

State Medical Board of Ohio

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Executive Director

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October 14, 2009

Rick D. St. Onge, M.D.
6230 Downing Lane
Columbus, OH 43230

RE: Case Nos. 08-CRF-125
09-CRF-046

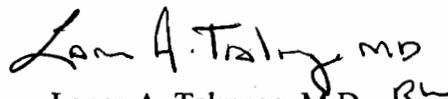
Dear Doctor St. Onge:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of R. Gregory Porter, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on October 14, 2009, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of an original Notice of Appeal with the State Medical Board of Ohio and a copy of the Notice of Appeal with the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO


Lance A. Talmage, M.D. *RU*
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3934 3487 6796
RETURN RECEIPT REQUESTED

Cc: Eric J. Plinke, Esq.
CERTIFIED MAIL NO. 91 7108 2133 3934 3487 6802
RETURN RECEIPT REQUESTED

Mailed 11-12-09

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of R. Gregory Porter, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on October 14, 2009, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Rick D. St. Onge, M.D., Case Nos. 08-CRF-125 and 09-CRF-046, 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.



Lance A. Talmage, M.D. RW
Secretary

(SEAL)

October 14, 2009

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

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CASE NOS. 08-CRF-125
09-CRF-046

RICK D. ST. ONGE, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on October 14, 2009.

Upon the Report and Recommendation of R. Gregory Porter, State Medical Board Attorney 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:

- A. **PERMANENT REVOCATION, STAYED; SUSPENSION:** The certificate of Rick D. St. Onge, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED. Such revocation is STAYED, and Dr. St. Onge's certificate shall be SUSPENDED for an indefinite period of time, but not less than two years.
- B. **INTERIM MONITORING:** During the period that Dr. St. Onge's certificate to practice medicine and surgery in Ohio is suspended, Dr. St. Onge shall comply with the following terms, conditions, and limitations:
 1. **Obey the Law:** Dr. St. Onge shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.
 2. **Quarterly Appearances:** Dr. St. Onge shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Order, or as otherwise requested by the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

3. **Quarterly Declarations**: Dr. St. Onge 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 this Order becomes effective, or as otherwise requested by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

4. **Psychiatric Assessment/Mental Health Treatment**: Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. St. Onge shall submit to the Board for its prior approval the name and curriculum vitae of a psychiatrist of Dr. St. Onge's choice. The Board may consider AJ Reid Finlayson, M.D., as an approved provider.

Upon approval by the Board, Dr. St. Onge shall obtain from the approved psychiatrist an assessment of Dr. St. Onge's current psychiatric status. Prior to the initial assessment, Dr. St. Onge shall furnish the approved psychiatrist copies of the Board's Order, including the Summary of the Evidence, Findings of Fact, and Conclusions, and any other documentation from the hearing record that the Board may deem appropriate or helpful to that psychiatrist.

Upon completion of the initial assessment, Dr. St. Onge shall cause a written report to be submitted to the Board from the approved psychiatrist. The written report shall include:

- a. A detailed report of the evaluation of Dr. St. Onge's current psychiatric status and condition;
- b. A detailed plan of recommended mental health treatment, if any, based upon the psychiatrist's informed assessment of Dr. St. Onge's current needs;
- c. A statement regarding any recommended limitations upon his practice, and
- d. Any reports upon which the treatment recommendation is based, including reports of physical examination and psychological or other testing.

Should the Board-approved psychiatrist recommend mental health treatment, and upon approval by the Board, Dr. St. Onge shall undergo and continue mental health treatment. The Board-approved psychiatrist may recommend that a portion of such treatment be provided by another mental health professional (psychologist, social worker, or licensed counselor). Should Dr. St. Onge's Board-approved psychiatrist make such recommendation, Dr. St. Onge shall

submit to the Board for its prior approval the name and curriculum vitae of a mental health professional of Dr. St. Onge's choice who has experience in the treatment of sexual addictions. The Board may consider Nick Marzella, Ph.D., as an approved mental health professional.

Dr. St. Onge shall undergo a minimum of one hour of psychiatric or other mental health treatment sessions per week, or as otherwise directed by the Board. Further, Dr. St. Onge shall have sessions with the Board-approved psychiatrist at least every two months, or as otherwise directed by the Board.

The sessions shall be in person and may not be conducted by telephone or other electronic means. Dr. St. Onge shall comply with his treatment plan, including taking medications as prescribed for his psychiatric disorder, and submitting to urine and/or blood testing for therapeutic levels as directed by the prescribing physician.

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

In addition, Dr. St. Onge shall ensure that his treating psychiatrist and/or other treating mental health professional immediately notifies the Board of Dr. St. Onge's failure to comply with his treatment plan and/or any determination that Dr. St. Onge is unable to practice due to his psychiatric disorder.

In the event that the designated psychiatrist and/or other mental health professional becomes unable or unwilling to serve in this capacity, Dr. St. Onge must immediately so notify the Board in writing and make arrangements acceptable to the Board for another psychiatrist as soon as practicable. Dr. St. Onge shall further ensure that the previously designated psychiatrist and/or other mental health professional also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

5. Polygraph Testing as Part of Treatment Plan: Should the treatment plan recommended by the Board-approved psychiatrist and approved by the Board include a requirement that Dr. St. Onge undergo polygraph examination(s), Dr. St. Onge shall undergo such polygraph examination(s) as directed by the Board-approved psychiatrist.

6. **Rehabilitation Program**: Dr. St. Onge shall maintain participation in a rehabilitation program for persons with sexual addictions, such as (but not limited to) Sexaholics Anonymous, Sex Addicts Anonymous, and/or Sex and Love Addicts Anonymous, no less than three times per week, unless otherwise determined by the Board. Substitution of any other specific program must receive prior Board approval. Dr. St. Onge shall submit acceptable documentary evidence of continuing compliance with this program, which must be received in the Board's offices no later than the due date for Dr. St. Onge's quarterly declarations.

C. **CONDITIONS FOR REINSTATEMENT OR RESTORATION**: The Board shall not consider reinstatement or restoration of Dr. St. Onge's certificate to practice medicine and surgery until all of the following conditions have been met:

1. **Application for Reinstatement or Restoration**: Dr. St. Onge shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
2. **Compliance with Interim Conditions**: Dr. St. Onge shall have maintained compliance with all the terms and conditions set forth in Paragraph B of this Order.
3. **Psychiatric Reports Evidencing Fitness to Practice; Recommended Limitations**: At the time Dr. St. Onge submits his application for reinstatement or restoration, Dr. St. Onge shall provide the Board with written reports of evaluation by two psychiatrists acceptable to the Board indicating that Dr. St. Onge's ability to practice has been assessed and that he has been found capable of practicing in accordance with acceptable and prevailing standards of care. Such evaluations shall have been performed within sixty days prior to Dr. St. Onge's application for reinstatement or restoration. The reports of evaluation shall describe with particularity the bases for the determination that Dr. St. Onge has been found capable of practicing according to acceptable and prevailing standards of care and shall include any recommended limitations upon his practice.
4. **Course Concerning Physician/Patient Boundaries**: At the time he submits his application for reinstatement or restoration, Dr. St. Onge shall provide acceptable documentation of successful completion of a course or courses on maintaining professional 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 courses 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. St. Onge submits the documentation of successful completion of the course or courses on maintaining professional physician/patient boundaries, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

5. **Personal/Professional Ethics Course:** At the time he submits his application for reinstatement or restoration, Dr. St. Onge shall provide acceptable documentation of successful completion of a course or courses dealing with personal and professional ethics. 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 courses 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. Badri submits the documentation of successful completion of the course or courses dealing with personal and professional ethics, he shall also submit to the Board a written report describing the course, setting forth what he has learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

6. **Additional Evidence of Fitness To Resume Practice:** In the event that Dr. St. Onge 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 of the Revised Code to require additional evidence of his fitness to resume practice.

D. **PROBATION:** Upon reinstatement or restoration, Dr. St. Onge's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:

1. **Terms, Conditions, and Limitations Continued from Suspension Period:** Dr. St. Onge shall continue to be subject to the terms, conditions, and limitations specified in Paragraph B of this Order.

2. **Practice Plan:** Within thirty days of the date of Dr. St. Onge's reinstatement or restoration, or as otherwise determined by the Board, Dr. St. Onge shall submit to the Board and receive its approval for a plan of practice in Ohio. The practice plan, unless otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. St. Onge's activities will be directly supervised and overseen by a monitoring physician approved by the Board. Dr. St. Onge shall obtain the Board's prior approval for any alteration to the practice plan approved pursuant to this Order.

At the time Dr. St. Onge submits his practice plan, he shall also submit the name and curriculum vitae of a monitoring physician for prior written approval by the

Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary or Supervising Member will give preference to a physician who practices in the same locale as Dr. St. Onge and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. St. Onge and his medical practice, and shall review Dr. St. Onge's patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. St. Onge and his medical practice, and on the review of Dr. St. Onge's patient charts. Dr. St. Onge shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. St. Onge's quarterly declaration.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. St. Onge must immediately so notify the Board in writing. In addition, Dr. St. Onge shall make arrangements acceptable to the Board for another monitoring physician within thirty days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. St. Onge shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

3. **Third-Party Presence During Exam/Treatment:** Dr. St. Onge shall have a third party present while examining or treating female patients.

4. **Noncompliance Will Not Reduce Probationary Period:** In the event Dr. St. Onge 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.

- E. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. St. Onge's certificate will be fully restored.
- F. **RELEASES:** Dr. St. Onge shall provide continuing authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. St. Onge's psychiatric condition and/or related conditions, or for purposes of complying with this Order, whether such treatment or evaluations occurred before or after the effective date of this Order. The above-mentioned evaluative reports, summaries, and records are considered medical records for

purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute.

Dr. St. Onge shall also provide the Board written consent permitting any psychiatrist, counselor, or other treatment provider from whom Dr. St. Onge obtains treatment to notify the Board in the event he fails to agree to or comply with any recommended treatment. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Order.

