

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

November 12, 2009

James Robert Young, M.D.
51 Waterford Court
Nacogdoches, TX 75965

RE: 09-CRF-114

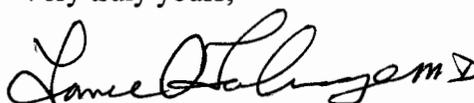
Dear Dr. Young:

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 November 12, 2009.

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 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 of the Ohio Revised Code.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT:baj
Enclosures

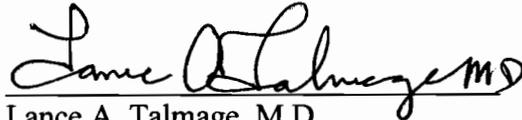
CERTIFIED MAIL RECEIPT NO. 91 7108 2133 3934 3683 6781
RETURN RECEIPT REQUESTED

Mailed 11-12-09

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 November 12, 2009, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of James Robert Young, M.D., Case No. 09-CRF-114, 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.



Lance A. Talmage, M.D.
Secretary

(SEAL)

November 12, 2009

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

CASE NO. 09-CRF-114

JAMES ROBERT YOUNG, M.D.

*

FINDINGS, ORDER AND JOURNAL ENTRY

By letter dated September 9, 2009, notice was given to James Robert Young, M.D., that the State Medical Board intended to consider disciplinary action regarding his license to practice medicine and surgery in the State of Ohio, and that he 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, to the address of record of Dr. Young, that being 51 Waterford Court, Nacogdoches, Texas 75965.

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

WHEREFORE, having reviewed the September 9, 2009, Notice of Opportunity for Hearing, including the Mediated Agreed Order of the Texas Medical Board in the matter of the license of James Robert Young, M.D., as well as the affidavits of Barbara A. Jacobs, Public Services Administrator, and Kay L. Rieve, Administrative Officer, which are attached hereto and incorporated herein, the Board hereby finds that:

On or about May 29, 2009, the Texas Medical Board issued a Mediated Agreed Order In the Matter of the License of James Robert Young, M.D., publically reprimanding Dr. Young and assessing a fine of \$5,000. The Texas Medical Board based its action against Dr. Young based upon his behavior toward other physicians and hospital staff, including striking a fellow physician in the head during an outburst that occurred while caring for a patient in the intensive care unit.

Further, the Board hereby concludes that:

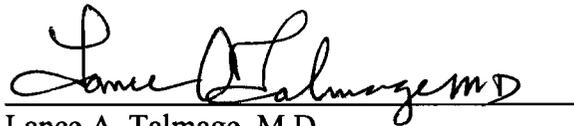
1. Section 4731.22(B)(22), Ohio Revised Code, authorizes the State Medical Board of Ohio to refuse to issue a license or to discipline a licensee following an action taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees.
2. Dr. Young has been subject to a disciplinary action in the state of Texas, as described above.

Accordingly, the Board hereby ORDERS that:

The license of James Robert Young, M.D., to practice medicine and surgery in the State of Ohio be REPRIMANDED.

This Order shall become effective IMMEDIATELY.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 12th day of November 2009 and the original thereof shall be kept with said Journal.



Lance A. Talmage, M.D.

Secretary

(SEAL)

November 12, 2009

Date

AFFIDAVIT

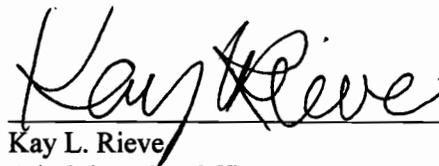
The State of Ohio
Franklin County, SS

I, Kay L. Rieve, being duly cautioned and sworn, do hereby depose and say that:

- 1) I am employed by the State Medical Board of Ohio (hereinafter, "The Board").
- 2) I serve the Board in the position of Administrative Officer.
- 3) In such position, I am the responsible custodian of all licensure applications maintained by the Board pursuant to Chapter 4731., Ohio Revised Code.
- 4) I have this day carefully examined the records of the Board pertaining to James Robert Young, M.D.
- 5) Based on my examination, I have found the last known address of record of Dr. Young to be:

51 Waterford Court
Nacogdoches, Texas 75965

- 6) Further, Affiant Sayeth Naught.



Kay L. Rieve
Administrative Officer

Sworn to and signed before me, Barbara A. Jacobs, Notary Public,
this 28th day of October, 2009.


Notary Public

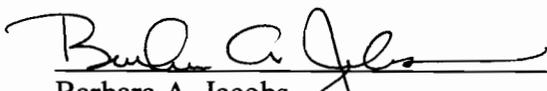
BARBARA ANN JACOBS, ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.

