. Wolf and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Wolf and his medical practice, and shall review Dr. Wolf'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. Wolf and his medical practice, and on the review of Dr. Wolf's patient charts. Dr. Wolf 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. Wolf's quarterly declaration.

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

The Board expressly reserves the right to disapprove any person proposed to serve as Dr. Wolf's designated monitoring physician, or to withdraw approval of any person previously approved to serve as Dr. Wolf's designated monitoring physician, in the event that the Secretary and Supervising Member of the Board determine that any such monitoring physician has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

Rehabilitation Program

15. Dr. Wolf shall maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., C.A., or Caduceus, no less than three times per week. Substitution of any other specific program must receive prior Board approval.

Dr. Wolf shall submit acceptable documentary evidence of continuing compliance with this program, including submission to the Board of meeting attendance logs, which must be received in the Board's offices no later than the due date for Dr. Wolf's quarterly declarations.

Aftercare

16. Dr. Wolf shall contact an appropriate impaired physicians committee, approved by the Board, to arrange for assistance in recovery or aftercare.
17. Dr. Wolf shall maintain continued compliance with the terms of the aftercare contract entered into with a Board-approved treatment provider, provided that, where terms of the aftercare contract conflict with terms of this Consent Agreement, the terms of this Consent Agreement shall control.

Releases

18. Dr. Wolf shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Wolf's chemical dependency or related conditions, or for purposes of complying with this Consent

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Agreement, whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. To the extent permitted by law, the above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Wolf further agrees to provide the Board written consent permitting any treatment provider from whom he obtains treatment to notify the Board in the event he fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Consent Agreement.

Required Reporting by Licensee

19. Within thirty days of the effective date of this Consent Agreement, Dr. Wolf shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services (including but not limited to third party payors) or is receiving training, and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Wolf shall promptly provide a copy of this Consent Agreement 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. In the event that Dr. Wolf provides any health care services or health care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within thirty days of the effective date of this Consent Agreement Dr. Wolf shall provide a copy of this Consent Agreement to the Ohio Department of Public Safety, Division of Emergency Medical Services. Further, Dr. Wolf shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.
20. Within thirty days of the effective date of this Consent Agreement, Dr. Wolf shall provide a copy of this Consent Agreement to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Dr. Wolf further agrees to provide a copy of this Consent Agreement at time of application to the proper licensing authority of any state in which he applies for any professional

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license or for reinstatement of any professional license. Further, Dr. Wolf shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

- 21. Dr. Wolf shall promptly provide a copy of this Consent Agreement to all persons and entities that provide Dr. Wolf chemical dependency treatment or monitoring. Further, Dr. Wolf shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.
- 22. Dr. Wolf shall notify the Board in writing of any change of principal practice address or residence address within thirty days of such change.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Wolf appears to have violated or breached any term or condition of this Consent Agreement, the Board reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

If the Secretary and Supervising Member of the Board determine that there is clear and convincing evidence that Dr. Wolf has violated any term, condition or limitation of this Consent Agreement, Dr. Wolf agrees that the violation, as alleged, also constitutes clear and convincing evidence that his continued practice presents a danger of immediate and serious harm to the

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public for purposes of initiating a summary suspension pursuant to Section 4731.22(G), Ohio Revised Code.

DURATION/MODIFICATION OF TERMS

Dr. Wolf shall not request termination of this Consent Agreement for a minimum of five years. In addition, Dr. Wolf shall not request modification to the probationary terms, limitations, and conditions contained herein for at least one year, except that Dr. Wolf may make such request with the mutual approval and joint recommendation of the Secretary and Supervising Member. Otherwise, the above-described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

In the event that the Board initiates future formal proceedings against Dr. Wolf, including but not limited to issuance of a Notice of Opportunity for Hearing, this Consent Agreement shall continue in full force and effect until such time that it is superseded by ratification by the Board of a subsequent Consent Agreement or issuance by the Board of a final Board Order.

In the event that any term, limitation, or condition contained in this Consent Agreement is determined to be invalid by a court of competent jurisdiction, Dr. Wolf and the Board agree that all other terms, limitations, and conditions contained in this Consent Agreement shall be unaffected.

ACKNOWLEDGMENTS/LIABILITY RELEASE

Dr. Wolf acknowledges that he has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

Dr. Wolf hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. Dr. Wolf acknowledges that his social security number will be used if this information is so reported and agrees to provide his social security number to the Board for such purposes.

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EFFECTIVE DATE

It is expressly understood that this Consent Agreement is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

Bradley Rex Wolf M.D.
BRADLEY REX WOLF, M.D.

Lance A. Talmage MD
LANCE A. TALMAGE, M.D.
Secretary

10/6/10
DATE

10-13-10
DATE

John Irwin
JOHN IRWIN, M.D., ESQ.
Attorney for Dr. Wolf

Raymond J. Albert
RAYMOND J. ALBERT
Supervising Member *by authorization*

10/4/10
DATE

Oct. 13, 2010
DATE

David P. Katko
DAVID P. KATKO
Enforcement Attorney

10/13/10
DATE

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THE STATE MEDICAL BOARD OF OHIO**

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Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Agreement. Such express reservation includes, but is not limited to, the right to institute formal proceedings based upon any violation related to patient care, or otherwise involving patients, or involving criminal acts, regardless of whether the acts underlying such additional violations are related to the violations set forth herein.

C. Dr. Wolf is licensed to practice medicine and surgery in the State of Ohio, License number 35. 052721, with said certificate currently subject to the terms, conditions and limitations established by a July 9, 2008 Board Order, effective August 5, 2008, [July 2008 Board Order], which permanently revoked Dr. Wolf's certificate, stayed such permanent revocation, and suspended his certificate for an indefinite time, but not less than 90 days. Dr. Wolf states, and the Board acknowledges, that his certificate was reinstated on or about November 12, 2008, subject to continuing probation as set forth in the July 2008 Board Order.

D. Dr. Wolf states that he is also licensed to practice medicine and surgery in the States of Wisconsin and Colorado.

E. Dr. Wolf admits that he initially entered treatment for opiate addiction at Shepherd Hill, a Board-approved treatment provider located in Newark, Ohio, on March 23, 2009. Dr. Wolf further states that he successfully completed inpatient treatment at Shepherd Hill on May 19, 2009.

Dr. Wolf admits that, for at least a ten year period prior to March 2009, he misused Schedule III hydrocodone medications [hydrocodone] and that he obtained hydrocodone in the following ways. Dr. Wolf admits that on numerous occasions over this ten year period, for multiple patients who underwent hair transplant surgical procedures at his office, he called in or authorized the calling in of two separate hydrocodone prescriptions for the same patient name to two different pharmacies. Dr. Wolf admits that he requested one pharmacy deliver said filled hydrocodone prescriptions to his office, with the second prescription picked up at a local pharmacy by the patient, for which the patient paid. Dr. Wolf further admits that he paid for the delivered filled prescriptions and took the medications from the delivered prescription for self-use. Dr. Wolf attests that the preceding method was Dr. Wolf's primary method for obtaining the medication to which he was addicted.

Dr. Wolf further admits that occasionally he called in or authorized the calling in of hydrocodone prescriptions for delivery to his office for hair transplant patients who did not require the medication; or he called in prescriptions in the name of friends or staff members; and on three or four occasions in late 2008, he called in prescriptions in the name of his colleague, without the colleague's knowledge. Dr. Wolf admits that he paid for, kept, and used the medication himself. Dr. Wolf further admits that he sometimes had patients bring in their own hydrocodone medication from previous prescriptions, for

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use during surgery, and if more than enough pills were available, Dr. Wolf took one or two tablets for himself.

Dr. Wolf further admits that at the end of 2008 through March 2009, he had been ingesting fifteen to twenty hydrocodone tablets per day that were obtained via the methods listed above. Dr. Wolf specifically denies that he obtained hydrocodone during the time period of 1999 to March 2009 in any manner other than the methods listed above.

Dr. Wolf further admits that he submitted a Declaration of Compliance to the Board in February 2009 in which he falsely stated that he was in full compliance with the terms of the July 2008 Board Order.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Dr. Wolf knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

PERMANENT REVOCATION, STAYED; SUSPENSION OF CERTIFICATE

1. The July 2008 Board Order that permanently revoked Dr. Wolf's certificate, stayed such permanent revocation, suspended Dr. Wolf's certificate to practice medicine and surgery in the State of Ohio, and reinstated his certificate subject to probationary conditions is hereby TERMINATED upon the effective date of the instant Step I Consent Agreement. Further, the certificate of Dr. Wolf to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED. Such permanent revocation is STAYED, and Dr. Wolf's certificate to practice medicine and surgery shall be SUSPENDED for an indefinite period of time, but not less than one year from the effective date of this Step I Consent Agreement.

Obey all Laws

2. Dr. Wolf shall obey all federal, state, and local laws.

Sobriety

3. Dr. Wolf shall abstain completely from the personal use or personal possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Dr. Wolf's history of chemical dependency. Further, in the event that Dr. Wolf is so prescribed, dispensed or administered any controlled substance, carisoprodol, or tramadol, Dr. Wolf shall notify the Board in writing within seven days, providing the Board with the identity of the prescriber; the name of the drug Dr. Wolf received; the medical purpose for which he received said drug; the date such

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drug was initially received; and the dosage, amount, number of refills, and directions for use. Further, within thirty days of the date said drug is so prescribed, dispensed, or administered to him, Dr. Wolf shall provide the Board with either a copy of the written prescription or other written verification from the prescriber, including the dosage, amount, number of refills, and directions for use.

4. Dr. Wolf shall abstain completely from the use of alcohol.

Absences from Ohio

5. Dr. Wolf shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed. Further, the Secretary and Supervising Member of the Board shall have the discretion to grant a waiver of part or all of the monitoring terms set forth in this Consent Agreement for occasional periods of absence of fourteen days or less. In the event that Dr. Wolf resides and/or is employed at a location that is within fifty miles of the geographic border of Ohio and any of its contiguous states, Dr. Wolf may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Dr. Wolf is able to otherwise maintain full compliance with all other terms, conditions and limitations set forth in this Consent Agreement.

Releases; Quarterly Declarations and Appearances

6. Dr. Wolf shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Wolf's chemical dependency or related conditions, or for purposes of complying with this Consent Agreement, whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. To the extent permitted by law, the above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Wolf further agrees to provide the Board written consent permitting any treatment provider from whom he obtains treatment to notify the Board in the event he fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Consent Agreement.
7. Dr. Wolf shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which

this Consent Agreement becomes effective, or as otherwise requested by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

8. Dr. Wolf shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur every three 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.

Drug & Alcohol Screens; Drug Testing Facility and Collection Site

9. Dr. Wolf shall submit to random urine screenings for drugs and alcohol at least four times per month, or as otherwise directed by the Board. Dr. Wolf shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board, and shall include Dr. Wolf's drug(s) of choice.

Dr. Wolf shall abstain from the use of any substance and the consumption of poppy seeds or any other food or liquid that may produce a low level positive result in a toxicology screen. Dr. Wolf acknowledges that he understands that the consumption or use of such substances, including but not limited to substances such as mouthwash or hand cleaning gel, may cause a positive drug screen that may not be able to be differentiated from intentional ingestion, and therefore such consumption or use is prohibited under this Consent Agreement.

All such urine screenings for drugs and alcohol shall be conducted through a Board-approved drug testing facility and collection site pursuant to the global contract between said facility and the Board, that provides for the Board to maintain ultimate control over the urine screening process and to preserve the confidentiality of all positive screening results in accordance with Section 4731.22(F)(5), Ohio Revised Code, and the screening process shall require a daily call-in procedure. Further, in the event that the Board exercises its discretion, as provided in Paragraph 10 below, to approve urine screenings to be conducted at an alternative drug testing facility and/or collection site or a supervising physician, such approval shall be expressly contingent upon the Board retaining ultimate control over the urine screening process in a manner that preserves the aforementioned confidentiality of all positive screening results.

Dr. Wolf shall submit, at his expense and on the day selected, urine specimens for drug and/or alcohol analysis. All specimens submitted by Dr. Wolf shall be negative, except for those substances prescribed, administered, or dispensed to him in conformance with the terms, conditions and limitations set forth in this Consent Agreement. Refusal to submit such specimen, or failure to submit such specimen on the day he is selected or in

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such manner as the Board may request, shall constitute a violation of this Consent Agreement.

Further, within thirty days of the effective date of this Consent Agreement, Dr. Wolf shall enter into the necessary financial and/or contractual arrangements with the Board-approved drug testing facility and/or collection site in order to facilitate the urine screening process in the manner required by this Consent Agreement. Further, Dr. Wolf shall promptly provide to the Board written documentation of completion of such arrangements, including a copy of any contract entered into between Dr. Wolf and the Board-approved drug testing facility and/or collection site. Dr. Wolf's failure to timely complete such arrangements, or failure to timely provide written documentation to the Board of completion of such arrangements, shall constitute a violation of this Consent Agreement.

Dr. Wolf shall ensure that the urine screening process performed through the Board-approved drug testing facility and/or collection site requires a daily call-in procedure; that the urine specimens are obtained on a random basis; and that the giving of the specimen is witnessed by a reliable person. In addition, Dr. Wolf and the Board-approved drug testing facility and collection site shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

Dr. Wolf shall ensure that the Board-approved drug testing facility and/or collection site provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, and whether all urine screens have been negative.

In the event that the Board-approved drug testing facility and/or collection site becomes unable or unwilling to serve as required by this Consent Agreement, Dr. Wolf must immediately notify the Board in writing, and make arrangements acceptable to the Board, pursuant to Paragraph 10 below, as soon as practicable. Dr. Wolf shall further ensure that the Board-approved drug testing facility and/or collection site also notifies the Board directly of its inability to continue to serve and the reasons therefore.

Dr. Wolf acknowledges that the Board expressly reserves the right to withdraw its approval of any drug testing facility and/or collection site in the event that the Secretary and Supervising Member of the Board determine that the drug testing facility and/or collection site has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

10. Dr. Wolf and the Board agree that it is the intent of this Consent Agreement that Dr. Wolf shall submit his urine specimens to the Board-approved drug testing facility and collection site chosen by the Board. However, in the event that utilizing said Board-approved drug testing facility and/or collection site creates an extraordinary hardship

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upon Dr. Wolf, as determined in the sole discretion of the Board, then subject to the following requirements, the Board may approve an alternate drug testing facility and/or collection site, or a supervising physician, to facilitate the urine screening process for Dr. Wolf:

- a. Within thirty days of the date upon which Dr. Wolf is notified of the Board's determination that utilizing the Board-approved drug testing facility and/or collection site constitutes an extraordinary hardship upon Dr. Wolf, he shall submit to the Board in writing for its prior approval the identity of either an alternate drug testing facility and collection site, or the name of a proposed supervising physician, to whom Dr. Wolf shall submit the required urine specimens. In approving a facility, entity, or an individual to serve in this capacity, the Board will give preference to a facility located near Dr. Wolf's residence or employment location, or to a physician who practices in the same locale as Dr. Wolf. Dr. Wolf shall ensure that the urine screening process performed through the alternate drug testing facility and/or collection site, or through the supervising physician, requires a daily call-in procedure; that the urine specimens are obtained on a random basis; and that the giving of the specimen is witnessed by a reliable person. In addition, Dr. Wolf acknowledges that the alternate drug testing facility and collection site, or the supervising physician, shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.
- b. Dr. Wolf shall ensure that the alternate drug testing facility and/or collection site, or the supervising physician, provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, and whether all urine screens have been negative.
- c. In the event that the designated alternate drug testing facility and/or collection site, or the supervising physician, becomes unable or unwilling to so serve, Dr. Wolf must immediately notify the Board in writing. Dr. Wolf shall further ensure that the previously designated alternate drug testing facility and collection site, or the supervising physician, also notifies the Board directly of the inability to continue to serve and the reasons therefore. Further, in order to ensure that there will be no interruption in his urine screening process, upon the previously approved alternate drug testing facility, collection site, or supervising physician becoming unable to serve, Dr. Wolf shall immediately commence urine screening at the Board-approved drug testing facility and collection site chosen by the Board, until such time, if any, that the Board approves a subsequent alternate drug testing facility, collection site, or supervising physician, if requested by Dr. Wolf.

