

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

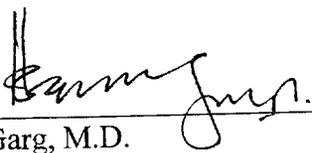
DARLENE SUE FAIRCHILD, M.D.

ENTRY

This matter was the subject of a Finding, Order and Journal Entry by the State Medical Board of Ohio on April 11, 2001, after it was determined that Darlene Sue Fairchild, M.D., had failed to timely request a hearing following the Board's issuance of a notice of opportunity for hearing on February 15, 2001. Subsequently, documentation was obtained that confirmed that Dr. Fairchild had, in fact, timely filed a request for hearing pursuant to Chapter 119., Ohio Revised Code.

Accordingly, it is hereby ORDERED that the Finding, Order and Journal Entry in the Matter of Darlene Sue Fairchild, M.D., entered by the State Medical Board of Ohio on April 11, 2001, be and is hereby VACATED, and that the notice of opportunity for hearing issued by the State Medical Board of Ohio on February 15, 2001, be and is hereby DISMISSED without prejudice.

So ORDERED this 25th day of April 2001.



Anand G. Garg, M.D.
Secretary

04/25/01

Date



State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/ 466-3934 • Website: www.state.oh.us/med/

April 11, 2001

Darlene Sue Fairchild, M.D.
2335 St. James Woods Drive
Toledo, OH 43617

Dear Doctor Fairchild:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on April 11, 2001.

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 a Notice of Appeal with the State Medical Board of Ohio and 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 of the Ohio Revised Code.

Very truly yours,

Anand G. Garg, M.D.
Secretary

AGG:jam
Enclosures

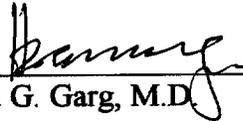
CERTIFIED MAIL RECEIPT NO. 7000 0600 0022 4402 7891
RETURN RECEIPT REQUESTED

Mailed 4-12-01

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry approved by the State Medical Board, meeting in regular session on April 11, 2001, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of Darlene Sue Fairchild, M.D., as it appears in the Journal of the State Medical Board of Ohio.

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



Anand G. Garg, M.D.
Secretary

(SEAL)

APRIL 11, 2001

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

DARLENE SUE FAIRCHILD, M.D.

*

*

FINDINGS, ORDER AND JOURNAL ENTRY

By letter dated February 14, 2001, notice was given to Darlene Sue Fairchild, M.D., that the State Medical Board intended to consider disciplinary action against her license to practice medicine and surgery in Ohio, and that she was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of said notice. In accordance with Section 119.07, Ohio Revised Code, said notice was sent via certified mail, return receipt requested, on February 15, 2001, to the address of record of Dr. Fairchild, that being 2335 St. James Woods Drive, Toledo, OH 43617.

A signed certified mail receipt was returned to the Medical Board offices, documenting proper service of the notice. However, no hearing request has been received from Dr. Fairchild and more than thirty (30) days have now elapsed since the mailing of that notice.

WHEREFORE, for the reasons outlined in the February 14, 2001 notice of opportunity for hearing, which is attached hereto and incorporated herein, it is hereby ORDERED:

1. The certificate of Darlene Sue Fairchild, M.D., to practice medicine and surgery in the State of Ohio shall be **SUSPENDED** for an indefinite period of time, but not less than thirty (30) days.
2. The Board shall not consider reinstatement of Dr. Fairchild's certificate to practice until all of the following minimum requirements are met:
 - a. Dr. Fairchild shall submit an application for reinstatement, accompanied by appropriate fees.
 - b. Dr. Fairchild shall provide documentation acceptable to the Board of satisfactory completion of 100 hours of CME, at least 40 hours of which shall be in Category I, for the period from July 1, 1996 to June 30, 1998.

It shall be Dr. Fairchild's responsibility to work with appropriate Board staff to ascertain what will be considered as satisfactory documentation and to obtain the same.

- c. Dr. Fairchild shall provide documentation acceptable to the Board of satisfactory completion of 112 hours of CME, at least 45 hours of which shall be Category I, for the period of July 1, 1998 to October 1, 2000.
 - d. Dr. Fairchild shall supply documentation acceptable to the Board of satisfactory completion of the requisite hours of CME for each complete biennium, if any, during which Dr. Fairchild's certificate remains suspended.
 - e. In the event that Dr. Fairchild has not been engaged in the active practice of medicine for a period of more than two (2) years prior to her application for reinstatement, Dr. Fairchild shall take and pass the SPEX examination or any similar written examination which the Board may deem appropriate to assess her clinical competency.
3. Subsequent to reinstatement, Dr. Fairchild shall provide documentation acceptable to the Board of satisfactory completion of the requisite number of hours of CME for the CME acquisition period in effect at the time of reinstatement, and for two complete CME acquisition periods thereafter. This documentation shall be due in the Board's offices within thirty (30) days of the conclusion of each CME acquisition period.

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

This ORDER is hereby entered upon the Journal of the State Medical Board of Ohio for the 11th day of April, 2001, and the original thereof shall be kept with said Journal.



