

State Medical Board of Ohio

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med.ohio.gov

January 14, 2015

Kurt William Froehlich, M.D.
140 W. Kemper Road
Cincinnati, OH 45246

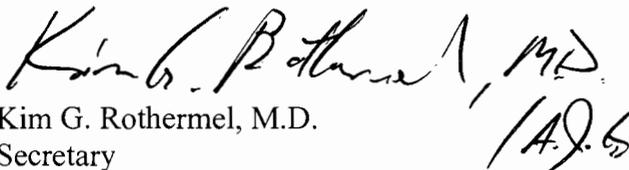
RE: Case No. 13-CRF-116A

Dear Doctor Froehlich:

Please find enclosed certified copies of the Entry of Order Upon Motion for Reconsideration; the Report and Recommendation of R. Gregory Porter, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on January 14, 2015, including motions affirming the Report and Recommendation as the Findings and Amended Order of the State Medical Board of Ohio, and granting the Motion for Reconsideration.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Any such appeal must be filed in accordance with all requirements specified in Section 119.12, Ohio Revised Code, and must be filed with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within (15) days after the date of mailing of this notice.

THE STATE MEDICAL BOARD OF OHIO


Kim G. Rothermel, M.D.
Secretary

KGM:jam
Enclosures

CERTIFIED MAIL NO. 91 7199 9991 7033 2021 1575
RETURN RECEIPT REQUESTED

Cc: James M. McGovern, Esq.
CERTIFIED MAIL NO. 91 7199 9991 7033 2021 1582
RETURN RECEIPT REQUESTED

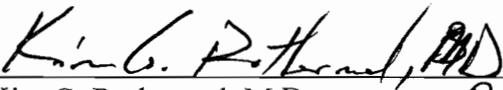
Mailed 2-3-15

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order Upon Motion for Reconsideration of the State Medical Board of Ohio; Report and Recommendation of R. Gregory Porter, State Medical Board Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on January 14, 2015, including motions approving and confirming the Findings of Fact, Conclusions of Law and Amended Order, and granting the Motion for Reconsideration; constitute a true and complete copy of the Findings and Entry of Order Upon Motion for Remand of the State Medical Board in the matter of Kurt William Froehlich, M.D., Case No. 13-CRF-116A, 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.





Kim G. Rothermel, M.D.
Secretary

January 14, 2015

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

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CASE NO. 13-CRF-116A

KURT WILLIAM FROEHLICH, M.D.

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ENTRY OF ORDER UPON MOTION FOR RECONSIDERATION

This matter came on for consideration and for reconsideration before the State Medical Board of Ohio on January 14, 2015.

Upon the Report and Recommendation of R. Gregory Porter, State Medical Board Hearing Examiner, designated in this Matter 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 the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

On the thirty-first day following the date on which this Order becomes effective, the certificate of Kurt William Froehlich, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED. During the 30 day interim, Dr. Froehlich shall not undertake the care of any patient not already under his care.

This Order shall become effective immediately upon the mailing of the notification of approval by the Board.


Kim G. Rothermel, M.D.
Secretary

January 14, 2015
Date



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STATE MEDICAL BOARD
OF OHIO

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of

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Case No. 13-CRF-116A

Kurt William Froehlich, M.D.,

*

Hearing Examiner Porter

Respondent.

*

REPORT AND RECOMMENDATION

Basis for Hearing

In a notice of opportunity for hearing dated December 11, 2013 (“Notice”), the State Medical Board of Ohio (“Board”) notified Kurt William Froehlich, M.D., that it had proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board based its proposed action on allegations that, on or about February 28, 2013, in the Municipal Court of Hamilton County, Ohio, Dr. Froehlich pleaded guilty to and was found guilty of one count of Assault, in violation of Ohio Revised Code Section (“R.C.”) 2903.13, a misdemeanor of the first degree. The Board further alleged that the conduct underlying the judicial findings of guilt involved Dr. Froehlich’s assault of a female medical assistant associated with his practice. In addition, the Board alleged that Dr. Froehlich engaged in sexual behavior with two patients identified on a confidential Patient Key.

The Board further alleged that Dr. Froehlich’s conduct, individually and/or collectively, constitutes:

- A “plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice,” as that clause is used in R.C. 4731.22(B)(11);
- “[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 R.C. 4731.22(B)(20), as in effect prior to November 30, 2010, to wit: Ohio Administrative Code Rule (“Rule”) 4731-26-02(A), Prohibitions. Pursuant to Rule 4731-26-03, as in effect prior to November 30, 2010, a violation of Rule 4731-26-02 also constitutes violation of R.C. 4731.22(B)(6); and/or
- “[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 R.C. 4731.22(B)(20), as currently in effect, to wit:

Rule 4731-26-02(A), Prohibitions. Pursuant to Rule 4731-26-03, as currently in effect, a violation of Rule 4731-26-02 also constitutes violation of R.C. 4731.22(B)(6).

Accordingly, the Board advised Dr. Froehlich of his right to request a hearing, and received his written request on January 8, 2014. (State's Exhibit ("St. Ex.") 1)

Appearances

Michael DeWine, Ohio Attorney General, Melinda R. Snyder, Assistant Attorney General, and Sana Ahmed, Attorney Law Clerk, for the State of Ohio. James M. McGovern, Esq., on behalf of Dr. Froehlich.

Hearing Dates: June 23, 24, and July 15, 2014

PROCEDURAL MATTERS

1. Following the hearing, the record in this matter was held open until July 25, 2014, to allow time for the parties to redact State's Exhibit 6.
2. With the agreement of the parties, patient-identifying information was redacted from the Hearing Transcript at pages 53 – 54, 59, 62-63, 227, and 440. The original, unredacted pages were marked for identification purposes as Board Exhibit B, sealed from public disclosure to protect patient confidentiality, and admitted to the hearing record without objection.
3. A patient-witness who testified on behalf of Dr. Froehlich, identified as Patient 3, requested patient confidentiality during her testimony. A Supplemental Patient Key was created for Patient 3 and marked for identification purposes as Board Exhibit A, sealed from public disclosure to protect patient confidentiality, and admitted to the hearing record without objection.

SUMMARY OF THE EVIDENCE

All exhibits and the transcript of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

Background Information

1. Kurt W. Froehlich, M.D., obtained his medical degree in 1992 from the University of Cincinnati College of Medicine. In 1996, he completed a residency in obstetrics and gynecology ("OB/GYN") at Bethesda Hospital in Cincinnati, Ohio. From 1996 through 1997, Dr. Froehlich practiced in Columbus, Indiana. Dr. Froehlich returned to Cincinnati

in 1997 and began practicing OB/GYN as a solo practitioner. In 2004, he sold his practice to TriHealth Physician Practices (“TriHealth”). Dr. Froehlich testified that TriHealth “is a system which includes Bethesda and Good Samaritan [Hospitals] and also includes physician practices.” From 2004 until around August 16, 2012, Dr. Froehlich continued working as a solo practitioner but as an employee of TriHealth. On or around August 16, 2012, for reasons described later in this report, Dr. Froehlich was dismissed by TriHealth. He has since set up a new solo OB/GYN practice in the “tri-county” area, currently sees approximately 30 patients per day, and employs a staff of six. Moreover, he testified that he averages 24 deliveries per month. (Hearing Transcript (“Tr.”) at 14-16, 22, 270-287; St. Ex. 6; Respondent’s Exhibit (“Resp. Ex.”) A)

2. Dr. Froehlich was certified by the American Board of Obstetrics and Gynecology in 1998. He was first licensed to practice medicine in Ohio in 1993. Dr. Froehlich was also licensed in Indiana and Kentucky, but he has allowed those licenses to lapse. (Tr. at 12, 275; Resp. Ex. A; Ohio *eLicense* Center website, <https://license.ohio.gov/Lookup/>, Search terms “Froehlich, Kurt,” accessed October 14, 2014)

Patient 1

3. Dr. Froehlich testified that Patient 1 was one of his patients. He further testified that Patient 1 was an employee of Bethesda North Hospital, which was the hospital where Dr. Froehlich performed 98 percent of his deliveries. Dr. Froehlich testified that he knew Patient 1 professionally having worked with her perhaps three times per month. Dr. Froehlich testified that he had worked with her for about five years before she came to him as a patient. He first saw her for an annual checkup and Pap smear, and to discuss the human chorionic gonadotropin (“hCG”) diet, and a second time for the insertion of an intra-uterine device (“IUD”). (Tr. at 21-27)
4. Patient 1’s first visit with Dr. Froehlich occurred on June 17, 2010. Dr. Froehlich testified that, after the exam had concluded and the chaperone had left the room, but while Patient 1 was still on the exam table, Dr. Froehlich asked Patient 1 if she had any further questions or if there was anything else she would like to discuss. Patient 1 then asked Dr. Froehlich a question about arousal and the location of the “G-spot.”¹ Dr. Froehlich testified that when a patient asks about the G-spot, he normally “diagram[s] a picture of where anatomically it is and how the best way to reach it is.” (Tr. at 30-32) Dr. Froehlich further testified:

I explained that to her and showed her in a picture where it usually is. And she said that’s what she had thought, but her husband could not find it, she could not find it. And I said, “Well, that’s where it is,” something along those lines. And -- And she asked if I would show her where it is.

* * *

¹ Dr. Froehlich testified that the G-spot is a location on the anterior vaginal wall defined by Dr. Gräfenberg that consists of a dense area of nerve endings. Dr. Froehlich further testified that there is some controversy whether it actually exists. (Tr. at 34-35)

Or she said, "Can you show me where it is?", or something along those lines. So that entailed her lying back down, me putting a glove on, doing an exam again, just showing her basically where it is.

(Tr. at 33)

Dr. Froehlich testified that he did not stimulate Patient 1 to orgasm at that time. When asked how he could tell if he had found the G-spot, Dr. Froehlich replied that, if a woman is not aroused, the normal response would be for her to feel as though she had to urinate. (Tr. at 33-34)

5. Dr. Froehlich acknowledged that, subsequently, Patient 1 asked Dr. Froehlich to locate her G-spot when they were working in the hospital. Dr. Froehlich acknowledged that he stimulated her to orgasm in a call room of the hospital on that occasion. (Tr. at 36-37)
6. Dr. Froehlich testified that, approximately one week later, he had a sexual encounter with Patient 1 at the hospital where they engaged in sexual intercourse. Dr. Froehlich further testified that they ended the relationship the following day: "The next day when I made rounds, I just said that she's married, I'm married, we shouldn't be doing this, this is not the person who I want to be; she agreed." (Tr. at 38-39)
7. Dr. Froehlich acknowledged that he had not documented in Patient 1's medical record that he had helped her locate her G-spot. (Tr. at 38) When asked why not, Dr. Froehlich replied:

Honestly, it's probably because I -- if it's a busy day, sometimes I check through things and I just didn't document it.

Normally, a lot of times actually, this is back when we were on paper, so a lot of times they were -- actually a picture on here showing the anatomy where I would have demonstrated. But I didn't in this case.

