



State Medical Board of Ohio

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May 12, 1999

Marycatherine L. Krause, M.D.
P. O. Box 21447
S. Euclid, OH 44121-0447

Dear Doctor Krause:

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 May 12, 1999.

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 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.

Very truly yours,

Anand G. Garg, M.D.
Secretary

AGG:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. Z 233 839 250
RETURN RECEIPT REQUESTED

Mailed 5/13/99

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 May 12, 1999, constitute a true and complete copy of the Findings, Order and Journal Entry in the Matter of Marycatherine L. Krause, 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.

(SEAL)



Anand G. Garg, M.D.
Secretary

MAY 12, 1999
Date

THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

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MARYCATHERINE L. KRAUSE, M.D.

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FINDINGS, ORDER AND JOURNAL ENTRY

On March 8, 1999, the State Medical Board of Ohio [hereinafter Board] sent to Marycatherine L. Krause, M.D., a letter via certified mail, return receipt requested, stating that the Board had reason to believe that Dr. Krause is unable to practice according to acceptable and prevailing standards of care pursuant to Section 4731.22(B)(19), Ohio Revised Code, to wit: "[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills."

The March 8, 1999, letter further advised Dr. Krause that the Board had based its determination upon one or more of the following allegations:

From July 1989 through June 1990, Dr. Krause participated in a post-graduate training program in internal medicine at Mt. Sinai Medical Center in Cleveland, Ohio. During Dr. Krause's training at Mt. Sinai, it was noted that she experienced significant difficulties in working with professional peers, support staff, and supervisors, and that these difficulties interfered with the overall delivery of care to patients. It was also noted that Dr. Krause did not seek guidance from others when necessary, and that she worked too independently in her first year training position.

From June 1990 through June 1993, Dr. Krause participated in a post-graduate training program for one year in psychiatry and for two years in internal medicine at MetroHealth in Cleveland, Ohio. During the time of Dr. Krause's training at MetroHealth, she also experienced difficulties in working with authority figures and peers. Further, although Dr. Krause successfully completed the program, she was counseled on numerous occasions for her inability to work effectively with others. In addition, it was recommended that Dr. Krause obtain counseling, but she refused.

In December 1995, Dr. Krause filed civil lawsuits against Memorial Hospital of Geneva, Case Western Reserve University, Mt. Sinai Medical Center,

MetroHealth Medical Center and MetroHealth Systems, and various individuals affiliated with these organizations.

In March 1996, Dr. Krause sent correspondence to the State Medical Board of Ohio requesting a copy of the complete file in her name. Dr. Krause's request included any letters written prior to the initial date of her licensure. In her correspondence, Dr. Krause stated that, "Discussions with John Rohal about residency training requirements prior to licensure suggested that the Medical Board confused me, an American-born, accredited American medical school graduate, with some other applicant of markedly different background. Roy Thompson, Enforcement Division of the Ohio State Medical Board, visited MetroHealth Medical Center in 1991 to verify my residency training certificates of 1989-1990 and 1990-1991, apparently at the request of Mt. Sinai Medical Center. Clarification of these, and any other issues discussed in that file, is required in a legal action."

In July 1996, Dr. Krause entered a geriatric fellowship at University Hospitals of Cleveland. Within one week of beginning the program, it was noted that Dr. Krause began to experience difficulties in the program. For example, Dr. Krause refused to be supervised on rounds, although it was a requirement of the program. Dr. Krause also refused to work with and be supervised by Fellows of different nationalities and osteopathic physicians because she felt that they were too incompetent. In addition, Dr. Krause's supervisors verbalized concerns regarding her prescribing of large inappropriate doses of certain medical agents. Following numerous complaints by Dr. Krause's supervisors, the director of the fellowship program met with her to discuss the supervisors' concerns. When the director advised Dr. Krause of her supervisors' concerns, she responded that they had no right to question her competence, and stated that she resented being supervised. Thereafter, Dr. Krause was requested to obtain a fitness for duty examination, but she refused. In November 1996, Dr. Krause was terminated from the fellowship program.

It is reported that on Dr. Krause's application for the fellowship program at University Hospitals of Cleveland, she indicated that she had won an award for "Best Fellow" when in fact, she had not won such an award.

In October 1996, Dr. Krause sent correspondence to the State Medical Board of Ohio reporting that the Director of the Division of Geriatric Medicine at University Hospitals of Cleveland had threatened her professional and academic status after another physician demanded that she write prescriptions for patients that she had not evaluated in her fellowship program at the ElderCare Center, and she had refused. In Dr. Krause's correspondence, she also requested that the Board verify the licensure status of a physician because she spoke with an accent that sounded British and used language in ways that an American-born speaker

would not. Dr. Krause also stated, "Other individuals who identify themselves as aliens have been hired as doctors at ElderCare Center; at least one, a North Korean, reportedly has 'had trouble with his visa'. I am concerned that the individuals with whom I have been asked to work have not met the requirements for credentials or are not licensed to practice medicine in this state. Attached are photocopies of ElderCare Center schedules with stars beside a number of names who practice medicine at ElderCare Center or as fellows or faculty of the Division of Geriatric Medicine. This constitutes a partial list of names of individuals at ElderCare Center who represent themselves as physicians qualified to practice medicine in this state, I hereby request that the Board conduct an investigation to verify that the licensure status of each of these individuals in accordance with ORC 4715., 4725., or 4741."

