

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

October 13, 1989

Tyler Ira Freeman, M.D.  
666 Retreat Lane, North  
Powell, Ohio 43065

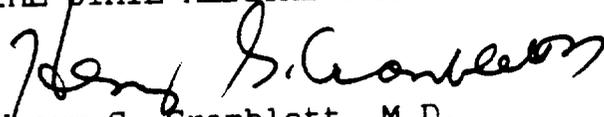
Dear Doctor Freeman:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of the Minutes of the State Medical Board, meeting in regular session on October 11, 1989, including Motions approving the Findings of Fact of the Hearing Examiner; amending the Conclusions of Law, and adopting an amended Order.

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

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

THE STATE MEDICAL BOARD OF OHIO

  
Henry G. Cramblett, M.D.  
Secretary

HGC:em  
Enclosures

CERTIFIED MAIL NO. P 026 074 551  
RETURN RECEIPT REQUESTED

cc: William M. Todd, Esq.

CERTIFIED MAIL NO. P 026 074 552  
RETURN RECEIPT REQUESTED

Mailed October 19, 1989

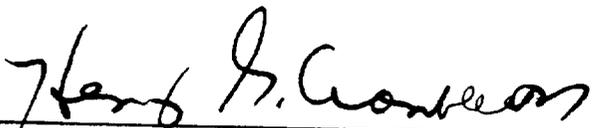
STATE OF OHIO  
STATE MEDICAL BOARD

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, State Medical Board; and attached excerpt of Minutes of the State Medical Board, meeting in regular session on October 11, 1989, including Motions approving the Findings of Fact of the Hearing Examiner, amending the Conclusions of Law, 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 Tyler Ira Freeman, M.D., as it appears in the Journal of the State Medical Board of Ohio.

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

(SEAL)

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

October 13, 1989

\_\_\_\_\_  
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

\*

\*

TYLER IRA FREEMAN, M.D.

\*

ENTRY OF ORDER

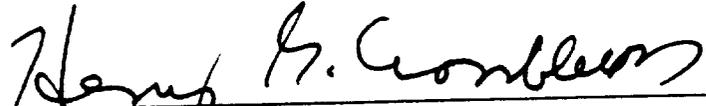
This matter came on for consideration before the State Medical Board of Ohio the 11th day of October, 1989.

Upon the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, Medical Board, in this matter designated pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification, approval and confirmation by vote of the Board on October 11, 1989, the following Order is hereby entered on the Journal of the State Medical Board for the 11th day of October, 1989.

It is hereby ORDERED:

That the application of Tyler Ira Freeman, M.D., for licensure to practice medicine and surgery in the State of Ohio shall be and is hereby GRANTED.

(SEAL)

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

October 13, 1989

\_\_\_\_\_  
Date

SEP 14 1989

REPORT AND RECOMMENDATION  
IN THE MATTER OF TYLER IRA FREEMAN, M.D.

The Matter of Tyler Ira Freeman, M.D., came on for hearing before me, Wanita J. Sage, Esq., Hearing Examiner for the State Medical Board of Ohio, on August 24, 1989.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Basis for Hearing

- A. By letter of April 12, 1989 (State's Exhibit #5), the State Medical Board notified Tyler Ira Freeman, M.D., that it proposed to refuse to register or to take disciplinary action against his certificate to practice medicine and surgery in Ohio due to his conviction, on or about June 9, 1976, of the felony offense of conspiracy to defraud the United States in violation of Title 18, United States Code, Section 371, which was committed in the course of his practice and involved fraudulent filing of claims for reimbursement under the "Medicaid Act." The Board alleged that Dr. Freeman's acts, conduct, and/or omissions constituted:
1. "A plea of guilty to, or a judicial finding of guilt of, a felony", as that clause is used in Section 4731.22(B)(9), Ohio Revised Code, or "conviction of a felony whether or not committed in the course of his practice", as that clause is used in Section 4731.22(B)(9), Ohio Revised Code (as in effect prior to August 27, 1982); and/or
  2. "Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the Board", as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: failure to furnish satisfactory proof of good moral character in violation of Section 4731.08, Ohio Revised Code.

Dr. Freeman was advised of his right to request a hearing in this Matter.

- B. By document filed with the State Medical Board on April 27, 1989 (State's Exhibit #4), William M. Todd, Esq., requested a hearing on behalf of Dr. Freeman.