(Tr. at 38)

8. Dr. Froehlich acknowledged that he had been aware at the time of his sexual encounters with Patient 1 that it was inappropriate. He further acknowledged that, since Patient 1 worked in the delivery area of the hospital, he was in a position of authority over her. When asked why he did it, Dr. Froehlich replied that he had been under some stress due to the recent loss of his mother-in-law, to whom he was very close, and changes in his practice with TriHealth that were interfering with his control of his practice. Further, Dr. Froehlich testified that he had been diagnosed with prostate cancer in June 2010. (Tr. at 41-43, 293-295)

In addition, Dr. Froehlich testified that he had been on the “hCG diet” for eight weeks, ending sometime in April 2010.² Dr. Froehlich testified that “[o]ne of the side effects of the hCG diet is a significant elevation in testosterone levels which can affect behavior.” Dr. Froehlich believes that his testosterone level rose while he was on that diet because that had caused a “significant bump” in his PSA level that led to the detection of his prostate cancer. He stated that, after coming off the diet but prior to his prostate surgery, his PSA level came back down. Moreover, Dr. Froehlich testified that his urologist believes that the temporary spike in PSA had been caused by a rise in testosterone caused, in turn, by the hCG diet. (Tr. at 43-45, 306)

9. When asked whether he had felt the effects of increased testosterone while on the hCG diet, he replied that he felt “surprisingly energetic despite the lack of calories. More kind of vigorous for life, I would guess, would be a way to describe it. Sex drive was higher for sure.” (Tr. at 46) When asked if it made him more aggressive or angry, Dr. Froehlich testified that he did not notice those traits in himself, although later, following prostate surgery, he took testosterone supplements and was told that he behaved differently. (Tr. at 46, 303-304)
10. Dr. Froehlich further testified that, even though he had had “the nerve-sparing procedure,” there is often nerve damage that affects erectile function. He testified that the blood flow is then affected, and that, in order to develop an erection, he has to use a mechanical pump with a band that fits over the penis and holds the blood in. Moreover, Dr. Froehlich testified that he has been affected by that since the surgery. In early 2011, he began receiving testosterone injections. (Tr. at 297-303)
11. Dr. Froehlich testified that, at the time of his relationship with Patient 1, he had not believed that there had been a discrepancy in power between him and Patient 1 although, looking back on it, “[t]here certainly was.” (Tr. at 309) Dr. Froehlich further testified:

I think just that I knew that that was not an appropriate thing to do. * * *
From an ethical standpoint as my position as physician in hospital as a
coworker and from the position of myself as a husband and father.

² Dr. Froehlich described how the hCG diet works:

Basically, it’s a significant calorie restriction and then taking the pregnancy hormone [hCG]. And the theory is that when women are pregnant, their fat stores are available for calories to support the pregnancy. So that in the days of feast and famine, if you were in a famine, women could mobilize their fat stores to allow for nutrition for the baby. And that by taking hCG, whether you’re a man or woman, it will do the same thing.

And so if you significantly calorie restrict, you’ll lose weight significantly, but not lean muscle, which is what happens if you just calorie restrict a lot of times. It’s been around for quite a while. It’s kind of at times popular, at times faddy, more fad. It was originated in Italy.

(Tr. at 45-46)

I knew all of those things and yet I behaved poorly, and I take full responsibility for what happened, and I'm not making excuses for what happened, but I do feel that a lot of the things going in my life at that point influenced my decision.

(Tr. at 309)

Patient 2

12. In a written statement that he had provided during an interview with Board Enforcement Investigator Michael Staples, Dr. Froehlich stated that, with respect to Patient 2, "There was also a girl [Patient 2] who was a patient who I showed where her g-spot was, I also saw her at the hospital and stimulated her to orgasm. We did not have sex and it was a very brief relationship." (St. Ex. 7) (Emphasis in original)
13. Dr. Froehlich testified that he first saw Patient 2 on August 29, 2007, as a gynecological patient. He stated that Patient 2 came in for a regular gynecological checkup and was having some issues getting pregnant. Dr. Froehlich noted that Patient 2 was also an employee at Bethesda North, and that he had known her for seven or eight years prior to her becoming a patient. Following her first appointment, he saw Patient 2 again on two occasions in 2009 when he began treating her for fertility issues. Following that, Patient 2 began seeing a fertility specialist and she did not return to Dr. Froehlich until May 2012. (Tr. at 52-57; St. Ex. 5 at 7-12)

Dr. Froehlich testified that, during Patient 2's office visit, "there was a conversation about her husband and not being happy with either her drive or something along those lines. And we just basically talked." (Tr. at 59) However, Dr. Froehlich testified that he had run into Patient 2 at the hospital one night in July 2012 and she started asking him some questions about fertility, sex drive, and sexuality. (Tr. at 59-60, 69) Dr. Froehlich further testified that she informed Dr. Froehlich that "she was not exclusively sexually active with her husband, that she had other partners, and that sometimes it was better with other partners than her husband. She said something along those lines." Dr. Froehlich further testified that "it [then] became briefly physical for about 15--10, 15 minutes at the most" which included "[s]timulation on the outside of her clothes, her breasts, and outside of her pants. And her stimulating me on the outside of my pants or attempting to."³ Dr. Froehlich further testified that the sexual activity occurred in an administrative room of the hospital. (Tr. at 60-63)

14. Dr. Froehlich testified that his encounter with Patient 2 occurred about two years after his surgery. Dr. Froehlich testified that he had known Patient 2 casually in the hospital setting for several years before she became his patient. Dr. Froehlich noted that he had had more contact with Patient 2 as a patient than with Patient 1. However, he testified that he had

³ Dr. Froehlich testified that these events occurred after his surgery for prostate cancer, and that he was not capable at that time of developing an erection. Nevertheless, Dr. Froehlich acknowledged that he had been able to develop "[a]n aroused state of mind." (Tr. at 61)

still viewed her more as a friend that he knew from the hospital, outside of his medical practice. (Tr. at 310-311, 314)

15. Dr. Froehlich testified that he may have provided some incorrect information to Investigator Staples during his interview. Dr. Froehlich testified that he had been extremely flustered and embarrassed during that interview because he kept running into family members and patients while he and Investigator Staples were at the restaurant. (Tr. at 312-313) Dr. Froehlich further testified:

I'm not a hundred percent sure on the office, but I don't think I physically showed her where the G-spot was in the office. I think I might have diagramed. I might have talked about it. We talked a lot about her husband and issues they were having as well.

At the hospital when I stimulated her to an orgasm, it was outside of her clothes and it was clitoral stimulation, it was not the G-spot.

(Tr. at 313)

Dr. Froehlich's Testimony Concerning Patients 1 and 2

16. Dr. Froehlich testified that Patient 2 remained his patient after he left TriHealth in 2012, but he does not believe that she is still his patient. He testified that he believes he terminated her as a patient around July 2013. Similarly, Dr. Froehlich testified that he had terminated his physician-patient relationship with Patient 1 as well at around the same time. Dr. Froehlich further testified that both patients were disappointed that he could no longer see them. (Tr. at 67-72) When asked how that made him feel, Dr. Froehlich replied, "I felt like I had let them down, which I had." (Tr. at 72)
17. Dr. Froehlich acknowledged that he did not document in Patient 1's medical record showing her where her G-spot is. Similarly, Dr. Froehlich acknowledged that he did not document in Patient 2's medical record that she was having arousal issues and that he created a diagram to show her where her G-spot is. (Tr. at 38, 447)
18. Dr. Froehlich testified that the G-spot was not something he learned about in medical school but that it had been discussed during his OB/GYN residency. Nevertheless, Dr. Froehlich testified that there was no "structured learning experience" that involved findings G-spots on patients during his residency. (Tr. at 34-36)
19. Dr. Froehlich testified that he does not discuss the G-spot with his patients unless they ask him about it. (Tr. at 35)
20. Dr. Froehlich testified that he has only been asked to physically show a patient where the G-spot is "[p]robably a handful" of times. (Tr. at 39-40)

Assault Conviction

21. On October 11, 2012, a Complaint was filed in the Hamilton County Municipal Court in Cincinnati, Ohio, charging Dr. Froehlich with Assault, in violation of R.C. 2903.13, a misdemeanor of the first degree. (St. Ex. 3) An Affidavit from a detective filed in support of that complaint states, in part:

[O]n or about the 30th day of July, 2012, at Hamilton County, Ohio, Kurt W. Froehlich, did * * * Knowingly cause physical harm to S.F. by placing his hands on her torso, and grabbing her by the shoulders and spinning her around. The defendant acknowledged that the incident occurred and apologized for his inappropriate behavior during a one party consent controlled phone call from victim, S.F., to the defendant.

(St. Ex. 3)

On February 28, 2013, Dr. Froehlich appeared in court and pleaded No Contest to, and was found guilty of, Assault as charged in the Complaint. The court fined Dr. Froehlich \$250.00 and ordered him to non-reporting community control for six months, which included a requirement that he was to have no contact with the victim. (St. Ex. 3)

22. Dr. Froehlich testified that the conduct underlying his conviction involved a medical assistant, Sara Folck, who worked in his office on an intermittent, temporary basis when it was owned by TriHealth. Dr. Froehlich stated that, during the relevant time period, she was filling in for his medical assistant Dawn Hardman while Ms. Hardman was on maternity leave. (Tr. at 18-19, 79-80)

Testimony of Sara Folck

23. Sara Folck testified that she is a registered medical assistant and worked for Tri-State Maternal-Fetal Medicine at Good Samaritan Hospital as a “p.r.n.” employee. Her duties included obtaining vital signs, patient education, running labs, ordering tests, and preparing patients. (Tr. at 107)

Ms. Folck testified that she is currently studying nursing full-time at Good Samaritan College of Nursing and is working toward a Bachelor’s degree. She also plans to go through the Master’s degree program to become a nurse practitioner. (Tr. at 103-106)

24. Ms. Folck testified that, around May or June 2011, her office manager at Good Samaritan asked her if she would be interested in filling-in as a medical assistant at Dr. Froehlich’s practice. Ms. Folck said that she would. (Tr. at 107-108)
25. Ms. Folck testified that Dr. Froehlich’s office was “extremely friendly” and that she “felt very welcomed from day one.” Ms. Folck further testified, “I clicked immediately with the other medical assistants, clicked immediately with, I felt, everybody there, actually.”

(Tr. at 108) Moreover, Ms. Folck stated that it had been a much more relaxed and fun place to work than her other office, which seemed much more formal by comparison. (Tr. at 110-111) Ms. Folck also testified that Dr. Froehlich was “very friendly and welcoming,” and that he treated her the same way he treated everyone else who worked there. (Tr. at 111)

26. Ms. Folck added that there had been approximately nine other staff that worked in Dr. Froehlich’s office. All of the staff were women; Dr. Froehlich was the only male in the office. (Tr. at 108-109)

Dr. Froehlich’s Office – Events that Preceded the July 30, 2012 Incident

27. Ms. Folck testified that she again worked in Dr. Froehlich’s office sometime around May or June 2012. Ms. Folck further testified that the atmosphere in the office was the same the second time she worked there; however, she noted that Dr. Froehlich had seemed more tense. She testified that “[h]e was still very friendly and outgoing,” and that she “couldn’t quite put [her] finger on it.” However, he seemed “a lot more stressed out” and “[n]ot as organized as he had been.” (Tr. at 112-113)
28. When asked if she had noticed anything else unusual the second time she worked for Dr. Froehlich, Ms. Folck mentioned incidents concerning back rubs, being walked in on while pumping breast milk, and Dr. Froehlich exposing his buttocks and making a comment when she gave him a testosterone injection. Nevertheless, Ms. Folck testified, “Things like that I didn’t think much about, because it was so relaxed that it didn’t really seem abnormal to me because we’re all medical people and I think we’re a little bit different than others. We’re a little bit more open about things.” (Tr. at 113-114)

Back rubs

29. Dr. Froehlich acknowledged that he had given one or two back rubs to Ms. Folck, and that he also gave back rubs to other staff, primarily Cheryl Davis, a nurse practitioner in his office. (Tr. at 84-85, 91, 96-98)
30. With respect to back rubs, Ms. Folck testified:

[T]he one specifically that I remember is when we were back by the medicine area, the sample area, * * * and I was looking for something. And I was trying to find something specific and I was having issues and he had come back to help me. And it was just the two of us. And he started to rub my back. And I didn’t think -- my shoulders -- and I didn’t really think anything about it. Just kind of talking, oh, I’m looking for this, I’m looking for this.