AFFIDAVIT

The State of Ohio
Franklin County, SS

I, Barbara A. Jacobs, being duly cautioned and sworn, do hereby depose and state that the following is true based upon my first-hand knowledge:

- 1) I am employed by the State Medical Board of Ohio (hereinafter, "The Board").
- 2) I serve the Board in the position of Public Services Administrator.
- 3) In the course of my regular duties, I am responsible for seeing that all procedural requirements of Chapter 119., Ohio Revised Code, regarding service of any notice issued by the Board are met.
- 4) According to the Board's records, the Board issued a Notice of Opportunity for Hearing to James Robert Young, M.D., on September 9, 2009. Such notice was mailed by certified mail, return receipt requested, to Dr. Young's address of record, that being 51 Waterford Court, Nacogdoches, Texas 75965.
- 5) Subsequently, the Board received verification from the United States Postal Service that the letter was delivered on September 15, 2009.
- 6) As of the date of this affidavit, the Board has not received a request for hearing from Dr. Young.
- 7) Further, Affiant Sayeth Naught.

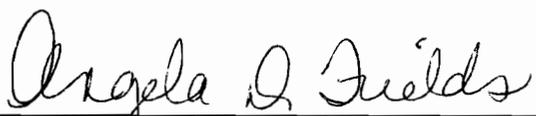


Barbara A. Jacobs
Public Services Administrator

Sworn to and signed before me, Angela D. Fields, Notary Public, this 27th day of October, 2009.



ANGELA D. FIELDS
NOTARY PUBLIC
STATE OF OHIO
COM. EXPIRES 05/16/11



Notary Public

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

September 9, 2009

Case number: 09-CRF- **114**

James Robert Young, M.D.
51 Waterford Court
Nacogdoches, TX 75965

Dear Doctor Young:

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) On or about May 29, 2009, the Texas Medical Board issued a Mediated Agreed Order [Texas Order], which publically reprimanded you and required that you pay an administrative penalty in the amount of \$5000.00. The Texas Order was based upon, *inter alia*, your behavior toward other physicians and hospital staff, including striking a fellow physician in the head during an outburst that occurred while caring for a patient in the intensive care unit.

A copy of the Texas Order is attached hereto and incorporated herein.

The Texas Order as alleged in Paragraph (1) above, constitutes “[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

Mailed 9-10-09

James Robert Young, M.D.

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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,



Lance A. Talmage, M.D.

Secretary

LAT/KHM/flb

Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3082 5970

RETURN RECEIPT REQUESTED

LICENSE NO. K-4616

IN THE MATTER OF
THE LICENSE OF
JAMES ROBERT YOUNG, M.D.

BEFORE THE
TEXAS MEDICAL BOARD

MEDIATED AGREED ORDER

On the 29th day of May, 2009, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of James Robert Young, M.D. ("Respondent").

On January 16, 2008, Respondent appeared in person, with counsel Louis Leichter, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. The Board's representatives were Paulette B. Southard, a member of the Board, and Leah R. Mabry, M.D., a member of a District Review Committee. Angela Matthews represented Board staff.

A mediation conference was held on April 1, 2009. Respondent appeared with legal counsel, Louis Leichter. The Board was represented by Allan Shulkin, M.D., a member of the Board. Board Staff was represented by John Heisler.

Upon the recommendation of the Board's representatives and with the consent of Respondent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order.

FINDINGS OF FACT

The Board finds that:

1. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing under the Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the "Act") or the Rules of the Board.

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2. Respondent currently holds Texas Medical License No. K-4616. Respondent was originally issued this license to practice medicine in Texas on February 7, 1998. Respondent is also licensed to practice in Ohio.

3. Respondent is primarily engaged in the practice of cardiovascular surgery. Respondent is board certified by the American Board of Thoracic Surgery and the American Board of Surgery in Cardiovascular Surgery, members of the American Board of Medical Specialties.

4. Respondent is 45 years of age.

5. Respondent has not previously been the subject of disciplinary orders of the Board.

6. On April 2, 2007, at Nacogdoches Memorial Hospital, a patient who had undergone coronary bypass surgery earlier in the day began to bleed in the Intensive Care Unit ("ICU"). Respondent opened the patient's chest in the ICU and attempted to control the bleeding. Due to the patient's instability and the lack of proper equipment in the ICU, the patient was taken to the operating room ("OR"), where surgery continued on the patient.

7. Respondent was very agitated and screamed and cursed at other physicians and staff members throughout the efforts to stabilize the patient. At one point, Respondent struck a fellow treating physician in the head. After the outburst, Respondent calmed down. He completed the procedure to control the bleeding, and the patient was returned to the ICU.