In April 1998, Dr. Krause sent correspondence to Brenda Harrison, Investigator for the Board, in response to the Board's numerous attempts to reach her since February 1997, to discuss her October 1996 correspondence. In Dr. Krause's April 1998 correspondence to Investigator Harrison, she stated that she could not be reached personally over the telephone and that she could only meet Investigator Harrison at the Cleveland Heights Public Library if Investigator Harrison called her voice mail number and left a date and time for a meeting.

On April 14, 1998, Dr. Krause met with Investigator Harrison at the Cleveland Heights Public Library. Investigator Harrison noted that Dr. Krause was wearing a dress and jacket, but that her clothes were very wrinkled. During the interview, Dr. Krause refused to give Investigator Harrison a residential address where she could be contacted or to acknowledge that she had a residential address, and stated that the only information that she was prepared to give to the Board was her post office box number and her voice mail number. Dr. Krause reported that she was trying to gather funding for a research project that she was working on concerning patient records at local hospitals but refused to elaborate any further. Dr. Krause also stated that she was trying to get funding from the Director of the Division of Geriatric Medicine at University Hospitals of Cleveland, but he had refused. Dr. Krause also reported that she held privileges at University Hospital, VA Medical Center, and MetroHealth Medical Center and that she could admit patients at several area hospitals, but that she doesn't because she is only doing research. At the time of the interview, Dr. Krause did not hold privileges at any of the hospitals that she reported to Investigator Harrison.

The March 8, 1999, certified letter from the Board further notified Marycatherine L. Krause, M.D., that, pursuant to Section 4731.22(B)(19), Ohio Revised Code, she was ordered to submit to an examination. The examination was scheduled to take place at Geauga Regional Hospital, 13207 Ravenna Road, Chardon, Ohio, 44024, with Martin Macklin, M.D., Ph.D., on April 30, 1999, at 4:00 p.m.

The March 8, 1999, certified letter from the Board further notified Dr. Krause that failure of any individual to submit to a mental or physical examination when directed constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control. Finally, the letter notified Dr. Krause that if she failed to submit to the examination, and such failure was not due to circumstances beyond her control, the Board would be authorized to enter a default and final order without the taking of testimony or presentation of evidence.

Pursuant to Section 119.07, Ohio Revised Code, Dr. Krause was duly notified of the examination order and its scheduled date. The certified letter return receipt is signed and dated March 15, 1999. On April 9, 1999, Dr. Krause submitted a letter to the Board setting forth her reasons for believing that Section 4731.22(B)(19), was not applicable to her situation. On April 12, 1999, the Board staff responded to Dr. Krause by certified mail and reminded Dr. Krause about the implications of failing to appear for a Board Ordered evaluation. The April 12, 1999, certified letter to Dr. Krause was returned to the Board as unclaimed. On May 3, 1999, the Board received notification from Martin Macklin, M.D., Ph.D., that Dr. Krause had failed to appear for her April 30, 1999, examination. At no time, did Dr. Krause inform the Board that her failure to appear was due to circumstances beyond her control.

WHEREFORE, pursuant to Section 4731.22(B)(19), Ohio Revised Code, the Board hereby FINDS that Marycatherine L. Krause, M.D., has admitted the truth of the allegations set forth in the March 8, 1999, letter from the Board to Dr. Krause. The Board further FINDS that Dr. Krause is unable to practice according to acceptable and prevailing standards of care pursuant to Section 4731.22(B)(19), Ohio Revised Code, to wit: "[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills."

WHEREFORE, it is hereby ORDERED that:

1. The certificate of Marycatherine L. Krause, M.D., to practice medicine and surgery in the State of Ohio, shall be suspended for an indefinite period of time.
2. The Board shall not consider reinstatement of Dr. Krause's certificate to practice medicine and surgery unless and until all of the following conditions are met:
 - a. Dr. Krause shall submit an application for reinstatement, accompanied by appropriate fees, if any.
 - b. Dr. Krause shall submit two written reports indicating that, no less than three months prior to submitting her completed application for reinstatement, Dr. Krause had been psychiatrically evaluated, at which time Dr. Krause's ability to practice was assessed and she was found capable of practicing according to acceptable and prevailing standards of care. The evaluations shall be conducted by psychiatrists

approved in advance by the Board, one of whom shall be Martin Macklin, M.D., Ph.D., unless he is unavailable. In the event that Dr. Macklin is unavailable, the Board shall select an alternative psychiatrist to conduct the evaluation. The evaluations shall be at the expense of Dr. Krause. Prior to the evaluations, Dr. Krause shall provide the evaluators with a copy of this Order and any other information which the Board deems may be appropriate or helpful to the evaluators. Dr. Krause shall authorize release of the evaluators' reports to the Board and shall ensure that the Board is provided with a copy of each report. The reports shall describe the bases for the evaluators' determinations and shall include a detailed recommended plan of any care, counseling, and/or treatment that may be required for Dr. Krause. The reports shall also include any conditions, restrictions, or limitations that should be imposed on Dr. Krause's practice.