And then Fawn * * * she started to walk back and he did withdraw his hands pretty fast, but -- and I remember thinking it was slightly odd, but I didn’t -- I didn’t think anything of it at the time.

(Tr. at 114-115)

Breast pump incident

31. Ms. Folck testified that she had had a child shortly before she began working at Dr. Froehlich's office for the second time, and that she would usually pump breast milk during her lunch break. She testified that she needed privacy and at least 20 minutes to complete the task. (Tr. at 116)

On one particular occasion, Ms. Folck testified that she had been using the office of Ms. Davis because Ms. Davis had been out that week. Ms. Folck noted that all of the exam rooms had been closed and empty on that side of the office in Ms. Davis's absence. Ms. Folck further testified that she always put a sticky-note on the door indicating what she was doing because the doors in Dr. Froehlich's office did not lock. (Tr. at 116-117) However, Ms. Folck testified that, while she was pumping,

[Dr. Froehlich] knocked on the door as he simultaneously walked in. And I tried to cover myself up, but it's a double electric pump, there's only so much you can do. And he kind of looked with the deer in headlights look for maybe five or ten seconds and then it seemed to register what he was looking at and he immediately exited.

I initially thought it was funny because it's not really a sight that anybody wants to see. And I could only imagine how, you know, awkwardly uncomfortable it would make a male, especially, to see it. So I finished pumping and we joked about it, all of us. I mean, the other ladies in the office were aware right away that it had happened, and we were, like, that must have been very awkward.

(Tr. at 116-118)

32. Dr. Froehlich's testimony concerning the breast-pump incident was largely consistent with Ms. Folck's, but he denied that there had been a sticky-note on the door. (Tr. at 87-89)
33. Ms. Folck testified that she is "[a]bsolutely" positive that she had placed a Post-It note on the door when she was using the breast pump, "[e]specially because the door didn't lock." Ms. Folck further testified that, if someone else stated that there was no note on the door, her response would be that "they must not have seen it." When asked if she thought it possible that the note fell off the door, Ms. Folck replied, "I'm sure it's possible it could have fallen off. I don't believe it did." (Tr. at 157)

Testosterone injection incident

34. Ms. Folck testified that, sometime after the breast pump incident, she gave Dr. Froehlich a testosterone injection.⁴ She stated that Ms. Davis typically gave him his weekly injection but that she had been away that day, so Dr. Froehlich asked her to do it. Dr. Froehlich told Ms. Folck that he would go to Exam Room 4 and Ms. Folck responded that she would be there shortly.⁵ (Tr. at 120; Joint Exhibit (“Jt. Ex.”) 1) Ms. Folck further testified:

Went in and -- the door had been closed and I went in, and initially was, like, a little thrown off guard because he was standing there, pants down. And I was like, okay, you don't typically need to have the pants all the way down for an injection on the upper buttock area. But I thought he's a man, men are a little bit different than women, I'm -- I'm a modest person, so I didn't -- you know, in that regard, I wouldn't need to do that.

But I gave him the injection. And he looked over and he had said, you know, “I have -- I figured it would be okay for you to do this because I've seen your boobs, I figured it would be okay for you to see my ass.” And I just laughed it off. I thought it was just a joke. So I was like, yeah, you know, gave the injection and that was that.

(Tr. at 120-121)

When asked how she had felt about Dr. Froehlich's comment, Ms. Folck testified:

I thought it was a little off the wall, but I once again attributed it to this is just a relaxed environment. * * * So I figured, okay, I'm just used to working in a -- in an environment at Good Sam where nobody would ever say anything like that. It's just that would never happen there. But I've thought, well, he's obviously just comfortable with me and that's fine.

(Tr. at 121) Ms. Folck added that she did not complain to anyone about the injection incident being inappropriate. (Tr. at 165)

35. Ms. Folck testified that, outside Exam Room 4, “[i]t's the med hallway and not a high-traffic area,” and there was not much activity outside that room. Ms. Folck responded that it is possible but not very likely that a patient would have been in that area, and that “there was no activity going on on this side of the hallway” because the nurse practitioner was out that week. Moreover, she testified that a patient being taken to or from Exam Room 3 would not pass Room 4 because Room 4 was farther down the hallway. (Tr. at 159-160; Jt. Ex. 1)

⁴ Dr. Froehlich was receiving weekly testosterone injections at the time. (Tr. at 120)

⁵ Ms. Folck drew a diagram of Dr. Froehlich's office as she recalled it, which is included in the record as Joint Exhibit 1.

36. With respect to the testosterone shot, Dr. Froehlich testified that Ms. Folck incorrectly indicated that it occurred in Exam Room 4. Dr. Froehlich testified that Room 4 is the ultrasound room, and that she actually gave him the shot in Exam Room 5, which is the room labeled "US room" in Joint Exhibit 1, directly across the hall from the lab area. Dr. Froehlich testified that that part of the office is very busy and that there are always people in the lab. Moreover, Dr. Froehlich testified that, if he had been standing in that room with his pants down when Ms. Folck entered the room, everyone in the lab would have seen it. (Tr. at 323-326; Jt. Ex. 1) Finally, Dr. Froehlich testified, "I contend and I testify that when she came in the room, I did not have my pants around my ankles. I just didn't, nor my underwear. My pants were up. I did lift my shirt up, and I slid my pants down a little bit or she might have, I don't remember. But my pants were never below my buttocks." (Tr. at 326)

The July 30, 2012 Incident

Testimony of Ms. Folck concerning July 30, 2012

37. With respect to the incident that occurred on July 30, 2012, Ms. Folck testified that there had been nothing unusual about that day, other than it seemed as though most of the staff had left early, except for the office manager and the receptionist. After her work was finished, Ms. Folck packed up her belongings and prepared to leave. She testified that she has a habit of saying goodbye to everybody when she leaves, so she stuck her head in Dr. Froehlich's office to say goodbye. (Tr. at 123-125, 165-167) She further testified:

And he was on the phone, so I kind of just whispered good-bye and gave a wave. And he motioned for me to come in the office. And he was, like, finishing up a phone call.

So I probably stepped a foot or two inside the office. The office isn't very big, maybe 10 by 10. And so straight into the office is his desk, and then some bookshelves, and then immediately to the left in the door is just like a little table, probably fits four people, round table.

So I just stepped straight in and a little bit off to the left. And he finished up his phone call. And we were talking and he was sitting at his desk. And just had small talk about some of the other physicians I work for that we both mutually know at Good Sam.

And I remember everything was fine. I didn't have any odd feelings. I didn't, you know -- just thought we were talking. And he stood up, and it was the oddest sensation, I've never experienced anything like it, where it was like I knew instantly, like, the hair on the back of my neck stood up. And I was like this doesn't feel right, like something didn't feel right, and he looked different. Like it just felt like the air had literally changed.

And he stood up and started walking towards me and -- and said something about how he had wanted me since I started working there. And I remember immediately in my brain I was like something's going to happen. This is bad. You need to leave. And it was like I was telling my feet to move, but my feet weren't moving. And it was like I wasn't even in my own body. It was the weirdest, weirdest sensation ever.

But he walked forward and put his hand on my side and started rubbing up and down from probably about the breast area down to the hips. And I remember being just very scared and thinking, like, is this actually happening? Like, this is my boss. What do I do? Like, I mean, rational thoughts, irrational thoughts, everything was going through my mind and I couldn't move.

And he started, you know, doing that. And I kind of was like this is bad. We need to get out of here. And I started to push away. I started to turn around. And I took one step and I was back to back -- back away from him, going out. And he put a hand up on my shoulder and kind of like not pulled me back, but just it was there and I knew it was there. And he took a step forward so that his stomach was up against my back.

And he reached around and went up my shirt and he got up under my bra and had a hand completely on my right breast. I remember it was my right breast because I had mastitis and I actually had gotten a prescription from my doctor a few days beforehand to help clear that up, and there was a big old knot and it hurt.

So that kind of made me realize, you know, oh, my gosh, this is happening. This can't be happening. You need to leave. And I pushed his hand out from underneath my shirt. And he was -- still had his hand on my shoulder. So I tried to leave again, but my legs wouldn't cooperate.

And he took his right hand and went under my pants. And he made it probably an inch or two under -- under my underwear and I pushed his hand away again. And I went to once again leave, and he had moved his hand down to my -- more like my wrist area, midarm, and he turned me around so that I was then facing him. And he got, you know, pretty close to my face, and I thought he was going to try to kiss me.

But he just looked me dead in the eye and just said, "You know, I think it's best that you don't work here anymore." And I remember just being so scared and I was like this can't -- this can't be happening. So I pulled my hand away. And I had sat my pumping bag pretty much in the doorway and I immediately grabbed that and I left.

38. Ms. Folck described what was going through her mind while this was taking place:

I couldn't get one thought out before the next one interrupted. Anything from is this actually happening, I wasn't even sure if it was actually happening, to this is my boss, this is a powerful man. I'm -- don't want him. Why does he want me? Is this because I lost weight? Is this -- I mean, literally a million thoughts went through my mind. Some of them made sense, some of them made zero sense.

(Tr. at 131)

39. Ms. Folck testified that, during the incident when Dr. Froehlich was rubbing against her, she could not tell if he had an erection or not; she could not feel an erection rubbing against her. (Tr. at 175)
40. Ms. Folck testified that she had been "[i]n shock" after the incident and in disbelief that it had actually happened. She further testified that she does not remember driving home but that she went first to her next-door neighbor's house and told her what happened. Her neighbor kept her eye out to see when Ms. Folck's husband came home and, when he did, she walked Ms. Folck to her house. (Tr. at 141)

Ms. Folck testified that, when she told her husband what had happened, he called Pam, the office manager at Good Samaritan. Pam referred it "up the chain of command" to the head of the Human Resources department and, the following day, July 31, 2012, Ms. Folck provided a written statement to Good Samaritan reporting what had happened. Her written statement is consistent with her testimony at hearing. (Tr. at 142, 179-183; St. Ex. 6 at 47-48)

41. Ms. Folck testified that, on the second morning following the incident, she reported the incident to the police in Sycamore Township, where Dr. Froehlich's office is located. She testified that she also provided a written statement to the police. Moreover, she testified that the police asked her to call Dr. Froehlich to see if he would admit to anything, and to have the call recorded. She agreed to do so. She testified that she was exceedingly nervous and hung up the phone the first time when Dr. Froehlich's daughter answered. After some encouragement from the detective, she called a second time and asked to speak with Dr. Froehlich. (Tr. at 143, 188-190) She testified: "I asked him, you know, 'Why? What -- you know, why did you -- why were you touching me that way?' And it was very, very short and quick. He just said, 'Yeah, I'm sorry. I got fired,' and I think he said one other quick thing and hung up." (Tr. at 190-191) Ms. Folck added that the entire conversation with Dr. Froehlich lasted about 15 seconds. (Tr. at 191)
42. Ms. Folck also testified that she contacted an attorney who eventually settled the matter with Dr. Froehlich for around \$12,000. Ms. Folck testified that her attorney originally asked for \$90,000, but that following some bargaining, she told her attorney that she was

“emotionally wiped out,” had lost a lot of friends, and was feeling “paranoid at work.” Ms. Folck told her attorney that all she wanted was “the money that [she] was out.” Ms. Folck stated that she had just wanted it to be over. (Tr. at 143-145)

43. Ms. Folck testified that she never returned to Dr. Froehlich’s office after the incident on July 30, 2012. (Tr. at 146)

Testimony of Dr. Froehlich Concerning July 30, 2012

44. Dr. Froehlich described Ms. Folck’s personality as “outgoing. She has a good sense of humor. Flirtatious a little bit.” Dr. Froehlich testified that, the second time Ms. Folck was there, she “seemed more flirtatious as the weeks went on.” (Tr. at 80-81) When asked what he meant by “flirtatious,” Dr. Froehlich described a few incidents that he had interpreted as flirtatious and/or Ms. Folck expressing some personal interest in him. First, Dr. Froehlich testified:

[T]here was a patient who was older and is very open about her sex life with the whole office, basically, and was saying that she -- she was in her 40s and she preferred boys -- boys in their 20s, is I think what she called them. And Sara was in the room when she had said that.