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- d. The Board expressly reserves the right to disapprove any entity or facility proposed to serve as Dr. Wolf's designated alternate drug testing facility and/or collection site, or any person proposed to serve as his supervising physician, or to withdraw approval of any entity, facility or person previously approved to so serve in the event that the Secretary and Supervising Member of the Board determine that any such entity, facility or person has demonstrated a lack of cooperation in providing information to the Board or for any other reason.
11. All screening reports required under this Consent Agreement from the Board-approved drug testing facility and/or collection site, or from the alternate drug testing facility and/or collection site or supervising physician, must be received in the Board's offices no later than the due date for Dr. Wolf's quarterly declaration. It is Dr. Wolf's responsibility to ensure that reports are timely submitted.
12. The Board retains the right to require, and Dr. Wolf agrees to submit, blood, urine, breath, saliva and/or hair specimens for screening for drugs and alcohol, for analysis of therapeutic levels of medications that may be prescribed for Dr. Wolf, or for any other purpose, at Dr. Wolf's expense upon the Board's request and without prior notice. Dr. Wolf's refusal to submit a specimen upon request of the Board shall result in a minimum of one year of actual license suspension. Further, the collection of such specimens shall be witnessed by a representative of the Board, or another person acceptable to the Secretary or Supervising Member of the Board.

Rehabilitation Program

13. Within thirty days of the effective date of this Consent Agreement, Dr. Wolf shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., C.A., or Caduceus, no less than three times per week. Substitution of any other specific program must receive prior Board approval.

Dr. Wolf shall submit acceptable documentary evidence of continuing compliance with this program, including submission to the Board of meeting attendance logs, which must be received in the Board's offices no later than the due date for Dr. Wolf's quarterly declarations.

14. Dr. Wolf shall enter into an aftercare contract with a Board-approved treatment provider and shall maintain continued compliance with the terms of said aftercare contract, provided that, where the terms of the aftercare contract conflict with the terms of this Consent Agreement, the terms of this Consent Agreement shall control.

CONDITIONS FOR REINSTATEMENT

15. The Board shall not consider reinstatement or restoration of Dr. Wolf's certificate to practice medicine and surgery until all of the following conditions are met:

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- a. Dr. Wolf shall submit an application for reinstatement or restoration, as appropriate, accompanied by appropriate fees, if any.
- b. Dr. Wolf shall demonstrate to the satisfaction of the Board that he can resume practice in compliance with acceptable and prevailing standards of care under the provisions of his certificate. Such demonstration shall include but shall not be limited to the following:
 - i. Certification from a treatment provider approved under Section 4731.25 of the Revised Code that Dr. Wolf has successfully completed any required inpatient treatment, including at least twenty-eight days of inpatient or residential treatment for chemical abuse/dependence, as set forth in Rules 4731-16-02 and 4731-16-08, Ohio Administrative Code, completed consecutively.
 - ii. Evidence of continuing full compliance with, or successful completion of, a post-discharge aftercare contract with a treatment provider approved under Section 4731.25 of the Revised Code. Such evidence shall include, but not be limited to, a copy of the signed aftercare contract. The aftercare contract must comply with rule 4731-16-10 of the Administrative Code.
 - iii. Evidence of continuing full compliance with this Consent Agreement.
 - iv. Two written reports indicating that Dr. Wolf's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by physicians knowledgeable in the area of addictionology and who are either affiliated with a current Board-approved treatment provider or otherwise have been approved in advance by the Board to provide an assessment of Dr. Wolf. Further, the two aforementioned physicians shall not be affiliated with the same treatment provider or medical group practice. Prior to the assessments, Dr. Wolf shall provide the evaluators with copies of patient records from any evaluations and/or treatment that he has received, and a copy of this Consent Agreement. The reports from the evaluators shall include any recommendations for treatment, monitoring, or supervision of Dr. Wolf, and any conditions, restrictions, or limitations that should be imposed on Dr. Wolf's practice. The reports shall also describe the basis for the evaluator's determinations.

All reports required pursuant to this paragraph shall be based upon examinations occurring within the three months immediately preceding any application for reinstatement. Further, at the discretion of the Secretary and Supervising Member of the Board, the Board may request an updated

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assessment and report if the Secretary and Supervising Member determine that such updated assessment and report is warranted for any reason.

- c. Dr. Wolf shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board within 180 days of the date upon which all the above-specified conditions for reinstatement or restoration have been completed or, if the Board and Dr. Wolf are unable to agree on the terms of a written Consent Agreement, then Dr. Wolf further agrees to abide by any terms, conditions and limitations imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Ohio Revised Code. The Board shall provide notice to Dr. Wolf that said hearing has been scheduled, advising Dr. Wolf of his hearing rights, and stating the date, time, and location of the hearing at which the Board will present its evidence, after which the Board will make a determination of the matter by Board Order.

Further, upon reinstatement of Dr. Wolf's certificate to practice medicine and surgery in this state, the Board shall require continued monitoring which shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Revised Code. Moreover, upon termination of the consent agreement or Board Order, Dr. Wolf shall submit to the Board for at least two years annual progress reports made under penalty of Board disciplinary action or criminal prosecution stating whether Dr. Wolf has maintained sobriety.

16. In the event that Dr. Wolf has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Wolf's fitness to resume practice.

REQUIRED REPORTING BY LICENSEE

17. Within thirty days of the effective date of this Consent Agreement, Dr. Wolf shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services (including but not limited to third party payors) or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Wolf shall promptly provide a copy of this Consent Agreement 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. In the event that Dr. Wolf provides any health care services or health care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within thirty days of the effective date of this Consent Agreement Dr. Wolf shall provide a copy of this Consent Agreement to the Ohio Department of Public Safety, Division of

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Emergency Medical Services. Further, Dr. Wolf shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

18. Within thirty days of the effective date of this Consent Agreement, Dr. Wolf shall provide a copy of this Consent Agreement to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Dr. Wolf further agrees to provide a copy of this Consent Agreement at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement of any professional license. Further, Dr. Wolf shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.
19. Dr. Wolf shall promptly provide a copy of this Consent Agreement to all persons and entities that provide Dr. Wolf chemical dependency treatment or monitoring. Further, Dr. Wolf shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.
20. Dr. Wolf shall notify the Board in writing of any change of principal practice address or residence address within thirty days of such change.

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DURATION/MODIFICATION OF TERMS

The above-described terms, conditions and limitations may be amended or terminated in writing at any time upon the agreement of both parties. In the event that the Board initiates future formal proceedings against Dr. Wolf, including but not limited to issuance of a Notice of Opportunity for Hearing, this Consent Agreement shall continue in full force and effect until such time that it is superseded by ratification by the Board of a subsequent Consent Agreement or issuance by the Board of a final Board Order.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Wolf appears to have violated or breached any term or condition of this Consent Agreement, the Board reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

ACKNOWLEDGMENTS/LIABILITY RELEASE

Dr. Wolf acknowledges that he has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

Dr. Wolf hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. Dr. Wolf acknowledges that his social security number will be used if this information is so reported and agrees to provide his social security number to the Board for such purposes.

EFFECTIVE DATE

It is expressly understood that this Consent Agreement is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

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Bradley Rex Wolf M.D.
BRADLEY REX WOLF, M.D.

Lance A. Talmage MD
LANCE A. TALMAGE, M.D.
Secretary

October 6, 2009
DATE

10-14-09
DATE

John Irwin
JOHN IRWIN, M.D., ESQ.
Attorney for Dr. Wolf

Raymond J. Albert
RAYMOND J. ALBERT
Supervising Member

October 8, 2009
DATE

10/14/09
DATE

David P. Katko
DAVID P. KATKO
Enforcement Attorney

10/09/09
DATE

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov



July 9, 2008

Bradley Rex Wolf, M.D.
11877 Mason Road
Cincinnati, OH 45249

Dear Doctor Wolf:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Patricia A. Davidson, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on July 9, 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 MD
Lance A. Talmage, M.D. *rw*
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3934 3690 5739
RETURN RECEIPT REQUESTED

Cc: James C. Frooman and Ali Razzaghi, Esqs.
CERTIFIED MAIL NO. 91 7108 2133 3934 3690 5746
RETURN RECEIPT REQUESTED

Mailed 8.5.08

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Patricia A. Davidson, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on July 9, 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 Bradley Rex Wolf, 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, M.D.

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

(SEAL)

July 9, 2008

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

BRADLEY REX WOLF, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on July 9, 2008.

Upon the Report and Recommendation of Patricia A. Davidson, 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. **PERMANENT REVOCATION, STAYED; SUSPENSION:** The certificate of Bradley Rex Wolf, M.D., to practice allopathic medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED. Such revocation is STAYED, and Dr. Wolf's certificate 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. Wolf's certificate to practice allopathic medicine and surgery until all of the following conditions have been met:
 1. **Application for Reinstatement or Restoration:** Dr. Wolf shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
 2. **Professional Ethics Course(s):** At the time he submits his application for reinstatement or restoration, Dr. Wolf shall provide acceptable documentation of successful completion of a course or courses dealing with professional 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. Wolf submits the documentation of successful completion of the course or courses dealing with professional ethics, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

3. **Examination on the Medical Practices Act and Related Statutes and Rules:** Prior to submitting his application for reinstatement or restoration, Dr. Wolf shall take and pass an examination to be administered by the Board or its designee regarding the Medical Practices Act, as amended, and related Ohio statutes and rules relating to the practice of medicine and surgery in Ohio as set forth in the Ohio Revised Code and Administrative Code. If Dr. Wolf fails this examination, he must wait at least two months before a re-examination.

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

1. **Obey the Law:** Dr. Wolf shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the states where he practices.
2. **Declarations of Compliance:** Dr. Wolf 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. Wolf's certificate is reinstated or restored. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. **Personal Appearances:** Dr. Wolf 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. Wolf's certificate is reinstated or restored. Dr. Wolf shall also appear upon his request for termination of the probationary period, and/or as otherwise requested by the Board.
4. **Termination of Probation:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Wolf's certificate will be fully restored.

D. **REQUIRED REPORTING AND DOCUMENTATION OF REPORTING**

1. **Required Reporting To Employers and Others:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Wolf shall provide a copy of this Order to all employers or entities with which he is under contract to provide health-care services (including but limited to third-party payors) or is receiving training, and the Chief of Staff at each hospital or health-care center where he has privileges or appointments.

Further, Dr. Wolf shall provide a copy of this Order to all employers or entities with which he contracts in the future to provide health-care services, or applies for or receives training, and the Chief of Staff at each hospital or health-care center where he applies for or obtains privileges or appointments. This requirement shall continue until the earlier of either: (a) three years following the effective date of this order; or (b) Dr. Wolf receives from the Board written notification of his successful completion of probation as set forth in section C above.

2. **Required Reporting To Emergency Medical Services Organization or Provider:** In the event that Dr. Wolf provides any health-care services or health-care direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, Dr. Wolf shall provide, within 30 days or as otherwise determined by the Board, a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.
3. **Required Reporting To Other Licensing Authorities:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Wolf shall provide a copy of this Order to the proper licensing authority of any State or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate.

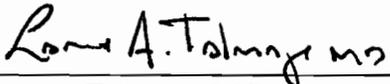
When Dr. Wolf applies for any professional license or reinstatement/restoration of any professional license in any State or jurisdiction, he shall provide a copy of this Order to the proper licensing authority of that State or jurisdiction at the time of application. This requirement shall continue until the earlier of either: a) Three years following the effective date of this Order; or b) Dr. Wolf receives from the Board written notification of his successful completion of probation as set forth in section C, above.

4. **Documentation that the Required Reporting Has Been Performed:** Further, Dr. Wolf shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each notification required above: (1) the return receipt of certified mail within 30 days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication

documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

EFFECTIVE DATE OF ORDER: This Order shall become effective immediately upon the mailing of the notification of approval by the Board.

(SEAL)



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

July 9, 2008

Date

2008 JUN 16 P 4: 30

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of

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Bradley Rex Wolf, M.D.,

*

Hearing Examiner Davidson

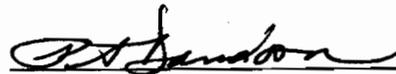
Respondent.

*

**ERRATA SHEET
FOR THE REPORT AND RECOMMENDATION**

The Report and Recommendation in this matter was filed June 13, 2008. The Hearing Examiner has since been made aware that Paragraph 39 in the Summary of Evidence contains a typographical error: the fifth line starts with "Dr. Wolf" and should instead start with "Ruben Bogin," so that the paragraph should read as follows:

39. Dr. Wolf admitted that, with respect to the 41 patients whose files he had provided to the Board, Ruben Bogin had excised the donor strip for no more than four patients, whom he identified as Patients 9, 23, 38 and 40. Dr. Wolf stated that Ruben Bogin had made incisions and cut away the tissue, and he further stated that, for these four patients, Ruben Bogin also had sutured the entire wound at the donor site from one end to the other. (Tr. at 104-105, 109-117, 129-130, 448, 450, 465, 476-478) [The footnote in the original is not included in this errata sheet.]



Patricia A. Davidson
Hearing Examiner

IN THE MATTER OF BRADLEY REX WOLF, M.D.

2008 JUN 13 P 4: 29

The Matter of Bradley Rex Wolf, M.D., was heard by Patricia A. Davidson, Hearing Examiner for the State Medical Board of Ohio, on November 26 through 28, 2007.