G. 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. St. Onge shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services (including but not limited to third-party payors), or is receiving training; and the Chief of Staff at each hospital or health-care center where he has privileges or appointments. Further, Dr. St. Onge shall promptly provide a copy of this Order to all employers or entities with which he contracts to provide health care services (including but not limited to third-party payors), or entities to which Dr. St. Onge applies for or receives training, and the Chief of Staff at each hospital or health-care center where he applies for or obtains privileges or appointments. This requirement shall continue until Dr. St. Onge receives from the Board written notification of the successful completion of the probation.

In the event that Dr. St. Onge provides any health-care services or health-care 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. This requirement shall continue until Dr. St. Onge receives from the Board written notification of the successful completion of the probation.

2. **Required Reporting to Other State Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. St. Onge 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 Agency, through which he currently holds any license or certificate. Also, Dr. St. Onge shall provide a copy of this Order at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement/restoration of any professional license. This requirement shall continue until Dr. St. Onge receives from the Board written notification of the successful completion of the probation.

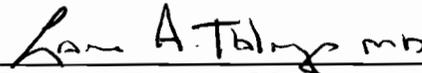
3. **Required Documentation of the Reporting Required by Paragraph G:** Dr. St. Onge shall provide this Board with **one** of the following documents as proof of each required notification within 30 days of the date of each such

notification: (1) the return receipt of certified mail within 30 days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) 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 (4) 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.

H. **VIOLATION OF THE TERMS OF THIS ORDER:** If Dr. St. Onge 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.

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

(SEAL)



Lance A. Talmage, M.D. *rw*
Secretary

October 14, 2009

Date

2009 SEP 17 PM 3: 04

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Consolidated Matters of	*	Case Nos.: 08-CRF-125
Rick D. St. Onge, M.D.,	*	09-CRF-046
Respondent.	*	Hearing Examiner Porter

REPORT AND RECOMMENDATION

Basis for Hearing: Case No. 08-CRF-125

By letter dated October 8, 2008, the State Medical Board of Ohio [Board] notified Rick D. St. Onge, M.D., in Case No. 08-CRF-125, 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 Dr. St. Onge had exposed his genitalia to Patient 1, as identified on a confidential Patient Key. The Board further alleged that Dr. St. Onge's conduct constitutes:

violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Rule 4731-26-02, Ohio Administrative Code. Pursuant to Rule 4731-26-03(A)(1), Ohio Administrative Code, a violation of Rule 4731-26-02, Ohio Administrative Code, also violates Section 4731.22(B)(6), Ohio Revised Code.

(State's Exhibit [St. Ex.] 1) Accordingly, the Board advised Dr. St. Onge of his right to request a hearing in this matter, and received his written request on October 27, 2008. (St. Ex. 1)

Basis for Hearing: Case No. 09-CRF-046

Subsequently, in a Notice of Summary Suspension and Opportunity for Hearing dated April 8, 2009, the State Medical Board of Ohio [Board] notified Dr. St. Onge in Case No. 09-CRF-046 that, pursuant to Section 4731.22(G), Ohio Revised Code, the Board had adopted an Entry of Order summarily suspending his certificate to practice allopathic medicine and surgery in Ohio. The Board further advised that continued practice would be considered practicing without a certificate, in violation of Section 4731.41, Ohio Revised Code.

The Board further notified Dr. St. Onge that it intended to determine whether or not to take disciplinary action against his certificate based on allegations that he is unable to practice according to acceptable and prevailing standards of care by reason of mental illness, in violation of Section 4731.22(B)(19), Ohio Revised Code, and also based on allegations that he had surrendered his certificate to practice in West Virginia, in violation of Section 4731.22(B)(22), Ohio Revised Code. The Board advised Dr. St. Onge of his right to request a hearing in this second matter, and received his written request on May 5, 2009. (St. Ex. 3)

Consolidation of Cases

By Entry filed May 14, 2009, Case Nos. 08-CRF-125 and 09-CRF-046 were consolidated for hearing.

Appearances

Richard Cordray, Attorney General, and Karen A. Unver, Assistant Attorney General, for the State of Ohio

Eric J. Plinke, Esq., for Dr. St. Onge

Hearing Date: July 30, 2009

PROCEDURAL MATTERS

1. Following the hearing, the hearing record was held open for the determination of an evidentiary issue. This issue was determined by entry filed August 18, 2009, at which time the hearing record closed.
2. State's Exhibit 12 was paginated by the Hearing Examiner post-hearing.

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. Rick D. St. Onge, M.D., obtained his medical degree from the University of Saskatchewan in 1989. Following medical school, he completed a rotating internship in Akron, Ohio and then returned to his native Canada where he completed four years of obstetrics and gynecology [ob/gyn] residency in 1994 in Calgary, Alberta. Following that, in 1994, Dr. St. Onge and his family moved to Gallipolis, Ohio, and he practiced ob/gyn at the

Holzer Clinic in Gallipolis until August 18, 2008, when Dr. St. Onge removed himself from clinical practice. Dr. St. Onge has not practiced since that date. (Tr. at 17-20)

Stipulations

2. Dr. St. Onge's attorney, Eric J. Plinke, Esq., entered the following stipulations into the record on behalf of Dr. St. Onge:

In response to the allegations in State's Exhibit 1, which is the notice of opportunity [for hearing] letter of October 8, 2008, Dr. St. Onge stipulates factually to the allegations being true and correct in paragraph 1, which is the sole paragraph in that letter, and then additionally stipulates that the legal allegation made in that letter of a violation of board rule which is, in turn, a violation or deviation from the minimal standards of care is a true and accurate allegation. So he would admit to that violation.

In regard to the notice of opportunity for hearing and summary suspension, Dr. St. Onge acknowledges that he was ordered to an examination as alleged, that he attended the examination, and that the examination was performed by Dr. Noffsinger, and that this citation letter accurately describes Dr. Noffsinger's conclusions from that evaluation. Dr. St. Onge stipulates legally that he is impaired due to mental illness.

* * *

As you'll see from the record, there'll be additional evidence that there are similar but slightly different opinions from other providers, and so in making the stipulation I want to be clear that we're not stipulating necessarily that Dr. Noffsinger's diagnosis is the correct diagnosis but that regardless of whose diagnosis is correct, Dr. St. Onge stipulates that he is impaired.

* * *

And then, lastly, we will stipulate that the West Virginia consent order—and this is a legal stipulation—that is a surrender of his West Virginia license is a violation of [4731.22](B)(22) under the Medical Practices Act. But to be clear, we are not stipulating that the factual description of that surrender is correct in paragraph 4 [of the April 8, 2009, Notice of Summary Suspension and Opportunity for Hearing].

(Tr. at 8-9)

3. The aforementioned stipulations were accepted by the State and by the Hearing Examiner. (Tr. at 9)

Dr. St. Onge's Boundary Violation with Patient 1

4. As set forth above, Dr. St. Onge stipulated to the truth and accuracy of the allegations set forth in the October 8, 2008, notice of opportunity for hearing. That notice set forth the following factual allegation:

From in or about April 2006 to in or about May 2008, in the routine course of [his] medical practice as an obstetrician and gynecologist, [Dr. St. Onge] undertook the care of Patient 1 * * *. * * * Despite [his] ongoing physician-patient relationship, in or about June 2007 [Dr. St. Onge] exposed [his] genitalia to Patient 1, and moreover, permitted Patient 1 to take a picture of [his] exposed genitalia with her camera phone. Further, [Dr. St. Onge] engaged in inappropriate sexual contact with Patient 1.

(St. Ex. 1)

Testimony of Dr. St. Onge

5. Dr. St. Onge testified that Patient 1 had been his patient at the Holzer Clinic for approximately ten years. Dr. St. Onge characterized the physician/patient relationship for the bulk of that period to have been “[n]ormal.” Dr. St. Onge testified that Patient 1 had battled cyclical depression and that, at one point, her small business had been destroyed when her community flooded. (Tr. at 23-25) When asked if he had always conducted himself in a professional manner with Patient 1 prior to the incident, Dr. St. Onge replied:

I think, honestly, in the past I would have said yes. Since I've been in recovery and thinking about it, there were probably subtle flirtations coming both ways, from her and me reciprocating, but things kind of never went beyond that.

(Tr. at 25)

6. The State presented an exhibit, State's Exhibit 5, which includes evidence concerning Dr. St. Onge's boundary violation with Patient 1.
- The first page of State's Exhibit 5 is a copy of a Post-It note upon which an email address is written. (St. Ex. 5) Dr. St. Onge testified that that had been his personal email address. (Tr. at 26-27) Dr. St. Onge further testified:

[Patient 1] was planning a beach vacation, and she made the comment that, hey, well, I'll send you some pictures from the beach. And I said, well, gee, that would be really nice, but you can't send those to my work e-mail. Here, let me give you an e-mail address that you can send them to.

(Tr. at 27)

- The third page is a printout from a World Wide Web site entitled Worldwide Nudism and Naturism, dated March 2, 2007. It includes information about and directions to a nude beach in Miami, Florida. (St. Ex. 5) Dr. St. Onge testified:

The context is that this is at a point in our relationship where I am totally violating my boundaries as a physician and we're talking trash. And on this beach vacation that she's preparing for, she is wanting to go to a nude beach, and I volunteered that, well, I know of a nude beach right where you're going, right in Miami. And so she wanted some information on it, if I could get it for her, and so I just pulled it up on my [office] computer and printed it for her.

(Tr. at 29)

- The fourth and final page of State's Exhibit 5 is a photograph of Dr. St. Onge's genitalia taken by Patient 1 using her camera phone. (St. Ex. 51; Tr. at 30-31) When asked how this came about, Dr. St. Onge testified:

The context is that we were, again, in my office, talking trash, and she had been—she had been tanning to go on this vacation and she wanted me to see her tan lines. I said, well, sure, I'll see your tan lines. And so she exposed herself to me. And through the process of her doing that, I got aroused. And then she wanted to see what all the arousal was about. It was, you, know, I showed you mine; you show me yours sort of thing.