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## II. Appearances

- A. On behalf of the State of Ohio: Anthony J. Celebrezze, Jr., Attorney General, by Rachel L. Belenker, Assistant Attorney General
- B. On behalf of the Respondent: Terri-Lynne B. Smiles, Esq.

## III. Testimony Heard

Dr. Freeman testified on his own behalf and was cross-examined by the State.

## IV. Exhibits Examined

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

### A. Presented by the State

1. State's Exhibit #1: August 15, 1989, letter to William M. Todd, Esq., from the State Medical Board rescheduling the hearing from August 31 to August 24, 1989, pursuant to the agreement of the parties.
2. State's Exhibit #2: June 20, 1989, letter to Attorney Todd from the State Medical Board scheduling the hearing for August 31, 1989.
3. State's Exhibit #3: May 1, 1989, letter to Attorney Todd from the State Medical Board advising that a hearing initially set for May 11, 1989, was postponed pursuant to Section 119.09, Ohio Revised Code.
4. State's Exhibit #6: Information filed in the United States District Court, Southern District of New York, on December 22, 1975, setting forth criminal charges in United States v. Freeman, Case No. 75 Cr. 1236.
5. State's Exhibit #7: Judgment and Probation/Commitment Order filed in the United States District Court, Southern District of New York, on June 9, 1976, in United States v. Freeman, Case No. 75 Cr. 1236, setting forth Dr. Freeman's plea of guilty; his conviction as charged of the offense of conspiracy to defraud the United States in violation of Title 18, U.S.C., Section 371; and his sentence.
6. State's Exhibit #8: Copies of documents from Dr. Freeman's licensure file, including: various status information forms used by State Medical Board personnel; Dr. Freeman's request for application forms; Dr. Freeman's July 29, 1988, application for Ohio licensure; and various supplementary information and verification forms received from July, 1988, through January, 1989.

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B. Presented by the Respondent

1. Respondent's Exhibit A: Dr. Freeman's curriculum vitae.
2. Respondent's Exhibit B: Certified documents pertaining to disciplinary action taken by the State of New York against Dr. Freeman's New York medical license, including: September 30, 1977, vote of the New York Board of Regents, accepting the recommendations of the Regents Review Committee as to both its finding of guilt and the measure of discipline to be imposed, and empowering the Commissioner of Education to execute the terms of the vote; September 16, 1977, Report of the Regents Review Committee; March 25, 1977, Statement of Charges against Dr. Freeman by the New York State Board for Professional Medical Conduct; June 19, 1977, Report and Recommendation of the Hearing Committee on Professional Conduct; July 1, 1977, Recommendation of the New York Commissioner of Health; Probation Terms and Conditions recommended by the Regents Review Committee; and October 28, 1977, Order of the New York Commissioner of Education.
3. Respondent's Exhibit C: June 23, 1989, letter from the North Carolina Board of Medical Examiners certifying the good standing of Dr. Freeman's North Carolina medical license since the time of its issuance on December 1, 1981.

FINDINGS OF FACT

1. By Information filed in the United States District Court, Southern District of New York, on December 22, 1975, Tyler Ira Freeman, M.D., was charged with conspiracy to defraud the United States in violation of Title 18, United States Code, Section 371. Among other things, that Information charged that from about January 1, 1970, through December 31, 1972, Dr. Freeman and various co-conspirators "unlawfully, willfully, and knowingly" made and caused to be made false claims for reimbursement under the "Medicaid Act." These claims were based upon invoices they prepared or caused to be prepared for doctor's services which were "false, fictitious and fraudulent in material respects." In many instances, such invoices would list as patients seen by Dr. Freeman persons never seen by him, and would make claims for services performed by Dr. Freeman which were not in fact performed by him.

These facts are established by State's Exhibit #6.

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2. On June 9, 1976, pursuant to his plea of guilty, Dr. Freeman was convicted as charged of the felony offense of conspiracy to defraud the United States in violation of Title 18, United States Code, Section 371. Dr. Freeman was sentenced to imprisonment for a period of five years, with all but one month of confinement suspended upon conditions of a two-year probation.

These facts are established by State's Exhibit #7.