INTRODUCTION

Basis for Hearing

In a notice of opportunity for hearing dated January 11, 2007, the State Medical Board of Ohio [Board] informed Bradley Rex Wolf, M.D., that it proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio, on the grounds that Dr. Wolf had aided and abetted an unlicensed person to practice medicine and surgery in Ohio. (St. Ex. 1B)

The Board alleged among other things that Dr. Wolf had permitted Ruben Bogin to engage in the practice of medicine and surgery by permitting him to perform, and/or supervising him in the performance of, cutting strips of scalp from patients' heads, closing scalp wounds with sutures, and/or making small incisions in patients' scalps for insertion of "donor follicular units."¹

The Board also alleged that Dr. Wolf had websites on which he had permitted the posting of photographs of Ruben Bogin that identified him as "Dr. Ruben Bogin, M.D" despite the fact that Ruben Bogin was not licensed to practice medicine and surgery in Ohio. Further, the Board alleged that Dr. Wolf had referred to Ruben Bogin as "Dr. Bogin" when speaking to, or in front of, patients in his medical office (St. Ex. 1B)

The Board charged that Dr. Wolf's acts, conduct, and/or omissions constituted the "[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed," as that language is used in Ohio Revised Code Section [R.C.] 4731.22(B)(10). The Board cited R.C. 2923.03 (complicity) with reference to R.C. 4731.41 (practice of medicine or surgery without a certificate). The Board noted that a violation of R.C. 4731.41 constitutes a felony offense pursuant to R.C. 4731.99(A).

The Board advised Dr. Wolf of his right to a hearing upon timely written request, and received his hearing request on February 6, 2007. (St. Ex. 1C)

Appearances

On behalf of the State of Ohio: Nancy Hardin Rogers, Attorney General, by Kyle Wilcox and Barbara J. Pfeiffer, Assistant Attorneys General.

On behalf of Bradley Rex Wolf, M.D., Respondent: James C. Frooman and Ali Razzaghi.

¹ Dr. Wolf specializes in hair-restoration surgery.

EVIDENCE EXAMINED

Testimony Heard

Bradley Rex Wolf, M.D.
David C. Romano, M.D.
Hildi Cornwell
Viktor Senyk
Ruben A. Bogin, M.D. (via excerpts of testimony from deposition taken in April 2006)²

Exhibits Examined

Presented by the State

State's Exhibit 1: Procedural exhibits. (Patient keys and Social Security numbers were redacted, as set forth in hearing transcript.) Exhibits withdrawn: 1A, 1P, 1Q, 1R, 1GG.

State's Exhibit 2: Ruben Bogin's application for an Ohio certificate to practice medicine and surgery, June 2005.

State's Exhibit 3: Ruben Bogin's application for a training certificate, May 2000.

State's Exhibit 4: Report of David C. Romano, M.D., November 2006.

(State's Exhibits 5, 8 and 10 were not offered into evidence.)

State's Exhibit 6: Dr. Romano's Curriculum Vitae.

State's Exhibit 7: Affidavit of Dr. Wolf, August 2006.

State's Exhibit 9: Ruben Bogin's training certificate renewal application.

State's Exhibit 10A: Transcript of Ruben Bogin's Deposition taken by the Medical Board, April 2006.

State's Exhibit 11: Deposition Exhibit 1 of Ruben Bogin's Deposition.

(State's Exhibits 12, 13, 14, 15 and 15A were not offered into evidence.)

State's Exhibits 16–17: Printouts from a website located at <www.cincinnatihair.com>.

(State's Exhibit 18 was not offered into evidence.)

² The notice of opportunity for hearing in this matter refers to "Ruben Bogin" (or "Ruben A. Bogin") as the individual who had allegedly practiced medicine and surgery in Dr. Wolf's Ohio clinic without a certificate. As set forth in the Summary of Evidence, below, the evidence indicated that Ruben Bogin had received a medical degree in Kazakhstan.

State's Exhibits 19, 19A and 21: Printouts from a website located at <www.wolfhair.com>.

(State's Exhibits 20, 20A and 22 were not offered. State's Exhibit 23 was excluded.)

State's Exhibit 24: Patient Key (admitted under seal).

State's Exhibit 25: Patient Records of Patients 1 through 41 (admitted under seal).

State's Exhibit 26: Drawing by Dr. Wolf regarding hair follicles.

Presented by the Respondent

Respondent's Exhibit A: Curriculum Vitae of Dr. Wolf.

Respondent's Exhibit E: Curriculum Vitae of Ruben Bogin.

Board Exhibits

Board Exhibits 1 through 3: Written closing arguments submitted post-hearing and Respondent's filing of supplemental documents.

PROCEDURAL MATTERS

In January 2007, the Board issued a notice of opportunity for hearing to Dr. Wolf. The Board also issued a separate notice of opportunity for hearing to Ruben Bogin, alleging that he had engaged in the practice of medicine and surgery in Ohio without a certificate. Dr. Wolf and Ruben Bogin requested hearings, and the two matters were consolidated for hearing upon the State's request. (St. Ex. 1L, 1N)

In September 2007, shortly before the four-day hearing was to commence, Ruben Bogin requested a postponement based on his hospitalization in Kazakhstan. This was the second request for a continuance, as the State had been granted a continuance in July 2007 on the grounds that its original attorney had changed jobs and its new attorney needed time to prepare.

Ruben Bogin's request for a postponement was granted, and the consolidated hearing was rescheduled again. The four-day hearing was set to begin in November 2007. However, a few days before the hearing, the State filed a motion to bifurcate or "unconsolidate" the two matters and to postpone Ruben Bogin's hearing. The motion was granted, and only Dr. Wolf's matter was heard in November 2007 over three days. (St. Exs. 1JJ, 1KK, 1OO, 1QQ)

The parties submitted their closing arguments in writing, and the Hearing Examiner admitted them as Board Exhibits 1 through 3. The record closed on February 15, 2008.

SUMMARY OF EVIDENCE

Background Information

1. In 1976, Bradley Rex Wolf, M.D., was awarded undergraduate degrees in biology and chemistry from Indiana University, and, in 1980, he received his medical degree from Indiana University. In 1982, he completed two years of a five-year residency in general surgery at Eastern Virginia Graduate School of Medicine in Norfolk, Virginia. From 1982 to 1991, Dr. Wolf worked as an emergency-room physician in various states including Virginia, North Carolina, Oregon, Indiana, Illinois and Ohio. He received his Ohio license to practice in 1985. Dr. Wolf testified that, from 1987 to 1997, he was board-certified in emergency medicine but did not seek renewal of that certificate because he was no longer practicing emergency medicine. (Tr. at 35, 425-426; Resp. Ex. A)
2. Dr. Wolf testified that he became interested in hair-restoration surgery in 1990. After training with a specialist, he took a position with a hair-restoration clinic that had multiple locations, and he eventually became its medical director. Dr. Wolf testified that, in 1994, he formed Wolf Medical Enterprises and opened his own hair-restoration practice in Cincinnati. (Tr. at 428-430; Resp. Ex. A)
3. Dr. Wolf testified that, during the period at issue in this matter (when Ruben Bogin worked for the hair-restoration business from August 2002 to April 2006), he ran his medical practice as a personal-services corporation, "Bradley R. Wolf, M.D, also known as Wolf Medical Enterprises." He stated that he was (and still is) the sole owner and sole director, although he was paid as an employee of the corporation. He further stated that he has been the sole decision-maker in the office, although, between 1999 and 2007, he employed Ivan Bakhurin as the business manager for the corporation. He testified that Mr. Bakhurin helped him make business decisions of a non-medical nature. (Tr. at 39-40, 57, 484-485)
4. Dr. Wolf testified that most of his patients come from Ohio, Kentucky, and Indiana. In addition, he testified that patients regularly come to his clinic from all over the United States and overseas. He stated that he obtains patients equally from his reputation and his website. (Tr. at 436-438)
5. Dr. Wolf stated that he is a member of various professional societies including the American Society of Hair Restoration Surgery, the International Society of Hair Restoration Surgery, and the Ohio State Medical Association. He testified that he had served on the website committee for the International Society of Hair Restoration Surgery and had designed the society's first website, and had also been a member of the ethics committee.³ Dr. Wolf stated that he lectures about hair-restoration surgery once or twice a year on average. In addition, on his curriculum vitae, he has listed a number of publications and presentations. Dr. Wolf further testified that doctors have come from Belgium, Canada, the Czech Republic, Ireland, Russia, Switzerland,

³ Dr. Wolf stated that the ethics committee "decided issues about ethics, things that were brought to the attention of the ethics committee," but that he did not recall anything about the ethical issues that were presented. (Tr. at 497-498)

and Spain to observe his techniques and methods, and that he also has a hair-transplant clinic in St. Petersburg, Russia. (Tr. at 431-436; Resp. Ex. A)

6. Dr. Wolf testified that he is board-certified by the American Board of Hair Restoration Surgery, for which he has served as an oral examiner and as a member of the board of directors. Dr. Wolf acknowledged that this specialty board has not been recognized by the American Board of Medical Specialties. (Tr. at 35-37)
7. Dr. Wolf further testified that he currently holds licenses to practice in Ohio, Virginia, North Carolina, Colorado, Georgia, and Oregon. He stated that, over the years, he has held medical licenses in 13 states, and that none of the licenses has ever been suspended or revoked. (Tr. at 424; Resp. Ex. A)

Description of Dr. Wolf's Methods and Procedures for Hair-Restoration Surgery

8. Dr. Wolf testified that he first conducts a consultation with the patient prior to the day of surgery. During this consultation, a medical history is obtained and an evaluation is made as to the individual's suitability for a hair-transplant procedure. (Tr. at 83)
9. With regard to the surgery, Dr. Wolf stated that he removes a strip of the scalp in order to use the hair follicles for transplanting, and the area from which the tissue is removed is referred to as the "donor" area. The tissue removed is the "donor strip." The donor area is typically at the back of the head between the ears. He testified that, on the day of the procedure, he identifies the specific donor area, and his assistant anesthetizes it. (Tr. at 59-62 65-66) A scalpel is then used as follows:

* * * I take the scalpel and cut the piece of skin out. It's a horizontal piece of skin * * *. It's somewhere between the ears, sometimes above the ears, and I take that out with a scalpel, two parallel incisions, and then a crosscut. It doesn't peel off like an orange. You have to pull it and kind of cut the connection, you know, towards the scalp.

(Tr. at 59)

10. Dr. Wolf testified that the length of the donor strip varies from 4 centimeters to 30 centimeters, and the width ranges from 4 to 10 millimeters, depending on how many follicles are needed. With regard to the depth of the donor strip, Dr. Wolf testified that it is about 3 to 5 millimeters: "It's very shallow. No major arteries, no major nerves are involved whatsoever, when done right." (Tr. at 60)
11. After the donor strip is removed, sutures are placed to close the wound at the back of the head. (Tr. at 65; St. Ex. 26)
12. Dr. Wolf stated that the donor strip is then taken to a lab room where medical assistants use high-power microscopes to dissect the tissue into "follicular units" for implantation. A

“follicular unit” usually includes one, two, or three hair follicles. (Tr. at 62-63, 66-70, 74, 440)

13. Dr. Wolf testified that, while the medical assistants are dissecting the donor tissue, he begins making tiny incisions in the recipient area using a “chisel blade scalpel.” Dr. Wolf stated that he uses up to ten different-sized blades ranging from .6 to 1.6 millimeters wide. The incisions form tiny envelopes for inserting the follicular units. (Tr. at 65-72, 78, 438-439, 442-443)
14. Dr. Wolf described the meticulous way that he makes the incisions due to their importance. He explained that it can take four hours to make 1,500 or 2,000 incisions “in order to get the correct angle, to preserve the existing hair, to get the hairs close together.” However, Dr. Wolf noted that every patient is different, and he adjusts as needed. (Tr. at 77-78, 82, 438-443)
15. With respect to placing the follicular units or grafts into the incisions, Dr. Wolf testified that the grafts are placed into the incisions using jeweler’s forceps and high-magnification lenses, and that there is “a lot of skill involved with that.” He stated that the grafts are kept in place by the elasticity of the skin and that no sutures are needed in the recipient area. (Tr. at 80-81, 439)
16. Dr. Wolf stated that he typically performs one transplant surgery per day, which on average takes nine or ten hours from the patient’s arrival to departure. (Tr. at 84-85, 469)

Dr. Wolf’s Employment of Ruben Bogin: August 2002 to April 2006

17. Dr. Wolf testified that he first met Ruben Bogin in June 2002. They met through Dr. Wolf’s brother, a surgeon at the Ohio State University [OSU], who had become acquainted with Ruben Bogin during the latter’s rotations as a general-surgery resident at OSU. Dr. Wolf stated that he “was not recruiting doctors” and that Ruben Bogin had called him “out of the blue” after learning about his hair-restoration practice. Ruben Bogin then visited Dr. Wolf’s clinic to observe, after which he expressed interest in working at the clinic. (Tr. at 40-43)
18. Dr. Wolf testified that Ruben Bogin had disclosed that he had not passed Step 3 of the national licensure examination, the USMLE, but that he would be taking the examination “in a matter of days.” Ruben Bogin had said he should be licensed within three to six months. (Tr. at 43-45)
19. In addition, Dr. Wolf testified that Ruben Bogin had advised that he had a training certificate for his residency at OSU. At the hearing, Dr. Wolf testified regarding the scope and purpose of Ruben Bogin’s training certificate:

Q. And was it your understanding that that training license was to allow Mr. Bogin to practice medicine at Ohio State for a particular program there?

A. I assumed that. I didn't know the exact scope of the license at that time. * * * But it told me that he was certainly qualified to--you know,

to perform surgery at Ohio State University and practice medicine, I guess you might say.

(Tr. at 42)

20. When asked whether he had ever looked at the training certificate before hiring him, Dr. Wolf responded that, no, he had not, but that he had looked at Ruben Bogin's curriculum vitae [CV]. Dr. Wolf stated that, at some later point, he had seen a copy of the training certificate but had not read it closely. Dr. Wolf acknowledged, however, that he was aware that the training certificate was limited to the institution named in the certificate and limited to the time period stated in the certificate. He admitted that he knew that there was no training certificate in effect for Ruben Bogin to practice medicine in Dr. Wolf's office. (Tr. at 44, 502-503)
21. When asked to describe his understanding of Ruben Bogin's qualifications before he employed him, Dr. Wolf explained:

[I understood] that he was medical doctor, that he was licensed in Kazakhstan and Russia. And most probably all the former Soviet Socialist Republic [which] would probably constitute a fourth of the world. Look at Tajikistan and Kazbekistan and Georgia and Belarus and Ukraine and all the—he was licensed at one time in all those areas. He might—I'm just—you know, it could be a quarter of the world, in actuality.

* * * So he was a medical doctor. He had gone to medical school. He did a full surgical residency and fellowship in Kazakhstan and Alma-Ata, which is the capital of Kazakhstan. He did a fellowship in colorectal surgery in Moscow. He went through the qualification process to get a training license at Ohio State University, and * * * he had at the time he joined me a training certificate, which to me was the—which to me was his credentialing process.

You know, I thought if the Ohio State University had him credentialed to have a training license, * * * I mean, to me that said that he was probably pretty qualified, if he had a training license by the Ohio State University.