- c. Dr. Krause shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Krause's psychiatric illness or related conditions, or for purposes of complying with this Order whether such treatment or evaluation occurred before or after the effective date of this Order. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Krause shall provide the Board written consent permitting any treatment provider from whom she obtains psychiatric treatment to notify the Board in the event she fails to agree to or comply with her psychiatric treatment plan.
 - d. Dr. Krause shall submit to the Board and receive its approval for a plan of practice in Ohio which, until otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Krause's activities will be directly supervised and overseen by a monitoring physician approved in advance by the Board. The monitoring physician shall monitor Dr. Krause and provide the Board with reports on Dr. Krause's progress and status as directed by the Board.
 - e. In the event that Dr. Krause has not engaged in the active practice of medicine and surgery for a period of time in excess of two years, Dr. Krause shall provide proof acceptable to the Board that she has taken and passed the SPEX (Special Purpose Examination), or its equivalent as approved in advance by the Board.
3. Upon reinstatement, Dr. Krause's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for an indefinite period of time:
- a. Dr. Krause shall obey all federal, state, and local laws, and all rules governing the practice of medicine in the state in which she is practicing.

- b. Dr. Krause shall appear in person for interviews before the full Board or its designated representative within three months of the date in which probation becomes effective, at three month intervals thereafter, and upon her request for termination of the probationary period, or as otherwise requested by the Board.

If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled. Although the Board will normally give her written notification of scheduled appearances, it is Dr. Krause's responsibility to know when personal appearances will occur. If she does not receive written notification from the Board by the end of the month in which the appearance should have occurred, Dr. Krause shall immediately submit to the Board a written request to be notified of her next scheduled appearance.

- c. Dr. Krause shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of probation. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which probation becomes effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the Board's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

- d. Dr. Krause shall receive psychiatric treatment, if recommended prior to reinstatement, with a psychiatrist approved by the Board, at such intervals as are deemed appropriate by the Board, but not less than once per month. The sessions shall be in person and may not be conducted by telephone or other electronic means.

Dr. Krause shall continue in psychiatric treatment until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require quarterly reports from the approved treating psychiatrist. Dr. Krause shall ensure that psychiatric reports are forwarded by her treating psychiatrist to the Board on a quarterly basis, or as otherwise directed by the Board. The reports shall contain information describing Dr. Krause's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Krause's compliance with her treatment plan; Dr. Krause's mental status; Dr. Krause's progress in treatment; and the results of any laboratory studies that have been conducted since the prior report. It is Dr. Krause's responsibility to ensure that the quarterly reports are received in the Board's offices no later than the due date for Dr. Krause's quarterly declaration.

Dr. Krause shall comply with her psychiatric treatment plan including taking medications as ordered and/or prescribed for her psychiatric disorder.

- e. Dr. Krause shall provide continuing authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Krause's psychiatric and/or related conditions, to the Board, to treating and monitoring physicians, and to others involved in the monitoring process. Dr. Krause shall further provide the Board written consent permitting any treatment provider from whom she obtains treatment to notify the Board in the event she fails to agree to or comply with her psychiatric treatment plan. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Order.
- f. Dr. Krause's practice shall be limited to a supervised structured environment in which Dr. Krause's activities will be directly supervised and overseen by the monitoring physician approved in advance by the Board. The monitoring physician shall monitor Dr. Krause and provide the Board with reports on Dr. Krause's progress and status on a quarterly basis. All monitoring physician reports required under this paragraph must be received in the Board's offices no later than the due date for Dr. Krause's quarterly declaration. It is Dr. Krause's responsibility to ensure that the reports are timely submitted.

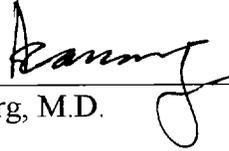
Dr. Krause shall obtain the Board's prior approval for any alteration to the practice plan approved pursuant to this Order.

In the event that the approved monitoring physician becomes unable or unwilling to serve, Dr. Krause shall immediately notify the Board in writing and shall make arrangements for another monitoring physician as soon as practicable. Dr. Krause shall refrain from practicing until such supervision is in place, unless otherwise determined by the Board. Dr. Krause shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefor.

- g. Within thirty days of the effective date of this Order, Dr. Krause shall provide a copy of this Order to all employers or entities with which she is under contract to provide physician services or is receiving training, and the Chief of Staff at each hospital where Dr. Krause has privileges or appointments. Further, Dr. Krause shall provide a copy of this Order to all employers or entities with which she applies or contracts to provide physician services, or applies for or receives training, and the Chief of Staff at each hospital where Dr. Krause applies for or obtains privileges or appointments.
- h. Dr. Krause violates probation in any respect, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period.

This Order shall become effective immediately upon the date of mailing 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 12th day of May, 1999, and the original thereof shall be kept with said Journal.



Anand G. Garg, M.D.
Secretary

(SEAL)

MAY 12, 1999
Date