

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :  
:  
ANTHONY O. AMIEWALAN, M.D. :

**ENTRY OF ORDER**

On November 11, 2005, Anthony O. Amiewalan, M.D., executed a Surrender of his license to practice medicine and surgery in the State of Ohio with consent to revocation, which document is attached hereto and fully incorporated herein.

Wherefore, upon ratification by the Board of the surrender, it is hereby ORDERED that Certificate No. 35-061785 authorizing Anthony O. Amiewalan, M.D., to practice medicine and surgery be permanently REVOKED, effective December 14, 2005.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 14th day of December 2005, and the original thereof shall be kept with said Journal.



Lance A. Talmage, M.D.  
Secretary

(SEAL)

December 14, 2005

\_\_\_\_\_  
Date

**STATE OF OHIO  
THE STATE MEDICAL BOARD  
ANTHONY O. AMIEWALAN, M.D.  
PERMANENT SURRENDER OF CERTIFICATE  
TO PRACTICE MEDICINE AND SURGERY**

I, ANTHONY O. AMIEWALAN, M.D., having been formally charged by issuance of a Notice of Opportunity for Hearing [Notice], on or about April 13, 2005, am aware of my rights to representation by counsel and of having a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein.

I, ANTHONY O. AMIEWALAN, M.D., do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice medicine and surgery, No. 35-061785, to the State Medical Board of Ohio [Board], thereby relinquishing all rights to practice medicine and surgery in Ohio.

I understand that as a result of the surrender herein that I am no longer permitted to practice medicine and surgery in any form or manner in the State of Ohio.

I agree that I shall be ineligible for, and shall not apply for, reinstatement of certificate to practice medicine and surgery No. 35-061785 or issuance of any other certificate pursuant to Chapters 4730., 4731., 4760., or 4762., Ohio Revised Code, on or after the date of signing this Permanent Surrender of Certificate to Practice Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

I hereby authorize the State Medical Board of Ohio to enter upon its Journal an Order permanently revoking my certificate to practice medicine and surgery, No. 35-061785, in conjunction with which I expressly waive the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board Members vote to revoke said certificate, and further expressly and forever waive all rights as set forth in Chapter 119., Ohio Revised Code, including but not limited to my right to counsel, right to a hearing, right to present evidence, right to cross-examine witnesses, and right to appeal the Order of the Board revoking my certificate to practice medicine and surgery.

I, ANTHONY O. AMIEWALAN, M.D., hereby release the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This document 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. I, ANTHONY O. AMIEWALAN, M.D., acknowledge that my social security number will be used if this information is so reported and agree to provide my social security number to the Board for such purposes.

It is expressly understood that this Permanent Surrender of Certificate 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.

I stipulate and agree that I am taking the action described herein in lieu of further formal disciplinary proceedings, pursuant to Sections 4731.22(B)(9) and 4731.22(B)(22), Ohio Revised Code, as set forth in the Notice of Opportunity for Hearing issued by the Board on April 13, 2005, a copy of which is attached hereto and fully incorporated herein. I further admit to all the factual and legal allegations set forth in the Notice of Opportunity for Hearing letter dated April 13, 2005, which is attached as Exhibit A. With respect to Count 1 of said Notice of Opportunity for Hearing, I assert the following:

1. On or about November 3, 2004, the Kansas Board of Healing Arts (Kansas Board) entered a Journal Entry which denied my application for a license to practice medicine and surgery in the State of Kansas. The Journal Entry represents a default order based on the fact that I failed to complete my application for licensure in Kansas by failing to respond to the Kansas Board's Response in Opposition to Application for Licensure what was issued on or about October 1, 2004. The proposed default Order that was issued on or about October 20, 2004, concerned the surrender of my medical staff privileges at Wilson Memorial Hospital in Sidney, Ohio. I self-reported the Kansas Board action to the Ohio State Medical Board.

Signed this 11<sup>th</sup> day of November, 2005.

Sparkle Baker  
WITNESS

Anthony O. Amiewalan M.D.  
ANTHONY O. AMIEWALAN, M.D.  
George J. Lee  
WITNESS

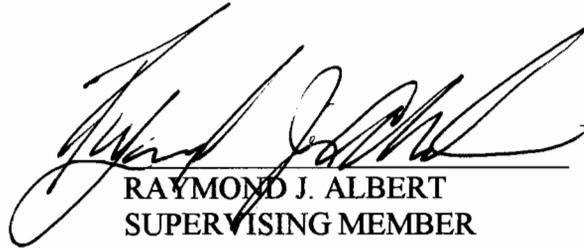
Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_.