(Tr. at 457-458)

22. Dr. Wolf stated that Ruben Bogin had started observing surgeries as a visitor in June 2002 and had begun working for him in August 2002. According to Dr. Wolf, Ruben Bogin had always worked for him as a "medical assistant" and was paid a certain amount per case pursuant to an oral agreement. Dr. Wolf testified that, in January 2004, his business entered into a contract with Ruben Bogin in anticipation of Bogin's licensure. Dr. Wolf explained that their contract provided that Ruben Bogin would be an independent contractor and would be paid a different amount after passing the examination. (Tr. at 40, 45-49, 56-57, 391, 486)
23. Dr. Wolf testified that he had maintained a consultation office in Columbus for a while, but he closed it in November 2007. Dr. Wolf stated that Ruben Bogin had conducted

consultations with patients at that office, at times by himself without Dr. Wolf being present. Dr. Wolf stated, however, that even though Ruben Bogin had conducted a consultation, he would have conferred with Dr. Wolf, and that he (Dr. Wolf) would have ultimately decided which patients were candidates for the surgery. (Tr. at 50-51, 118-119)

24. Dr. Wolf testified that, during the period that Ruben Bogin had worked with him, the clinic had operated on 925 patients, thus indicating that Ruben Bogin's activities had involved a relatively low percentage of all the patients. However, Dr. Wolf later acknowledged that he had based this calculation of 925 patients on the five-year period from January 2002 through December 2006, whereas Ruben Bogin had been employed only from August 2002 to April 2006, which is less than four years. Accordingly, Dr. Wolf acknowledged at hearing that he could not definitely state how many surgeries had been performed during Ruben Bogin's employment. (Tr. at 444-447, 465, 485-490)
25. Dr. Wolf testified that Ruben Bogin did not pass the last step of the licensure examination for a long time and was eventually fired in April 2006.⁴ (Tr. at 475, 486)

Ruben Bogin's 2005 Application for Certificate to Practice Medicine and Surgery in Ohio

26. In June 2005, Ruben Bogin submitted an application to the Board for a certificate to practice medicine and surgery in Ohio. (St. Ex. 2) In his application, Ruben Bogin stated that he had worked at "Wolf Medical" in Cincinnati as a "Fellow" and researcher. In July 2005, Ruben Bogin wrote to the Board explaining that his job duties at Wolf Medical had included initial and follow-up consultations with patients, "participation in surgical procedures," and participating in "new fellows education [sic]." (St. Ex. 2 at 14-15)
27. The records includes no evidence that Ruben Bogin's application for a certificate to practice medicine and surgery in Ohio was granted.

The Licensure Form Signed by Dr. Wolf, Verifying Ruben Bogin's Postgraduate Education

28. As part of the application process, the Board received information from the Federation Credentials Verification Service [FCVS] regarding its verification of, or attempt to verify, information provided by Ruben Bogin. Among other things, FCVS sought to verify that Ruben Bogin had completed certain programs of post-graduate medical education. For example, the director of the residency program at OSU verified that Ruben Bogin had completed one year of internship (PGY-1) and one year of residency (PGY-2), from July 2000 through June 2002. (St. Ex. 2 at 58)
29. Dr. Wolf also provided verification to FCVS regarding Ruben Bogin's postgraduate medical education at "Wolf Medical, Department of Surgery," in Cincinnati, Ohio. Dr. Wolf signed as the program director, stating his title as "President." He certified as true and correct that Ruben Bogin had successfully completed a "fellowship" in hair-restoration surgery for his PGY-3.

⁴ Ruben Bogin passed Step 3 of the USMLE on his sixth attempt in April 2005. (St. Ex. 2 at 63)

Dr. Wolf, who signed this verification form on August 16, 2005, further certified that Ruben Bogin had participated in the fellowship from August 15, 2002, to August 16, 2005. (St. Ex. 2 at 60)

30. At the hearing, Dr. Wolf acknowledged that he had signed the form, verifying that Ruben Bogin's postgraduate medical education had included a fellowship in Dr. Wolf's office. Dr. Wolf stated that the top portion of the form, which indicated that Ruben Bogin had been working for him in a fellowship, had been filled in by Dr. Wolf's business manager, Mr. Bakhurin. Dr. Wolf stated that he had "not necessarily" read the document before signing it, and that the document was something that Mr. Bakhurin had "shoved in front of me and I signed." (Tr. at 156-160)
31. Dr. Wolf testified that he would *not* characterize Ruben Bogin's activities at Dr. Wolf's office as a hair-restoration surgical "fellowship." He testified that he would characterize it as "observation as a medical assistant until he got his license." (Tr. at 160)
32. Dr. Wolf asserted that he had discussed with Ruben Bogin that his work in the practice would be limited:

* * * And I laid down the rules that, you know, you're not a doctor, you can't act like a doctor, you're going to be a fellow and you're going to be – excuse me. You're going to be an assistant—and he agreed with that. * * *

(Tr. at 462-464). Dr. Wolf explained that he had misspoken when he testified that Ruben Bogin was "going to be a fellow." He testified that he and Ruben Bogin had discussed applying for fellowship status and had obtained the paperwork to submit the application. "We were going to send that in but, you know, for whatever reason, we didn't do that." (Tr. at 464) Dr. Wolf subsequently testified that the reason for not pursuing the fellowship was that he would have been required to obtain hospital privileges, and, at that time, he did not choose to seek hospital privileges. (Tr. at 507-508)

Dr. Wolf's Knowledge of Ruben Bogin's Licensure Status

33. Dr. Wolf testified that, during the time that Ruben Bogin worked for him, he knew that Bogin was not licensed by the State Medical Board of Ohio and that Bogin did not hold a training certificate issued by the Board to train with Dr. Wolf in his hair-restoration clinic. (Tr. at 172-173)

Q. The last thing I just want to clarify, make sure there's no misunderstanding, Dr. Wolf, during the time that Ruben Bogin worked for you, you knew clearly that he was not licensed by the State Medical Board of Ohio to practice medicine, is that correct?

A. That's correct.

Q. And you also knew that Ruben Bogin did not hold a training certificate issued by the State Medical Board of Ohio to train at your practice; is that correct?

A. That's correct.

(Tr. at 172-173)

Patient Files Maintained in Dr. Wolf's Office

34. Dr. Wolf described the forms generally used in each patient file. He stated that the patient questionnaire found in Patient 1's chart is a typical consultation form completed by his patients.⁵ (State's Exhibit 25(1) at 3) He stated that a patient consultation typically takes about one hour and is always conducted by a physician. Dr. Wolf identified page 17 of Patient 1's file as a standard consent form signed by patients prior to surgery. Dr. Wolf testified that, where his consent form states that transplants will be performed with the assistance of "qualified medical personnel," he was referring to persons whom Dr. Wolf deemed to be qualified and competent to complete the tasks needed in surgery and not necessarily persons who are licensed. (Tr. at 88-92)
35. Dr. Wolf further identified an operative report, which he said was always completed by the physician after the surgery, either on the day of or the day after surgery. He further stated that the person filling out the patient operative report is not necessarily the one who performed the surgery but may simply be the recorder of the information. Dr. Wolf stated, for example, that just because Ruben Bogin had recorded the anesthesia numbers and the information about donor sutures on Patient 1's chart does not necessarily mean that Ruben Bogin had performed those aspects of the surgery. (St. Ex. 25(1); Tr. at 93-98, 108)
36. Dr. Wolf testified that the only portion of the patient files that would clearly confirm that Ruben Bogin had performed a particular action was where Ruben Bogin had written his initials in the portion of the file where suturing was charted. He stated that the patient records do not show with certainty when Ruben Bogin had made an incision into or excised tissue from the donor area. (Tr. at 136-138)

The Subpoena for Dr. Wolf's Patient Records

37. On June 23, 2006, the Board issued a subpoena to Dr. Wolf requesting that he provide original patient files "for each and every patient on whom Ruben Bogin performed an incision of any kind and/or placed a suture." Dr. Wolf submitted 41 patient files in response to that subpoena, and those 41 files were presented at hearing as State's Exhibit 25. (St. Ex. 7; St. Ex. 25; Tr. at 86, 106-107, 127, 138, 444-447)

⁵ The 41 patient files were admitted as a single exhibit, State's Exhibit 25. Patient 1's file is included in State's Exhibit 25 under Tab 1, and Patient 2's file is provided in State's Exhibit 25 under Tab 2, and so forth for all the files. The Hearing Examiner has cited the patient files as follows: the files for Patient 1 are cited as "St. Ex. 25(1)," and the files for Patient 2 are cited as "St. Ex. 25(2)," and so forth. The Patient Key, which provides the names of the patients, is confidential.

38. However, at hearing, Dr. Wolf testified that he had been over-inclusive when producing documents pursuant to the subpoena and had included any patient file where Ruben Bogin “may have” made an incision or placed a suture. He stated that Ruben Bogin’s handwriting on a chart does not necessarily mean that Ruben Bogin had performed the procedure he recorded. Dr. Wolf explained that, on further review of the files, over several months with the help of his staff, he had been “able to identify” which patients Ruben Bogin “did certain things on by his legend,” which consisted of notes in the operative reports using certain abbreviations. (Tr. at 106-109)

Patients 9, 23, 38 and 40: Removing the Donor Strip & Suturing the Wound on Four Patients

39. Dr. Wolf admitted that, with respect to the 41 patients whose files he had provided to the Board, Ruben Bogin had excised the donor strip for no more than four patients, whom he identified as Patients 9, 23, 38 and 40. Dr. Wolf stated that Ruben Bogin had made incisions and cut away the tissue, and he further stated that, for these four patients, Dr. Wolf also had sutured the entire wound at the donor site from one end to the other.⁶ (Tr. at 104-105, 109-117, 129-130, 448, 450, 465, 476-478)

40. Dr. Wolf testified that he was able to determine from the patient chart that Ruben Bogin had sutured the entire donor area for these patients based on handwritten notes made by Ruben Bogin in the operative records. However, he also testified that, *even without looking at his records*, he would have been able to testify that, on at least more than one occasion, Ruben Bogin had incised and removed the donor strip from a patient. (Tr. at 115-117, 127-129, 136-137; 477-478) St. Ex. 25(9) at 17; St. Ex. 25(31) at 31)

41. At times, Dr. Wolf indicated that the charts themselves did not conclusively prove that Ruben Bogin had actually cut the donor strip from those four patients. However, he testified that there were at least some patients from whom Ruben Bogin had cut the donor tissue before suturing the wound, consisting probably of the four that he had identified:

Q. Would you agree with me that there were at least some patients, not necessarily identifying which ones, but there were some patients where clearly Ruben Bogin did excise and remove the donor strip prior to suturing the wound?

A. I would say yes. Those four.

(Tr. at 111)

42. Dr. Wolf testified that he was present and monitoring Bogin’s actions during his performance of the procedures on these four patients. He stated that, in the beginning, he had personally guided Ruben Bogin’s hand. (Tr. at 111-112)

⁶ Dr. Wolf testified that, although he had said during his deposition testimony that Ruben Bogin had performed this procedure 12 times, he later determined that he had been mistaken when testifying during his deposition. (Tr. at 104-105)

43. Dr. Wolf testified that he does not recall whether any patients were informed, prior to their transplant surgery, that Ruben Bogin would be removing their donor strips. (Tr. at 113)
44. Dr. Wolf further acknowledged that Ruben Bogin had conducted the consultation for Patient 9 in October 2005 and had signed the consultation report.⁷ (Tr. at 118; St. Ex. 25(9) at 7)

Patients 8, 11, 13, 19, 28, 35, 37, and 39: Placing the Sutures on Additional Patients

45. Dr. Wolf testified that, in addition, there were times when he would cut off the donor strip, and Ruben Bogin would suture the wound. (Tr. at 129-130, 465)
46. Dr. Wolf testified that, in addition to the suturing already discussed with regard to patients 9, 23, 38 and 40, Ruben Bogin had sutured all or part of the donor wound in seven *additional* patients, identified as Patients 8, 11, 13, 19, 28, 35, 37 and 39.¹ (Tr. at 129-131, 449, 464)
47. With regard to Patient 8, Dr. Wolf testified that Ruben Bogin had also placed follicular units into the incisions in the recipient area. He stated that placement of grafts is something that all members of his staff do, including medical assistants. He stated that Ruben Bogin also authored and signed the note on Patient 8's operative report stating that the patient's skin had lost elasticity and was not holding the graft. (Tr. at 138-140; St. Ex. 25(8) at 11)

Patients 1 through 41: Making Incisions at the Recipient Site

48. Dr. Wolf testified that, after he himself had made the primary recipient incisions in the most important areas, such as the front hairline, he had allowed Ruben Bogin to make incisions in inconsequential places. However, he asserted that he (Dr. Wolf) had made the decisions as to where the grafts would go, how deep the incisions would be, etc., and that, although Ruben Bogin actually held the blade and made the incisions, he had made the cuts as directed by Dr. Wolf. Dr. Wolf estimated that Ruben Bogin made incisions in the recipient area for 30 patients, but not more than 41 patients, consisting of those identified as Patients 1 through 41. (Tr. at 142-143, 145-147, 450-457, 465)

⁷ Dr. Wolf asserted that he had not given Ruben Bogin authority to author and sign the post-consultation letters to patients. (For example, see St. Ex. 25(9)) However, Dr. Wolf acknowledged that Ruben Bogin had in fact sent such letters under his own name. (Tr. at 119-120)

¹ Dr. Wolf stated that there were "seven" additional patients on whom Ruben Bogin placed sutures to close the wound, but he listed eight patients. (Tr. at 129-131)

Whether Ruben Bogin's Activities Constituted the Practice of Medicine and Surgery

Testimony of the State's Expert Witness, David C. Romano, M.D.