8. On April 5, 2007, the Medical Executive Committee at Nacogdoches Memorial Hospital met and voted to summarily suspend Respondent's privileges based on the above incident. On April 14, 2007, the decision was made to sustain the suspension. Respondent's privileges have yet to be reinstated by Nacogdoches Memorial Hospital

9. The Board found the following mitigating factors:

a) Respondent recognizes that his behavior was inappropriate. He has written letters of apology to all of those involved in the incident. He has also sought psychiatric evaluation and treatment;

b) Respondent has successfully completed the anger management course offered by the University of California San Diego Physician Assessment and Clinical Education ("PACE") program; Respondent has submitted documentation of attendance and

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successful completion of this requirement to the Director of Enforcement for the Board; and,

c) Respondent has submitted to the Director of Enforcement of the Board letters from a psychologist and a board certified psychiatrist, attesting that Respondent has no psychiatric or substance use disorders at the present time and that no additional ongoing care or treatment is recommended.

10. Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent's cooperation, through consent to this Agreed Order, pursuant to the provisions of Section 164.002 the Act, will save money and resources for the State of Texas. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order and to comply with its terms and conditions.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.

2. Section 164.051(a)(7) of the Act authorizes the Board to take disciplinary action against Respondent based on disciplinary action taken by Respondent's peers.

3. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based upon Respondent's unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public, as further defined by Rule 190.8(2)(P), behaving in a disruptive manner toward licensees, hospital personnel, other medical personnel, patients, family members or others that interferes with patient care or could be reasonably expected to adversely impact the quality of care rendered to a patient.

4. Section 164.001 of the Act authorizes the Board to impose a range of disciplinary actions against a person for violation of the Act or a Board rule. Such sanctions include: revocation, suspension, probation, public reprimand, limitation or restriction on practice, counseling or treatment, required educational or counseling programs, monitored practice, public service, and an administrative penalty.

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5. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

6. Section 164.002(d) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent shall be subject to the following terms and conditions:

1. This Agreed Order shall constitute a PUBLIC REPRIMAND of Respondent, and Respondent is hereby reprimanded.

2. Respondent shall pay an administrative penalty in the amount of \$5,000 within 30 days of the date of the entry of this Order. The administrative penalty shall be paid in a single payment by cashier's check or money order payable to the Texas Medical Board and shall be submitted to the Director of Enforcement for the Board for routing so as to be remitted to the Comptroller of Texas for deposit in the general revenue fund. Respondent's failure to pay the administrative penalty as ordered shall constitute grounds for further disciplinary action by the Board, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General.

3. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.

4. Respondent shall fully cooperate with the Board and the Board staff, including Board attorneys, investigators, compliance officers, consultants, and other employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Order. Failure to fully cooperate shall constitute a violation of this order and a basis for disciplinary action against Respondent pursuant to the Act.

5. Respondent shall inform the Board in writing of any change of Respondent's mailing or practice address within 10 days of the address change. This information shall be submitted to the Permits Department and the Director of Enforcement for the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

o. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, or to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act. Respondent agrees that 10 days notice of a Probationer Show Compliance Proceeding to address any allegation of non-compliance of this Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent waives the 30-day notice requirement provided by §164.003(b)(2) of the Medical Practice Act and agrees to 10 days notice, as provided in 22 Texas Administrative Code §187.44(4).

7. Respondent shall be permitted to supervise and delegate prescriptive authority to physician assistants and advanced practice nurses and to supervise surgical assistants.

8. This Order shall automatically terminate upon the payment of the administrative penalty by Respondent.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

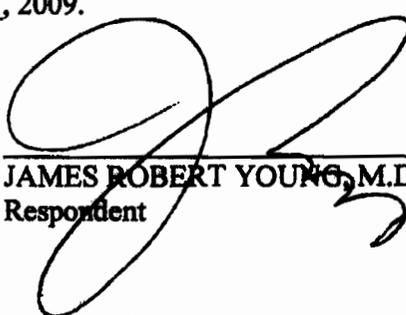
THIS ORDER IS A PUBLIC RECORD.

I, JAMES ROBERT YOUNG, M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

MEDICAL BOARD

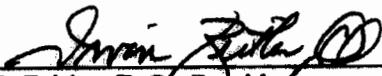
DATED: April 1, 2009.

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JAMES ROBERT YOUNG, M.D.
Respondent

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 29th day of May, 2009.



Irvin E. Zeitler, D.O. President
Texas Medical Board

MEDICAL BOARD

JUN 26 2009

STATE OF TEXAS
COUNTY OF TRAVIS

I, Sally Durocher certify that I am an official assistant custodian of records for the Texas Medical Board, and that this is a true and correct Copy of the original, as it appears on file in this office.

Witness my official hand and seal of the Board,
this 17th day of June, 2009
Sally Durocher
Assistant Custodian of Records