And so after that, we discussed -- we said something and -- and she said something along the lines of, “Who wants to train a boy in their 20s. I would rather, you know, if I’m going to go outside my own age range, I would rather date with someone older.” Things like that.

* * *

So when she came out and said that, I said, “Well, you know” -- she was -- said, “Well, that -- why would that patient, you know, that she would prefer an older guy to a younger guy?” So I’m like, “Well, what age were you thinking? Like mid 40s?” And she said, “Yes,” or something along those lines.

(Tr. at 86-87, 91-92) Dr. Froehlich added that he had interpreted Ms. Folck’s statements to mean that he was the older guy and that she was insinuating “that there was some attraction.” (Tr. at 91-92)

As a second example, Dr. Froehlich testified that Ms. Folck had an irritation on her back that she thought could be a rash. Dr. Froehlich lifted her shirt to look at the area and noticed a small tattoo on her lower back. Dr. Froehlich testified that Ms. Folck then stated that she had more and “kind of gave us a survey of where they were.”⁶ (Tr. at 90)

⁶ Ms. Folck’s version of this incident differs considerably from Dr. Froehlich’s. (St. Ex. 6 at 47)

Finally, Dr. Froehlich testified that Ms. Folck came to work one day wearing a “fair amount” of makeup, which she had not done before. Dr. Froehlich testified that, for “right or wrong,” he had perceived that she wore makeup that day for his benefit. (Tr. at 90-91)

45. Dr. Froehlich described the July 30, 2012 incident:

So earlier in the day, it was a very busy day in the office and I had gotten a glass of ice water. And two, three hours later I walked into the lab, it was sitting where I had left it and all the ice was melted and it had warmed up. And I -- she was there and I said, “Look at that. I got ice water two hours ago and haven’t been able to stop long enough to take a drink.”

So -- And then I at the end of the day, was after hours, in my office, doing computer work. Which when it’s really busy, I typically will jot some notes down and not try and get everything into the computer because it’s time consuming.

And so at the end of the day I was kind of entering the information into the computer. And Sara came in and brought me a glass of ice water, and I thanked her. And we had a conversation and I had asked her how she thought things were working out. And she works with a maternal-fetal medicine group, as well, that’s her primary -- was her primary position besides when she was filling in for us. And we had talked about that a little bit and the physicians in the group and did she like working there.

And was she going to -- what were her plans, like, when Dawn came back from maternity leave. And then she said Dawn was probably not coming back from maternity leave, which I had not known.⁷

And then I asked her how her back was because she had mentioned that it was irritated earlier in the day. And she turned around and lifted her shirt and said, “I don’t know. What do you see?”

⁷ This differs from a statement made by Dr. Froehlich during the TriHealth investigation. According to a report prepared by TriHealth staff, during an August 2, 2012 interview, Dr. Froehlich stated that, sometime on July 30, 2012, he and Ms. Folck:

discussed if Sara would be staying in the office until Dawn (the employee on leave) returned. *He also stated that he told Sara he was not sure Dawn would be returning as she was going to nursing school.* He stated he said to Sara “this is a good place to work, we give back rubs.” In the interview Dr. Froehlich stated this was wrong to say.

(St. Ex. 6 at 29) (Emphasis added)

And I said, "All I can see is your butt." And she said she had a JLo butt, and I did not hear what she said because she was facing away from me, and I asked, "What?" And she said, "You know, a JLo butt, big and bouncy," and then she shook her butt back and forth.

At that point, I stood, put a hand on her hip and a hand on her shoulder. She was -- I was leaning back against the tables. We have a table that we discuss things with patients, we have my desk which is facing the wall, we have a table that's behind that. So I was at the -- with my back to the table and she was between me and the -- kind of the door and the desk and stuff.

And she leaned back and I said, "I can't," and/or, "We can't," one of the two. And she said, "You're a bad boy." And then she walked out of the office.

(Tr. at 93-95)

46. Dr. Froehlich testified that, during the incident, his office door had remained open. He further testified that Ms. Folck had been standing near the door and it would have been easy for her to walk out. Moreover, he testified that there were employees still in his office suite that would have heard Ms. Folck had she called out. Finally, Dr. Froehlich testified that Linda, his office manager, had walked past his office to the restroom during his conversation with Ms. Folck but that he does not know whether Ms. Folck had seen that or not. (Tr. at 321-322)
47. Dr. Froehlich acknowledged that his version of what happened with Ms. Folck on July 30, 2012, differs from Ms. Folck's version. When asked why the Board should believe his version, Dr. Froehlich testified that "[t]he easy answer is because I'm being truthful." Dr. Froehlich further testified that he has tried to be open and honest and that "[i]t would make no sense for [him] to hide what happened with Ms. Folck." Moreover, Dr. Froehlich testified, "There is a record from Hamilton County which says I put my hand on her hip and my hand on her shoulder. And it says I turned her around. It's what's true, it's what happened." In addition, Dr. Froehlich testified that what had happened "is etched into [his] brain" because he faced criminal charges over it, lost his job over it, and is facing Board action because of it. Finally, Dr. Froehlich testified that he has recounted what happened many times and that his story has not changed. (Tr. at 315-316)
48. Dr. Froehlich testified that when he had been offered a charge that included nothing of a sexual nature it seemed like a good option. However, Dr. Froehlich further testified:

[I]n retrospect, I didn't get to tell my story, I didn't get to tell my side of it. We didn't get anybody to sit and talk to the two of us, no judge to say what we did or didn't do. And this isn't the forum to do that.

I mean, it's not something where we should -- I mean, I admitted to an assault, so I would have much rather gone back and publicity be damned, gone

through a fight with whatever they charged me on, because I feel like I have the facts on my side and the truth on my side and that might have prevailed.

(Tr. at 317)

Dr. Froehlich further testified that he had pleaded no contest because his wife had been going through an estate battle with her brother, and that, even though the facts were on his wife's side, the case did not go well for her. As a result, Dr. Froehlich testified, his "confidence in the legal system at that point was not very good * * *." (Tr. at 317-318)

Ms. Folck's Response to Dr. Froehlich's Testimony

49. When asked whether she had brought ice water to Dr. Froehlich on July 30, 2012, Ms. Folck recalled that she had, although she could not remember when during the day that had happened. Her testimony concerning the ice water was largely consistent with Dr. Froehlich's, that it was kind of a running joke that day. Likewise, she could not remember when during the day she had asked Dr. Froehlich to look at an area on her lower back that was itching, nor could she recall whether the itchy back incident even happened that same day. Moreover, Ms. Folck testified that either of these incidents could have occurred at the end of the day, when she was getting ready to leave; she does not recall. (Tr. at 169-171)

50. Ms. Folck acknowledged that she had told Dr. Froehlich that she has a "JLo butt," and that she has also said that to many other people. However, she did not recall that she had said that to Dr. Froehlich during the incident. (Tr. at 137) When asked about the time she had said that to Dr. Froehlich, Ms. Folck replied:

A. I had lost a significant amount of weight after having my second child, about 50 pounds. And Cheryl and Fawn and Dawn and Michelle, they were all into talking about, you know, they were doing P90X, they were doing Insanity, everybody was talking about weight loss. Cheryl is a very healthy eater, runner, things like that. And so we talked about weight a lot in the office. It's just we women would chat about it.

And I remember, you know, Dr. Froehlich had told me that I looked good, and it wasn't in a -- you know, in a predatory kind of way. I accepted the compliment, but I don't accept compliments very well.

So I said, "Oh, well, thank you. You know, I still have 'X' amount more to lose," I think five or ten pounds left to go. And I joked around as I have with many people that "No matter what I -- No matter how much weight I lose, I will always have a JLo booty."

Q. [Ms. Ahmed] But you mentioned you say that to a lot of people?

A. Yeah.

Q. Is that a common description you use about yourself?

A. Yes. Absolutely.

Q. So were you saying it to him in a flirtatious manner?

A. No, absolutely not.

Q. Were you trying to give him some sort of inclination that you were interested?

A. No.

(Tr. at 137-139)

51. Ms. Folck testified that she was never sexually interested in Dr. Froehlich and that she never made any advances toward him. (Tr. at 147) She further testified:

I mean, I was friendly, like I treated him the same way I treated the women that I worked with. If somebody makes eye contact with me, I will maintain eye contact and I will smile. I will joke around with somebody if they joke around with me. I kind of will just feel out their overall demeanor. And I'm a very outgoing person, so if somebody is outgoing towards me, I know that I can be outgoing towards them. But that is the extent of it.

(Tr. at 147)

Further Testimony of Ms. Folck

52. Ms. Folck described the impact that the July 30, 2012 incident has had on her life:

An extreme amount. I have since gained back all of the weight I lost because now I'm scared to not be a little bit heavier. It -- I pushed away all of my friends. I pushed away my family.

I'm paranoid to this day. I'm -- I'm scared that, you know, somebody who's hardcore is going to come after me because I came forward. I wound up in counseling for a really long time and am probably going to head back after this. And my marriage suffered. Everything. I became [a] recluse.

I completely reevaluated, you know, how I acted because I'm like, if being nice to somebody is coming on to them, I'm not leaving my house. Because I look at people and I smile at people, and I'm open, I'm an open, honest

person. Like I just -- I pushed every -- I pushed everything away and I've been slowly rebuilding back up.

(Tr. at 215)

When asked what she meant by saying that she is afraid to not be a little heavier, she testified:

Nothing bad happened to me the first time I worked with him when I was bigger, when I was this size. And nothing bad has ever happened to me before like this. And I lose all this weight and something bad happens to me. And it's like irrationally, I know, but that's kind of how I put two and two together now, is, you know, I'm safer like this. Nothing has happened to me like this.