49. Following an inquiry into his education, training, and experience, David C. Romano, M.D., was permitted to testify as an expert as to whether certain cutting and suturing activities would constitute the practice of medicine.⁸ (Tr. at 184-215; St. Ex. 6)
50. Dr. Romano testified that he had reviewed the 41 patient files, which included preoperative consultations, operative reports, post-operative instructions, drugs used for the patient, etc. Dr. Romano provided a written report (St. Ex. 4), in which he addressed the question of whether the activities allegedly performed by Ruben Bogin would constitute the practice of medicine. He did not address the allegations regarding Dr. Wolf but focused on whether Ruben Bogin's actions, as described, constituted the practice of medicine. Dr. Romano acknowledged that he did not have personal knowledge of Ruben Bogin's activities in Dr. Wolf's office. (Tr. at 215-229)
51. During the hearing, Dr. Romano was asked whether the removal of donor strips from the back of the head and scalp, as described by Dr. Wolf in his testimony, constitutes the practice of medicine, and Dr. Romano stated his opinion that the procedure constituted the practice of medicine. (Tr. at 220-221)

⁸ Dr. Romano testified that he received his medical degree from Wright State University Medical School in 1984 and completed a three-year residency in emergency medicine at Akron City Hospital in Akron, Ohio. He testified that he has been licensed to practice medicine and surgery in Ohio since 1985, and that he has also been licensed to practice in Michigan within the last few months. Dr. Romano stated that he has been board-certified in emergency medicine since 1988 and currently holds memberships in the American College of Emergency Medicine and various medical societies in Ohio. Dr. Romano further testified that, since 1995, he has been affiliated with Premier Health Care Services in Dayton, Ohio, which is a staffing organization comprised primarily of emergency physicians who provide services to run an emergency room at a hospital. Dr. Romano testified that he currently serves as the medical director for two emergency rooms in Ohio (in Springfield and Urbana) and that he will soon be working in Battle Creek, Michigan, in the same role. (Tr. at 185-191, 196-197; St. Ex. 6)

Dr. Romano stated that he typically spends several days each week in emergency departments in Ohio where he manages wounds of all types, minor to complex. Among other duties, he routinely places sutures and excises tissue. Dr. Romano acknowledged that he has never performed hair-transplant surgery or consulted on hair-transplant surgery, although he testified that he observed the surgery during his dermatology rotation while in training. (Tr. at 185-189, 194-197, 207; St. Ex. 6)

In addition, Dr. Romano testified that, from 1987 to 1995, he taught second-year and third-year residents at Greene Memorial Hospital in their rotations in the emergency and intensive-care departments, and he thus served on the clinical affiliate staff at Wright State University. He explained that in addition to serving as an attending physician providing clinical training, he gave lectures and participated in giving "mock oral board examinations" to the residents to help them prepare. Further, Dr. Romano testified that, during his years of practicing medicine, training physicians, and serving as a medical director, he has become familiar with the scope of practice of other professionals involved in health care, including R.N.s and L.P.N.s, with whom he has worked side by side for 20 years. He stated that he is also familiar with the work of paramedics (whom he has supervised as the medical director for emergency medical units) and physician assistants (with whom he works under Board-approved agreements). (Tr. at 187-188, 200-203)

52. Dr. Romano also opined that the suturing of wounds in the donor area of the scalp constitutes the practice of medicine. He stated that suturing requires specialized training and skill by persons properly licensed and credentialed. (Tr. at 223-224)
53. Further, Dr. Romano opined that an implantation procedure during which a chisel blade is used to make incisions in the scalp for the implantation of individual follicular units also constitutes the practice of medicine. (Tr. at 222-223)

Testimony of Dr. Wolf

54. Dr. Wolf did not present an expert witness on the issue of whether Ruben Bogin's activities had constituted the practice of medicine. However, he opined that the activities performed by Ruben Bogin did not constitute the practice of medicine because he (Dr. Wolf) had determined the care needed, supervised all steps of the surgery, and was in complete control of the surgery. (Tr. at 466-467, 478-479)
55. Dr. Wolf agreed, however, that the transplant procedures in his office constituted "surgery":

Q. * * * And the hair transplant procedures that your patients go through, that's considered surgery, correct?

A. Yes.

Q. That's an operation, correct?

A. Correct.

(Tr. at 499-500) Dr. Wolf repeatedly used the term "surgery" to describe the procedures performed on patients in his office. (E.g., Tr. at 58, 75, 83, 102, 466-467)

56. However, Dr. Wolf testified that cutting a strip of scalp from a patient's head does not constitute the practice of medicine:

Q. Do you know where that line gets crossed between performing as a medical assistant and then crossing over into the practice of medicine and surgery?

A. I didn't read any of the statutes, but I was—Ruben Bogin was acting as a medical assistant during those times under my complete supervision. That's all I can say. I've practiced medicine for 27 years. I've never had a complaint in 13 states. * * * So I think I know -- I have some idea when patients are put in harm's way. Because I've done 5,000 cases. Everybody's gone home.

Q. Dr. Wolf, patient care is not the issue here, okay?

A. Okay.

Q. Is it your opinion that when you incise and remove a donor strip, that you're practicing medicine?

A. No.

Q. You're not practicing medicine?

A. No.

(Tr. at 150-151)

57. Dr. Wolf acknowledged that Ruben Bogin's conduct in incising and removing the donor strip, suturing a wound, and incising recipient sites for the grafts could be viewed as the practice of medicine *if* performed without Dr. Wolf being present. (Tr. at 479-480) He explained, however, that the practice of medicine involves independent thought and decision-making by the "doctor in charge," as follows:

The practice of medicine is the independent thought and direction and actions of the doctor in charge, and the person who determines how wide, how long, how deep the strip is and how many grafts are going to be done, how deep -- what incisions. I have ten different incision sizes, which blade to use, how deep it goes, how many grafts are going to be, where the grafts are going to go, where the angle's going to be, how deep you're going to cut the incisions to make sure you don't cut the artery and the nerve, what medications are given, how much anesthesia, where the anesthetic is going to be given, where the graft [is] placed at the end of the case. The person who does that I would say is practicing medicine.

A person who does one supervised act in this category I would say is not the practice of medicine. It's a high-level medical assistant.

(Tr. at 151; see, also Tr. at 481) Dr. Wolf testified that Ruben Bogin had never determined a patient's post-operative instructions or written any patient prescriptions. He further stated that, in almost all cases, he had completed the comments section on the chart, although in some cases Dr. Tim Henke would complete it.⁹ (Tr. at 96, 99-100; St. Ex. 25(1) at 23)

58. Dr. Wolf testified that a medical license *is* needed to do the procedures he himself does. However, with respect to Ruben Bogin's activities during surgery, Dr. Wolf reiterated that he (Dr. Wolf) had controlled everything. (Tr. at 480-481, 483, 485)

Dr. Wolf summarized that Ruben Bogin had not been engaged in the practice of medicine and surgery because he, Dr. Wolf, had made all the important decisions. He stated that he had determined which patients were candidates for the surgery, supervised all the surgery and for most patients had performed all of the steps of the surgery, determined the number of grafts, determined the location of the donor strip, and determined the donor strip's width and length, determined which tools would be used and what medications were given. He stated that Ruben Bogin had not been practicing medicine and surgery because he, Dr. Wolf, had been "in complete control and present during the entire scope of every operation." (Tr. at 466-467)

⁹ Dr. Wolf testified that Dr. Henke is a license physician who currently works for him and has been employed for about three years. He testified that Dr. Henke had also worked as an emergency-room physician before entering the field of hair-transplant surgery. (Tr. at 126-127, 499)

59. Dr. Wolf testified that, in his office, the more qualified a medical assistant is, the more duties that he or she is allowed to perform. Dr. Wolf insisted that Ruben Bogin had worked merely as a “medical assistant,” although he was a “qualified, high-level assistant.” Dr. Wolf testified that, although another employee, Hildi Cornwell, performed some duties as a medical assistant during the surgeries, he would not allow her to cut the donor strip from the patient’s scalp because she did not have the experience necessary to perform that procedure and had not done a surgical fellowship or surgical residencies, as Ruben Bogin had done. (Tr. at 48-49, 52-54, 112-114, 148-150, 484-485)
60. During the hearing, Dr. Wolf insisted that Ruben Bogin had *not* worked in the office as a physician. Dr. Wolf was then asked to explain, given his deposition testimony that a physician always removes the donor strip, 100 percent of the time, why he had allowed Ruben Bogin to remove the donor strip on several occasions despite Ruben Bogin’s alleged status as a medical assistant. Dr. Wolf responded: “Because I – I didn’t – you know, I didn’t think to recall those at most four cases. So – you know, so that would be my answer.” (Tr. at 490-491)

On further questioning, Dr. Wolf stated that his deposition testimony had been inaccurate. (Tr. at 491)

61. Dr. Wolf was also questioned regarding his prior deposition testimony regarding the suturing of the wound in the donor area:

Q. Who closes the donor area?

A. The physician always closes the donor area.

Q. 100 percent of the time?

A. 100 percent of the time.

(Tr. at 491-492) At the hearing, Dr. however, Wolf testified that his above-quoted testimony during his deposition had been wrong:

A. That’s incorrect. I didn’t have a chance to review my records. There are some other things in this deposition that weren’t correct because I hadn’t had a chance to review my records. So, in those at most four times, of those, whatever, 185 cases a year, that—you know, the physician – an assistant closed the donor area.

Q. But you know from your own independent recollection that there had been times that Ruben Bogin had actually removed a donor strip, correct, without even looking at your records?

A. I knew that – you know, yeah, I recall that.

Q. So why didn’t you answer it correctly back then?

- A. I didn't connect the two. You know, I was – you know I didn't connect the two. I'd never given depositions before, so I – you know, I wasn't – I didn't connect the two things.
- Q. Okay. And then do you recall testifying at your deposition that the recipient incisions were always done by a physician and, specifically, that a medical assistant never participated in that step?
- A. Yeah. I can see where I said that.
- Q. Okay. And by your own testimony, Ruben Bogin was a medical assistant, correct?
- A. Correct.
- Q. And on many more occasions than [he performed] donor-strip removal, Ruben Bogin placed recipient incisions, correct?
- A. Depends on your definition of “many more.” I would say “more.” I wouldn't say “many more,” but on many more than – more, yeah.
- Q. So, again, why in your deposition did you say, 100 percent of the time it's done by a physician?
- A. Yeah. I didn't connect – I was – I was thinking, you know, more of – you know, more specifically, about what I do, and didn't take into consideration – you know, there were so few times that he did it, it didn't – so few times that he did it, it didn't even enter into my mind.
- Q. Even though the questioner specifically is asking you, “100 percent of the time”? That didn't cause you to reflect?
- A. No, it didn't, because I said “to the best of my recollection” at that time. I didn't recall the few times that he had made the incisions. * * * It was a very few number of times and didn't strike my memory at the time of the deposition.

(Tr. at 491-494)

Dr. Wolf's Testimony Regarding Why He Allowed an Unlicensed Person to Make Incisions and Excise Tissue, Perform Suturing, and Make Recipient-Site Incisions

62. When asked why he had allowed a person who was not licensed to practice medicine and surgery to cut donor strips from patients' scalps, Dr. Wolf indicated that he had allowed it primarily because Ruben Bogin had wanted to do it:
- Q. * * * But on those occasions, Ruben Bogin would hold the scalpel and cut the tissue, correct?
- A. Correct.
- Q. And then Ruben Bogin would remove that tissue, correct?
- A. Correct.

Q. And then Ruben Bogin would suture that wound, correct?

A. Correct.

Q. Okay. Now, why would you allow somebody who's not licensed to practice medicine to do that?

A. Well, he -- well, number one, he wanted to do it. Not that I let him do everything he wanted to do, but he asked to do it. We were trying to get him, you know, up to speed to do this at some point. And on -- just on these very few occasions, he did it. I can't say why. I don't know why. He just did it. * * * They were very uncomplicated cases and I don't -- I can't answer that exactly, why.

(Tr. at 114-115)

63. In addition, Dr. Wolf indicated that he had allowed it for reasons including the following: (a) Rubin Bogin was qualified to perform surgical procedures due to his medical degree, his residency and fellowship in Russia, his licensure in Russia and Kazakhstan, his experience as a colorectal surgeon in the former Soviet Union, and his surgical residency at OSU; (b) Dr. Wolf closely supervised the performance of surgical procedures in his office by Ruben Bogin; (c) Rubin Bogin's surgical skills were very good; and (d) Dr. Wolf did not allow Rubin Bogin to work on difficult cases. Further, Dr. Wolf emphasized that it could not be shown that any patients had complained of poor care or poor results. (Tr. at 113-114, 144, 146, 149-152, 456-461, 479-482; Resp. Ex. E)

Dr. Wolf also indicated that another factor had been his expectation that Ruben Bogin would be licensed in a short time, based on Ruben Bogin's statements "that he was going to have his license in a matter of months." Dr. Wolf stated, however, that Ruben Bogin's delay in getting a license went "on and on and on and on," and that Dr. Wolf eventually "had to let him go" and "hire another doctor who was licensed." He stated that the experience of the Board's investigation, allegations, and hearing process have taught him a great deal, and that he would certainly never put himself in the position again where something he did could be viewed as wrong. (Tr. at 475)

How Ruben Bogin's Status Was Presented to Patients by Dr. Wolf and His Staff

How Ruben Bogin Was Introduced and Was Addressed in Front of Patients

64. Dr. Wolf admitted that he had introduced Ruben Bogin to patients as "Dr. Bogin" and that he had referred to Ruben Bogin as "Dr. Bogin" in front of patients. He further stated that the staff would sometimes refer to Ruben Bogin as "Dr. Bogin" in front of patients. He explained that referring to Ruben Bogin as "Dr. Bogin" was merely a mark of respect for Bogin's training and experience. Dr. Wolf also asserted that, "not infrequently," he had told patients that Ruben Bogin was not a licensed doctor in Ohio. He also stated that he had never told any patient that Ruben Bogin was licensed to practice medicine in Ohio. However, Dr. Wolf admitted that he

did not volunteer the fact that Ruben Bogin was not licensed in Ohio if the issue did not come up. (Tr. at 121-123, 467-471, 508-509)

Dr. Wolf further admitted that, on his website, he identified Ruben Bogin as “Dr Bogin.” However, he said this was accurate, because Bogin was a medical doctor. Dr. Wolf explained that “Dr. Bogin” was simply a courtesy title, based on Ruben Bogin’s education and experience. Dr. Wolf noted that, when he travels to do surgery in Zurich or St. Petersburg, he is referred to as “Doctor.” Further, Dr. Wolf indicated that he had nothing to gain by presenting Ruben Bogin as a physician licensed in Ohio. Dr. Wolf testified: “I know the rules. And I would never leave that open, or there would be no reason for me to tell anybody that – or imply that he was licensed in the state of Ohio.” (Tr. at 121-123, 467-471, 508-509)

65. Dr. Wolf testified that he displays his Ohio medical license in his consultation room, but he does not verbally tell patients, “I am licensed to practice medicine in the state of Ohio.” He explained that announcing his licensure status is not necessary: “It’s assumed. It’s pretty much assumed that I am. But it’s on the wall if anybody wants to see it. * * *” (Tr. at 508-510)

Dr. Wolf subsequently clarified why he believes that patients assume he is licensed in Ohio. He testified that patients have prior knowledge of him before they come to his office, and that, in addition to the information on his website, there is a sign in front of his office that says “Bradley R. Wolf, M.D.,” and “Wolf Enterprises,” so that, when patients walk in, they see that, and they assume that he is licensed to practice in Ohio because he is practicing in Ohio and his office is in Ohio. (Tr. at 512-513)

66. Dr. Wolf further asserted:

Nothing was ever communicated that would make them [patients] believe that [Ruben Bogin] was licensed. There was – you know, they would have no – they generally had no knowledge that he existed before he came into my office, number one. Number two, his name is not on the sign outside of the door. Number three, by his – by, you know, our actions and his tasks, acting as a medical assistant, one would not make that assumption. And, most importantly, because we told, you know, most patients – most surgical patients that he wasn’t – we directly told them that he was not licensed in the state of Ohio or that he was working on getting his license in the state of Ohio.