3. In 1977, based upon Dr. Freeman's conviction and the acts underlying that conviction, the licensing authorities of the State of New York took disciplinary action against Dr. Freeman's license to practice medicine and surgery in that state. Dr. Freeman's New York license was revoked, but the revocation was stayed pursuant to the terms and conditions of a three-year probation and the imposition of a \$3,000 fine.

These facts are established by Respondent's Exhibit B.

4. On December 1, 1981, Dr. Freeman was issued a North Carolina medical license. That license is current and has been held in good standing since the date of issuance.

These facts are established by Respondent's Exhibit C.

5. In 1988, Dr. Freeman applied for a license to practice medicine and surgery in Ohio. His application for licensure was completed with all necessary verifications on or about January 27, 1989. Dr. Freeman fully disclosed his previous conviction, as well as the New York disciplinary action, at the time he filed his initial application.

These facts are established by State's Exhibit #8.

6. At hearing, Dr. Freeman fully admitted the above facts. He stated that his conviction had arisen from fraudulent claims filed during the course of his employment over an approximately two-year period at various Medicaid clinics. His work at these clinics had involved only two to four hours per week, due to his concurrent involvement with both his solo private practice and his duties as Director of Employee Health Services at Mt. Sinai Hospital (Elmhurst General). He claimed that, at first, he had signed blank forms for Medicaid reimbursement without realizing that clinic personnel were completing them with false information. However, after awhile, he had realized what was going on, but had continued to participate. He estimated that he had received approximately \$8,000 in fraudulent reimbursements from the Medicaid program. He claimed that he had made restitution in this amount after his conviction.

These facts are established by the testimony of Dr. Freeman (Tr. at 18-23, 30-35, 40-42) and State's Exhibit #8.

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7. Dr. Freeman has been involved in the field of occupational medicine since 1975. Since August 1, 1988, he has been employed as Medical Director by AT&T Network Systems in Columbus, Ohio. Although Dr. Freeman has been devoting 100% of his time to administrative duties pending Ohio licensure, it was contemplated that this position would involve 75% administrative and 25% clinical duties. Dr. Freeman's current employer is unaware of Dr. Freeman's previous felony conviction.

These facts are established by the testimony of Dr. Freeman (Tr. at 11-18, 26-29, 35-38, 43-46), State's Exhibit #8, and Respondent's Exhibit A.

#### CONCLUSIONS

1. Dr. Freeman's June 9, 1976, felony conviction in the United States District Court, Southern District of New York, resulted from his knowing participation in the filing of fraudulent claims for Medicaid reimbursement during the course of his practice at Medicaid clinics between 1970 and 1972. Such conviction constitutes "a plea of guilty to, or a judicial finding of guilt of, a felony", as that clause is used in Section 4731.22(B)(9), Ohio Revised Code; "conviction of a felony whether or not committed in the course of his practice", as that clause is used in Section 4731.22(B)(9), Ohio Revised Code, as in effect prior to March 17, 1987; or "conviction of a felony or misdemeanor committed in the course of his practice", as that clause is used in Section 4731.22(B)(11), Ohio Revised Code, as in effect prior to August 27, 1982.
2. Section 4731.08, Ohio Revised Code, requires any person who desires to practice medicine or surgery in Ohio to furnish satisfactory proof of good moral character. Dr. Freeman's 1976 felony conviction and his acts, conduct, and/or omissions which led to that conviction constitute inability to meet this requirement. The fact that there is no indication that Dr. Freeman has engaged in unlawful conduct since 1972 does not constitute satisfactory proof of good moral character. His prior commission of felonious acts in the course of practice, involving the fraudulent filing of claims for Medicaid reimbursement, presents a gross deviation from the standards of moral character this Board requires of its licensees. To preserve the public's trust in the medical profession, this Board must hold physicians to a high moral standard. In the past, this Board has found the commission of a felony, especially when committed in the course of practice, to constitute grounds for permanent revocation of a physician's license to practice in this State. Dr. Freeman was a licensed physician in another state when he knowingly participated in Medicaid fraud. These acts and his subsequent conviction demonstrate Dr. Freeman's failure to meet the standards required for licensure as a physician in this State.

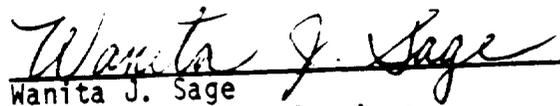
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3. While failure to provide satisfactory proof of good moral character constitutes an inability to meet a threshold requirement for licensure in this State, it would not appear, by itself, to constitute a violation of law. Thus, no violation of Section 4731.22(B)(20), Ohio Revised Code, is found by virtue of Dr. Freeman's failure to meet the requirement of Section 4731.08. However, the acts underlying that failure would constitute grounds under Section 4731.22(B) for refusal to register an applicant.

