



# State Medical Board of Ohio

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

September 14, 2005

John Paul Hanyak, M.D.  
545 Village Green Loop  
Westerville, OH 43082

Dear Doctor Hanyak:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Sharon W. Murphy, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on September 14, 2005, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

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

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

THE STATE MEDICAL BOARD OF OHIO

Lance A. Talmage, M.D.  
Secretary

LAT:jam  
Enclosures

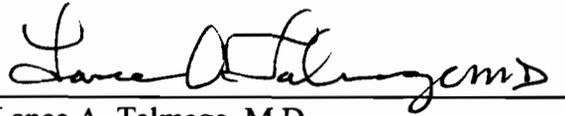
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RETURN RECEIPT REQUESTED

MAILED 9-16-05

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on September 14, 2005, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of John Paul Hanyak, 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.  
Secretary

(SEAL)

September 14, 2005  
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

\*

\*

JOHN PAUL HANYAK, M.D.

\*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on September 14, 2005.

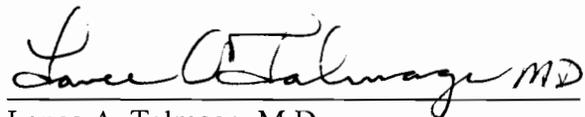
Upon the Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board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

It is hereby ORDERED that:

The certificate of John Paul Hanyak, M.D., to practice medicine and surgery in the State of Ohio is REVOKED.

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

(SEAL)



Lance A. Talmage, M.D.  
Secretary

September 14, 2005

\_\_\_\_\_  
Date

**REPORT AND RECOMMENDATION** 2005 AUG -9 A 11: 33  
**IN THE MATTER OF JOHN PAUL HANYAK, M.D.**

The Matter of John Paul Hanyak, M.D., was heard by Sharon W. Murphy, Hearing Examiner for the State Medical Board of Ohio, on April 18, 2005.

**INTRODUCTION**

I. Basis for Hearing

- A. By letter dated February 9, 2005, the State Medical Board of Ohio [Board] notified John Paul Hanyak, M.D., that it had proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board based its proposed action on allegations pertaining to Dr. Hanyak's cognitive impairment due to the residual effects of a brain tumor.

The Board alleged that Dr. Hanyak's condition constitutes the "[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills,' as that clause is used in Section 4731.22(B)(19), Ohio Revised Code."

Accordingly, the Board notified Dr. Hanyak that he was entitled to a hearing in this matter. (State's Exhibit 1A)

- B. On February 16, 2005, Dr. Hanyak submitted a written request for hearing. (State's Exhibit 1B)

II. Appearances

- A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Rebecca J. Albers, Assistant Attorney General.
- B. On behalf of the Respondent: John Paul Hanyak, M.D., pro se.

**EVIDENCE EXAMINED**

I. Testimony Heard

- A. Stephen G. Noffsinger, M.D.
- B. John Paul Hanyak, M.D.

II. Exhibits Examined

- A. State's Exhibits 1A through 1N: Procedural exhibits.
  - \* B. State's Exhibit 2: Certified copy of a June 7, 2004, letter to John Paul Hanyak, M.D., from the Board.
  - C. State's Exhibit 3: Curriculum vitae of Stephen G. Noffsinger, M.D.
  - \* D. State's Exhibit 4: A November 8, 2004, report of a psychiatric evaluation of Dr. Hanyak by Dr. Noffsinger.
  - \* E. State's Exhibit 5: Medical records pertaining to Dr. Hanyak maintained by Mark Hurst, M.D.
  - \* F. State's Exhibits 6A and 6B: Medical records pertaining to Dr. Hanyak maintained by Jean Cibula, M.D.
  - \* G. State's Exhibits 7A and 7B: Medical records pertaining to Dr. Hanyak maintained by Cathy Della Mora, Ph.D.
  - \* H. State's Exhibit 8: Medical records pertaining to Dr. Hanyak maintained by the Menninger Clinic.
- \* Note: Exhibits marked with an asterisk [\*] have been sealed to protect patient confidentiality.