Anand G. Garg, M.D.
Secretary

(SEAL)

APRIL 11, 2001
Date

**U.S. Postal Service
CERTIFIED MAIL RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0024 5140 5734

CITE-JAM

Postage	\$ 1.18
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.58



Recipient's Name (Please Print Clearly) (to be completed by mailer)
DARLENE SUE FAIRCHILD, MD
 Street, Apt. No., or PO Box No.
2335 SR JAMES WOODS DRIVE
 City, State, ZIP+4
TOLEDO OH 43617

PS Form 3800, February 2000. See Reverse for Instructions

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

3. Article Addressed to:
DARLENE SUE FAIRCHILD, MD
2335 SR JAMES WOODS DRIVE
TOLEDO, OH 43617

4a. Article Number
7000 0600 0024 5140 5734

4b. Service Type

<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Certified
<input type="checkbox"/> Express Mail	<input type="checkbox"/> Insured
<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> COD

7. Date of Delivery
2-21-01

5. Received By: (Print Name)
Darlene Fairchild

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Addressee or Agent)
[Signature] **2/21/01**

CITE

AFFIDAVIT

I, Debra Jones, being duly cautioned and sworn, do hereby depose and say:

- 1) That I am employed by the State Medical Board of Ohio (hereinafter, "The Board")
- 2) That I serve the Board in the position of Chief, Continuing Medical Education, Records, and Renewal;
- 3) That in such position I am the responsible custodian of all public licensee records maintained by the Board pertaining to individuals who have received certificates issued pursuant to Chapter 4731., Ohio Revised Code;
- 4) That I have this day carefully examined the records of the Board pertaining to Darlene Sue Fairchild, M.D.
- 5) That based on such examination, I have found the last known address of record of Darlene Sue Fairchild, M.D. to be:

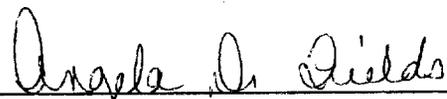
2335 St. James Woods Drive
Toledo, OH 43617

- 6) Further, Affiant Sayeth Naught.



Debra L. Jones, Chief
Continuing Medical Education,
Records and Renewal

Sworn to and signed before me, Angela D. Fields, Notary
Public, this 27th day of March, 2001.



Notary Public



ANGELA D. FIELDS
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 05/24/01



State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/ 466-3934 • Website: www.state.oh.us/med/

February 14, 2001

Darlene Sue Fairchild, M.D.
2335 St. James Woods Drive
Toledo, OH 43617

Dear Doctor Fairchild:

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, permanently 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) In applying for registration of your certificate to practice medicine or surgery for the current registration period, you certified that you had completed or would complete the requisite hours of CME as required by Section 4731.281, Ohio Revised Code, during the last biennial period of acquisition of Continuing Medical Education (CME) (July 1, 1996 - June 30, 1998).
- (2) By a certified mail letter dated in or about July 1999, the State Medical Board of Ohio informed you that you were required to complete a log listing your CME for the July 1, 1996 - June 30, 1998 period and to provide documentation that you had actually completed at least forty (40) hours of Category I CME credits. You submitted CME documentation to the State Medical Board of Ohio on August 6, 1999, verifying CME attendance in May 1999. This documentation does not meet the requirements for the July 1, 1996 - June 30, 1998 period.

By certified mail letters dated November 29, 1999, June 5, 2000, and August 14, 2000, the State Medical Board again requested that you submit documentation of your CME credits for the July 1, 1996 - June 30, 1998 period. You have not responded to any of the above notices. You have failed to submit any documentation of CME completed for the requested period.

- (3) Your lack of response to the notices as detailed in the above paragraph (2) rebuts the presumption under Rule 4731-10-08(A), Ohio Administrative Code, that you did complete the requisite hours of CME, and/or demonstrates that you failed to keep detailed records of CME taken.

Mailed 2-15-01

Your acts, conduct and/or omissions in certifying to the State Medical Board that you had completed the statutorily required CME, as set forth in the above paragraph (1), when you had not, in fact, done so, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code, as in effect prior to March 9, 1999.

Further, your acts, conduct and/or omissions in certifying to the State Medical Board that you had completed the statutorily required CME, as set forth in the above paragraph (1), when you had not, in fact, done so, constitute "[p]ublishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code, as in effect prior to March 9, 1999.

Further, your failure to respond to the audit notices, to obtain the requisite CME, and/or to submit documentation of same, as alleged in the above paragraphs (2) and (3) constitutes "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: Section 4731.281, Ohio Revised Code, as in effect prior to March 9, 1999, and Rules 4731-10-03 and 4731-10-08, Ohio Administrative Code.

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

You are further advised that, 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 (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.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, effective March 9, 1999, 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

Darlene Sue Fairchild, M.D.

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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,


Anand G. Garg, M.D.
Secretary

AGG/krt

Enclosures

CERTIFIED MAIL #7000 0600 0024 5140 5734
RETURN RECEIPT REQUESTED