(Tr. at 215-216)

Testimony of Investigator Staples

53. Michael W. Staples testified that he is an Enforcement Investigator for the Board and that he has held that position for about seven years. Investigator Staples testified that he investigates complaints against physicians in the greater Cincinnati area. (Tr. at 219-220)
54. Investigator Staples testified that he investigated Dr. Froehlich concerning some issues and that his investigation included an interview with Dr. Froehlich that lasted approximately two hours at a Cincinnati restaurant. Investigator Staples testified that they discussed the incident with Ms. Folck, as well as Dr. Froehlich's relationships with Patients 1 and 2. (Tr. at 222-228)
55. With respect to Patient 1, Investigator Staples testified that Dr. Froehlich acknowledged that he had helped Patient 1, a hospital employee, find her G-spot and that he had a brief relationship with her. Investigator Staples further testified that Dr. Froehlich acknowledged that he had a sexual encounter with Patient 1 somewhere at the hospital. (Tr. at 225)
56. Investigator Staples testified that, at first, during their discussion concerning Patient 1, Dr. Froehlich had been reluctant to acknowledge, and in fact initially denied, that he had had any relationships with patients or helped them find their G-spots. However, Investigator Staples testified that he informed Dr. Froehlich that Dr. Froehlich did not seem that he was being truthful, and that Dr. Froehlich immediately "came out with it." Moreover, Investigator Staples testified that, after they finished talking about Patient 1, he had asked Dr. Froehlich if there was any other patient whom he had helped find her G-spot or stimulated her G-spot. Investigator Staples testified that he initially denied there was but, after some prodding, acknowledged that he had done so with Patient 2, that he had

stimulated her G-spot to orgasm, and that they had had a very brief relationship.
(Tr. at 226-228)

57. Investigator Staples testified that he had informally polled three OB/GYN physicians in the Cincinnati area whether it is appropriate for an OB/GYN to show his or her patient where her G-spot is if the patient asks him or her to do so. Investigator Staples testified that “all of them were completely disgusted and stated that that was criminal * * *.”
(Tr. at 240-241)

58. With respect to the incident with Ms. Folck, Investigator Staples testified that Dr. Froehlich indicated that Ms. Folck had been flirtatious, that she had brought him a glass of water at the end of the day, and that Ms. Folck had “kind of, like, backed her—backed up to him with her butt,” while making a comment about her “JLo butt” which Dr. Froehlich at first misunderstood, and that she had called him a “bad boy.” Investigator Staples testified that Dr. Froehlich admitted putting his hands on Ms. Folck’s waist and near her bra but denied that he had squeezed her bra or tried to stick his hands down her pants. (Tr. at 229-230)

59. Investigator Staples further testified that he had interviewed Ms. Folck. Investigator Staples testified that Ms. Folck told him that it had been Dr. Froehlich who had been flirtatious, and that he had given back rubs to his employees without being asked to. Investigator Staples further testified that Ms. Folck advised about the breast-pump incident, the testosterone shot incident, and that Dr. Froehlich had “put the moves on her at the end of the day.” (Tr. at 230-231)

60. Investigator Staples acknowledged that he believed at the end of his interview with Dr. Froehlich that Dr. Froehlich had been honest and forthright with him. (Tr. at 235-236)

Investigator Staples further testified that, as with Dr. Froehlich, he had believed that Ms. Folck had been honest with him during her interview. (Tr. at 245)

Dr. Froehlich’s Termination from TriHealth

61. An August 16, 2012 letter to Dr. Froehlich from Marcia Swehla, Chief Operating Officer for TriHealth Physician Institute, advised Dr. Froehlich of the following:

As we discussed today, your employment with TriHealth Women’s Inc., LLC. is terminated, effective immediately, under Sections 9(a)(iii) and 9(a)(vi) of your employment agreement. We have concluded, after investigation, that you engaged in continuing egregious violations of the TriHealth anti-harassment policies.

(St. Ex. 6 at 11)

62. Dr. Froehlich testified that, after his termination from TriHealth, he started to examine his life and “all of the little things [he] wasn’t doing as well as [he] should.” Dr. Froehlich testified

that he stopped taking testosterone, and his family physician put him on an antidepressant for a short period of time but that he “did not feel that it did a lot of good.” Several months later, he began seeing a counselor, John Walsh. (Tr. at 335-367) Dr. Froehlich further testified:

[T]alking with John has allowed me to open up about some of those things that have happened in the past and normal difficult times that everybody has had and make judgments on my behavior and why I -- what was my motivation and how can I change to deal with things on a daily basis in a better way.

I mean, to come from a German family, * * * and, in large part, your emotions were not always dealt with openly. And so you tended to push things down * * *.

What happened in this two-year period is some things had happened, like my mother-in-law and the cancer, and knowing something was wrong. And not being happy with work, with how my office was running, a lot of that just got suppressed and suppressed and suppressed.

And then you add testosterone which is certainly not in any way an excuse for any of my behavior, because I am an adult and I made decisions, but something that, at least in small part, affected my judgment, the reason that I acted -- when I knew at the time what I was doing was not appropriate.

(Tr. at 369-370)

63. Dr. Froehlich testified that counseling with Mr. Walsh has helped him to avoid allowing “extraneous things” that affect his focus. (Tr. at 370-371) When asked how he does that, Dr. Froehlich replied:

It’s simple. You wake up every morning and you do the right things all day long, and you go back to bed and you sleep like a baby. And it’s always been simple. And I made it more complicated than I should have, and certainly my behavior made it pretty difficult to sleep at night.

It threatened the stability of every aspect of my life. My family, my career, my ability to provide for my family, my faith. Everything.

(Tr. at 371)

Testimony of John Walsh, M.Ed., M.S.W.

64. John Walsh, M.Ed., M.S.W., testified that he is a Licensed Independent Social Worker (“LISW”) and that he has been licensed as such in Ohio since 1994. Mr. Walsh testified that he has been in private practice with Compass Point for three years, and off and on for the past 20 years. Mr. Walsh testified that he has also been employed as a hospice social worker. (Tr. at 384)

65. Mr. Walsh testified that he has treated Dr. Froehlich since June 28, 2013, for a diagnosis of adjustment disorder with anxiety. Mr. Walsh further testified that he first saw Dr. Froehlich on a weekly basis but has lately been seeing him every other week. (Tr. at 385-386)
66. Mr. Walsh testified that he has worked with Dr. Froehlich about professional boundary issues, adopting a holistic approach to maintaining good mental health, and “the importance of being open and honest with his wife, and not trying to project to the world that he’s all together when in reality there is stuff going on inside that is anything but good.” (Tr. at 386-387) Mr. Walsh further testified that Dr. Froehlich has exhibited an “openness to ideas and to being remorseful and aware and not blaming anybody but himself. This has been a major change for Kurt.” (Tr. at 388) Moreover, Mr. Walsh testified that he sees “good progress for Kurt” if he continues in therapy. (Tr. at 391)
67. In a letter dated June 3, 2014, John Walsh, M.Ed., M.S.W., stated, in part:

During [his] sessions [with Mr. Walsh], Kurt has become aware of the importance of confronting his fears and insecurities by becoming vulnerable to his family and when appropriate, to friends and co-workers. In this process of self-disclosure, he realizes the importance of taking ownership for all of his actions. Kurt now knows he must be aware of what he needs to be emotionally healthy and to communicate that to his partner.

Kurt has become aware of the need to set, maintain and continually assess boundaries, both in his work as a medical professional and in his private life. In addition, he realizes the needs for a holistic approach to life. Nutrition, exercise, social connections are all essential for being that balanced person.

(Resp. Ex. C)

Testimony of Eric O. Haaff, M.D.

68. Eric O. Haaff, M.D., testified that he is a urologist and that he has been licensed to practice medicine in Ohio for 27 years. Dr. Haaff testified that he had initially seen Dr. Froehlich in 2009 related to an elevated PSA level. Subsequently, in August 2010, an ultrasound and biopsy revealed prostate cancer. In October 2010 Dr. Froehlich underwent a radical prostatectomy. Following his surgery, Dr. Froehlich experienced persistent difficulty with sexual function. (Tr. at 468-471; Resp. Ex. E)
69. With respect to Dr. Froehlich’s problem with sexual function, Dr. Haaff testified that his testosterone level was found to be below normal. Dr. Froehlich had also been experiencing fatigue. Dr. Haaff further testified that low testosterone can affect sexual function. In May 2011, Dr. Froehlich was started on testosterone supplementation, first with topical medications and then with depo-testosterone injections. (Tr. at 471-473)

70. Dr. Haaff testified that patients who are receiving testosterone supplements can become more aggressive or more moody, and “possibly be less able to control their emotions.” (Tr. at 473-474)
71. Dr. Haaff testified that in December 2012 Dr. Froehlich discontinued testosterone supplementation. Dr. Haaff testified that his testosterone level at that time had been around 900 and that “there was some development of acne and mood swings, and so we had – he had stopped it at that point.” (Tr. at 479)
72. Dr. Haaff noted that Dr. Froehlich had had a testosterone level of 1,535 on June 7, 2012, that he characterized as “very high.” (Tr. at 484-485; Resp. Ex. F)

Testimony of Dawn Hardman

73. Erin Dawn Hardman testified that she has been a medical assistant for 12 years and a licensed massage therapist for eight years. Ms. Hardman further testified that she is currently employed as a medical assistant by Dr. Froehlich and that she has worked for him for six years. She further testified that she is a patient of Dr. Froehlich’s as well. (Tr. at 341-342)
74. Ms. Hardman testified concerning what she likes about Dr. Froehlich as his patient, she replied: “Bedside manner. I’ve never encountered a physician to call his own patients back. If there was any kind of concern, whether it be big or small, not only is he professional, but he actually shows that he cares for his patients. And I felt like I was an individual instead of just like a number with him as a patient.” (Tr. at 343-344)
75. With respect to her position as Dr. Froehlich’s employee, Ms. Hardman testified that he treats his employees well. She further testified that the office has a “laid-back” atmosphere that is relaxing to staff and patients. She noted that Dr. Froehlich is very easygoing and personable. Moreover, Ms. Hardman testified that patients have expressed to her that Dr. Froehlich spends time with them and that they “don’t feel like a number” in his practice, which reflects how Ms. Hardman feels about Dr. Froehlich as a physician. (Tr. at 344-346)
76. Ms. Hardman testified that she had worked with Ms. Folck previously, and for about a two-week period prior to Ms. Hardman leaving on maternity leave. (Tr. at 348-349) When asked if Ms. Folck was a friend, Ms. Hardman further testified:

She was an acquaintance of mine, someone who I thought that I had talked to that I felt I could trust. I had actually told her that I was not going to be coming back to work after my third child. Nothing to do with Dr. Froehlich, just that I couldn’t afford two kids in daycare, and I thought that was something her and I were keeping between us.

Supposedly, that same week before the occurrence happened, supposedly before the assault happened, she told Dr. Froehlich and my practice administrator, Lisa

Drake, that I was not coming back. And when I confronted her about it, she said she didn't do it. And I lost all respect in her when that happened.⁸

(Tr. at 349)

77. When asked whether her opinion of Dr. Froehlich has been impacted because he engaged in inappropriate relationships with two patients, replied that she was disappointed when she learned that, but that “we’re human and we all make mistakes.” (Tr. at 352-353)

Testimony of Glen Hofmann, M.D.