SEAL

\_\_\_\_\_  
NOTARY PUBLIC

**(This form must be either witnessed OR notarized)**

  
\_\_\_\_\_  
LANCE A. TALMAGE, M.D.  
SECRETARY

  
\_\_\_\_\_  
RAYMOND J. ALBERT  
SUPERVISING MEMBER

12-14-05  
DATE

12/14/05  
DATE



# 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)

April 13, 2005

Anthony Oria Amiewalan, M.D.  
110 Frederick Place  
Sidney, Ohio 45365

Dear Doctor Amiewalan:

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 you or place you on probation for one or more of the following reasons:

- (1) On or about November 3, 2004, the Kansas Board of Healing Arts [Kansas Board] entered a Journal Entry denying your application for a license to practice medicine and surgery in the State of Kansas. The aforementioned Journal Entry represents a default order against your license application related to your failure to respond to the Kansas Board's Response in Opposition to Application for License that was issued on or about October 1, 2004, and Proposed Default Order that was issued on or about October 20, 2004, concerning the surrender of your medical staff privileges at Wilson Memorial Hospital in Sidney, Ohio, while under investigation for substandard or inadequate care and for filing false reports or falsifying records. Copies of the Response in Opposition to Application for License, Proposed Default Order, and Journal Entry are attached hereto and fully incorporated herein.

The Response in Opposition to Application for License, Proposed Default Order, and Journal Entry documents referenced in paragraph (1) above, individually and/or collectively, constitute "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4731.22(B)(22), 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 of Ohio within thirty days of the time of mailing of this notice.

MAILED 4-14-05

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 of Ohio 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,

  
Lance A. Talmage, M.D.  
Secretary

LAT/blt  
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5142 9075  
RETURN RECEIPT REQUESTED

Duplicate mailing:

10520 Manor  
Leawood, KS 66206

CERTIFIED MAIL # 7000 0600 0024 5142 9068  
RETURN RECEIPT REQUESTED

# KANSAS BOARD OF HEALING ARTS

LAWRENCE T. BUENING, JR.  
EXECUTIVE DIRECTOR



KATHLEEN SEBELIUS, GOVERNOR

## AFFIDAVIT OF CUSTODIAN OF BUSINESS RECORDS

I, Lawrence T. Buening, Jr., Executive Director for the Kansas Board of Healing Arts, being first duly sworn on oath, depose and state:

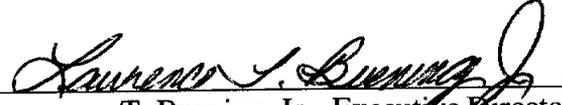
I am a duly-authorized custodian of the business records of the Kansas Board of Healing Arts and have the authority to certify those records.

A copy of the records In the Matter of Anthony O. Amiewalan, M.D. attached to this affidavit are true copies as kept and maintained by the Board of Healing Arts:

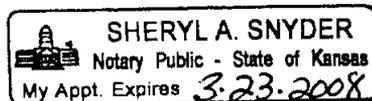
1. Response in Opposition to Application for License 10/01/04
2. Proposed Default Order 10/20/04
3. Journal Entry 11/03/04

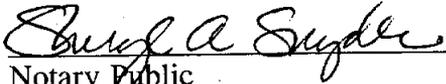
The records were prepared by the personnel or staff of the business, or persons acting under their control, in the regular course of business at or about the time of the act, condition or event recorded, or were obtained and are maintained in the regular course of business.

FURTHER AFFIANT SAITH NOT.

  
Lawrence T. Buening, Jr., Executive Director  
Kansas Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, Kansas 66603  
(785) 296-7413

Subscribed and sworn to before me on this 25<sup>th</sup> day of January, 2005.