And, you know, it was just insane and I did it. And then she said, oh, you know, can I take a picture of that? I'd like to be able to just lay in bed at night and look at that. And I let her. And that's all there is to say about it.

(Tr. at 31-32) Dr. St. Onge added that he later asked Patient 1 to get rid of the picture. (Tr. at 32)

7. State's Exhibit 5 also includes a copy of one of Dr. St. Onge's prescription blanks upon which is written the name and telephone numbers of an ob/gyn practice in Charleston, West Virginia. (St. Ex. 5) Dr. St. Onge testified:

When Patient 1 first came to me and was pregnant or had done a home pregnancy test, found out that she was pregnant, she was very distraught. She was in a relationship that was described as one in which she was unhappy and didn't want to continue. She had also disclosed for the first time to me that she had been abusing cocaine, Valium, alcohol, opiates—my memory—I might be missing something, but she was abusing many drugs that she herself thought could be harmful to a pregnancy.

She really didn't think that she wanted to continue with the pregnancy, and I explained that I personally do not provide abortion services, and I would be happy to look after her no matter what she decided. But if she wished to seek abortion services, then I recommended that she go to Charleston. It's closest to where she lived, and they do a good counseling.

So I provided her with the phone numbers and a recommendation that, you know, whatever she decided, I'll pick up the pieces for her.

(Tr. at 27-28)

8. Dr. St. Onge testified with respect to Patient 1 that, in addition to exposing himself to her, there had been additional episodes of "mutual groping." Dr. St. Onge added: "We never had sex. We never had intercourse. We never had oral sex. It was mutual fondling. Nobody ever achieved an orgasm." Dr. St. Onge further testified that these incidents took place in his office, and he never had contact with Patient 1 outside of his office. (Tr. at 51)
9. Around August 2008, a Board investigator met with Dr. St. Onge to discuss Dr. St. Onge's interaction with Patient 1. Dr. St. Onge testified that at that time he realized that he needed to discontinue his medical practice and get help. He met with the CEO and COO of the Holzer Clinic. Dr. St. Onge testified that he had had to argue a bit with management because, although they had wanted him to be evaluated, they had also wanted him to continue to work. Dr. St. Onge testified that he was ultimately placed on administrative leave. (Tr. at 19-20, 38)

Dr. St. Onge' Evaluation and Treatment

10. Dr. St. Onge testified that, following his discussion with Holzer management, he had wanted to go to The Meadows, a treatment facility in Wickenburg, Arizona, to obtain treatment. However, Holzer management wanted him to first be evaluated at the Vanderbilt Comprehensive Assessment Program [Vanderbilt] in Nashville, Tennessee. (Tr. at 38-39)
11. Dr. St. Onge testified that prior to attending the program at Vanderbilt he had discussed his issues with his family. Dr. St. Onge testified that his family supported his decision to seek treatment, and continues to be supportive. (Tr. at 40-41)

Vanderbilt Comprehensive Assessment Program

12. In a draft report dated September 16, 2008, AJ Reid Finlayson, M.D., Medical Director of the Vanderbilt program, indicates that Dr. St. Onge's evaluation commenced on September 2, 2008.¹ Dr. St. Onge's testimony indicates that the evaluation lasted for one

¹ The unsigned, draft report appears to be what Vanderbilt provided to the Board in response to Dr. St. Onge's December 8, 2008, Authorization for Release of Medical Information and/or Records. (St. Ex. 10)

week. (St. Ex. 10 at 4; Tr. at 39-40) The draft report sets forth the following Axis I diagnoses:

Sexual Disorder not otherwise specified: Professional sexual impropriety and Professional Sexual Violation
Rule Out Sexual Paraphilia: Exhibitionism
Dysthymic disorder
Rule out Bipolar type II Disorder

(St. Ex. 10 at 14)

The report further sets forth the following recommendations:

- 1) Based on our evaluation and with a reasonable degree of medical certainty, Dr. St. Onge is not fit for the practice of medicine at the present time.
- 2) He appears to be a reasonable candidate for intensive medical treatment of his psycho-sexual disorders and relationship difficulties. Acceptable treatment facilities include residential treatment at a facility such as The Meadows, Sante' Center for Healing, Pine Grove, Keystone, or Behavioral Medicine Institute in Atlanta to identify and treat the core psychosexual issues contributing to his behavior. He will also require psycho-education in sexual offending behaviors, particularly grooming behaviors and victim empathy.
- 3) Dr. St. Onge's marital relationship will require attention during and after treatment.
- 4) Recommendations about his suitability for practice following treatment and extended recovery may be determined by the treatment facility, but polygraph examination during or following treatment is recommended.
- 5) Whether return to OBGYN practice or lower risk practice is recommended, Dr. St. Onge should complete CME Courses on Maintaining Professional Boundaries and Proper Prescribing Practices before returning to practice medicine.

(St. Ex. 10 at 14-15) (Emphasis in original)

The Meadows

13. Dr. St. Onge testified that, about two weeks following his discharge from Vanderbilt, he entered The Meadows for treatment. The Discharge Summary from The Meadows indicates that Dr. St. Onge entered the program on September 15, 2008, remained in the program for 33 days, and was discharged on October 18, 2008. (St. Ex. 11; Tr. at 39)

The Discharge Summary lists the following Axis I diagnoses at admission:

Sexual disorder, not otherwise specified, 302.9
Rule out Posttraumatic stress disorder, 309.81
Rule out Depression, not otherwise specified, 311
Rule out Bipolar disorder, not otherwise specified, 296.80
Eating disorder, not otherwise specified, 307.50

(St. Ex. 10) His Axis I diagnoses at discharge were:

Sexual disorder, not otherwise specified, 302.9
Eating disorder, not otherwise specified, 307.50

(St. Ex. 10)

14. Dr. St. Onge testified that he had been somewhat frustrated with his experience at The Meadows. Dr. St. Onge testified that he had not found that facility to be very forthcoming with information such as diagnoses and progress reports. He further testified that, given the costliness and high reputation of The Meadows, he “just expected more.” However, he testified that The Meadows referred him to the Keystone Center in Chester, Pennsylvania, which was “the best thing they did for [him].” (Tr. at 41-42; St. Ex. 12)

Keystone Center

15. Dr. St. Onge entered the Keystone Center [Keystone] for aftercare on October 27 or 28, 2008, and was discharged on December 1, 2008. His Axis I discharge diagnoses were “302.9 Paraphilia, NOS” and “296.0 Bipolar Type II.” (St. Ex. 12 at 1, 5, 28) The following prognosis was reported in the Discharge Summary:

Rick’s prognosis is cautiously optimistic at this time. He evidenced progress in treatment by his willingness to change maladaptive behaviors, to take in treatment team advice, to look at his behaviors in an open, honest manner and his willingness to look at his patterns of behavior that he continues with others in order to decrease intimacy. He was able to start the process of recovery and understood that he had much work to do in the future.

(St. Ex. 12 at 5) The recommendations were:

- It is recommended that Rick find and maintain therapy with a therapist versed in sexual addiction.
- It is recommended that Rick attend SLAA, SA and SAA meetings.
- Rick is strongly encouraged to call the [Keystone Center] ECU at any time he is in need of assistance.

- It is recommended that Rick cease practicing as a physician. It was further explained to Rick that he should strictly follow the recommendations of his outpatient therapist about his career opportunities in the future.

(St. Ex. 12 at 5)

16. Dr. St. Onge testified that he felt that the psychiatric aspect of the treatment he received at Keystone was superior to what he received at The Meadows. Dr. St. Onge testified that he and the psychiatrist

spent a lot of time together, talked a lot about not only my sexual compulsivity, but we also talked about the other aspects of my life that are related. And the most significant one was compulsive spending and debting, which were absolutely out of control. I mean, we've refinanced our house twice to pay for credit card debt. And at the point that I was in treatment there, I was \$160,000 in credit card debt.

(Tr. at 42-43)

Dr. St. Onge testified that his psychiatrist at Keystone started him on lithium therapy, and that that has "really evened [his] mood out." In addition, Dr. St. Onge testified that, at Keystone, they worked with him "on the building blocks of recovery, kind of like the day-to-day stuff that you have to do in order to heal yourself." (Tr. at 44)

17. Dr. St. Onge testified that lithium has moderated his cyclic swings in mood from depression to hypomania, leveling the crests and troughs. (Tr. at 59-60) Dr. St. Onge further testified:

I think my predisposition towards being hypersexual has always been there. But when I'm normal, I'm able to keep it in check. I think with the bipolar disorder, when I'm manic, it just seems to lower the threshold to behaving improperly. And, you know, that includes eating, spending, debting, working, hypersexuality.

(Tr. at 60)

After Keystone

18. Dr. St. Onge testified that he had contracted with Keystone to attend 90 twelve-step meetings in 90 days following his discharge, which he has done. Moreover, Dr. St. Onge testified that he has continued to attend as many meetings as he can: "There are many weeks that I get eight meetings in. Some weeks, I only get five meetings in. But that's been an important part of my life." (Tr. at 44-45)

Dr. St. Onge further testified that he began seeing Dr. Finlayson, the medical director of the Vanderbilt program, for psychiatric treatment every six weeks, and also regularly sees a psychologist in Columbus, Nick Marzella, Ph.D. (Tr. at 45-46) In addition, Dr. St. Onge testified:

I have a daily ritual of trying to keep balance in my life. That includes, you know, * * * things that most people take for granted that are important for me. Eating three meals a day, getting enough sleep, reading from a meditation book once a day, talking to my wife about recovery once a day, spending time with my children and my granddaughter. And then, of course, all my appointments.