78. Glen Hofmann, M.D., testified that he is an OB/GYN and fertility specialist in Cincinnati, and that he has practiced there since 1992. Dr. Hofmann further testified that he knows Dr. Froehlich, and met him during Dr. Froehlich’s training. Moreover, Dr. Hofmann testified that Dr. Froehlich was the best resident he has ever training during his 25 or 30 years of teaching. (Tr. at 331-333) Dr. Hofmann further testified, “He’s the only resident that ever did an egg retrieval in all the years that I’ve been teaching residents.” (Tr. at 333)

In addition, Dr. Hofmann testified that his wife is a patient of Dr. Froehlich’s, and that he “can’t give a better vote of confidence in trusting [his] wife’s care to anybody.” (Tr. at 333)

Furthermore, Dr. Hofmann testified that Dr. Froehlich is an excellent clinician who is highly respected by the medical community in the Cincinnati area, and that “[a] lot of [Dr. Froehlich’s] patients are nurses from labor and delivery where he works.” (Tr. at 333-334)

Finally, Dr. Hofmann testified that Dr. Froehlich is “one of the best doctors I’ve ever met. He’s compassionate, he’s very bright, he’s got great hand skills, great people skills. I think if he were not allowed to practice medicine, that would be one of the greatest tragedies I’ve ever known.” (Tr. at 336-337)

Testimony of Patient 3

79. Patient 3⁹ testified that she is a registered nurse and that she has been licensed since 2006. Patient 3 further testified that she had worked at Bethesda Hospital on the “mother-baby” floor, and that Dr. Froehlich was one of the physicians there. She testified that she did not have much contact with him but that, when she became pregnant, other nurses recommended him as a physician. Patient 3 testified that Dr. Froehlich delivered her second child in 2006 and that she

⁸ Again, this differs from a statement made by Dr. Froehlich during the TriHealth investigation. According to a TriHealth report, during an interview on August 2, 2012, three days after the incident, Dr. Froehlich stated that, sometime on July 30, 2012, *he told Ms. Folck* that Ms. Hardman would not be returning to his employ as she was going to nursing school. (St. Ex. 6 at 29)

⁹ Patient 3 is identified in a Supplemental Patient Key that is sealed from public disclosure to protect patient confidentiality. (Board Exhibit A)

has been his patient ever since. Moreover, Patient 3 testified that she has recommended Dr. Froehlich to others. (Tr. at 402-403)

In addition, Patient 3 testified that she has had an opportunity to work with Dr. Froehlich in her capacity as a nurse. She praised his friendly and helpful temperament, the respect he accords her and other nurses, and his excellent reputation among other healthcare providers. (Tr. at 405-406)

Testimony of Megan Jessee

80. Megan Jessee, R.N., testified that she has been a registered nurse for ten years, and that she has worked during that time as a labor and delivery nurse at Bethesda North Hospital. She also testified that she has worked as a nurse in Dr. Froehlich's office on Wednesdays for the preceding 16 to 18 months. Ms. Jessee testified that she assists Dr. Froehlich with ablations and Essure procedures. Ms. Jessee testified that she had known Dr. Froehlich since she began working as a nursing assistant in 2001. (Tr. at 417-419)
81. Ms. Jessee testified concerning her impressions of Dr. Froehlich working with him in an office setting that he is very professional and pleasant to work with. Ms. Jessee further testified that, in the labor and delivery area of the hospital, Dr. Froehlich is very well-liked and respected by nurses and patients alike. (Tr. at 420-423)
82. Ms. Jessee testified that she had been aware of the incident with Dr. Froehlich and Patient 1, and that she had been "shocked at first" when she learned of it. However, she testified that everyone makes mistakes, and that the Dr. Froehlich that she has worked with since that time "is not that person at all. He's a different person." (Tr. at 425-427)
83. Ms. Jessee testified that "it would be a big disservice to the community" if Dr. Froehlich were not allowed to continue to practice. (Tr. at 427-428)

Letters of Support

84. Dr. Froehlich presented several letters of support authored by medical colleagues and a patient. All described Dr. Froehlich as a compassionate and dedicated physician who is well-liked and respected by patients and colleagues alike. (Resp. Ex. D)

Additional Information

85. Dr. Froehlich completed a 16 credit-hour course entitled "Intensive Course in Medical Ethics, Boundaries, and Professionalism" at Case Western Reserve University School of Medicine on September 19, 2013. (Tr. at 379-380; Resp. Ex. B)
86. Dr. Froehlich testified that as an OB/GYN he becomes in a way a part of the patients' families, which can make it a better experience for the patients and very rewarding for him as a physician. Dr. Froehlich testified that he has between 1,000 and 1,500 framed pictures

in his office of kids he delivered, in addition to five photo albums in the waiting room. He further testified that some patients send him Christmas cards and updates. (Tr. at 291-293)

87. Finally, Dr. Froehlich testified:

[S]ince 1996 when I graduated residency to today, I have taken a lot of pride in the way I practice medicine and how I take care of patients.

And for the most part, that has been something that whatever is going on in my personal life, good, bad, indifferent, I've been able to keep separated and I've been able to -- and I have had no issues. There is a period of time that I'm not proud of. That is a period of time where I allowed things that were going on with my health, my personal life, my other issues to affect my practice of medicine, and overall the quality of medical care.

The attention to detail provided remained the same, but I obviously overstepped some boundaries, I blurred the line, I made decisions that I am not proud of.

I have and will continue to remain vigilant to prevent any of the factors outside of the practice of medicine that affected my judgment not to affect my judgment again.

I'm doing this predominantly for myself and my family because if I had a concern that I would not be able to respect boundaries again, or if I had a concern that this behavior was somehow going to repeat itself, I would not want to practice medicine because my family and my children and my wife are the most important things.

And ultimately, if I didn't feel a hundred percent confident that that was the case and if that was not going to be an issue ever again going forward, I couldn't survive. I couldn't -- I couldn't practice medicine, I couldn't -- I mean, it's something that I am a hundred percent convinced and convicted that's going to be the case going forward. And I love what I do. And I love who I am when I'm a physician.

And I provide really good care for people. And I would just humbly request the ability to continue to do that.

(Tr. at 433-434)

CREDIBILITY OF WITNESSES

The testimony of Dr. Froehlich and Ms. Folck differed with respect to the events that ultimately led to Dr. Froehlich's plea of no contest to Assault in the Hamilton County Municipal Court.

Although not critical to determining the Findings of Fact or Conclusions of Law, a brief review of credibility is useful to the extent that Dr. Froehlich's conduct could be considered an aggravating factor for purposes of disposition.

Ms. Folck's testimony makes clear that Dr. Froehlich was the aggressor during the incident on July 30, 2012. According to Dr. Froehlich's version, Ms. Folck was, at the very least, a willing participant.

The Hearing Examiner is convinced that Ms. Folck's version is more credible. Her demeanor and tone of voice was sincere and appropriate. She answered questions unequivocally and without hesitation during both direct and cross-examination. Moreover, her testimony was internally consistent: her reactions following that event—including contacting her employer the same day and providing a written statement the following day, which are corroborated by the documents from TriHealth, and contacting the police the second day after the incident—make no sense if one accepts Dr. Froehlich's version. Certainly, as noted by the Respondent on closing argument, Ms. Folck was nervous during her testimony; however, given the nature of the matters she was asked about, the Hearing Examiner does not find her nervousness to be unusual or an indicator of dishonesty; she was discussing matters that were disturbing to her and highly personal. Accordingly, the Hearing Examiner believes Ms. Folck's version of the incident.

FINDINGS OF FACT

1. On February 28, 2013, Hamilton County Municipal Court in Cincinnati, Ohio, Kurt William Froehlich, M.D., pleaded No Contest to, and was found guilty of, Assault, in violation of R.C. 2903.13, a misdemeanor of the first degree. The court fined Dr. Froehlich \$250.00 and ordered him to a term of community control which included a requirement that he was to have no contact with the prosecuting witness.

The facts underlying Dr. Froehlich's conviction involved his assault of a female medical assistant associated with his medical practice.

2. During or about 2009 – 2012, in the course of his medical practice, Dr. Froehlich undertook the care of Patients 1 and 2.
 - a. Dr. Froehlich admitted that, during or about 2009, in the course of his treatment of Patient 1 and while at his medical office, Dr. Froehlich showed Patient 1 the location of her G-spot at her request. Dr. Froehlich further admitted that, later, at a hospital, she again asked him to show her the location of her G-spot and he did so in a call-room. He caused her to orgasm. Dr. Froehlich further admitted that he had a brief affair with Patient 1.
 - b. Dr. Froehlich admitted that, during or about 2011, in the course of treatment of Patient 2, he showed her the location of her G-spot. He saw her again at a hospital

where he stimulated her to orgasm. Dr. Froehlich said he did not have sex with her and had a very brief relationship.

CONCLUSIONS OF LAW

1. The acts, conduct, and/or omissions of Kurt William Froehlich, M.D., as described in Finding of Fact 1, above, individually and/or collectively, constitute a “plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice,” as that clause is used in R.C. 4731.22(B)(11).
2. The acts, conduct, and/or omissions of Dr. Froehlich as described in Finding of Fact 2.a, above, individually and/or collectively, constitute “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 R.C. 4731.22(B)(20), as in effect prior to November 30, 2010, to wit: Rule 4731-26-02(A), Prohibitions.

Pursuant to Rule 4731-26-03, as in effect prior to November 30, 2010, a violation of Rule 4731-26-02 also constitutes violation of R.C. 4731.22(B)(6).

3. The acts, conduct, and/or omissions of Dr. Froehlich as described in Finding of Fact 2.b, above, individually and/or collectively, constitute “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 R.C. 4731.22(B)(20), as currently in effect, to wit: Rule 4731-26-02(A), Prohibitions.

Pursuant to Rule 4731-26-03, as currently in effect, a violation of Rule 4731-26-02 also constitutes violation of R.C. 4731.22(B)(6).

RATIONALE FOR THE PROPOSED ORDER

Dr. Froehlich’s sexual misconduct with Patients 1 and 2 was clearly inappropriate, as he himself acknowledged. Even if one were to accept that the practice of medicine can include physically locating a patient’s G-spot, Dr. Froehlich’s conduct with those patients went well beyond that.

Moreover, the conduct underlying Dr. Froehlich’s assault conviction was predatory. Dr. Froehlich’s defense, beyond denying some of the conduct that Ms. Folck said occurred, was that he had thought Ms. Folck was flirting with him or otherwise displaying some romantic interest in him. Even if that’s true, and the Hearing Examiner accepts that Dr. Froehlich may have imagined that to be the case, laying hands on her in the manner that he did was unacceptable and criminal. Ms. Folck was clearly terrified by Dr. Froehlich’s behavior and testified that she has

suffered negative consequences as a result of what happened. This may certainly be considered an aggravating factor in this matter.

Dr. Froehlich expressed remorse for his conduct with Patients 1 and 2, and to an extent with Ms. Folck. However, the Hearing Examiner believes that Dr. Froehlich is not being completely honest about what happened on July 30, 2012. He attempted to minimize his conduct by implicating her as a willing participant.

Given Dr. Froehlich's sexual misconduct with two patients and criminal behavior toward an employee, the Board would be well-justified in permanently revoking Dr. Froehlich's certificate. However, the evidence indicates that Dr. Froehlich recognizes that his behavior was wrong, and he has taken some remedial measure prior to the hearing, including counseling and a course on physician/patient boundaries. The evidence also indicates that Dr. Froehlich is a skilled OB/GYN with a busy practice and that he is liked and respected by his patients and colleagues. Accordingly, the Proposed Order would allow Dr. Froehlich to retain his license while recognizing the serious nature of his misconduct. It would impose a suspension of at least one year. Dr. Froehlich would be given a period of 30 days to wind down his practice prior to the suspension. Conditions for reinstatement would include a course or courses on physician/patient boundary issues. The course that Dr. Froehlich has already taken may, at the Board's discretion, be considered complete or partial fulfillment of that condition. Following reinstatement, Dr. Froehlich would be subject to probationary monitoring for three years.