PROPOSED ORDER

It is hereby ORDERED that:

1. The application of Tyler Ira Freeman, M.D., for licensure to practice medicine and surgery in the State of Ohio shall be and is hereby DENIED.
2. Further, Dr. Freeman shall not at any time in the future be eligible to either apply for or obtain licensure to practice medicine and surgery or any of its branches in the State of Ohio.

  
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Wanita J. Sage  
Attorney Hearing Examiner

EXCERPT FROM THE MINUTES OF OCTOBER 11, 1989

REPORTS AND RECOMMENDATIONS

Dr. O'Day advised that the Findings and Orders appearing on this day's agenda are those in the matters of Richard D. Murray, M.D.; John W. Booher, et al.; Tyler Ira Freeman, M.D.; and James K. Blanke, D.O.

Dr. O'Day asked if each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of Richard D. Murray, M.D.; John W. Booher, et al.; Tyler Ira Freeman, M.D.; and James K. Blanke, D.O.

ROLL CALL:

Dr. Cramblett	- aye
Dr. Gretter	- aye
Dr. Daniels	- aye
Dr. Stephens	- aye
Mr. Jost	- aye
Dr. Rauch	- aye
Mr. Albert	- aye
Dr. Kaplansky	- aye
Dr. Agresta	- aye
Dr. O'Day	- aye

.....  
Mr. Dowling and Ms. Belenker returned to the meeting at this time.  
.....

REPORT AND RECOMMENDATION IN THE MATTER OF TYLER IRA FREEMAN, M.D.

Dr. O'Day stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and order in the above matter. No objections were voiced by Board Members present.

Dr. O'Day advised that a request to orally address the Board has been submitted by Dr. Freeman's attorney, Terri-Lynne Smiles. Three affirmative votes are necessary to grant this request.

MR. ALBERT MOVED TO GRANT MS. SMILES' REQUEST TO ADDRESS THE BOARD. DR. STEPHENS SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:

Dr. Cramblett	- abstain
Dr. Gretter	- aye
Dr. Daniels	- aye

Dr. Stephens	- aye
Mr. Jost	- aye
Dr. Rauch	- abstain
Mr. Albert	- aye
Dr. Kaplansky	- aye
Dr. Agresta	- aye

The motion carried.

Ms. Smiles stated that Dr. Freeman would be addressing the Board personally.

Dr. O'Day advised Dr. Freeman that there is not a court reporter present, but instead the Board's minutes serve as the Board's official record of the meeting. Dr. Freeman stated that he did not have any objection to the absence of a court reporter.

Dr. Freeman thanked the Board for allowing him the opportunity to address it regarding his past error. He stated that the record is clear as to his indiscretion and criminal offense in 1971 and 1972, and he will be more than willing to clarify any questions the Board might have regarding that incident. Dr. Freeman stated that he lives daily with the gravity of his mistake and cannot forget it. He has learned to use remorse as a tool for continuing positive motivation. Dr. Freeman stated that he jeopardized his career, but has been fortunate in being allowed to continue with it. He has tried to do well, to excel, and to be a good doctor. His colleagues' understanding in the past has allowed him to continue what has been a rewarding career in occupational medicine. The State of New York put his license under probation, fined him, and allowed him to practice medicine.

Dr. Freeman continued that he was appointed medical director for a Fortune 500 corporation in North Carolina. He met with the North Carolina Board concerning his offense, and that Board granted him a license. He now needs the Ohio Board's approval for his licensure request to help him reach his potential and pursue his contributions and goals. Dr. Freeman stated that he has tried to make life better for those whose lives he's touched. He is currently the medical director for A T & T in Columbus. He administrates the Safety Program, Benefits Division, Workers Compensation Department, and Disability Management, and is responsible for two dozen people, including three or four physicians and four nurses. His boss is aware of his past mistake and is supportive.