(Tr. at 514-515)

67. Dr. Wolf stated that he introduces Dr. Tim Henke to patients as “Dr. Henke” and introduces himself as “Dr. Wolf.” (Tr. at 126-127)
68. Hildi Cornwell testified that Dr. Wolf often introduced Ruben Bogin as “Dr. Bogin” but usually explained that Dr. Bogin was working on obtaining his license. She acknowledged, however, that there were times when Dr. Wolf introduced him as “Dr. Bogin” without

mentioning that Ruben Bogin was not licensed or was working toward his licensing exam. (Tr. at 270-271, 288-289, 293-294)

69. Ms. Cornwell testified that she herself had introduced Ruben Bogin as “Dr. Bogin.” She stated that she would “generally explain that, ‘This is Ruben Bogin. He assists Dr. Wolf. He’s a doctor from Kazakhstan.’” However, she stated that, with some people, she would “go a little deeper” and explain that Ruben Bogin was “finishing up his licensure here in the states.” She further stated that she had referred to him in front of patients as “Dr. Bogin” or “Ruben” interchangeably, and had heard Ruben Bogin introduce himself to patients as “Dr. Bogin.” Ms. Cornwell further stated that nothing was posted in the patient area explaining that Ruben Bogin was not licensed to practice medicine in Ohio. (Tr. at 270-272)
70. Ms. Cornwell also testified that she had never heard anyone refer to Ruben Bogin as being a licensed physician in Ohio. (Tr. at 288)
71. Ms. Cornwell confirmed that Dr. Wolf is the final decision-maker in the office. (Tr. at 272)
72. Viktor Senyk, a medical assistant in the office, stated that Dr. Wolf typically introduced Ruben Bogin to patients stating that “this Dr. Ruben Bogin from Kazakhstan and he’s here working on his license,” and would mention the connection with OSU. Mr. Senyk testified that he does not believe that Dr. Wolf ever told any patient that Ruben Bogin was a licensed physician in Ohio. (Tr. at 320-321)

How Ruben Bogin was Described on the Company’s Websites

73. The evidence includes pages printed from an internet site at *www.cincinnatihair.com*, which were admitted as State’s Exhibits 16 and 17. State’s Exhibit 16 is a page that had a heading on the right side stating “OUR PHYSICIANS.” Under that heading, there are pictures of three men with the following information under their pictures:

Bradley R. Wolf, M.D.

Since 1990, Dr. Wolf has practiced surgical hair restoration exclusively.
In 1992, he became the Medical Director of a group of 13 clinics.

Dr. Tim Henke, M.D.

Fellow in Hair Restoration Surgery, Wolf Medical Enterprises, Inc.,
Cincinnati, Ohio.

Dr. Ruben Bogin, M.D.

(St. Ex. 16)

74. State’s Exhibit 17 consists of additional pages from *www.cincinnatihair.com* setting forth biographical statements for each of the three named physicians. In his statement, Ruben Bogin notes that his experience in working at OSU and Mt. Carmel Medical Center (prior to

his internship/residency) had heightened his desire to pursue his medical education and become a licensed physician in the United States. He then described his pleasure at being accepted into a surgical internship at OSU. His narrative further states he had had a unique chance to become the first fellow at Dr. Wolf's clinic and that, during his three years, he had had the opportunity to learn the newest techniques in hair restoration surgery, including follicular unit extraction, body hair transplantation, and lateral slit and scar revision with permanent fixation. (St. Ex. 17)

75. Dr. Wolf described *www.cincinnatihair.com* as a "side" website for his company in June 2006, in contrast to the main website, which was *wolfhair.com*. He said that this side website had been created in order for his hair-restoration business to have multiple websites, because search engines give higher rankings to sites that have related sites and links. (Tr. at 162-164)

Dr. Wolf acknowledged that *cincinnatihair.com* included a picture of Ruben Bogin and identified him as "Dr. Ruben Bogin, M.D." However, Dr. Wolf testified that this website, including that particular page, had been created by Mr. Bakhurin, "pretty much" without his (Dr. Wolf's) knowledge or direction. He explained that he had known that the company was going to have an additional internet site and that they had obtained the URL [uniform resource locator] of *cincinnatihair.com*, but that he had not been involved in the content of the website. Dr. Wolf said that he had "pretty much" allowed his employee, Mr. Bakhurin, to put whatever he wanted on the site, without approving it or even looking at it, because he was too busy doing surgery and had trusted an employee to create the additional website. (Tr. at 163-164)

76. Dr. Wolf testified that he was not involved at all in the creation of *cincinnatihair.com* and could not recall whether he had ever looked at the content, although he had probably looked at it casually once or twice. He stated: "It wasn't a concern of mine." (Tr. at 164)
77. In addition, the evidence also includes pages from *www.wolfhair.com*, which were admitted as State's Exhibit 19. These pages include at the top: a distinctive logo identifying Dr. Wolf's company and his hair-restoration business, a toll-free telephone number, and links for virtual consultation and subscribing to a newsletter. (St. Ex. 19; Tr. at 161-162) (Note: The same logo and information appear at the top of the web pages admitted as State's Exhibits 19A and 21.)

Dr. Wolf testified that the pages in State's Exhibit 19 are from his company's main website, *www.wolfhair.com*, as it existed in June 2006. He testified that he had reserved that URL in about 1994 and that *wolfhair.com* was his company's "main" website, which he looked at "all the time." (Tr. at 162-164, 167; St. Ex. 19)

78. The evidence includes two additional pages with the same distinctive logo and information in top as in State's Exhibit 19. These two pages were admitted as State's Exhibit 19A, and they consist of the CV of Ruben Bogin, his picture labeled as "Ruben A. Bogin, M.D., F.C.S.S.," a narrative biographical statement, and several links. The CV states that Ruben Bogin is a "Fellow in Hair Restoration Surgery" at Wolf Medical Enterprises in Cincinnati, Ohio, and St. Petersburg, Russia. (St. Ex. 19A)

Dr. Wolf testified that he did not recognize the CV in State's Exhibit 19A and could not confirm that, if a viewer went to *www.wolfhair.com*, the viewer could get to the CV of Ruben Bogin as shown in State's Exhibit 19A by clicking on a link. Dr. Wolf stated that he would never have approved the description of Ruben Bogin as a "fellow" in hair restoration. (Tr. at 168)

79. State's Exhibit 21 is another page from one of Dr. Wolf's websites. It shows four medical assistants in a group photograph. In the middle of the page is a column with pictures and names of the following: "Dr. Tim Henke, M.D., Fellow in Hair Restoration Surgery, Wolf Enterprises, Cincinnati, Ohio"; "Dr. Ruben Bogin, M.D."; and Ivan Bakhurin, MBA, Wolfhair General Manager." (Tr. at 272-273)
80. In addition, Dr. Wolf testified that he had lost ownership and control of the *wolfhair* website at some point. He explained that, although he had registered the site in 1994 or 1995, it had been re-registered by Mr. Bakhurin in his own name. (Tr. at 168-169)
81. Dr. Wolf stated that the information on his website about Ruben Bogin was accurate, and that nothing on the site affirmatively stated, or implied, that Ruben Bogin was licensed to practice medicine and surgery in Ohio. He explained that the website referred to Ruben Bogin as "Dr. Bogin" because he had completed medical training in Kazakhstan and was a "medical doctor." (Tr. at 471-473)

Additional Testimony of Hildi Cornwell

82. Hildi Cornwell testified that she has worked full-time in Dr. Wolf's Cincinnati clinic since April 2002. She stated that her duties include scheduling appointments, receiving phone calls, doing paperwork, answering patients' questions, and dissecting donor tissue into follicular units. She testified that she has no education beyond high school and has never received any medical training or professional license. (Tr. at 259-260, 263, 278)
83. Ms. Cornwell stated that Ruben Bogin first came to the office in about August 2002 and worked there until early 2006. She testified that Ruben Bogin worked as another assistant to Dr. Wolf. Ms. Cornwell testified that, typically, during a hair-transplant procedure, the donor strip would be removed between 10:00 a.m. and 11:00 a.m. She stated that, at least half of the time, Ruben Bogin arrived in the office at noon or later, because he would commute from Columbus. On other days, however, Ruben Bogin would arrive anywhere from 9:30 a.m. to noon. (Tr. at 265-267, 284-285)
84. Ms. Cornwell stated that she did not usually spend time in the surgery room except to ask for lunch orders or to take a petri dish of grafts into the room. However, she testified that she personally observed Ruben Bogin making recipient incisions "a couple of times" and placing sutures at donor sites on "a few occasions." She stated that she never observed Ruben Bogin performing those activities without Dr. Wolf being present in the surgical suite with him. (Tr. at 267-269)

85. Ms. Cornwell recognized identified State's Exhibit 21 as a page from one of Dr. Wolf's former websites, consisting of Ruben Bogin's picture labeled as "Dr. Ruben Bogin," and she confirmed that clicking on Ruben Bogin's picture would link to Ruben Bogin's CV. (Tr. at 272-273, 276) However, she could not identify State's Exhibit 19A as the actual CV that had appeared on the website. (Tr. at 274)

Additional Testimony of Viktor Senyk

86. Viktor Senyk testified that, in the Ukraine, he had received a physician-assistant degree, worked as a paramedic, and completed half of a six-year program for a medical degree. He immigrated to the U.S. in 1998 and hopes to go to medical school. Mr. Senyk stated that he holds a medical-assistant certificate from the American Registry of Medical Assistants, and that obtaining the certificate did not require an examination but only providing his credentials. He testified that, to maintain this certificate, he must take continuing-education courses sponsored by the American Registry of Medical Assistants. (Tr. at 298-307, 327-329)¹⁰

87. Mr. Senyk testified that he has worked as a medical assistant in Dr. Wolf's Cincinnati office since the spring of 2001. He described duties including the handing of instruments to Dr. Wolf, dabbing blood from the wound, dissecting grafts under the microscope, placing grafts, and administering anesthesia by syringe under Dr. Wolf's supervision. (Tr. at 309-311, 330-331)

88. Mr. Senyk stated that, most of the time, Ruben Bogin had arrived after the donor strip had been excised. He testified that he never personally observed Ruben Bogin making incisions to remove the donor strip or suturing the wound thereafter. He stated that he did observe Bogin making a few incisions in unimportant parts of a patient's recipient area "about five times a year or so." He stated that Dr. Wolf was always present when this occurred. (Tr. at 314-320)

Testimony of Ruben Bogin, M.D., from his April 2006 Deposition¹¹

89. Ruben Bogin testified that, from July 2000 to July 2002, he was in a surgical residency at OSU and had a training certificate for his work at OSU during that period. He stated that, by mutual agreement, his residency contract was not renewed after July 2002. (Tr. at 384-388; St. Ex. 3; St. Ex. 10A)

90. Ruben Bogin testified that, when he worked in Dr. Wolf's Ohio office, he *never* made any incisions in patients' donor areas, excised any donor strips, or placed sutures.¹² (Tr. at 405-407)

91. Ruben Bogin acknowledged that he was listed on Dr. Wolf's website (St. Ex. 16) as a physician, but he stated that Mr. Bakhurin, had assured him that listing him as a doctor was

¹⁰ The State's counsel represented that Ohio does not license those employed as a "medical assistant," and Dr. Wolf agreed that there is no medical-assistant licensure in Ohio. (Tr. at 53-54; Bd. Ex. 1, 3)

¹¹ At Dr. Wolf's request, portions of Ruben Bogin's deposition testimony (taken by the Board in April 2006) were read into the hearing record because Ruben Bogin was not available to testify.

¹² This testimony contradicts testimony by Dr. Wolf and Ms. Cornwell, and is not credible. The unreliability of this testimony casts doubt on much of his other testimony.

merely an indication that he had a medical school diploma. He further agreed that someone viewing Dr. Wolf's website would reasonably conclude that he (Ruben Bogin) was a licensed physician in the state of Ohio. (Tr. at 393-396)

92. Ruben Bogin asserted that he had never introduced himself as "Dr. Bogin" in Dr. Wolf's Ohio office but that other staff members and Dr. Wolf did occasionally introduce him and refer to him as "Dr. Bogin." Ruben Bogin also testified that he is absolutely certain that he always told patients that he was in the process of obtaining his Ohio license. (Tr. at 399-402)

FINDINGS OF FACT

1. During the period of time beginning in August 2002 and continuing into April 2006, Bradley Rex Wolf, M.D., in the routine course of his medical practice, undertook the treatment of forty-one patients identified in the Patient Key as Patients 1 through 41.
2. Dr. Wolf provided the patient records of Patients 1 through 41 to the State Medical Board of Ohio [Board] in response to a subpoena issued on June 23, 2006, which required him to provide the complete patient records "for each and every patient on whom Ruben Bogin performed an incision of any kind and/or placed a suture."

Dr. Wolf testified that the 41 patient files that he produced were responsive to the subpoena based on a review by him and his staff of patient records from the relevant time frame, in that, with the assistance of his staff, he had determined that those 41 patient records contained notes or marks made by Ruben Bogin indicating that Bogin may have made incisions or placed sutures during the surgeries on those patients.

3. At no time has Ruben Bogin held a certificate to practice medicine and surgery in Ohio.

However, for a period of time, he held a training certificate that permitted him to practice medicine and surgery as supervised in a residency program at The Ohio State University, but that training certificate did not permit Ruben Bogin to practice medicine and surgery under Dr. Wolf's supervision in Dr. Wolf's office.

4. During the period of time beginning in August 2002 and continuing into April 2006, Dr. Wolf allowed Ruben Bogin to perform the following procedures on Dr. Wolf's patients in his medical office in Cincinnati, Ohio:
 - (a) cutting strips of donor tissue from the scalps of patients;
 - (b) making incisions in the scalps of patients to receive donor follicular units; and
 - (c) closing wounds in the donor areas of patients' scalps by placing sutures.

These procedures, individually and/or collectively, constitute the practice of medicine and surgery in Ohio.

5. Dr. Wolf permitted photographs of Ruben Bogin to be posted on Dr. Wolf's websites and permitted Ruben Bogin to be described as "Dr. Ruben Bogin, M.D.," and as one of the physicians at Wolf Enterprises. Dr. Wolf further held Ruben Bogin out as a licensed physician in Ohio by referring to him as "Dr. Bogin" in Dr. Wolf's medical office, when speaking to patients and when speaking in front of patients.

These findings are based in part on credibility determinations, including that Dr. Wolf, and the members of his staff who testified at the hearing, minimized the extent to which Dr. Wolf referred to Ruben Bogin as "Dr. Bogin" when speaking to patients or in front of patients in the office, and, in addition, that these witnesses exaggerated or overestimated the extent to which Ruben Bogin's unlicensed status was communicated to patients.

CONCLUSIONS OF LAW

1. The Ohio Revised Code includes the following provisions:

4731.41 Practicing medicine without certificate

No person shall practice medicine and surgery, or any of its branches, without the appropriate certificate from the state medical board to engage in the practice. No person shall advertise or claim to the public to be a practitioner of medicine and surgery, or any of its branches, without a certificate from the board. * * *

4731.99 Penalty

(A) Whoever violates section 4731.41 * * * of the Revised Code is guilty of a felony of the fifth degree on a first offense and a felony of the fourth degree on each subsequent offense.

2923.03 Complicity

(A) No person, acting with the kind of culpability required for the commission of an offense, shall do any of the following:

- (1) Solicit or procure another to commit the offense;
- (2) Aid or abet another in committing the offense; * * * .

2. The acts, conduct and/or omissions of Bradley Rex Wolf, M.D., as set forth above in Findings of Fact 1 through 4, individually and/or collectively, constitute the aiding and/or abetting of Ruben Bogin to practice medicine and surgery in Ohio without the appropriate certificate, as those terms are used in Ohio Revised Code Section [R.C.] 2923.03 and R.C. 4731.41. Dr. Wolf's acts, conduct and/or omissions as set forth above in Finding of Fact 5 provide additional support for the conclusion that Dr. Wolf aided and/or abetted Ruben Bogin in practicing medicine and surgery in Ohio without the appropriate certificate.