(Tr. at 46)

19. When asked how his life in recovery compares to his previous lifestyle, Dr. St. Onge testified:

Oh, I'd say it's totally opposite. At the height of my career, I was a total workaholic. I went into work at 5:00, 5:30 in the morning. I was proud of the fact that I would drink a pot of coffee before anybody got there and get all this work done, all this paperwork.

I would see 50 or 60 patients through the day, which is a ridiculous volume, really. And then I would stay for a couple of hours afterward to do work, and then usually take off to go to a board meeting—I was on several community boards—you know, and kind of roll into home at 10:00 o'clock, do some reading and some work, you know, hit the sack at 1:00 o'clock, and start the process over the next day.

* * * [W]hen I was getting all those things accomplished, it never dawned on me that it wasn't normal that I wasn't starting to feel tired. But I did know that * * * if I wasn't doing all those things, I wasn't happy.

* * *

I'm just very grateful to have my life back. It's like being on a treadmill and not knowing how to get off of it.

(Tr. at 47-48)

20. Dr. St. Onge testified that, prior to entering into a recovery program, he had had other issues concerning sexual behavior:

I think that it is certainly evident to me now that I've been in recovery that my behavior was—I won't say always but it was often sexualized. So if somebody said something, you know, I would sexualize the comment.

* * *

Could have been [a patient, co-worker,] anybody. And the comment was made to me by, you know, my colleagues at the time that, you know, you turn everything into a sexual joke. And I was offended by that, but I had absolutely no insight into it, you know?

If I was walking with my son down the street and I saw a pretty girl, I would point her out to him. Oh, yeah. That's just a disgusting thing to do.

We had a party at the house and—for all the staff, and one of our employees came wearing very, very short shorts, and I just teased her about them, thinking that was okay. And the next week at work, you know, one of my colleagues had—was very upset at how I was harassing her. I actually went to her and apologized. She didn't feel any harassment, but nonetheless it was really a boundary violation, when I think about it.

So I do believe that I was out of control in terms of my attitudes and that was spilling into my clinical life.

(Tr. at 35-36)

Board-Ordered Psychiatric Examination

21. By letter dated January 21, 2009, the Secretary of the Board advised Dr. St. Onge that the Board had reason to believe that he was unable to practice medicine according to acceptable and prevailing standards of care due to mental or physical illness, and outlined the various bases for its belief. The Secretary further ordered Dr. St. Onge to attend a psychiatric examination that had been scheduled for February 26, 2009, with Stephen G. Noffsinger, M.D. (St. Ex. 2)

Psychiatric Evaluation of Dr. St. Onge by Dr. Noffsinger

22. Stephen G. Noffsinger, M.D., is the Chief of Forensic Psychiatry at Northcoast Behavioral Healthcare on Northfield, Ohio. In addition, he is an Associate Professor of Psychiatry at Case Western Reserve Medical School, Associate Director of the Forensic Psychiatry Fellowship at University Hospitals of Cleveland, a Senior Lecturer (Adjunct Faculty) at the University of Akron School of Law, and a Forensic Psychiatrist for the Cuyahoga County Court Psychiatric Clinic. Further, Dr. Noffsinger has his own private practice at the University Hospitals of Cleveland Department of Psychiatry. (St. Ex. 6)

Dr. Noffsinger was board certified in psychiatry in 1995 by the American Board of Psychiatry and Neurology [ABPN], and was recertified in 2004. In 1996 he obtained

Added Qualifications in Forensic Psychiatry from the ABPN, for which he was recertified in 2006. (St. Ex. 6)

23. Following his evaluation of Dr. St. Onge, Dr. Noffsinger reported his findings to the Board in a report dated March 16, 2009. In his report, Dr. Noffsinger stated, in part:

It is my opinion with reasonable medical certainty that Dr. St. Onge has the diagnoses of:

Sexual Disorder Not Otherwise Specified 302.9

Mood Disorder Not Otherwise Specified 296.9

* * *

In addition, while not rising to the level of a mental disorder, Dr. St. Onge told me he had narcissistic and grandiose personality traits which, at times, had been problematic for him.

(St. Ex. 7 at 11)

Dr. Noffsinger further stated:

It is my opinion with reasonable medical certainty that Dr. St. Onge is not presently capable of practicing medicine according to acceptable and prevailing standards of care due to his Sexual Disorder Not Otherwise Specified, Mood Disorder Not Otherwise Specified, and his (self-reported) narcissistic and grandiose personality traits. Dr. St. Onge's sexual compulsions, hypersexuality, impulsivity, narcissism, and grandiosity impair his professional relationships with patients, judgment, and ability to understand and carry out his fiduciary responsibility to his patients.

It is my opinion with reasonable medical certainty that Dr. St. Onge's Sexual Disorder Not Otherwise Specified and Mood Disorder Not Otherwise Specified are amenable to treatment, as are his narcissistic and grandiose personality traits. Dr. St. Onge has already completed an intensive, residential treatment program designed to treat his symptoms. Therefore I recommend the following program of aftercare and monitoring:

1. Dr. St. Onge should continue to participate in 12-step aftercare meetings for persons with sexual addictions (such as Sexaholics Anonymous, Sex Addicts Anonymous, Sex and Love Addicts Anonymous, etc.) at least three times weekly, and provide documentation of such.
2. Dr. St. Onge should be involved in an aftercare program coordinated by a mental health professional (psychiatrist, psychologist, social worker or

counselor) specializing in the treatment of sexual addictions. As part of his aftercare program Dr. St. Onge should receive, at a minimum, one hour of individual counseling each week with his mental health professional to address and evaluate his ongoing treatment needs relating to his sexual addition.

3. Dr. St. Onge should authorize his treating mental health professional to submit progress reports to the [Board] every three months.
4. Dr. St. Onge should continue to take lithium or another mood stabilizing medication, which will reduce the likelihood that he will experience further mood instability, impulsivity, and hypersexuality. A psychiatrist or primary care physician may prescribe the lithium.
5. Dr. St. Onge should have his lithium blood level tested every three months to insure his lithium dosage is within the therapeutic range.
6. Dr. St. Onge should submit to maintenance polygraph testing every three months to assess whether he has engaged in any further sexual misconduct with patients or former patients. The polygraph results should be incorporated into Dr. St. Onge's individual counseling for treatment purposes, and should also be submitted to the [Board] for monitoring purposes.

If Dr. St. Onge complies with the treatment recommendation listed above, in order that he may practice medicine according to acceptable and prevailing standards of care, the following conditions should be placed upon his practice:

1. Dr. St. Onge should have no further sexual contact or sexual conduct with patients, former patients or persons with whom he has or has had a professional relationship.
2. Dr. St. Onge should not practice obstetrics/gynecology without a monitor present in the room when conducting physical examinations on patients.

(St. Ex. 7 at 11-12)

Testimony of Dr. Noffsinger

24. Dr. Noffsinger testified that he adheres to the statements and recommendations set forth in his March 16, 2009, report. (Tr. at 87; St. Ex. 7)
25. Dr. Noffsinger's opinion that Dr. St. Onge suffers from a Mood Disorder Not Otherwise Specified differs from the diagnosis of Bipolar Type II disorder rendered by Keystone, as noted above. Dr. Noffsinger testified:

I considered that he possibly had a more specific and more serious mood disorder like bipolar 2 disorder but, based on what was available, did not feel he met the full criteria for that. That requires a distinct period of elevated or expansive or irritable mood lasting at least four days but characteristically

lasts longer, accompanied by a list of seven possible symptoms. You need three of the symptoms. And those three—or those seven symptoms need to occur, coupled with this period of increased or elevated mood. And to me there's not sufficient evidence that he met the criteria for that.

So while he has had some mood instability, just not sufficiently severe, for example, to result in psychiatric hospitalization, no prior mental health treatment prior to the past year or two, which would be uncharacteristic of a true bipolar disorder.

And I also believe that some of the symptoms he attributed to a possible bipolar disorder were more attributable to just his basic personality style with—someone with the problems of his sexually compulsive behavior, the overspending, things like that are more—at least the history I got, were more linked to his baseline personality, not an episodic mood disorder.

(Tr. at 81-82)

26. Dr. Noffsinger testified that, in his opinion, Dr. St. Onge's disorders are treatable. Dr. Noffsinger noted that there is no guarantee that Dr. St. Onge will have a "major response" to treatment, "but there's a likelihood that he'll respond to treatment." Dr. Noffsinger further testified that, based upon Dr. St. Onge's self-reports and testimony at hearing,² he appears to be complying with all of the recommendations that Dr. Noffsinger made in his report except for polygraph testing, which Dr. St. Onge expressed a willingness to do. (Tr. at 84-85)
27. When asked if Dr. St. Onge's conditions are life-long, Dr. Noffsinger testified:

I think sexual compulsion problems tend to be a chronic and pervasive disorder, yes. I think there's expectation that, like most kinds of compulsive disorders, * * * that they are chronic and difficult to treat, but that they are treatable or that they're able to be controlled with treatment.

The mood disorder, it's really hard to say. I think that he would be at risk for, you know, some mood symptoms throughout his life, but I think he's had large gaps of time in his life when he didn't have mood symptoms. And so I think * * * that that would be a less pervasive problem for him.

Personality traits—unfortunately, our personalities are all formed early in life and [it] can be very difficult to impact some of that, but I think he's doing the right things by going to counseling, going to group meetings, and to try and gain some insight on that. Sounds like he's taking responsibility for that. So it looks like he's making progress.

² Dr. Noffsinger was present at the hearing when Dr. St. Onge testified.

(Tr. at 86)

West Virginia Board Action

28. On March 23, 2009, Dr. St. Onge entered into a Consent Order with the West Virginia Board in which he agreed to surrender his license to practice medicine and surgery in that state effective April 1, 2009, and to refrain from applying for any license from the West Virginia Board in the future. In so doing Dr. St. Onge agreed to the following findings of fact, among others:
2. In August 2008, a complaint was filed against Dr. St. Onge at the [West Virginia] Board by a former ob/gyn patient of Dr. St. Onge, and among her complaints was that Dr. St. Onge in June 2007, had exposed himself to her in his office early in her second pregnancy after examining her, and she provided evidence of same.
 3. In his response to the complaint, Dr. St. Onge acknowledged that he had exposed himself to the patient.