**SUMMARY OF THE EVIDENCE**

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

1. John Paul Hanyak, M.D., received a medical degree in 1985 from the Ohio State University College of Medicine. Dr. Hanyak graduated with honors in the top twenty percent of his class. Dr. Hanyak completed a residency in internal medicine at the Ohio State University in 1988. Upon the completion of his residency, he remained on the faculty for one year, teaching students and residents. In 1989, Dr. Hanyak began a solo practice of internal medicine in Westerville, Ohio. As his practice grew, he incorporated other physicians. (State's Exhibit [St. Ex.] 4 at 2-3)

Report and Recommendation

In the Matter of John Paul Hanyak, M.D.

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In 1997, Dr. Hanyak was diagnosed with a brain tumor and underwent a craniotomy for removal of the tumor. Following his surgery, Dr. Hanyak experienced a variety of cognitive complaints and mood disturbances. Upon returning to his medical practice, he found he had to reduce his work hours due to fatigue. In 1998, he sold his practice. Thereafter, Dr. Hanyak accepted a few part-time positions, but these were not successful. (St. Ex. 4 at 3-4)

2. In 2004, the Board commenced an investigation of Dr. Hanyak, during which Dr. Hanyak spoke with Karen Mortland, an Enforcement Attorney for the Board. Dr. Hanyak stated that Ms. Mortland had expressed concerns about public safety should he continue to practice. To alleviate her concerns, Dr. Hanyak promised Ms. Mortland that he would refrain from the practice of clinical medicine. Dr. Hanyak testified that, after making that promise, he voluntarily removed himself from practice and, since then, he has honored his promise. (Hearing Transcript [Tr.] at 73)
3. By letter dated June 7, 2004, the Board notified Dr. Hanyak of its determination that it had reason to believe that he was in violation of Section 4721.22(B)(19), Ohio Revised Code. The Board ordered Dr. Hanyak to appear for a psychiatric evaluation to be performed by Stephen G. Noffsinger, M.D. (St. Ex. 2; St. Ex. 4)
4. Stephen G. Noffsinger, M.D., testified at hearing on behalf of the State. Dr. Noffsinger obtained a medical degree in 1987 from Northwestern Ohio University College of Medicine in Akron, Ohio. Thereafter, he completed a four-year residency in psychology at MetroHealth Medical Center in Cleveland, Ohio. After practicing for four years, Dr. Noffsinger returned to the Case Western Reserve University to complete a fellowship in forensic psychiatry. He completed that fellowship in 1991. (Tr. at 14-15; St. Ex. 3)

Dr. Noffsinger testified that he has been on the faculty of Case Western Reserve University School of Medicine since 1992. He also serves as the Associate Director of the Forensic Psychiatry Fellowship at University Hospitals of Cleveland. In addition, he is a member of the adjunct faculty at the University of Akron School of Law where he has taught a course on law and psychiatry for the past nine years. Dr. Noffsinger is board certified in psychiatry, having been first certified in 1995 and then recertified in 2004. He is also certified in forensic psychiatry. (Tr. at 15-16; St. Ex. 3)

5. Dr. Noffsinger testified that, at the request of the Board, he had evaluated Dr. Hanyak on July 15, 2004. Prior to that evaluation, Dr. Noffsinger reviewed records from Dr. Hanyak's treating neurologists, psychotherapist, and psychiatrist; and Dr. Hanyak's medical records from the Menninger Clinic. (Tr. at 20-22; St. Exs. 5, 6A, 6B, 7A, 7B, and 8)

Dr. Noffsinger testified that he had issued a report of his evaluation of Dr. Hanyak dated November 8, 2004. In that report and in his testimony at hearing, Dr. Noffsinger opined, in part, as follows:

- a. In 1986, during his internship, Dr. Hanyak experienced symptoms of depression. After seeking treatment for his depression, he experienced medication-induced hypomania. Dr. Hanyak took a six-week leave of absence from his internship. (St. Ex. 4 at 4)
- b. In 1987, during his second year of residency, Dr. Hanyak was involved in a motor vehicle accident. He suffered head trauma with loss of consciousness. After undergoing a neuropsychological evaluation it was determined that he was fit to return to his residency program. Dr. Hanyak had no medical or psychiatric problems for the next several years. (St. Ex. 4 at 4-5)
- c. Beginning in 1993, Dr. Hanyak again started experiencing symptoms of depression. He was treated with Zoloft, which resulted in hypomania. Therefore he was also treated with a mood stabilizer. (St. Ex. 4 at 5)
- d. In the mid-1990s, Dr. Hanyak was involved in one major and two minor motor vehicle accidents. He was also experiencing headaches, nausea and vomiting. In retrospect, it is likely that he was experiencing epileptic seizures. (St. Ex. 4 at 5)
- e. In August 1997 Dr. Hanyak experienced a seizure while driving to work, which resulted in another automobile accident. He was evaluated as a result of the seizure, and was found to have a large brain tumor. Dr. Hanyak underwent surgery to remove the brain tumor on August 28, 1997. He also underwent a cranioplasty to repair skull defects in October 1997. As a result of the accident, Dr. Hanyak also sustained a head injury, a brachial plexus injury that resulted in decreased strength of his right upper extremity, several vertebral fractures, and bilateral knee injuries. (St. Ex. 4 at 5, 8)
- f. After the accident, Dr. Hanyak's depression and hypomania returned. He received treatment from Mark Hurst, M.D. In 2001, he also received treatment through the Menninger Clinic in Topeka, Kansas. (St. Ex. 4 at 5-6; St. Ex. 5; St. Ex. 8)
- g. Dr. Hanyak's depression and hypomania are currently managed with medication therapy. His mood is stable at this time. (St. Ex. 4 at 6)
- h. Dr. Hanyak acknowledged to Dr. Noffsinger that he has continued to have problems since the removal of his brain tumor. Dr. Noffsinger wrote as follows:

Dr. Hanyak acknowledged that he continued to have difficulty at times with poor concentration and maintaining his attention. He indicated he had difficulty with multitasking. For example, approximately eighteen

months ago, Dr. Hanyak had an interesting patient with emphysema in which he completed a detailed four-page evaluation but forgot to conclude the evaluation with a diagnosis and treatment plan. Four or five days later, he wrote a progress note indicating his plan to diurese this patient, but forgot to write the medication orders for the diuresis. Dr. Hanyak pointed out that during the interim he probably saw 40 patients, in which he did not forget any part of their care or evaluation. He told me that he occasionally was forgetful in the office, in that if he planned to prescribe three medications for a patient he might prescribe two and forget about the other. Dr. Hanyak told me that, in the past, prior to his brain surgery, he would see patients in three examination rooms simultaneously, with the assistance of staff. Now, due to his difficulty with concentration and multitasking, he saw just one patient in one room at a time, until he finished with that patient and moved on to the next one.

(St. Ex. 4 at 6)

- i. Dr. Hanyak was evaluated by neuropsychologist R.P. Borenstein, Ph.D., in June 1999 and September 2000. After the evaluation in September 2000, Dr. Borenstein advised, "The nature and severity of these deficits is sufficient to prevent you from returning full-time to the practice of medicine. On the basis of your recent experiences that you have described to me, it is my recommendation that you do not attempt to resume the full-time practice of medicine." (St. Ex. 4 at 7-8)
  - j. Dr. Hanyak was treated by Cathy Della Mora, Ph.D., for psychotherapy from April 2001 through 2003. Dr. Della Mora's progress notes made reference to Dr. Hanyak's continued cognitive problems. These references included the following: decreased memory, concerns for patient safety, self-doubt, inability to handle diagnostic challenges, making frequent mistakes, forgetting to prescribe medications, inability to make decisions quickly, difficulty with diagnostic impressions and treatment recommendations, inability to integrate and synthesize information, inability to remember patients, loss of his train of thought, errors in prescribing, failure to record assessment and plan, and failure to write necessary orders. (Tr. at 24-27; St. Ex. 4 at 8-9)
6. Dr. Noffsinger diagnosed Dr. Hanyak with Cognitive Disorder Not Otherwise Specified. Dr. Noffsinger concluded that, due to his cognitive disorder, Dr. Hanyak is incapable of practicing medicine according to acceptable and prevailing standards of care. Dr. Noffsinger explained that Dr. Hanyak's symptoms support this conclusion, referring to Dr. Hanyak's inability to maintain his attention, and his problems with short-term recall, multitasking, problem-solving, mental flexibility, emotional control, and processing information. Dr. Noffsinger noted that, although these problems occur only intermittently, "given the critical nature of his functioning as an internist, even intermittent deficits in

these areas would be incapacitating, making him unable to practice medicine.” For example, Dr. Noffsinger noted that, while Dr. Hanyak had made efforts to compensate for his cognitive deficits, he had continued to make errors while working as an internist. Finally, Dr. Noffsinger concluded that, “Unfortunately, there is little expectation that his cognitive deficits will improve, given the plateau of his symptoms and the length of time since his cognitive problems began.” (Tr. at 23- 24, 27-28; St. Ex. 4 at 11-13)