PROPOSED ORDER

It is hereby ORDERED that:

- A. **SUSPENSION OF CERTIFICATE:** Commencing on the thirty-first day following the date on which this Order becomes effective, the certificate of Kurt William Froehlich, 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 one year.
- B. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Froehlich's certificate to practice medicine and surgery until all of the following conditions have been met:
 1. **Application for Reinstatement or Restoration:** Dr. Froehlich shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
 2. **Course(s) Concerning Physician/Patient Boundaries:** At the time he submits his application for reinstatement or restoration, or as otherwise approved by the Board, Dr. Froehlich shall provide acceptable documentation of successful completion of a course or courses on maintaining physician/patient boundaries. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any course(s) taken in compliance with this

provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Froehlich submits the documentation of successful completion of the course(s) on maintaining physician/patient boundaries, he shall also submit to the Board a written report describing the course(s), setting forth what he learned from the course(s), and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

3. **Additional Evidence of Fitness To Resume Practice:** In the event that Dr. Froehlich has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of his fitness to resume practice.
- C. **PROBATION:** Upon reinstatement or restoration, Dr. Froehlich's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least three years:
1. **Obey the Law:** Dr. Froehlich shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.
 2. **Declarations of Compliance:** Dr. Froehlich shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which Dr. Froehlich's certificate is restored or reinstated. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
 3. **Personal Appearances:** Dr. Froehlich shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which Dr. Froehlich's certificate is restored or reinstated, or as otherwise directed by the Board. Subsequent personal appearances shall occur every **six** months thereafter, and/or as otherwise directed 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.
 4. **Third-Party Presence During Exam/Treatment:** Dr. Froehlich shall have a third party present while examining or treating female patients.
 5. **Documentation of CME:** Upon submission of any application for renewal of registration during the period of probation, Dr. Froehlich shall submit acceptable documentation of the requisite hours of Category I Continuing Medical Education

obtained. For each registration period, at least **five** hours of such Category I Continuing Medical Education for each Continuing Medical Education period shall be approved in advance by the Board or its designee and shall relate to the violations found in this matter.

6. **Required Reporting of Change of Address:** Dr. Froehlich shall notify the Board in writing of any change of residence address and/or principal practice address within 30 days of the change.
7. **Tolling of Probationary Period While Out of Compliance:** In the event Dr. Froehlich is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.

D. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Froehlich's certificate will be fully restored.

E. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER:**

1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Froehlich shall provide a copy of this Order to all employers or entities with which he is under contract to provide healthcare services (including but not limited to third-party payors), or is receiving training, and the Chief of Staff at each hospital or healthcare center where he has privileges or appointments. Further, Dr. Froehlich shall promptly provide a copy of this Order to all employers or entities with which he contracts in the future to provide healthcare services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or healthcare center where he applies for or obtains privileges or appointments.

In the event that Dr. Froehlich provides any healthcare services or healthcare direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, within 30 days of the effective date of this Order, he shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

These requirements shall continue until Dr. Froehlich receives from the Board written notification of the successful completion of his probation.

2. **Required Reporting to Other Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Froehlich shall provide a copy of this Order to the proper licensing authority of any state or jurisdiction in which he currently holds any

professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Administration, through which he currently holds any professional license or certificate. Also, Dr. Froehlich shall provide a copy of this Order at the time of application to the proper licensing authority of any state or jurisdiction in which he applies for any professional license or reinstatement/restoration of any professional license. This requirement shall continue until Dr. Froehlich receives from the Board written notification of the successful completion of his probation.

3. **Required Documentation of the Reporting Required by Paragraph E:**

Dr. Froehlich shall provide this Board with **one** of the following documents as proof of each required notification within 30 days of the date of each such notification: (a) the return receipt of certified mail within 30 days of receiving that return receipt, (b) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (c) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (d) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

F. **VIOLATION OF THE TERMS OF THIS ORDER:** If Dr. Froehlich violates the terms of this Order in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.



R. Gregory Porter
Hearing Examiner

State Medical Board of Ohio

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EXCERPT FROM THE DRAFT MINUTES OF JANUARY 14, 2015

REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDERS

Mr. Kenney announced that the Board would now consider the Reports and Recommendations appearing on its agenda.

Mr. Kenney asked whether each member of the Board had received, read and considered the hearing records, the Findings of Fact, Conclusions of Law, Proposed Orders, and any objections filed in the matters of: Kevin Scott Balter, M.D.; Allan Belcher, D.O.; Bryan David Borland, D.O.; Matthew Aaron Colflesh, M.D.; Lyndsay Elizabeth Bruner Cook; Kurt William Froehlich, M.D.; Matthew Reid Harris, D.O.; Timothy Michael Hickey, M.D.; Lillian F. Lewis, M.D.; and Joshua Long.

A roll call was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Mr. Giacalone	- aye

Mr. Kenney asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Dr. Rothermel	- aye
	Dr. Saferin	- aye
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Mr. Giacalone	- aye

Mr. Kenney noted that, in accordance with the provision in section 4731.22(F)(2), Ohio Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further

participation in the adjudication of any disciplinary matters. In the matters before the Board today, Dr. Rothermel served as Secretary and Dr. Saferin served as Supervising Member.

Mr. Kenney reminded all parties that no oral motions may be made during these proceedings.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

.....
KURT WILLIAM FROEHLICH, M.D.
.....

Dr. Steinbergh moved to approve and confirm Mr. Porter's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Kurt William Froehlich, M.D. Dr. Ramprasad seconded the motion.

Mr. Kenney stated that he would now entertain discussion in the above matter.

Dr. Ramprasad stated that questions arose regarding Dr. Froehlich when Patient 1, who also worked with Dr. Froehlich about three times per month, purportedly asked Dr. Froehlich to show her the G-spot during a procedure. Dr. Froehlich demonstrated the G-spot to her, though Dr. Ramprasad noted that the G-spot is not scientifically well-accepted. One week later, Dr. Froehlich had a sexual encounter with Patient 1 at the hospital where she worked. Dr. Ramprasad noted that Dr. Froehlich had several excuses for this behavior, including stress from having had surgery for prostate surgery, the death of his mother-in-law, and having been on the hCG diet which supposedly increases testosterone levels.

Dr. Ramprasad continued that Patient 2, who also worked in the hospital, asked Dr. Froehlich questions about fertility, sex drive, sexuality, and the fact that she was not sexually active with her husband. Dr. Froehlich ultimately stimulated Patient 2 outside of her clothes. Dr. Froehlich ended his physician/patient relationship with Patient 1 and Patient 2 in July 2013.

Dr. Ramprasad stated that on October 11, 2012, a complaint was filed in Hamilton County Municipal Court charging Dr. Froehlich with assault, a misdemeanor of the first degree. Dr. Froehlich pleaded no contest and was found guilty. Dr. Froehlich was fined \$250.00 and ordered to non-reporting community control for six months, which included the requirement that he have no contact with the victim. In addition to the assault, the victim also alleged that Dr. Froehlich walked into the room where she had been using a breast pump; the victim opined that this could not have been an accident, though Dr. Froehlich claims that it was. Also, the victim related an occasion when Dr. Froehlich received a testosterone injection and dropped his pants, though Dr. Froehlich denies this.

Dr. Ramprasad stated that physicians have an innate responsibility to the patient and must follow an

unwritten rule to do everything possible for their patients' benefit. Dr. Ramprasad stated that physicians must not take advantage of patients, whether the patients are able to consent or not. Dr. Ramprasad further stated that a physician's staff can get very close to them because they work closely together on a daily basis, but it is the physician's responsibility to have proper boundaries between himself and the staff. Dr. Ramprasad stated that physicians should show common courtesy to their staff, but must not cross the line into a personal relationship.

Dr. Ramprasad stated that he agrees with the Findings of Fact and Conclusions of Law in the Report and Recommendation. Dr. Ramprasad stated that he will go along with the Proposed Order, which will suspend Dr. Froehlich's license for a minimum of one year and impose conditions for reinstatement, including a physician/patient boundaries course. However, Dr. Ramprasad expressed concern, based on what Dr. Froehlich said today, about whether he understands the nature of his actions.

Dr. Steinbergh commented that Mr. Porter did a fine job on the Report and Recommendation and Ms. Snyder made a very appropriate plea before the Board today. Dr. Steinbergh stated that Dr. Froehlich's behavior is absolutely intolerable. Dr. Steinbergh stated that she is weary of hearing excuses regarding the stresses in physicians' lives, noting that each of the Board members experience the same stresses without changing their commitments to patient care or compromising who they are as human beings. Dr. Steinbergh continued that for a gynecologist to behave in this manner is base, crude, and unacceptable. Dr. Steinbergh also admonished Dr. Froehlich for having an inappropriate environment in his office and stated that physicians must set the tone in their workplace. Dr. Steinbergh commented that the Proposed Order is consistent with previous Board orders regarding these behaviors, but the behaviors were so bad in this case that she could consider permanent revocation. Dr. Steinbergh expressed interest on hearing comments from other Board members regarding permanent revocation of Dr. Froehlich's medical license.

Mr. Kenney opined that if the Board adopts the Proposed Order of a minimum one-year suspension of Dr. Froehlich's license, then Dr. Froehlich would be very fortunate. Mr. Kenney stated that he would not oppose revocation of Dr. Froehlich's license and invited further comment from the Board members.

Dr. Sethi stated that this case is the most crude that he has seen in 40 years. Dr. Sethi opined that it is terrible that Dr. Froehlich felt so powerful that he performed stimulation in a hospital call room. Dr. Sethi also criticized Dr. Froehlich for inappropriately giving back massages to members of his office staff. Dr. Sethi opined that this case should serve as an example of the need for boundaries and the fact that patients cannot take advantage of their patients. Dr. Sethi stated that he would favor permanent revocation.

Dr. Sethi moved to amend the Proposed Order in order to permanently revoke Dr. Froehlich's license to practice medicine and surgery in Ohio. Dr. Steinbergh seconded the motion.

Mr. Kenney stated that he will now entertain discussion of the proposed amendment.

Mr. Giacalone stated that many aspects of this case puzzled him and he struggled to understand the rationale for the actions that took place. Mr. Giacalone opined that Dr. Froehlich's work environment was

bizarre and his approach to patients, women, and his environment was troublesome. Mr. Giacalone stated that during his testimony, Dr. Froehlich did not take ownership for his actions; rather, Dr. Froehlich made excuses and tried to rationalize his behavior. Mr. Giacalone stated that he did not see any information that made him comfortable based on a very long and torturous history.

Dr. Ramprasad reiterated Dr. Steinbergh's prior statement regarding physicians using stress as an excuse. Dr. Ramprasad stated that he does not know anyone who does not have problems and stress. Dr. Ramprasad stated that everyone must have a mechanism to deal with stress. Dr. Ramprasad stated that physicians must have certain ethics about them. Dr. Ramprasad found no excuse for Dr. Froehlich's behavior.

A vote was taken on Dr. Sethi's motion to amend:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Mr. Giacalone	- aye

The motion to amend carried.

Dr. Steinbergh moved to approve and confirm Mr. Porter's Findings of Fact, Conclusions of Law, and Proposed Order, as amended, in the matter of Kurt William Froehlich, M.D. Dr. Sethi seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Mr. Giacalone	- aye

The motion to approve carried.