(St. Ex. 13 at 1) Dr. St. Onge also agreed to conclusions of law that stated:

2. Probable cause exists to substantiate charges of disqualification of Dr. St. Onge from the practice of medicine and surgery in the State of West Virginia due to violations of the West Virginia Medical Practice Act and a rule of the Board * * * all relating to unprofessional, unethical and dishonorable conduct, exercising influence within a patient-physician relationship for the purpose of engaging a patient in sexual activity, and conduct which has the effect of bringing the medical profession into disrepute.
3. The Board has determined that it is appropriate and in the public interest to waive the commencement of proceedings against Dr. St. Onge, and to proceed without the filing of formal charges in a Complaint and Notice of Hearing at this time, provided Dr. St. Onge enters into this consent order.

(St. Ex. 13 at 2)

29. Dr. St. Onge testified that the West Virginia Board Consent Order was based on his boundary violation with Patient 1. (Tr. at 21)

Summary Suspension of Dr. St. Onge's Ohio Medical License

30. As set forth in the introductory paragraphs, the Board issued a Notice of Summary Suspension and Opportunity for Hearing on April 8, 2009, advising Dr. St. Onge that, among other things, his license to practice medicine in Ohio had been summarily suspended. (St. Ex. 3)

Testimony of Daniel Zinsmaster

31. Daniel S. Zinsmaster, Esq., testified that he is an Enforcement Attorney for the Board. His job duties include coordinating investigations of the Board's licensees and applicants and acquiring and assembling evidence of possible violations of the Ohio Medical Practices Act. As part of those duties, he coordinated the investigation that led to the allegations set forth in the October 8, 2008, notice of opportunity for hearing. (Tr. at 94-95)
32. Mr. Zinsmaster testified that he had drafted and presented to the Secretary and the Supervising Member of the Board the order of summary suspension related to this matter. Mr. Zinsmaster further testified that the summary suspension had been presented based upon Dr. Noffsinger's opinion that Dr. St. Onge was unfit to practice medicine by reason of mental illness. Mr. Zinsmaster further testified that the Secretary and the Supervising Member found that clear and convincing evidence existed that Dr. St. Onge's continued practice constituted a danger of immediate and serious harm to the public, and approved the summary suspension of Dr. St. Onge's Ohio medical license. (Tr. at 96-101; St. Ex. 3)
33. Mr. Zinsmaster testified that Dr. St. Onge had been cooperative during the Board's investigation. (Tr. at 102)

Additional Information

34. When asked if he believes that his ability to practice is impaired, Dr. St. Onge replied that he does because he is early in his recovery. Dr. St. Onge further testified:

[A]lthough I'm feeling better, I understand I have a long ways to go. And, basically, I'm just at this point following the recommendations of my treatment team. I can't be that objective about myself, and it's their impression that I've got treatment to do, and so I'm very willing to do that.

And any consideration of return to practice will only happen when my treatment team feels that that's an option for me. Not to discount the role that the Board has in whether or not that's ever a possibility.

(Tr. at 65)

35. Dr. St. Onge has decided that, if he were allowed at some point to resume practice within his own specialty, he would continue practicing gynecology and discontinue obstetrics. Dr. St. Onge testified:

[M]any obstetricians would maybe have a different opinion, but my opinion—women really get attached to their obstetricians. I mean, everybody loves their obstetrician. They have a lot of faith in you. You deliver their baby. And so there is more of an emotional attachment. GYN, less so.

For me, if I—if I'm ever allowed to return to some sort of clinical practice, I've made a decision not to do obstetrics, just from the perspective that with my bipolar disorder, the hours involved in providing obstetrical care really can be harmful, because you can end up working 24 hours. And I recognize that I need more structure and stability in my daily routine. So I would—I had no plan on doing obstetrics, just for that reason alone.

(Tr. at 69-70)

36. When asked if he has considered changing to a different area of practice, Dr. St. Onge testified:

I have, just briefly. And certainly what Dr. Finlayson has talked to me about—he says, you know, you may be able to do gynecology, but maybe you'll work—maybe you should work for a little while in an urgent care and kind of get into things slowly or, you know, work in an emergency room for a little while.

My only angst about those things is that I'm a specialist, which means that I know a whole lot about hardly anything. And you need to know a little bit about everything to do those other jobs. So I think that I would feel a little bit unprepared for it.

(Tr. at 70-71) Dr. St. Onge added that, if he found an opportunity to expand his education, it could still be problematic because he would likely need an active license to participate in any further medical education. (Tr. at 71)

37. With regard to any future medical practice, Dr. St. Onge testified that he envisions using a “scribe” for all patient interactions who would take notes for him and act as a chaperone. (Tr. at 61-62)

38. When asked if he has gained insight into his past conduct, Dr. St. Onge replied:

First of all, I think that I gain more insight every day. So I'm not going to pretend to have all of the insight I could possibly have. I do know that my behavior in the past was out of control. I breached sacred boundaries that exist between patients and physicians. I breached my own personal moral boundaries and ethical boundaries. I broke the law pertaining to the Medical Board rules and regulations.

Most importantly, I used my position as a physician, one that has influence, in order to victimize an innocent patient. And I wish I could take that back.

I realize that I not only victimized her, but I victimized people that are involved in her life. I victimized the other patients who used to see me and worry whether I was crossing boundaries with them. I victimized my own family in having to put them through this.

There are a lot of people that I have hurt and there are a lot of—I'm sure there are people that I've hurt that I don't even know about that maybe over time will become evident to me.

I'm grateful to Patient [1] for helping to knock me off of that treadmill that I feel like I was on. I think it took a lot of energy and courage for her to come forward and to report this. And in doing so, I think that she's given me an opportunity at a second chance at living life the right way, the way that I want to live life. And so I'm really grateful to her for that.

I've been compliant with all the recommendations that have been given to me at this point in time, and I'm certainly willing to do anything else that people feel will be in my best interests and the interests of my recovery. And I'm just hopeful that the Medical Board will see that I am making an honest effort at this and that someday I hope to have the door open to be considered for a second chance.

(Tr. at 66-67)

FINDINGS OF FACT

Case No. 08-CRF-125

1. It is undisputed that, from in or about April 2006 to in or about May 2008, in the routine course of his medical practice as an obstetrician and gynecologist, Rick D. St. Onge, M.D., undertook the care of Patient 1, as identified in a confidential Patient Key. Despite his ongoing physician-patient relationship, in or about June 2007 Dr. St. Onge exposed his genitalia to Patient 1. Moreover, he permitted Patient 1 to take a picture of his exposed genitalia with her camera phone. Further, he engaged in inappropriate sexual contact with Patient 1.

Case No. 09-CRF-046

2. By letter dated January 21, 2009, the Board notified Dr. St. Onge of its determination that it had reason to believe that he was in violation of Section 4731.22(B)(19), Ohio Revised Code, and ordered him to undergo a psychiatric evaluation to determine if he was impaired in his ability to practice according to acceptable and prevailing standards of care due to mental or physical illness. In its letter, the Board outlined the various bases for its belief that he was impaired.

3. Pursuant to the Board's order described above, Dr. St. Onge was examined by Stephen G. Noffsinger, M.D., a Board-approved evaluator. By letter dated March 16, 2009, Dr. Noffsinger advised the Board of his determination that Dr. St. Onge is impaired in his ability to practice according to acceptable and prevailing standards of care by reason of mental illness. Further, Dr. Noffsinger opined with reasonable medical certainty that Dr. St. Onge's diagnoses include Sexual Disorder Not Otherwise Specified, Mood Disorder Not Otherwise Specified. Furthermore, Dr. Noffsinger opined that Dr. St. Onge's sexual compulsions, hypersexuality, impulsivity, narcissism, and grandiosity impair his professional relationships with patients, judgment, and ability to understand and carry out his fiduciary responsibility to his patients. Additionally, Dr. Noffsinger opined that Dr. St. Onge's conditions are amenable to treatment and set forth recommendations for treatment and monitoring as well as conditions for future practice.
4. Dr. St. Onge acknowledged that he is impaired in his ability to practice in accordance with acceptable and prevailing standards of care.
5. On March 23, 2009, Dr. St. Onge entered into a Consent Order with the West Virginia Board in which he agreed to surrender his license to practice medicine and surgery in that state effective April 1, 2009, and to refrain from applying for any license from the West Virginia Board in the future. In so doing Dr. St. Onge agreed to the following findings of fact, among others:
 2. In August 2008, a complaint was filed against Dr. St. Onge at the [West Virginia] Board by a former ob/gyn patient of Dr. St. Onge, and among her complaints was that Dr. St. Onge in June 2007, had exposed himself to her in his office early in her second pregnancy after examining her, and she provided evidence of same.
 3. In his response to the complaint, Dr. St. Onge acknowledged that he had exposed himself to the patient.

Dr. St. Onge also agreed to conclusions of law that stated:

2. Probable cause exists to substantiate charges of disqualification of Dr. St. Onge from the practice of medicine and surgery in the State of West Virginia due to violations of the West Virginia Medical Practice Act and a rule of the Board * * * all relating to unprofessional, unethical and dishonorable conduct, exercising influence within a patient-physician relationship for the purpose of engaging a patient in sexual activity, and conduct which has the effect of bringing the medical profession into disrepute.
3. The Board has determined that it is appropriate and in the public interest to waive the commencement of proceedings against Dr. St. Onge, and to proceed without the filing of formal charges in a Complaint and Notice of Hearing at this time, provided Dr. St. Onge enters into this consent order.

CONCLUSIONS OF LAW

Case No. 08-CRF-125

1. The conduct of Rick D. St. Onge, M.D., as set forth in Finding of Fact 1, constitutes “violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board,” as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Rule 4731-26-02, Ohio Administrative Code. Pursuant to Rule 4731-26-03(A)(1), Ohio Administrative Code, a violation of Rule 4731-26-02, Ohio Administrative Code, also violates Section 4731.22(B)(6), Ohio Revised Code.