  
Notary Public

### MEMBERS OF THE BOARD

RAY N. CONLEY, D.C., PRESIDENT  
Overland Park

ROGER D. WARREN, M.D., VICE-PRESIDENT  
Hanover

VINTON K. ARNETT, D.C., Hays  
GARY L. COUNSELMAN, D.C., Topeka  
FRANK K. GALBRAITH, D.P.M., Wichita  
MERLE J. "BOO" HODGES, M.D., Salina  
SUE ICE, PUBLIC MEMBER, Newton  
JANA JONES, M.D., Leavenworth

BETTY McBRIDE, PUBLIC MEMBER, Columbus  
MARK A. McCUNE, M.D., Overland Park  
CAROL H. SADER, PUBLIC MEMBER, Shawnee Mission  
CAROLINA M. SORIA, D.O., Wichita  
NANCY J. WELSH, M.D., Berryton  
JOHN P. WHITE, D.O., Pittsburg  
RONALD N. WHITMER, D.O., Ellsworth

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

**FILED**

OCT 1 2004

KANSAS STATE BOARD OF  
HEALING ARTS

In the Matter of )  
 )  
Anthony Oria Amiewalan, M.D., )  
Application for License )  
to Practice Medicine and Surgery )  
\_\_\_\_\_ )

Docket No. 05-HA- 12

**RESPONSE IN OPPOSITION TO APPLICATION FOR LICENSE**

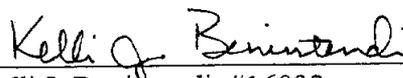
COMES NOW the Kansas State Board of Healing Arts ("Board"), by and through Kelli J. Benintendi, Associate Counsel, ("Respondent") and states the following in opposition to the application for licensure filed by Anthony Oria Amiewalan, M.D. ("Applicant"):

1. On or about May 7, 2004, Applicant submitted an application for a license to practice medicine and surgery in the State of Kansas. Such application was deemed complete and filed with the Board on October 1, 2004.
2. Applicant's last known mailing address to the Board is 110 Frederick Place, Sidney, Ohio, 45365.
3. On or about December 1, 2003, Licensee withdrew his active medical staff privileges while under investigation for substandard or inadequate care and filing false reports or falsifying records at Wilson Memorial Hospital in Sidney, Ohio. Attached hereto As Exhibit A is a true and correct copy of Wilson Memorial Hospital's Adverse Action Report to the National Practitioner Data Bank, dated December 12, 2003.
4. The acts or conduct being investigated by Wilson Memorial Hospital are similar to acts or conduct which would constitute grounds for disciplinary action under the healing arts act.

5. Pursuant to K.S.A. 65-2836(u), there are grounds to deny Applicant's application in that Applicant surrendered membership on a professional staff while under investigation for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under the healing arts act.

**WHEREFORE**, Respondent respectfully requests the Board consider the facts as stated herein and deny Applicant's application for licensure, and for such other relief as the Board deems appropriate in the circumstances.

Respectfully submitted,



Kelli J. Benintendi, #16032  
Associate Counsel  
Kansas State Board of Healing Arts  
235 South Topeka Boulevard  
Topeka, Kansas 66603-3068  
(785) 296-7413

**CERTIFICATE OF SERVICE**

I, Kelli J. Benintendi, Associate Counsel, Kansas State Board of Healing Arts, hereby certify that I served a copy of the above RESPONSE IN OPPOSITION TO APPLICATION FOR LICENSE by depositing the same in the U.S. mail, postage prepaid, on this the 1<sup>st</sup> day of October, 2004, addressed to:

Anthony Oria Amiewalan, M.D.  
110 Frederick Place  
Sidney, Ohio 45365

and the original was hand-delivered for filing to:

Lawrence T. Buening, Jr.  
Executive Director  
Kansas State Board of Healing Arts  
235 South Topeka Boulevard  
Topeka, Kansas 66603-3068

  
\_\_\_\_\_  
Kelli J. Benintendi  
Associate Counsel

**FILED**

**OCT 20 2004**

**KANSAS STATE BOARD OF  
HEALING ARTS**

**BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS**

In the Matter of )  
 )  
ANTHONY O. AMIEWALAN, M.D. )  
Application for Kansas License )  
\_\_\_\_\_ )

Docket No. 05-HA-12

**PROPOSED DEFAULT ORDER**

NOW ON THIS Sixteenth Day of October 2004, comes before the Board an application by Anthony O. Amiewalan, M.D. for a license to practice medicine and surgery. Applicant does not appear. Kelli J. Benintendi, Associate Counsel, appears for the Board.