3. Pursuant to R.C. 4731.99, a violation of R.C. 4731.41 constitutes a felony.
4. Therefore, Dr. Wolf's acts, conduct, and/or omissions as set forth above in Findings of Fact 1 through 5, individually and/or collectively, constitute the "commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed," as that language is used in R.C. 4731.22(B)(10).

* * * * *

Dr. Wolf permitted and supported the practice of medicine and surgery by Ruben Bogin in Dr. Wolf's office, despite his knowledge that Ruben Bogin did not hold an Ohio certificate to practice medicine and surgery. Although Dr. Wolf argued that Ruben Bogin had not engaged in the practice of medicine and surgery, the arguments were unconvincing.

Ruben Bogin cut strips of tissue from patients and sutured the wounds. Those procedures obviously constituted "surgery," which Dr. Wolf acknowledged. However, Dr. Wolf asserted that, under the particular circumstances, Ruben Bogin's activities did not constitute the practice of medicine and surgery for which a license is required, because Ruben Bogin was well supervised and was well qualified to perform these surgical procedures. In addition, Dr. Wolf relies on the argument that Ruben Bogin did not engage in the practice of medicine and surgery because he did not perform the full range of medical services from initial pre-surgical evaluation to post-operative care.

These arguments lack merit. Ohio law is clear that a person cannot perform surgical procedures on a human being unless he holds a license to practice medicine or otherwise has approval from the Board to perform certain procedures. His degree of surgical skill does not negate the requirement of licensure.

In Ohio, an unlicensed M.D. who wishes to perform surgical procedures may do so only after obtaining the appropriate certificate. A physician who holds a license to practice medicine in another state or another country, but does not hold a certificate to practice in Ohio, is prohibited from practicing medicine and surgery in Ohio until he holds an appropriate Ohio certificate—regardless of the expertise he can demonstrate. The person's level of skill does not affect the question of whether he is practicing medicine and surgery; rather, the level of skill affects only whether he is practicing medicine and surgery *competently*.

With respect to supervision, it is undisputed that Ruben Bogin's training certificate allowed him to practice medicine and surgery only at OSU under supervision in a specific residency program. That certificate did not permit Bogin to practice medicine and surgery anywhere else. Moreover, Dr. Wolf knew that Ruben Bogin did not have any certificate that would permit Ruben Bogin to practice medicine and surgery in Dr. Wolf's office.

Dr. Wolf's argument that his supervision of Ruben Bogin's activities changed the nature of the activities themselves is not persuasive. For example, the existence of supervision allows residents to practice medicine and surgery in training programs, but the fact of supervision does not mean that their activities are something other than the practice of medicine and surgery. In the present matter, the

fact that someone was supervising Ruben Bogin while he engaged in the practice of medicine and surgery does not change the fact that he was engaging in the practice of medicine and surgery. Indeed, it was Dr. Wolf's participation and support that made it possible for Ruben Bogin to operate on Dr. Wolf's patients.

With respect to the argument that Rubin Bogin provided only some of the medical care for certain patients and not the full range of medical care they received, the Hearing Examiner agrees that the practice of medicine and surgery includes a wide array of different procedures and activities. Nonetheless, the Hearing Examiner is aware of no authority for the proposition that an individual who performs only part of a patient's surgery does not need to have a medical license before performing that surgery.

Dr. Wolf's implicit argument—that he was entitled to decide the circumstances under which it was safe and appropriate for an unlicensed individual to perform surgery—is astonishing. Ohio law does not authorize individual physicians to make that decision, and Dr. Wolf knew it. Dr. Wolf had been licensed in several other states, and he was therefore well aware that being licensed and demonstrating skill in one state does not permit a physician to perform surgery in another state without a license, regardless of how qualified or supervised he may be.

The Hearing Examiner notes, however, that the evidence does not establish that Dr. Wolf intentionally devised a scheme to foist an unlicensed practitioner on the public for his own personal gain. Rather, Dr. Wolf initially thought that Ruben Bogin would soon have his license to practice, but delays developed when Ruben Bogin did not pass the third step of the USMLE. Rather, the offense was that Dr. Wolf approached the question of Ruben Bogin's duties at Wolf Enterprises with a casual attitude of “no harm, no foul” – in that he knowingly disregarded the lack of an appropriate certificate and allowed Ruben Bogin to perform surgery as long as he (Dr. Wolf) made sure that patients were not harmed. However, Ohio law is unequivocal that “no person” may practice medicine and surgery without an appropriate certificate, and there is no qualified privilege in R.C. 4731.41 that degreed persons who are well trained and well supervised do not need a license in order to perform surgical procedures on patients.

Nevertheless, Dr. Wolf's supervisory role, while it did not negate the existence of a violation, is a factor that the Board may consider with regard to the appropriate sanction for this violation. The Board may believe that, in this case, the existence of good supervision served to reduce the potential risk from the unlawful conduct. Likewise, the lack of evidence of patient harm is a mitigating factor to consider when determining the sanction.

Finally, the Hearing Examiner acknowledges that Dr. Wolf's description of his medical practice was impressive, in that he presented as a highly skilled, meticulous practitioner. However, he plainly had a serious lapse of judgment with regard to the activities of Ruben Bogin. Dr. Wolf deliberately chose to substitute his own judgment for the formal process of licensure by the State, and he violated the Medical Practices Act by doing so.

The Proposed Order. The Proposed Order includes a requirement that Dr. Wolf must demonstrate his familiarity with the Medical Practices Act and other Ohio laws governing his conduct as a

physician by taking a test, to be administered by the Board or its designee. This is a requirement that the Board has imposed in the past. However, the Hearing Examiner recommends that the Board should require Dr. Wolf to submit a proposed test for the Board's use in developing an examination, as set forth below. The reasons for this recommendation include that the test used years ago is likely to be outdated and that it is reasonable for the Board to place the burden of preparing a new test in part on Dr. Wolf. Further, the purpose of requiring the test is to help Dr. Wolf become more familiar with the laws and rules governing his conduct as a physician; therefore, his advance knowledge of some of the questions will not hinder that goal, because he will nevertheless be obliged to know correct answers when taking the test.

PROPOSED ORDER

It is hereby ORDERED that:

A. **SUSPENSION OF CERTIFICATE, STAYED; PROBATION:** The certificate of Bradley Rex Wolf, M.D., to practice allopathic medicine and surgery in the State of Ohio shall be **SUSPENDED** for a period of 30 days. This suspension is **STAYED**, subject to the following **PROBATIONARY** terms, conditions, and limitations for a period of at least two years.

1. **Professional Ethics Course(s):** Within six months of the effective date of this Order, or as otherwise ordered by the Board, Dr. Wolf shall provide acceptable documentation of successful completion of a course or courses dealing with professional 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. Wolf submits the documentation of successful completion of the course or courses dealing with professional ethics, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

2. **Examination on the Medical Practices Act and Related Statutes and Rules:** Within one year of the effective date of this Order, or as otherwise ordered by the Board, Dr. Wolf shall take and pass an examination to be administered by the Board or its designee regarding the Medical Practices Act, as amended, and related Ohio statutes and rules relating to the practice of medicine and surgery in Ohio as set forth in the Ohio Revised Code and Administrative Code. If Dr. Wolf fails this examination, he must wait at least two months before a re-examination.

Within 180 days of the effective date of this Order or as otherwise ordered by the Board, Dr. Wolf shall submit a proposed examination that, on review by the Board or its designee(s), is found to be sufficiently comprehensive on the required topic(s). The Board or its designee(s) may choose to administer an examination focusing only on certain specific portions of the statutes and rules governing the practice of medicine and surgery in Ohio, and, if the Board so chooses, it may notify Dr. Wolf of the narrowed scope of the examination thirty days or more in advance of the required date for submitting a proposed examination.

3. **Obey the Law**: Dr. Wolf shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the states where he practices.
4. **Declarations of Compliance**: Dr. Wolf 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 this Order became effective. 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. Wolf shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order became effective and the probation commenced. Dr. Wolf shall also appear upon his request for termination of the probationary period, and/or as otherwise requested by the Board.
6. **Termination of Probation**: Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Wolf's certificate will be fully restored.

B. REQUIRED REPORTING AND DOCUMENTATION OF REPORTING

1. **Required Reporting To Employers and Others**: Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Wolf shall provide a copy of this Order to all employers or entities with which he is under contract to provide health-care services (including but limited to third-party payors) or is receiving training, and the Chief of Staff at each hospital or health-care center where he has privileges or appointments.

Further, Dr. Wolf shall provide a copy of this Order to all employers or entities with which he contracts in the future to provide health-care services, or applies for or receives training, and the Chief of Staff at each hospital or health-care center where he applies for or obtains privileges or appointments. This requirement shall continue until either: (a) three years following the effective date of this order; or (b) Dr. Wolf receives from the Board written notification of his successful completion of probation as set forth in section A above.

2. **Required Reporting To Emergency Medical Services Organization or Provider:**
In the event that Dr. Wolf provides any health-care services or health-care direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, Dr. Wolf shall provide, within 30 days or as otherwise determined by the Board, a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.
3. **Required Reporting To Other Licensing Authorities:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Wolf shall provide a copy of this Order to the proper licensing authority of any State or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate.

When Dr. Wolf applies for any professional license or reinstatement/restoration of any professional license in any State or jurisdiction, he shall provide a copy of this Order to the proper licensing authority of that State or jurisdiction at the time of application. This requirement shall continue until either: a) Three years following the effective date of this Order; or b) Dr. Wolf receives from the Board written notification of his successful completion of probation as set forth in section A, above.

4. **Documentation that the Required Reporting Has Been Performed:** Further, Dr. Wolf shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each notification required above: (1) the return receipt of certified mail within 30 days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

EFFECTIVE DATE OF ORDER: This Order shall become effective immediately upon the mailing of the notification of approval by the Board.


Patricia A. Davidson
Hearing Examiner

State Medical Board of Ohio

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

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EXCERPT FROM THE DRAFT MINUTES OF JULY 9, 2008

REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDER

Dr. Varyani announced that the Board would now consider the Reports and Recommendations 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 Paula Clark Adkins, M.D.; Carolyn Elizabeth Johnson, M.D.; W. Scott Nekrosius, M.D.; and Bradley Rex Wolf, M.D.; and the Proposed Findings and Proposed Order in the matter of Kenneth Lester Drews, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- 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
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Mahajan	- 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.

.....
BRADLEY REX WOLF, M.D.

Dr. Varyani directed the Board's attention to the matter of Bradley Rex Wolf, M.D. He advised that a response to the Report and Recommendation was filed by Dr. Wolf, and objections have been filed by the State. Both were previously distributed to board members.

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

Dr. Wolf thanked the Board for allowing him to speak. He stated that he has been a physician for 28 years, having graduated from Indiana University. He practiced emergency medicine for ten years and surgical hair restoration for ten years. During those 28 years he's never had any actions against any license, nor any malpractice suits. He's tried to practice with the highest ethical nature throughout that time. Dr. Wolf stated that he comes from a family of doctors. He's a third generation physician from Cincinnati. He was taught to respect the position of "Doctor" and what "M.D." stands for, and he's tried to emulate that and respect that throughout his career. He again stated that his record has been clean for 28 years.

Dr. Wolf stated that his brother, who was a cardiac surgeon at OSU, had a resident come through: a Ruben Bogin, from Kazakhstan, who was licensed in Kazakhstan and in Russia. He advised that Mr. Bogin expressed some interest in what Dr. Wolf did, and approached him about learning to do hair transplant surgery. Dr. Wolf stated that he hired Mr. Bogin as an assistant. At the time he hired Mr. Bogin, Mr. Bogin was a resident at OSU, doing his second residency in general surgery. He had also passed Parts I and II of the National Boards. Dr. Wolf stated that Mr. Bogin assured him that within a number of months he would pass Part III of the National Boards and be licensed to practice medicine. That six months turned into four years. Dr. Wolf advised that Mr. Bogin was unable to pass Part III of the National Boards.

Dr. Wolf stated that he continued to employ Mr. Bogin as a surgical assistant, and Mr. Bogin was paid in that way. Mr. Bogin drove back and forth between Columbus and Cincinnati when they did a surgical procedure. As time went on, Mr. Bogin began to do more and more and, as the Report and

Recommendation indicates, Dr. Wolf did aid Mr. Bogin in practicing medicine. Dr. Wolf stated that that was certainly unintentional. It was just that, over the course of time that Mr. Bogin was there, things evolved that way. Dr. Wolf stated that it was of no gain to him or to his practice, monetarily or otherwise, to have Mr. Bogin work with him. Mr. Bogin was merely there to assist him.

Dr. Wolf stated that he has learned his lesson from this. He added that he understands the decision against him, and he understands that he had a serious lapse in judgment. This was something that he had never done before. He stated that he had never had any kind of unlicensed person or foreign doctor working with him. He added that he would not put himself in this position again.

Dr. Wolf again thanked the Board for hearing him.

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

Mr. Wilcox stated that he believes that the facts in this case show that Dr. Wolf allowed an unlicensed individual, Ruben Bogin, to practice hair transplant procedures at his clinic in Cincinnati, Ohio. On numerous occasions, Mr. Bogin attempted and completed surgical procedures, including excising and removing scalp tissue, suturing the donor site, and making incisions in the scalp for follicles to be placed. There is no doubt that Mr. Bogin conducted these procedures because at hearing Dr. Wolf, himself, admitted that he allowed Mr. Bogin to do these procedures.

Mr. Wilcox stated that the State's expert witness, David C. Romano, M.D., confirmed what he believes the Board members already know, and what he believes is an obvious fact; that these procedures do, indeed, constitute the practice of medicine. At hearing, Dr. Wolf implied that he wants this Board to believe that Mr. Bogin's actions were not his actions alone, but were somehow an extension of Dr. Wolf's practice. The fact remains that Mr. Bogin was an unlicensed person who was practicing medicine. Dr. Wolf's medical license is not transferrable. He cannot claim that Mr. Bogin's actions were just an extension of his own license. Dr. Wolf was, in effect, making the decision that Mr. Bogin was qualified to practice medicine and surgery in this state. That decision is exclusively within the province of this Board.

Mr. Wilcox stated that he believes that, under the disciplinary guidelines, there are some aggravating factors present in this case. A pattern of misconduct was demonstrated in that Dr. Wolf allowed the illegal practice of Mr. Bogin to go on for nearly four years. In addition, Dr. Wolf, at hearing, refused to acknowledge the wrongful nature of the conduct and has argued that what he allowed Mr. Bogin to do was not the practice of medicine.

Mr. Wilcox stated that, by allowing a person, whom he knew to be unlicensed, to practice medicine from the moment that he stepped into that clinic, Dr. Wolf's violations of the Medical Practices Act can certainly be characterized as willful or reckless conduct. Mr. Wilcox stated that he disagrees with Dr. Wolf's presentation today in that he said that his actions were not intentional.