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Ms. Anderson informed the Board that a motion for reconsideration of the matter of Kurt William Froehlich, M.D., has been filed by Dr. Froehlich's attorney. The motion alleges that there was no proper motion to amend the Proposed Order. The motion further alleges that the Board did not properly consider the written objections filed in that matter. In addition, a question has been raised about whether the 30-day wind-down period included in the Proposed Order was left in place in the Amended Order.

Ms. Anderson reminded the Board that a motion for reconsideration can be passed by the Board so that procedural matters may be addressed, such as the possibility of not having made a proper motion and clarification of the 30-day wind-down issue.

Dr. Steinbergh moved to reconsider the matter of Kurt William Froehlich, M.D. Mr. Giacalone seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Mr. Giacalone	- aye

The motion to reconsider carried.

Mr. McGovern rose and began addressing the Board. Not having been recognized, Mr. Kenney ruled that Mr. McGovern was out of order. Mr. McGovern continued to attempt addressing the Board. At Mr. Kenney's direction, the Ohio State Highway Patrolman present escorted Mr. McGovern from the meeting.

Dr. Steinbergh moved to amend the Proposed Order in the matter of Kurt William Froehlich, M.D., to permanently revoke Dr. Froehlich's license to practice medicine and surgery in Ohio, effective immediately upon mailing of the notification of approval by the Board. Dr. Sethi seconded the motion.

Mr. Kenney stated that he will now entertain discussion in the above matter.

Ms. Anderson reiterated that the Findings of Fact and Conclusions of Law in the matter of Dr. Froehlich have already been accepted by the Board.

Mr. Giacalone asked if the Board should consider including a 30-day wind-down period following the effective date of the Order. Dr. Steinbergh disagreed with having a wind-down period due to the

seriousness of this matter. However, Dr. Steinbergh stated that she could accept such language if the Board finds it acceptable. Dr. Steinbergh suggested tabling this matter so that the proposed Order can be reviewed by the Board members. Dr. Ramprasad agreed that the proposed Order should be drafted for the Board's review, though he opined that Dr. Froehlich's attorney has raised many questions that do not seem to make any difference to Dr. Ramprasad. Dr. Ramprasad recommended that a 30-day wind-down period be included, stating that Dr. Froehlich does not seem to be a danger to current patients and he has been practicing continuously since the events of 2012.

Regarding the allegation that Dr. Froehlich's written objections were not properly considered by the Board, Dr. Steinbergh stated that all Board members attested to having read and considered all objections. Ms. Anderson agreed, but stated that the question regarding consideration of objections is not a procedural matter and is not proper to be addressed in a reconsideration.

Dr. Steinbergh moved to table this discussion. Dr. Sethi seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Mr. Giacalone	- aye

The motion to table carried.

.....

Dr. Steinbergh moved to remove the matter of Kurt William Froehlich, M.D., from the table. Dr. Ramprasad seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Mr. Giacalone	- aye

The motion carried.

Dr. Steinbergh stated that her motion to amend has been drafted and distributed to the Board members. The amended Order will permanently revoke Dr. Froehlich's license to practice medicine and surgery in Ohio on the 31st day following the effective date of the Order. During the 30-day interim, Dr. Froehlich shall not undertake the care of any patient not already under his care. The Order will become effective immediately upon mailing of the notification of approval by the Board.

Mr. Taylor noted that this amended Order differs from Dr. Steinbergh's initial motion, which is currently before the Board for consideration, in that it includes a 30-day wind-down period. Mr. Taylor asked if any Board member objected to the change in Dr. Steinbergh's motion.

No Board member objected to the change in Dr. Steinbergh's motion. The change to the motion was accepted.

Ms. Debolt noted that, with the exception of the wind-down period, the proposed amended Order is consistent with the intent that had been previously expressed by the Board.

A vote was taken on Dr. Steinbergh's motion:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye
	Dr. Soin	- aye
	Mr. Giacalone	- aye

The motion carried.

Dr. Steinbergh moved to approve the Order, as amended, in the matter of Kurt William Froehlich, M.D. Dr. Sethi seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Ramprasad	- aye
	Dr. Steinbergh	- aye
	Mr. Gonidakis	- aye
	Mr. Kenney	- aye
	Dr. Sethi	- aye

Dr. Soin - aye
Mr. Giacalone - aye

The motion carried.

State Medical Board of Ohio

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

(614) 466-3934

med.ohio.gov

December 11, 2013

Case number: 13-CRF-116

Kurt William Froehlich, M.D.
140 West Kemper Road
Cincinnati, Ohio 45246

Dear Doctor Froehlich:

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 February 28, 2013, in the Hamilton County, Ohio, Municipal Court, you pled no contest to, and were found guilty of, Assault, in violation of Section 2903.13, Ohio Revised Code, a first degree misdemeanor. You were fined \$250.00 and ordered to a term of community control which included that you were to have no contact with the prosecuting witness. A copy of the Journal Entry from the Hamilton County Municipal Court is attached hereto and incorporated herein.

The facts underlying your conviction involved your assault of a female medical assistant associated with your medical practice.

- (2) During or about 2009 – 2012, in the course of your medical practice, you undertook the care of Patients 1 and 2 identified in the attached Patient Key. The Patient Key is confidential and shall be withheld from public disclosure.
 - (a) You admitted that during or about 2009 in the course of your treatment of Patient 1, while at your medical office you showed her the location of her G-spot at her request. You further admitted that later, at a hospital, she again asked you to show her the location of her G-spot and you did so in a call-room. You caused her to orgasm. You further admitted that you had a brief affair with Patient 1.

Mailed 12-12-13

- (b) You admitted that during or about 2011 in the course of treatment of Patient 2, you showed her the location of her G-spot. You saw her again at a hospital where you stimulated her to orgasm. You said you did not have sex with her and had a very brief relationship.

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute a “plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice,” as that clause is used in Section 4731.22(B)(11), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (2)(a) above, individually and/or collectively, constitute “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, as in effect prior to November 30, 2010, to wit, Ohio Administrative Code Rule 4731-26-02(A), Prohibitions. Pursuant to Rule 4731-26-03, Ohio Administrative Code, as in effect prior to November 30, 2010, a violation of Rule 4731-26-02, Ohio Administrative Code, also constitutes violation of Section 4731.22(B)(6), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (2)(b) above, individually and/or collectively, constitute “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, as currently in effect, to wit, Ohio Administrative Code Rule 4731-26-02(A), Prohibitions. Pursuant to Rule 4731-26-03, Ohio Administrative Code, as currently in effect, a violation of Rule 4731-26-02, Ohio Administrative Code, also constitutes violation of Section 4731.22(B)(6), 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 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

Kurt William Froehlich, M.D.

Page 3

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,



J. Craig Strafford, M.D., M.P.H.
Secretary

JCS/KHM/pev
Enclosures

CERTIFIED MAIL #91 7199 9991 7032 2940 0049
RETURN RECEIPT REQUESTED

James M. McGovern, Esq.
Graff & McGovern, LPA
Attorneys and Counselors at Law
604 East Rich Street
Columbus, Ohio 43215

CERTIFIED MAIL #91 7199 9991 7032 2940 0056
RETURN RECEIPT REQUESTED

HAMILTON COUNTY MUNICIPAL COURT
JOURNAL ENTRY - COMMITMENT/SENTENCE

PRE-ROLL: **MALLORY/DWANE**

CASE: **C/12/CRB/31951**

(check if applicable)

DEFENDANT: **FROEHLICH/KURT**

MAGISTRATE'S DECISION

CTLNO: **1566412**

TICKET:

SEC. VIOL: **2903-13 ORCN**

CHARGE: **ASSAULT**

ARREST DATE: **10/11/2012**

JMS_NUMBER:

SEX: **M** D.O.B. **09/30/1966**

DEF. COUNSEL: **CALAWAY/WENDY/R**

PROS. WIT: **LAEACE/PO**

PLEA: No Contest FINDING: any O.V.I CONVICTIONS W/IN PREV. 6YRS: _____

TO THE SHERIFF OF HAMILTON COUNTY, GREETINGS:

Whereas, the above defendant was arrested and charged with the above section number. Whereas, the above defendant, having been tried and convicted of said charge is sentenced, as indicated below. Therefore, we command you to receive the defendant into your custody, there to remain until he/she has fully executed the terms of the sentence, or until otherwise discharged by due course of law.

DAYS: _____ SUSP: _____ CREDIT TIME: _____ STAY: _____

FINE: 250 REMIT: _____ SUSP: _____ STAY: _____

*COSTS: ✓ REMIT: _____ SUSP: _____ STAY: _____

LOCAL COSTS ONLY _____ REMIT _____ STAY: _____

COMMUNITY SERVICE IN LIEU OF FINES

LANGUAGE INTERPRETER FEE: _____

COMMUNITY CONTROL: 0 DAYS/MOS/YRS. PAY THRU: ✓

- FINES AND DAYS CONCURRENT
- COMMIT
- CONSECUTIVE
- NO EARLY RELEASE
- EXTENDED TREATMENT
- ANY TREATMENT IF ELIGIBLE
- REWARDS JAIL INTERVENTION FOR WOMEN
- OTHER _____
- TURNING POINT
- NOT ELIGIBLE FOR 2 FOR 1
- NOT ELIGIBLE FOR 3 FOR 1
- EMD IF ELIGIBLE
- NOT ELIGIBLE FOR MITIGATION TO MHC

DRIVING CONDITIONS: _____ DRIVING SUSPENSION: _____ DAYS/MOS/YRS EFFECTIVE DATE: _____

FRA COMPLIANCE: _____ FRA/NON COMPLIANCE: _____

VEH. IMMOBILIZATION _____ DAYS FORFEITURE: YES NO & PLATES IMPOUNDED

CREDIT _____ DAYS HELD

DEFENDANT IS GRANTED LIMITED DRIVING PRIVILEGES AS FOLLOWS AFTER MANDATORY SUSPENSION EFFECTIVE: _____

CURRENT F.R.A. COMPLIANCE SHOWN:

- OCCUPATIONAL
- VOCATIONAL
- EDUCATIONAL
- COURT TREATMENT
- MEDICAL
- RESTRICTED LICENSE PLATES
- IGNITION INTERLOCK
- D.L. EXAMINATION

Non-reporting

COMMUNITY CONTROL SANCTIONS:

No contact with prosecuting witnesses

DATE: 02/28/13

JUDGE/MAGISTRATE: [Signature]

WARNING: A PARTY SHALL NOT ASSIGN AS ERROR ON APPEAL THE COURT'S ADOPTION OF A MAGISTRATE'S FACTUAL FINDING OR LEGAL CONCLUSION UNLESS THE PARTY HAS TIMELY AND SPECIFICALLY OBJECTED THERETO AS REQUIRED BY CRIMINAL RULE 19.

*Any Notation in the Costs Field Indicates that costs are to be assessed in this case.

A TRUE COPY
SENSITIVE INFORMATION REDACTED
ATTEST
[Signature]
HAMILTON COUNTY CLERK OF COURTS
DEPUTY CLERK

**IN THE MATTER OF
KURT WILLIAM
FROEHLICH, M.D.**

13-CRF-116

**DECEMBER 11, 2013, NOTICE OF
OPPORTUNITY FOR HEARING -
PATIENT KEY**

**SEALED TO
PROTECT PATIENT
CONFIDENTIALITY AND
MAINTAINED IN CASE
RECORD FILE.**