Case No. 09-CRF-046

2. The conduct of Dr. St. Onge as set forth in Findings of Fact 2 through 4 constitutes “[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills,” as that clause is used in Section 4731.22(B)(19), Ohio Revised Code.

Rule 4731-28-01, Ohio Administrative Code, provides that “[f]or the purposes of * * * division (B)(19) of section 4731.22 of the Revised Code * * * the following definitions apply: (A) ‘Mental illness’ includes, but is not limited to, mental disorder; and (B) ‘Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills’, includes inability to practice in accordance with such standards without appropriate treatment, monitoring, or supervision.”

3. The West Virginia Consent Order, as set forth in Finding of Fact 5, constitutes “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

DISCUSSION CONCERNING THE PROPOSED ORDER

The Board would be justified issuing an order of permanent revocation in this case based upon Dr. St. Onge’s conduct with Patient 1. However, the Proposed Order instead recommends suspending Dr. St. Onge’s license with interim monitoring conditions, conditions for reinstatement, and subsequent probationary monitoring. There are several reasons for this

recommendation. First, the evidence shows that Dr. St. Onge truly recognizes the gravity of his offense. He made no attempt to minimize his behavior or to blame it on someone else. He cooperated fully during the Board investigation. In addition, all psychiatric reports agree that Dr. St. Onge's psychiatric conditions are amenable to treatment. Further, Dr. St. Onge sought out and obtained such treatment and is working toward recovery. Moreover, his recovery goals are realistic. He harbors no illusions of a quick return to clinical practice and instead shows a clear understanding that (a) he is not currently fit to resume practice and (b) he has significant work to do in his recovery before he can consider returning to practice. Furthermore, he understands that his recovery means more than simply returning to practice and will give him a chance to improve his life in many ways. Finally, and perhaps most significantly, Dr. St. Onge demonstrated genuine remorse for his conduct. His testimony concerning the insight he has gained into his past conduct clearly demonstrates such remorse and was well expressed.

PROPOSED ORDER

It is hereby ORDERED that:

- A. **PERMANENT REVOCATION, STAYED; SUSPENSION:** The certificate of Rick D. St. Onge, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED. Such revocation is STAYED, and Dr. St. Onge's certificate shall be SUSPENDED for an indefinite period of time, but not less than two years.
- B. **INTERIM MONITORING:** During the period that Dr. St. Onge's certificate to practice medicine and surgery in Ohio is suspended, Dr. St. Onge shall comply with the following terms, conditions, and limitations:
 1. **Obey the Law:** Dr. St. Onge shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.
 2. **Quarterly Appearances:** Dr. St. Onge shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Order, or as otherwise requested by the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
 3. **Quarterly Declarations:** Dr. St. Onge 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 this Order becomes effective, or as otherwise requested by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

4. **Psychiatric Assessment/Mental Health Treatment**: Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. St. Onge shall submit to the Board for its prior approval the name and curriculum vitae of a psychiatrist of Dr. St. Onge's choice. The Board may consider AJ Reid Finlayson, M.D., as an approved provider.

Upon approval by the Board, Dr. St. Onge shall obtain from the approved psychiatrist an assessment of Dr. St. Onge's current psychiatric status. Prior to the initial assessment, Dr. St. Onge shall furnish the approved psychiatrist copies of the Board's Order, including the Summary of the Evidence, Findings of Fact, and Conclusions, and any other documentation from the hearing record that the Board may deem appropriate or helpful to that psychiatrist.

Upon completion of the initial assessment, Dr. St. Onge shall cause a written report to be submitted to the Board from the approved psychiatrist. The written report shall include:

- a. A detailed report of the evaluation of Dr. St. Onge's current psychiatric status and condition;
- b. A detailed plan of recommended mental health treatment, if any, based upon the psychiatrist's informed assessment of Dr. St. Onge's current needs;
- c. A statement regarding any recommended limitations upon his practice, and
- d. Any reports upon which the treatment recommendation is based, including reports of physical examination and psychological or other testing.

Should the Board-approved psychiatrist recommend mental health treatment, and upon approval by the Board, Dr. St. Onge shall undergo and continue mental health treatment. The Board-approved psychiatrist may recommend that a portion of such treatment be provided by another mental health professional (psychologist, social worker, or licensed counselor). Should Dr. St. Onge's Board-approved psychiatrist make such recommendation, Dr. St. Onge shall submit to the Board for its prior approval the name and curriculum vitae of a mental health professional of Dr. St. Onge's choice who has experience in the treatment of sexual addictions. The Board may consider Nick Marzella, Ph.D., as an approved mental health professional.

Dr. St. Onge shall undergo a minimum of one hour of psychiatric or other mental health treatment sessions per week, or as otherwise directed by the Board. Further, Dr. St. Onge shall have sessions with the Board-approved psychiatrist at least every two months, or as otherwise directed by the Board.

The sessions shall be in person and may not be conducted by telephone or other electronic means. Dr. St. Onge shall comply with his treatment plan, including taking medications as prescribed for his psychiatric disorder, and submitting to urine and/or blood testing for therapeutic levels as directed by the prescribing physician.

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

In addition, Dr. St. Onge shall ensure that his treating psychiatrist and/or other treating mental health professional immediately notifies the Board of Dr. St. Onge's failure to comply with his treatment plan and/or any determination that Dr. St. Onge is unable to practice due to his psychiatric disorder.

In the event that the designated psychiatrist and/or other mental health professional becomes unable or unwilling to serve in this capacity, Dr. St. Onge must immediately so notify the Board in writing and make arrangements acceptable to the Board for another psychiatrist as soon as practicable. Dr. St. Onge shall further ensure that the previously designated psychiatrist and/or other mental health professional also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

5. **Polygraph Testing as Part of Treatment Plan**: Should the treatment plan recommended by the Board-approved psychiatrist and approved by the Board include a requirement that Dr. St. Onge undergo polygraph examination(s), Dr. St. Onge shall undergo such polygraph examination(s) as directed by the Board-approved psychiatrist.
6. **Rehabilitation Program**: Dr. St. Onge shall maintain participation in a rehabilitation program for persons with sexual addictions, such as (but not limited to) Sexaholics Anonymous, Sex Addicts Anonymous, and/or Sex and Love Addicts Anonymous, no less than three times per week, unless otherwise determined by the Board. Substitution of any other specific program must receive prior Board approval. Dr. St. Onge shall submit acceptable documentary evidence of continuing compliance with this program, which must be received in the Board's offices no later than the due date for Dr. St. Onge's quarterly declarations.

C. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. St. Onge's certificate to practice medicine and surgery until all of the following conditions have been met:

1. **Application for Reinstatement or Restoration:** Dr. St. Onge shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
2. **Compliance with Interim Conditions:** Dr. St. Onge shall have maintained compliance with all the terms and conditions set forth in Paragraph B of this Order.
3. **Psychiatric Reports Evidencing Fitness to Practice; Recommended Limitations:**
At the time Dr. St. Onge submits his application for reinstatement or restoration, Dr. St. Onge shall provide the Board with written reports of evaluation by two psychiatrists acceptable to the Board indicating that Dr. St. Onge's ability to practice has been assessed and that he has been found capable of practicing in accordance with acceptable and prevailing standards of care. Such evaluations shall have been performed within sixty days prior to Dr. St. Onge's application for reinstatement or restoration. The reports of evaluation shall describe with particularity the bases for the determination that Dr. St. Onge has been found capable of practicing according to acceptable and prevailing standards of care and shall include any recommended limitations upon his practice.
4. **Course Concerning Physician/Patient Boundaries:** At the time he submits his application for reinstatement or restoration, Dr. St. Onge shall provide acceptable documentation of successful completion of a course or courses on maintaining professional 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 courses 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. St. Onge submits the documentation of successful completion of the course or courses on maintaining professional physician/patient boundaries, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.
5. **Additional Evidence of Fitness To Resume Practice:** In the event that Dr. St. Onge 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 of the Revised Code to require additional evidence of his fitness to resume practice.

D. **PROBATION:** Upon reinstatement or restoration, Dr. St. Onge's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:

1. **Terms, Conditions, and Limitations Continued from Suspension Period:**
Dr. St. Onge shall continue to be subject to the terms, conditions, and limitations specified in Paragraph B of this Order.
2. **Practice Plan:** Within thirty days of the date of Dr. St. Onge's reinstatement or restoration, or as otherwise determined by the Board, Dr. St. Onge shall submit to the Board and receive its approval for a plan of practice in Ohio. The practice plan, unless otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. St. Onge's activities will be directly supervised and overseen by a monitoring physician approved by the Board. Dr. St. Onge shall obtain the Board's prior approval for any alteration to the practice plan approved pursuant to this Order.

At the time Dr. St. Onge submits his practice plan, he shall also submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary or Supervising Member will give preference to a physician who practices in the same locale as Dr. St. Onge and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. St. Onge and his medical practice, and shall review Dr. St. Onge's patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. St. Onge and his medical practice, and on the review of Dr. St. Onge's patient charts. Dr. St. Onge shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. St. Onge's quarterly declaration.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. St. Onge must immediately so notify the Board in writing. In addition, Dr. St. Onge shall make arrangements acceptable to the Board for another monitoring physician within thirty days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. St. Onge shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

3. **Third-Party Presence During Exam/Treatment**: Dr. St. Onge shall have a third party present while examining or treating female patients.
 4. **Noncompliance Will Not Reduce Probationary Period**: In the event Dr. St. Onge 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.
- E. **TERMINATION OF PROBATION**: Upon successful completion of probation, as evidenced by a written release from the Board, Dr. St. Onge's certificate will be fully restored.
- F. **RELEASES**: Dr. St. Onge shall provide continuing authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. St. Onge's psychiatric condition and/or related conditions, or for purposes of complying with this Order, whether such treatment or evaluations occurred before or after the effective date of this Order. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute.