Dr. Freeman continued that he believes he has made contributions during his career. He listed a number of organizations with which he has been involved, including the North Carolina Occupational Medical Association, the American College of Occupational Medicine, and the Ohio College of Occupational Medicine. He advised that he developed an innovative computerized hearing conservation program. He served on the Alcohol and Substance Abuse Committee in North Carolina. He is developing a program for impaired physicians. Dr. Freeman stated that he has given freely of his time to community service. He added that he knows he can be a valuable member of Columbus society. He came to Columbus because of the academic

atmosphere and to continue with his degree in health policy and administration. Dr. Freeman stated that he hopes to pursue a position at Ohio State University. He has enquired into becoming active in United Way in Columbus.

Dr. Freeman stated that he made a mistake, was prosecuted for the mistake and was punished. He added that he hopes he was forgiven. He understands what he has done has jeopardized his career and his family. He stated that his family and friends have been supportive. The error in his judgment and the lapse in his morality have served to strengthen his character and goals. He needs the Board's understanding and help to continue. Dr. Freeman stated that he is known and respected in his field, and asked for a chance to prove himself to the Board and to be a productive citizen and a good, caring, honest physician.

Dr. Gretter asked Dr. Freeman when he was last in clinical practice. Dr. Freeman responded 1974. For the past 14 years he has been mainly in administrative practice.

In response to Dr. Agresta's questions, Dr. Freeman stated that his current position is mostly administrative, only partially clinical.

Dr. Kaplansky asked Dr. Freeman what his clinical tasks involve. Dr. Freeman stated that he examines individuals for disability and problems they may have connected with the workplace.

Mr. Albert asked Dr. Freeman if he would have to have a license to perform his job. Dr. Freeman stated that he would.

Dr. O'Day asked Ms. Belenker if she wished to respond to Dr. Freeman's statements. Ms. Belenker stated that there is no dispute as to the facts of this case. There was a conviction, and evidence of that conviction is on the record. It is now entirely up to the Board to use its discretion to determine the appropriate discipline, based on the facts of the case.

**DR. GRETTER MOVED TO APPROVE AND CONFIRM MS. SAGE'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF TYLER IRA FREEMAN, M.D. MR. JOST SECONDED THE MOTION.**

Dr. Kaplansky stated that he felt Dr. Freeman's arguments were convincing. Dr. Kaplansky stated that he personally was convinced that Dr. Freeman is rehabilitated, and is trying to perform his duties in an ethical manner. Dr. Kaplansky stated that not allowing Dr. Freeman to have a license to perform his job would be doing him and his employer a disservice, and he would recommend that the Board grant Dr. Freeman a license to practice.

Dr. Gretter stated that he is prepared to offer a substitute motion, but before he does so, he needs to clarify the clinical practice issue.

Dr. O'Day asked Dr. Freeman if he has been examining patients throughout the course of the past few years. Dr. Freeman stated that he is solely employed by A T & T, and has not done anything to this point. Dr. Freeman added that he has not limited himself to administrative practice, but administrative work is 50% to 60% of what he does. Dr. Freeman added that he could never absolve himself of clinical work. He has volunteered time in the emergency room to keep his clinical skills as sharp as they can be.

Dr. Stephens asked Dr. Freeman if he had examined and evaluated patients in his job in North Carolina. Dr. Freeman stated that he had, until he moved to Ohio a year ago.

**DR. GRETTER MOVED THAT CONCLUSION #2 IN THE MATTER OF TYLER IRA FREEMAN, M.D., BE AMENDED TO READ AS FOLLOWS:**

2. Dr. Freeman's felonious conduct from approximately January 1, 1970 through December 31, 1972 indicates that during that particular time period he lacked the good moral character required of licensees in this state by Section 4731.08, Ohio Revised Code. However, over sixteen years have passed since these felonious acts were committed. The State of North Carolina indicated its satisfaction with Dr. Freeman's moral character by granting him a license in 1981. There is insufficient evidence to conclude that Dr. Freeman currently lacks good moral character. Further, it cannot be concluded that Dr. Freeman has violated Section 4731.22(B)(20).;

**HE FURTHER MOVED THAT CONCLUSION #3 BE DELETED, AND THAT THE FOLLOWING LANGUAGE BE INSERTED FOLLOWING CONCLUSION #2:**

It has been the policy of this Board that the commission of a felony by a physician, particularly if done in the course of practice, constitutes a breach of the public's trust in the medical profession. It further constitutes grounds for permanent revocation of a license. This Board must also, however, use its discretion in determining whether or not a physician's subsequent conduct has served to mend that breach of trust.;

**DR. GRETTER FURTHER MOVED THAT THE ORDER BE AMENDED TO READ AS FOLLOWS:**

**PROPOSED ORDER**

It is hereby ORDERED that the application of Tyler Ira Freeman, M.D., for licensure to practice medicine and surgery in the State of Ohio shall be and is hereby GRANTED.