Mr. Wilcox stated that he came away from the hearing with the impression that Dr. Wolf is, indeed, an

accomplished physician in the area of hair transplantation. Although he has no prior disciplinary history, Dr. Wolf certainly let his judgment lapse regarding the handling of this situation with Mr. Bogin. While it is clear that Mr. Bogin does have significant medical training and practiced medicine and surgery in Kazakhstan, he was not licensed to practice medicine in Ohio when he worked with Dr. Wolf from approximately August 2002 until April 2006. Dr. Wolf knew that Mr. Bogin had never obtained full medical licensure in Ohio, yet Dr. Wolf still allowed him to perform hair transplantation surgery at his clinic. Mr. Wilcox stated that, rather than acknowledge that this was a lapse of judgment on his part, Dr. Wolf came to the hearing and stated that he had not allowed Mr. Bogin to practice medicine. Mr. Wilcox stated that, by any objective criteria, what has been described in this record as being performed by Dr. Wolf and Mr. Bogin is certainly the practice of medicine. This poor judgment by Dr. Wolf to allow this to occur certainly requires discipline by this Board. The degree of such discipline should be decided upon the Board's careful review of the entire record.

DR. AMATO MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF BRADLEY REX WOLF, M.D. MR. BROWNING SECONDED THE MOTION.

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

Dr. Steinbergh stated that in the case of Dr. Wolf, she felt that the hearing record was complete, but the Proposed Order was out of line. In fact, Dr. Wolf aided and abetted the unlicensed practice of medicine, which constitutes a felony in this state. The Proposed Order imposed a stayed 30-day suspension and other stipulations that she found to be quite inappropriate. Dr. Steinbergh stated that she has a draft amendment for the Board's consideration, and asked that it be distributed to the Board.

Dr. Varyani stated that he has been advised that there are other proposed amendments to the Proposed Order, and he would prefer to discuss the matter before a motion is made.

Dr. Steinbergh stated that her amendment imposes a stayed permanent revocation, with an indefinite suspension for a minimum of 180 days. For reinstatement he would need to complete a professional ethics course, submit to an examination on the Medical Practices Act relating to the statutes and rules, which the Board would submit to Dr. Wolf. Dr. Steinbergh commented that she is absolutely opposed to Dr. Wolf's developing examination questions and his answers to those questions. A one-year probationary period of monitoring would also be imposed.

Dr. Steinbergh stated that she found what Dr. Wolf did to be very inappropriate. It also concerns her that he has medical assistants who place grafts. She stated that Dr. Wolf testified that all members of his staff do that. She found that to be a concern. Dr. Steinbergh stated that there was a discussion about Mr. Bogin and whether or not he was licensed in the state of Ohio and whether or not the patients felt that he was licensed, and at one point Dr. Wolf stated that he wouldn't pass Mr. Bogin off as a licensed physician, and that he knows the rules. Dr. Steinbergh stated that she found that statement interesting, because Dr. Wolf clearly didn't know what the rules are.

Dr. Steinbergh referred to the following excerpt from the hearing transcript:

Q. Do you know where that line gets crossed between performing as a medical assistant and then crossing over into the practice of medicine and surgery?

A. I didn't read any of the statutes, but I was – Ruben Bogin was acting as a medical assistant during those times under my complete supervision. . . I have some idea when patients are put in harm's way. . .

Q. Dr. Wolf, patient care is not the issue here, okay?

A. Okay.

Dr. Steinbergh stated that she thinks that patient care is the issue here. Allowing someone without a license to practice medicine in the state of Ohio on patients who did not know that the person wasn't a licensed physician is putting patients at risk. Dr. Wolf made the determination to do that.

Dr. Steinbergh stated that she feels that her proposed amendment is in line with the Medical Board guidelines for aiding and abetting the practice of medicine.

Dr. Amato stated that after he and Dr. Steinbergh talked, he did not ask for an amendment to be drafted. Dr. Amato agreed that Dr. Wolf shouldn't create his own examination on the statutes; the Board should do that. He added that his original suggestion was going to be a reprimand, but thinking about this, the suspension as proposed by the Hearing Examiner is appropriate.

Dr. Amato stated that he does want to make the point, stressing that it was for the second month in a row, that this is the Board being schizophrenic. In June, the Board talked about allowing someone with nurse's training to do a cystoscopy and microwave therapy of a prostate. That is a whole surgical procedure. After having seen a couple and done a couple, with a nurse's education, this person was going to be allowed by the Board to practice surgery. He stated that as he read this record, he had no doubt that Dr. Wolf, either inadvertently or not, allowed someone to practice medicine without a license; however, it was someone who had been through medical school, residency, and was under direct supervision. Dr. Amato continued that there possibly was risk to the patient, but he doesn't think so because of the direct supervision. He doesn't see where patient risk was involved. Dr. Amato spoke in support of the Hearing Examiner's Proposed Order, with the exception of the examination on the Medical Practices Act.

Dr. Egner stated that she agrees with Dr. Steinbergh's evaluation of this. She advised that she doesn't know Dr. Wolf, although they are both from Cincinnati, but stated that she thinks that Dr. Wolf is a well-educated man. The part that bothers her about this case is that Mr. Bogin was introduced to the patients as "Doctor." He's put on two websites as "Doctor." The website lists him under the heading, "our physicians." Even in Dr. Wolf's testimony, he stated that he was aware of the Board's rules and that

Mr. Bogin was unlicensed. Dr. Egner stated that she has to believe that there was benefit to Dr. Wolf in having this man in his office and practicing medicine without a license. Dr. Egner stated that for those reasons she would agree with Dr. Steinbergh's proposed amendment.

Dr. Varyani stated that he was surprised that, before Dr. Egner, nobody else had brought up the issue of how Mr. Bogin was portrayed on the clinic's pamphlets, and how he was introduced to patients. Dr. Varyani stated that what bothers him most is that Mr. Bogin was there for four months, and he was supposed to do so much, and then did more and more. Dr. Varyani asked how Mr. Bogin could have done more unless Dr. Wolf allowed it. How can an assistant do more and more unless the physician asks the assistant to do it? Four months turned into four years. Mr. Bogin was listed in the pamphlet as a physician. There were at least four documented cases where he did everything by himself. Dr. Varyani stated that that's what the Report and Recommendation says, he didn't make it up. There were four cases where he incised, and, routinely, he would put the follicles in. So Mr. Bogin did the case.

Dr. Varyani stated that he agrees with Dr. Steinbergh that the Board should go by its disciplinary guidelines. He added that he thinks that Dr. Wolf knew what he was doing; and, from Dr. Wolfe's statement today, he doesn't think that Dr. Wolf is really sorry that he did it. He may not do it again, but he wasn't sorry that he was doing. He knew exactly what he was doing. Dr. Varyani stated that he also doesn't buy Dr. Wolf's statement that it didn't help him financially.

Mr. Browning stated that, from a consumer perspective, if you go to see a doctor, you pay the doctor, you ask the doctor to do the treatment, and you would expect that that was the deal. You wouldn't expect an assistant, who is not a doctor in the state of Ohio, doing the work. Mr. Browning stated that he doesn't know how Dr. Wolf didn't benefit from this. Mr. Browning stated that Dr. Wolf is rationalizing his behavior: it was going to be a few months, it kind of "morphed" into years, he was a doctor in another country, and it's okay, and there's no patient harm. Mr. Browning stated that that's not how business is done in Ohio. Mr. Browning stated that he doesn't know whether the proposed 180-day suspension is a magical number or not, but it should be more than 30. He added that, to some degree, it simply boils down to an economic sanction. Mr. Browning added that the Board does need to send a strong message that rules are rules.

Dr. Steinbergh stated that she would like to comment on Dr. Amato's comments about the Board allowing a nurse to do cystoscopies during the previous months. Dr. Steinbergh stated that the Board met with an expert urologist a month or two ago concerning a special services plan that would allow P.A.s to do laser treatment for prostatic BPH. The Board, in fact, denied allowing P.A.s to perform the procedure. Dr. Steinbergh stated that the Board does recognize that there are differences in cases, and it does struggle with the issue of what the Board will allow non-physicians to do. She stated that this case really has to do with putting this man out as a physician and permitting him to practice medicine in this state without a license from the state.

DR. STEINBERGH MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF BRADLEY REX WOLF, M.D., BY SUBSTITUTING THE FOLLOWING:

It is hereby ORDERED that:

A. **PERMANENT REVOCATION, STAYED; SUSPENSION:** The certificate of Bradley Rex Wolf, M.D., to practice allopathic medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED. Such revocation is STAYED, and Dr. Wolf's certificate shall be SUSPENDED for an indefinite period of time, but not less than 180 days.

B. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Wolf's certificate to practice allopathic medicine and surgery until all of the following conditions have been met:

1. **Application for Reinstatement or Restoration:** Dr. Wolf shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
2. **Professional Ethics Course(s):** At the time he submits his application for reinstatement or restoration, Dr. Wolf shall provide acceptable documentation of successful completion of a course or courses dealing with professional 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. Wolf submits the documentation of successful completion of the course or courses dealing with professional ethics, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

3. **Examination on the Medical Practices Act and Related Statutes and Rules:** Prior to submitting his application for reinstatement or restoration, Dr. Wolf shall take and pass an examination to be administered by the Board or its designee regarding the Medical Practices Act, as amended, and related Ohio statutes and rules relating to the practice of medicine and surgery in Ohio as set forth in the Ohio Revised Code and Administrative Code. If Dr. Wolf fails this examination, he must wait at least two months before a re-examination.

C. **PROBATION:** Upon reinstatement or restoration, Dr. Wolf's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a

period of at least one year:

1. **Obey the Law**: Dr. Wolf shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the states where he practices.
2. **Declarations of Compliance**: Dr. Wolf 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. Wolf's certificate is reinstated or restored. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. **Personal Appearances**: Dr. Wolf 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. Wolf's certificate is reinstated or restored. Dr. Wolf shall also appear upon his request for termination of the probationary period, and/or as otherwise requested by the Board.
4. **Termination of Probation**: Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Wolf's certificate will be fully restored.

D. REQUIRED REPORTING AND DOCUMENTATION OF REPORTING

1. **Required Reporting To Employers and Others**: Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Wolf shall provide a copy of this Order to all employers or entities with which he is under contract to provide health-care services (including but limited to third-party payors) or is receiving training, and the Chief of Staff at each hospital or health-care center where he has privileges or appointments.

Further, Dr. Wolf shall provide a copy of this Order to all employers or entities with which he contracts in the future to provide health-care services, or applies for or receives training, and the Chief of Staff at each hospital or health-care center where he applies for or obtains privileges or appointments. This requirement shall continue until the earlier of either: (a) three years following the effective date of this order; or (b) Dr. Wolf receives from the Board written notification of his successful completion of probation as set forth in section C above.

2. **Required Reporting To Emergency Medical Services Organization or Provider:** In the event that Dr. Wolf provides any health-care services or health-care direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, Dr. Wolf shall provide, within 30 days or as otherwise determined by the Board, a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

3. **Required Reporting To Other Licensing Authorities:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Wolf shall provide a copy of this Order to the proper licensing authority of any State or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate.

When Dr. Wolf applies for any professional license or reinstatement/restoration of any professional license in any State or jurisdiction, he shall provide a copy of this Order to the proper licensing authority of that State or jurisdiction at the time of application. This requirement shall continue until the earlier of either: a) Three years following the effective date of this Order; or b) Dr. Wolf receives from the Board written notification of his successful completion of probation as set forth in section C, above.

4. **Documentation that the Required Reporting Has Been Performed:** Further, Dr. Wolf shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each notification required above: (1) the return receipt of certified mail within 30 days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

EFFECTIVE DATE OF ORDER: This Order shall become effective immediately upon the mailing of the notification of approval by the Board.

Dr. Varyani expressed concern that a 180-day suspension might be excessive.

Dr. Steinbergh stated that it takes time to get the ethics course done, and he will need to be examined on the Medical Practices Act.

Dr. Egner	- aye
Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Browning	- aye
Mr. Hairston	- aye
Dr. Amato	- nay
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Varyani	- aye

The motion carried.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF BRADLEY REX WOLF, M.D. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Amato	- nay
	Dr. Mahajan	- 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

January 11, 2007

Bradley Rex Wolf, M.D.
3358 Ireland Road
Morrow, OH 45152

Dear Doctor Wolf:

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) From in or about August 2002 to in or about April 2006, in the routine course of your practice, you undertook the treatment of Patients 1-41 as identified on the attached Patient Key (key confidential to be withheld from public disclosure).

You provided the patient records of Patients 1-41 to the Board in response to a subpoena issued on or about June 23, 2006, which requested production of the complete patient records for each and every patient on whom Ruben Bogin performed an incision of any kind and/or placed a suture. You indicated that the records produced were responsive to the subpoena based upon review by you and your staff of patient records from the relevant time frame, with selection for inclusion of those patient records that contained notes or marks made by Ruben Bogin that may reasonably indicate he was involved in suturing or making incisions, and/or that, within the combined memories of you and your staff, were patients for which Ruben Bogin may have performed any type of incision during surgery.

- (2) During the period in or about August 2002 to in or about April 2006, you aided and abetted Ruben A. Bogin, who is not licensed to practice medicine and surgery in the state of Ohio, in the unlawful practice of medicine and surgery in Ohio by permitting and/or supervising him in:
 - (a) incising donor strips from the scalps of and/or placing incisions in the scalps of patients to receive donor follicular units; and/or
 - (b) closing with sutures wounds made in donor areas of the scalps for patients.

Mailed 1-11-07

- (3) You permitted photographs of Ruben Bogin that identified him as one of your physicians and the language "Dr. Ruben Bogin, M.D." to be posted on your website www.cincinnatihair.com and the website www.wolfhair.com despite the fact that Ruben Bogin is not licensed to practice medicine and surgery in the state of Ohio. You further held Ruben Bogin out as a licensed physician in the state of Ohio by referring to him as "Dr. Bogin" to patients and also referring to Ruben Bogin as "Dr. Bogin" to your staff members in front of patients.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (3) above, individually and/or collectively, constitute "[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed," as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Section 2923.03, Ohio Revised Code, Complicity, to wit: Section 4731.41, Ohio Revised Code, Practice of medicine or surgery without certificate. Pursuant to Section 4731.99(A), Ohio Revised Code, violation of Section 4731.41, Ohio Revised Code, constitutes a felony offense.

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.

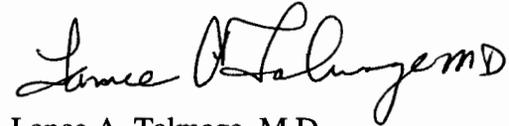
Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate 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."

Bradley Rex Wolf, M.D.

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Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lance A. Talmage MD". The signature is fluid and cursive, with the "MD" clearly visible at the end.

Lance A. Talmage, M.D.
Secretary

LAT/DPK/flb
Enclosures

CERTIFIED MAIL #7004 2510 0006 9802 9698
RETURN RECEIPT REQUESTED

cc: Jud Sims, Esq.
2200 PNC Center, 201 E. 5th Street
Cincinnati, Ohio 45202

CERTIFIED MAIL #7004 2510 0006 9802 9681
RETURN RECEIPT REQUESTED