Dr. Noffsinger further determined that Dr. Hanyak suffers from Bipolar I Disorder, Most Recent Episode Depressed, in Full Remission. Dr. Noffsinger opined that, while the Bipolar I Disorder alone does not presently incapacitate Dr. Hanyak from practicing medicine according to acceptable and prevailing standards of care, the effects of another depressive, manic or hypomanic episode would exacerbate the symptoms of his Cognitive Disorder Not Otherwise Specified. Therefore, Dr. Noffsinger recommended continued treatment of Dr. Hanyak’s Bipolar I Disorder. (St. Ex. 4 at 11-13)

7. Dr. Hanyak testified that he had come to the hearing planning to present a defense. In fact, Ian Wilson, M.D., and Gwen Wilson, R.N., accompanied Dr. Hanyak to the hearing and were prepared to testify in his defense. Dr. Hanyak also brought a number of letters written in his support by physicians in his community. Nonetheless, after listening to Dr. Noffsinger’s testimony, Dr. Hanyak decided to waive his right to present a defense. (Tr. at 71-72)

### **FINDINGS OF FACT**

1. By letter dated June 7, 2004, the Board notified John Paul Hanyak, M.D., of its determination that it had reason to believe that Dr. Hanyak was in violation of Section 4721.22(B)(19), Ohio Revised Code. The Board ordered that Dr. Hanyak submit to a psychiatric evaluation to be conducted by Stephen G. Noffsinger, M.D. Dr. Hanyak submitted to the evaluation on July 15, 2004.
2. By letter dated November 8, 2004, Dr. Noffsinger notified the Board that he had determined, with reasonable medical certainty, that Dr. Hanyak is unable to practice medicine according to acceptable and prevailing standards of care, for the reason that he suffers been from Cognitive Disorder Not Otherwise Specified due to the residual effects of a brain tumor. Such determination was based upon the evaluation that Dr. Noffsinger conducted of Dr. Hanyak on July 15, 2004, and upon his review of medical records from Dr. Hanyak’s treatment providers. Dr. Noffsinger noted that Dr. Hanyak’s symptoms include deficits in the following areas: concentration, ability to maintain attention, short-term memory, multitasking, problem solving, mental flexibility, emotional control, and information processing. Dr. Noffsinger further noted that, while Dr. Hanyak made efforts to compensate for his cognitive deficits, he had continued to make errors while working as an internist. Dr. Noffsinger opined that, due to Dr. Hanyak’s deficits, he should not engage in clinical duties, and that there is little expectation that his deficits will improve.

3. Dr. Noffsinger further determined that Dr. Hanyak also suffers from Bipolar I Disorder, Most Recent Episode Depressed, in Full Remission, and opined that while his Bipolar I Disorder alone does not presently incapacitate him from practicing medicine according to acceptable and prevailing standards of care, the effects of another depressive, manic or hypomanic episode will exacerbate the symptoms of his Cognitive Disorder Not Otherwise Specified. Dr. Noffsinger stated that compliance with treatment for his Bipolar I Disorder is especially important and recommended that Dr. Hanyak remain in treatment with a qualified psychiatrist and continue to receive outpatient medication management for the diagnosis of Bipolar I Disorder.

### CONCLUSIONS OF LAW

The cognitive impairment of John Paul Hanyak, M.D., as set forth in the Findings of Fact, constitutes the “[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills,” as that clause is used in Section 4731.22(B)(19), Ohio Revised Code.

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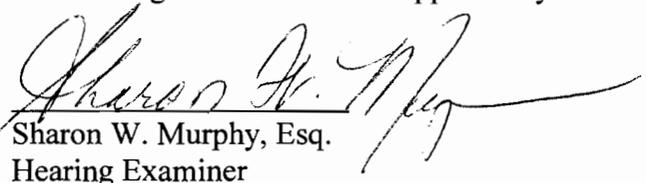
The matter of Dr. Hanyak is one of the most difficult the Board has faced in quite some time. Dr. Hanyak presented himself at hearing as a dedicated, professional, and caring physician who was, no doubt, a great asset to his community. Unfortunately, however, the cognitive disorder resulting from his brain tumor has rendered him unable to practice medicine and surgery according to acceptable and prevailing standards of care. Moreover, there is presently little hope that Dr. Hanyak’s condition will improve. Therefore, regrettably, the Board has no choice but to revoke his certificate to practice in this State.