**DR. KAPLANSKY SECONDED THE MOTION.**

Mr. Jost stated that this was a difficult case for him. On one side is the argument that the practice of medicine is a privilege and not a right. He added that he would feel comfortable voting for revocation in such a case coming before the Board today and, in fact, the Disciplinary Guidelines call for revocation for fraud and felony convictions. Mr. Jost added that it may be important that this was a case concerning fraud in insurance. Given the trend of insurance, this type of case may become more common. Mr. Jost pointed out that Dr. Freeman has been practicing for 13 years since his conviction, and 16 years since the actual act of which he was convicted. Dr. Freeman has made convincing arguments that his character has been exemplary since that time. Mr. Jost stated that it would be vindictive to punish Dr. Freeman at this time for those acts.

Mr. Jost added that it is convincing that Dr. Freeman's own New York Board put him on probation for three years and subsequently released him.

Mr. Jost advised that his only concern in going along with the proposed amendment is that such action not be used as a precedent for future felony convictions. Mr. Jost added that he had been a little troubled that evidence in the record indicated that Dr. Freeman had not told his current employer about the felony conviction; however, Dr. Freeman's statements today that his employer does know about the incident have been helpful to him.

Dr. Gretter stated that his Order to grant a license, is, of course, contingent upon all other aspects of Dr. Freeman's licensure application being correct.

Mr. Jost stated that if someone has been out of practice for two years, the Board has often required the taking of the SPEX examination to ensure the physician's competency.

Mr. Albert stated that that was his concern, and asked if what Dr. Freeman has been doing would constitute the active practice of medicine.

Dr. Gretter stated that the staff would have to look at the application to make sure that everything is all right.

A roll call vote was taken on Dr. Gretter's motion:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Gretter	- aye
	Dr. Daniels	- aye
	Dr. Stephens	- aye
	Mr. Jost	- aye
	Dr. Rauch	- abstain
	Mr. Albert	- aye
	Dr. Kaplansky	- aye
	Dr. Agresta	- aye

The motion carried.

DR. KAPLANSKY MOVED TO APPROVE AND CONFIRM MS. SAGE'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER AS AMENDED IN THE MATTER OF TYLER IRA FREEMAN, M.D. DR. AGRESTA SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Gretter	- aye
	Dr. Daniels	- aye
	Dr. Stephens	- aye
	Mr. Jost	- aye
	Dr. Rauch	- abstain
	Mr. Albert	- aye
	Dr. Kaplansky	- aye
	Dr. Agresta	- aye

The motion carried.

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

April 12, 1989

Tyler Ira Freeman, M.D.  
8355 Bar Harbor Lane  
Charlotte, NC 28210

Dear Doctor Freeman:

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

- (1) On or about June 9, 1976, you were convicted as charged of the felony offense(s) of conspiracy to defraud the United States pursuant to Title 18, U.S.C. Section 371, which was committed in the course of practice and involved fraudulent filing of claims for reimbursement under the "Medicaid Act."

Your acts, conduct and/or omissions, as alleged in the above paragraph (1), individually and/or collectively, constitute "(a) plea of guilty to, or a judicial finding of guilt of, a felony," as that clause is used in Section 4731.22(B)(9), Ohio Revised Code, or a "(c)onviction of a felony whether or not committed in the course of his practice," as that clause is used in Section 4731.22(B)(9), Ohio Revised Code (as in effect prior to August 27, 1982).

Your acts, conduct and/or omissions, as alleged in the above paragraph (1), individually and/or collectively, constitute "(v)iolating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: failure to furnish satisfactory proof of good moral character in violation of Section 4731.08, Ohio Revised Code.

Tyler Ira Freeman, M.D.  
Page Two

April 12, 1989

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, that request must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

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

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

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Henry G. Cramblett, M.D.  
Secretary

HGC:jmb  
Encls.

CERTIFIED MAIL #P 746 510 061  
RETURN RECEIPT REQUESTED