Dr. St. Onge shall also provide the Board written consent permitting any psychiatrist, counselor, or other treatment provider from whom Dr. St. Onge obtains treatment to notify the Board in the event he fails to agree to or comply with any recommended treatment. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Order.

- G. **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. St. Onge shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services (including but not limited to third-party payors), or is receiving training; and the Chief of Staff at each hospital or health-care center where he has privileges or appointments. Further, Dr. St. Onge shall promptly provide a copy of this Order to all employers or entities with which he contracts to provide health care services (including but not limited to third-party payors), or entities to which Dr. St. Onge applies for or receives training, and the Chief of Staff at each hospital or health-care center where he applies for or obtains privileges or appointments. This requirement shall continue until Dr. St. Onge receives from the Board written notification of the successful completion of the probation.

In the event that Dr. St. Onge provides any health-care services or health-care 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. This requirement shall continue until Dr. St. Onge receives from the Board written notification of the successful completion of the probation.

2. **Required Reporting to Other State Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. St. Onge 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 Agency, through which he currently holds any license or certificate. Also, Dr. St. Onge shall provide a copy of this Order at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement/restoration of any professional license. This requirement shall continue until Dr. St. Onge receives from the Board written notification of the successful completion of the probation.

 3. **Required Documentation of the Reporting Required by Paragraph G:**
Dr. St. Onge 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: (1) the return receipt of certified mail within 30 days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) 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 (4) 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.
- H. **VIOLATION OF THE TERMS OF THIS ORDER:** If Dr. St. Onge 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.

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



R. Gregory Porter
Hearing Examiner



State Medical Board of Ohio

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EXCERPT FROM THE DRAFT MINUTES OF OCTOBER 14, 2009

REPORTS AND RECOMMENDATIONS, MOTIONS FOR RECONSIDERATION & PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Madia announced that the Board would now consider the Reports and Recommendations and the Proposed Findings And Proposed Orders appearing on its agenda.

Dr. Madia asked whether each member of the Board had received, read and considered the hearing records, the Findings of Fact, Conclusions of Law and Proposed Orders, and any objections filed in the matters of: Rafael A. Badri, M.D.; Ericka L. Davis, P.A.; Candy Hope, L.M.T.; Ravi Dutt Madan, M.D.; Randall Jay Smith, D.O.; and Rick D. St. Onge, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Varyani	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

Dr. Madia 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:	Mr. Albert	- aye
	Dr. Varyani	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

Dr. Madia noted that, in accordance with the provision in Section 4731.22(F)(2), 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 these matters. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

Dr. Madia 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.

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Dr. Talmage left the room during the previous discussion.

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RICK D. ST. ONGE, M.D.

Dr. Madia directed the Board's attention to the matter of Rick D. St. Onge, M.D. He advised that objections were filed to Hearing Examiner Porter's Report and Recommendation and were previously distributed to Board members.

Dr. Madia continued that a request to address the Board has been timely filed on behalf of Dr. St. Onge. Five minutes would be allowed for that address.

Dr. St. Onge was accompanied by his attorney, Eric J. Plinke, Esq. Mr. Plinke noted that he didn't file any objections in this consolidated case. There was first the ethical charge regarding Dr. St. Onge's relationship with Patient 1. Then there was the summary suspension, based on the evaluation of impairment. Mr. Plinke stated that he believes that Dr. St. Onge stipulated to the violations, and that is the reason they have not made any objections. Mr. Plinke advised that Dr. St. Onge's position all along was to cooperate with the Board's investigation, with Mr. Zinsmaster at the deposition, and going forward to continue that cooperation and allow the Board to make its determination.

Dr. St. Onge at this time thanked the Board for the opportunity to address it. He stated that a little over a year ago, his life was out of control. His behavior was out of control, and began to impact every aspect of his life. It impacted his family life, his social life, his friends, his children, and, eventually, it crept into his medical practice.

Dr. St. Onge stated that his relationship with Patient 1 was the low point of his life. In that relationship, he violated his own personal morals and ethics, and the rules and regulations of the Board. More importantly, he violated this patient and the sacred trust that there is between a doctor and patient. He advised that he harmed her in ways in which he is probably not now aware. As he continues to grow each day, he understands this. He knows that he harmed her, her family, her relatives, and people around her. He also harmed his own family and friends in this process.

Dr. St. Onge stated that, in a way, Patient 1, when she had the courage and strength to report this to the Board, has given him a gift. She gave him the opportunity to get out of this part of his life that he didn't have control of, yet he knew wasn't right. She gave him the opportunity to proceed down the path of trying to live life the way that he knows that he should, and to be the person that, deep down, he knows that he is. Dr. St. Onge stated that he immediately entered treatment at The Meadows (in Wickenburg, AZ) and Keystone (Philadelphia, PA). He began aggressively pursuing treatment for many of the issues that he has.

Dr. St. Onge stated that he can't correct the wrongs that he's done in the past, but what he is responsible for is the future. He stated that, because Patient 1 has given him the opportunity to get his life together, he not only owes it to himself but to her to show that he's able to do this in a positive way. Dr. St. Onge stated that his hope is that with the care of his treatment team, with God, and with the support of the Board, he may someday again look at doing what he really loves and what he really misses, which is the practice of medicine.

Dr. Madia asked whether the Assistant Attorney General wished to respond.

Ms. Unver recapped the facts in this case, which involves two consolidated actions against Dr. St. Onge. In the first case, Dr. St. Onge stipulated to the facts and violations brought by the Board against him. This first case involved a Notice of Opportunity for Hearing issued on October 8, 2008, asserting that during the course of his care and treatment of Patient 1, as his OB/GYN patient, Dr. St. Onge engaged in an ongoing and inappropriate sexual relationship with her. The facts involve Dr. St. Onge exposing his genitalia to Patient 1 in 2007, and allowing her to take a picture of his genitalia with her camera phone.

Ms. Unver stated that, in the second case, the Board issued an Order on January 21, 2009, requiring Dr. St. Onge to undergo a mental fitness evaluation, based on reports that he could be suffering from various mental health illnesses, that he entered inpatient treatment at several out-of-state facilities, and that his health care provider recommended that Dr. St. Onge was not fit to practice medicine. Dr. Noffsinger testified at the hearing in this case and opined that Dr. St. Onge was not able to practice medicine according to acceptable and prevailing standards of care due to a "sexual disorder not otherwise specified," "mood disorder not otherwise specified," and "self-reported narcissistic and grandiose personality traits." Dr. Noffsinger elaborated that Dr. St. Onge's sexual compulsions, hypersexuality, impulsivity, narcissism and grandiosity impair his judgment, his professional relationships with patients, and his ability to understand and carry out his fiduciary responsibilities to his patients. Dr. Noffsinger opined on an appropriate treatment plan for Dr. St. Onge, and that plan is set forth in the Report and Recommendation before the Board today.

Ms. Unver stated that, at the time the second Notice was issued, Dr. St. Onge was summarily suspended from practice because his continued practice presented a danger of immediate and serious harm to the public. Dr. Noffsinger did opine that Dr. St. Onge's disorders are treatable. Ms. Unver stated that it is also to be noted that one of the other charges is that Dr. St. Onge permanently surrendered his West Virginia license to practice medicine under a consent order, and that constitutes an action taken by a sister state in

violation of the Ohio Board's rules and statutes.

Ms. Unver stated that the State agrees with the proposed Report and Recommendation, and finds that the discussion concerning the Proposed Order appears to be on point. Dr. St. Onge was remorseful for his actions during the hearing, and he testified that he realizes that there will be no quick return to clinical practice. There is, indeed, significant work to be done in his recovery from the State's perspective. She added that she questions his return to a practice that would be specialized in OB/GYN.

MR. HAIRSTON MOVED TO APPROVE AND CONFIRM MR. PORTER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF RICK D. ST. ONGE, M.D. DR. VARYANI SECONDED THE MOTION.

Dr. Madia stated that he would now entertain discussion in the above matter.

Dr. Mahajan stated that he went over the transcripts and all the information the Board has, and it's disturbing that this went on. He noted that this involved one patient, and one can wonder whether there are other patients who haven't reported. He stated that the good thing is that Dr. St. Onge has realized his own problems, and he has cooperated with the Board throughout this process. He remarked that Dr. St. Onge has been remorseful, and has tried to do what can be done for his family and himself.

Dr. Mahajan stated that he agrees with the Proposed Order and with the Findings of Fact. He added that this will be a long-term process for Dr. St. Onge, during which he will need to be watched. Dr. Mahajan agreed with the proposed probationary period of five years.

Dr. Varyani stated that these types of cases bother him. He stated that he read Dr. Noffsinger's evaluation, and some of Dr. St. Onge's traits have to be controlled with medication, and some are personality traits which, according to Dr. Noffsinger, Dr. St. Onge will not be able to change, or will have difficulty changing. Dr. Varyani stated that that statement by Dr. Noffsinger bothers him a lot. He stated that he doesn't know how he could allow Dr. St. Onge to practice one-on-one with a patient in Ohio. Dr. Varyani stated that five years of probation may be all right with some Board members, but if somebody has a condition that you can not reasonably, easily change, he doesn't know how the change will occur within five years. Dr. Varyani asked how to deal with this. He stated that he has a problem having Dr. St. Onge practice in Ohio.

Dr. Mahajan stated that Dr. St. Onge is not going to practice by himself. He'll always have a chaperone with him.

Dr. Varyani indicated that the Board can't rely on Dr. St. Onge having a chaperone with him in all situations. He stated that he knows that that doesn't happen sometimes. Two or three years down the road he can join a practice where there is no chaperone available. Dr. Varyani stated that Dr. St. Onge has a life-long condition that has to be controlled by medication. He doesn't know that Dr. St. Onge will continue taking the medication five years down the road when he's no longer being monitored. Dr.