### PROPOSED ORDER

It is hereby ORDERED that:

The certificate of John Paul Hanyak, M.D., to practice medicine and surgery in the State of Ohio is REVOKED.

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

  
Sharon W. Murphy, Esq.  
Hearing Examiner



# State Medical Board of Ohio

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

## EXCERPT FROM THE DRAFT MINUTES OF SEPTEMBER 14, 2005

### REPORTS AND RECOMMENDATIONS

Dr. Davidson announced that the Board would now consider the findings and order appearing on the Board's agenda. She asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings, conclusions, and orders, and any objections filed in the matters of: David Andrew Dougherty, D.O.; John Paul Hanyak, M.D.; and Philip F. Myers, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Saxena	- aye
	Dr. Steinbergh	- aye
	Dr. Davidson	- aye

Dr. Davidson 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. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Saxena	- aye
	Dr. Steinbergh	- aye

Dr. Davidson - aye

Dr. Davidson 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.

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

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

.....  
JOHN PAUL HANYAK, M.D.

.....  
**DR. KUMAR MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF JOHN PAUL HANYAK, M.D. MR. BROWNING SECONDED THE MOTION.**

.....  
A vote was taken on Dr. Kumar's motion to approve and confirm:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Saxena	- aye
	Dr. Steinbergh	- abstain
	Dr. Davidson	- 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](http://www.med.ohio.gov)

February 9, 2005

John Paul Hanyak, M.D.  
545 Village Green Loop  
Westerville, Ohio 43082

Dear Doctor Hanyak:

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) By letter dated June 7, 2004, the Board notified you of its determination that it had reason to believe that you were in violation of Section 4721.22(B)(19), Ohio Revised Code, and ordered that you submit to a psychiatric evaluation to be conducted by Stephen Noffsinger, M.D. [Dr. Noffsinger]. This determination was based upon one or more of the reasons outlined in such letter.
- (2) By letter dated November 8, 2004, Dr. Noffsinger notified the Board that he had determined, with reasonable medical certainty, that you are unable to practice medicine according to acceptable and prevailing standards of care, for the reason that you suffer from Cognitive Disorder Not Otherwise Specified due to the residual effects of a brain tumor. Such determination was based upon the evaluation that Dr. Noffsinger conducted of you on or about July 15, 2004, and upon his review of medical records from your treatment providers. Dr. Noffsinger noted that your symptoms include deficits in the following areas: concentration; ability to maintain attention; short-term memory; multitasking; problem solving; mental flexibility; emotional control; and information processing. Dr. Noffsinger further noted that, while you made efforts to compensate for your cognitive deficits, you continued to make errors while working as an internist. Dr. Noffsinger opined that, due to your deficits, you should not carry out clinical duties, and that there is little expectation that your deficits will improve.

MAILED 2-10-05

Dr. Noffsinger further determined that you also suffer from Bipolar I Disorder, Most Recent Episode Depressed, in Full Remission, and opined that while your Bipolar I Disorder alone does not presently incapacitate you from practicing medicine according to acceptable and prevailing standards of care, he noted that the effects of another depressive, manic or hypomanic episode will exacerbate the symptoms of your Cognitive Disorder Not Otherwise Specified. Dr. Noffsinger stated that compliance with treatment for your Bipolar I Disorder is especially important and recommended that you remain in treatment with a qualified psychiatrist and continue to receive outpatient medication management for your diagnosis of Bipolar I Disorder.

Your condition, as alleged in paragraph (2), above, individually and/or collectively, constitute “[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills,” as that clause is used in Section 4731.22(B)(19), Ohio Revised Code.

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

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

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

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

a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lance A. Talmage, M.D.", with a stylized flourish at the end.

Lance A. Talmage, M.D.  
Secretary

LAT/blt  
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5142 9631  
RETURN RECEIPT REQUESTED