The Board finds that Applicant is in default by his non-appearance. The allegations stated in the Response in Opposition to Application for License are deemed undisputed. Based upon the undisputed facts, the Board finds, concludes, and orders as follows:

1. Applicant previously held active medical staff privileges at the Wilson Memorial Hospital in Sidney, Ohio.
2. In December 2003, Applicant surrendered his medical staff privileges at Wilson Memorial Hospital while under investigation for substandard or inadequate care, and for filing false reports or falsifying records.
3. The Board concludes that Applicant's conduct that was being investigated would constitute grounds for disciplinary action under the healing arts act. Surrendering membership on a professional staff while under investigation for conduct that would be grounds for disciplinary action under healing arts act constitutes grounds for denial of an application, as provided by K.S.A. 65-2836(u).

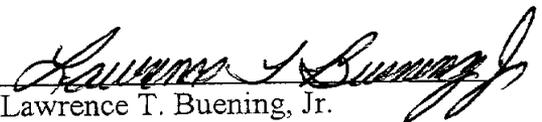
**IT IS, THEREFORE, ORDERED** that the application by Anthony O. Amiewalan for a

license to practice medicine and surgery is denied.

**PLEASE TAKE NOTICE** that this is proposed default order. A party may file a motion to vacate a proposed default order within seven days following service of the proposed order. Any such motion must be filed with the Executive Director at 235 S. Topeka Blvd., Topeka, KS 66603. A proposed default order becomes effective as a final agency order after the expiration of the time within which the party may file a written motion to vacate the proposed default order.

Dated this 20<sup>th</sup> Day of October 2004.

Kansas State Board of Healing Arts

  
Lawrence T. Buening, Jr.  
Executive Director

**Certificate of Service**

I certify that the foregoing Final Order was served this 20<sup>th</sup> day of October 2004 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Anthony O. Amiewalan, M.D.  
110 Frederick Place  
Sidney, Ohio 45365

and a copy was hand-delivered to:

Kelli J. Benintendi  
Associate Counsel  
235 S. Topeka Blvd.  
Topeka, Kansas 66603



**FILED**

NOV 3 2004

KANSAS STATE BOARD OF  
HEALING ARTS

**BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS**

**In the Matter of**

**ANTHONY O. AMIEWALAN, M.D.  
Application for Kansas License**

**Docket No. 05-HA-12**

**JOURNAL ENTRY**

**NOW** on this Second Day of November, 2004, comes Lawrence T. Buening, Jr., Executive Director of the Kansas State Board of Healing Arts ("Board") and finds and states as follows:

1. On October 1, 2004, a copy of the Notice of Conference Hearing on the Application for Kansas License received on May 5, 2004, was mailed to Anthony O. Amiewalan, M.D. ("Respondent"), at 110 Frederick Place, Sidney, Ohio 45365. The notice was not returned in the mail as undeliverable.

2. Respondent did not attend the Conference Hearing conducted on October 16, 2004 at which time the Board found Respondent to be in default and issued a Proposed Default Order which was filed on October 20, 2004.

3. A copy of the Proposed Default Order was mailed to Respondent on October 20, 2004 at 10520 Manor, Leawood, Kansas 66206. The Proposed Default Order was not returned in the mail to the Board office as undeliverable.

4. K.S.A. 77-520 provides that a party against whom a Proposed Default Order is issued may file a written motion within seven days after service of the order requesting that the order be vacated, and if a motion is not so filed, the Proposed Default Order shall become effective.

5. Respondent has not filed a motion requesting that the Proposed Default Order be vacated and, therefore, by operation of law, the Proposed Default Order became effective November 2, 2004, and Respondent's application for license to practice medicine and surgery in the State of Kansas is denied as of that date.

DATED this 2<sup>d</sup> day of November, 2004.

**KANSAS STATE BOARD OF HEALING ARTS**

  
\_\_\_\_\_  
LAWRENCE T. BUENING, JR. #9125  
Executive Director  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, KS 66603  
(785) 296-3680

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **JOURNAL ENTRY** was served on the 3<sup>d</sup> day of November, 2004, by depositing same in the United States mail, first-class postage prepaid and addressed to:

Anthony O. Amiewalan, M.D.  
110 Frederick Place  
Sidney, Ohio 45365

and a copy was hand-delivered to the office of:

Kelli J. Benintendi  
Associate Counsel  
Kansas Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, KS 66604

and the original was filed with the office of the Executive Director