Varyani stated that he has a problem with that and he will not go along with this Proposed Order.

Dr. Steinbergh stated that one of the things that she thought about, which is consistent with Dr. Varyani's concerns, is that all of the attention that is being drawn onto Dr. St. Onge at this time is his narcissism and whether or not this all feeds the narcissism. Dr. Steinbergh stated that one day this attention is going to go away and he'll be faced with himself. Dr. Steinbergh stated that she's hoping that he'll find a healthier individual.

Dr. Steinbergh stated that she also has some concerns about the practice of medicine. She does feel that, if the Board is to do anything, the Proposed Order is appropriate. If the Board felt that, in recognition of the disease that one would keep him out of practice for two years, he would have to demonstrate that he is appropriate to return to practice, and he will then have five years of probation. Dr. Steinbergh stated that the probationary terms are interesting. She noted that they include the requirement that he undergo a polygraph test as part of the treatment plan. Dr. Steinbergh added that if the Board is to go in the direction of the Proposed Order, it should include courses in professional and personal ethics in addition to the course on patient/physician boundary issues. Dr. Steinbergh stated that she thinks it is clear that the practice plan would have to be enormously strict and monitored.

Dr. Steinbergh concluded her statement by saying that she has grave concerns about this physician.

DR. VARYANI MOVED TO AMEND THE PROPOSED ORDER BY SUBSTITUTING AN ORDER OF PERMANENT REVOCATION. DR. MADIA SECONDED THE MOTION.

Dr. Madia stated that he agrees with Dr. Varyani. He stated that the question is whether or not this is an incurable disease. He stated that, according to Dr. Noffsinger, it is not. Dr. Madia stated that he would agree with permanent revocation in this case.

Dr. Mahajan stated that there has been a good faith effort by Dr. St. Onge since he realized his limitations. He has been trying to cooperate with everybody, and he has made an effort. Dr. Mahajan stated that he knows that this was bad behavior, but Dr. St. Onge did not physically violate anybody. He noted that Dr. St. Onge is willing to work with a chaperone for the rest of his practice life. He'll be supervised and he's in therapy. He stated that the Board will have seven years to watch Dr. St. Onge.

Dr. Suppan stated that Dr. St. Onge is an OB/GYN. She asked how the Board would hold out to his patients allowing him to return to practice with his kind of history. She stated that his patients don't know about this when they come in. They make an appointment and come in to see him and they don't know about any of this.

Dr. Mahajan stated that they don't need to know, as long as he's in treatment, he's watched, and somebody's with him.

Dr. Varyani stated that he has a problem because he's supposed to protect the patients' interests. If some

day a chaperone is not present and Dr. St. Onge gets into his mood, he'll repeat himself.

Dr. Mahajan stated that these were not frequent moods with Dr. St. Onge. He had obsessions and problems.

Dr. Varyani stated that OB/GYN is a specialty where patients blindly trust the physician. Rarely do patients change their OB/GYN. This is why he has a problem with Dr. St. Onge's continued practice. If Dr. St. Onge was an internist, he wouldn't have the same concerns. If there's nothing in Dr. St. Onge's office for patients to see when they enter that says that there's something wrong, he has a problem.

Dr. Talmage advised that he is not commenting on this case. He just wanted to remind the Board members that any actions taken by the Board do appear on the Board's website and are accessible by the public.

Dr. Stephens stated that she may just not have had the right OB/GYN, because she changes hers all the time, and she knows that other people do also. Dr. Stephens stated that, in the specialty that Dr. St. Onge is in, he has to have a chaperone all the time anyway.

Dr. Steinbergh stated that he didn't.

Dr. Varyani stated that he's been on ethics committees since the early 1990s, and there are always cases like this, even though there's been a chaperone requirement for years and years.

Ms. Debolt advised that the Board's rules only require that physicians offer their patients a chaperone. The rules do not require that the physician use one.

Dr. Stephens stated that what Dr. St. Onge did was awful, and it will continue to be awful, but she thinks that in similar cases, the Board has suspended physicians' licenses and then placed them on probation. Dr. Stephens stated that, not that what Dr. St. Onge did wasn't "enough," but there wasn't intercourse or penetration. She stated that there doesn't have to be, but she indicated that permanent revocation is too harsh.

Dr. Varyani stated that he believes that you can have a boilerplate policy, but what the Board sees are not boilerplate offenses. Dr. Varyani stated that he'll go along with the Board, but he is not comfortable with this Proposed Order.

Dr. Steinbergh stated that she understands Dr. Varyani's concerns, but she does view this as a disease process. She stated that she feels that the Proposed Order has in place enough terms and monitoring. If Dr. St. Onge comes back for reinstatement, at that time the Board will have to be extremely confident in the practice plan it approves. She stated that she doubts that he'll do obstetrics again. Stepping away from his training and doing something else may not be appropriate, but she feels that there will be a place for this physician with the proper practice plan.

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- nay
	Dr. Mahajan	- nay
	Dr. Steinbergh	- abstain
	Dr. Madia	- aye

The motion 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 RICK D. ST. ONGE, M.D. DR. VARYANI SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- nay
	Dr. Mahajan	- nay
	Dr. Steinbergh	- nay
	Dr. Madia	- aye

The motion failed.

Ms. Schmidt explained that a simple majority is needed to amend a Proposed Order. To adopt a proposed order requires six affirmative votes by the Board.

DR. STEINBERGH MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF RICK D. ST. ONGE, M.D., BY ADDING THE REQUIREMENT THAT HE SUCCESSFULLY COMPLETE COURSES IN PERSONAL AND PROFESSIONAL ETHICS AS A CONDITION FOR REINSTATEMENT. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- nay

Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Ogg	- aye
Mr. Hairston	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

DR. MAHAJAN MOVED TO APPROVE AND CONFIRM MR. PORTER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF RICK D. ST. ONGE, M.D. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Varyani	- nay
Dr. Talmage	- abstain
Dr. Suppan	- aye
Mr. Ogg	- aye
Mr. Hairston	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov



April 8, 2009

Case number: 09-CRF- 046

Rick D. St. Onge, M.D.
554 Juniper Lane
Gallipolis, OH 45631

Dear Doctor St. Onge:

Enclosed please find certified copies of the Entry of Order, the Notice of Summary Suspension and Opportunity for Hearing, and an excerpt of the Minutes of the State Medical Board, meeting in regular session on April 8, 2009, including a Motion adopting the Order of Summary Suspension and issuing the Notice of Summary Suspension and Opportunity for Hearing.

You are advised that continued practice after receipt of this Order shall be considered practicing without a certificate, in violation of Section 4731.41, Ohio Revised Code.

Pursuant to Chapter 119, Ohio Revised Code, you are hereby advised that you are entitled to a hearing on the matters set forth in the Notice of Summary Suspension and Opportunity for Hearing. If you wish to request such hearing, that request must be made in writing and be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice. Further information concerning such hearing is contained within the Notice of Summary Suspension and Opportunity for Hearing.

THE STATE MEDICAL BOARD OF OHIO


Lance A. Talmage, M.D., Secretary

LAT/DSZ/flb
Enclosures

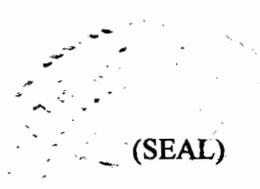
Mailed 4.9.09

CERTIFICATION

I hereby certify that the attached copies of the Entry of Order of the State Medical Board of Ohio and the Motion by the State Medical Board, meeting in regular session on April 8, 2009, to Adopt the Order of Summary Suspension and to Issue the Notice of Summary Suspension and Opportunity for Hearing, constitute true and complete copies of the Motion and Order in the Matter of Rick D. St. Onge, Case number: 09-CRF- 046 as they appear in the Journal of the State Medical Board of Ohio.

This certification is made under the authority of the State Medical Board of Ohio and in its behalf.


Lance A. Talmage, M.D., Secretary


(SEAL)

April 8, 2009
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

RICK D. ST. ONGE, M.D.

CASE NUMBER: 09-CRF-046

:
:
:
:
:

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 8th day of April, 2009.

Pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Lance A. Talmage, M.D., Secretary, and Raymond J. Albert, Supervising Member; and

Pursuant to their determination, based upon their review of the information supporting the allegations as set forth in the Notice of Summary Suspension and Opportunity for Hearing, that there is clear and convincing evidence that Rick D. St. Onge, M.D., has violated Sections 4731.22(B)(19) and (B)(22), Ohio Revised Code, as alleged in the Notice of Summary Suspension and Opportunity for Hearing that is enclosed herewith and fully incorporated herein; and,

Pursuant to their further determination, based upon their review of the information supporting the allegations as set forth in the Notice of Summary Suspension and Opportunity for Hearing, that Dr. St. Onge's continued practice presents a danger of immediate and serious harm to the public;

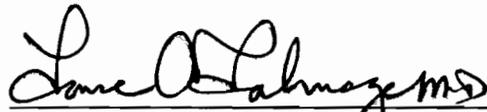
The following Order is hereby entered on the Journal of the State Medical Board of Ohio for the 8th day of April, 2009:

It is hereby ORDERED that the certificate of Rick D. St. Onge, M.D., to practice medicine and surgery in the State of Ohio be summarily suspended.

It is hereby ORDERED that Rick D. St. Onge, M.D., shall immediately cease the practice of medicine and surgery in Ohio and immediately refer all active patients to other appropriate physicians.

This Order shall become effective immediately.

(SEAL)


Lance A. Talmage, M.D., Secretary

April 8, 2009
Date

State Medical Board of Ohio

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



Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

EXCERPT FROM THE DRAFT MINUTES OF APRIL 8, 2009

CITATIONS, PROPOSED DENIALS, ORDERS OF SUMMARY SUSPENSION & NOTICES OF IMMEDIATE SUSPENSION

RICK D. ST. ONGE, M.D. – ORDER OF SUMMARY SUSPENSION AND NOTICE OF OPPORTUNITY FOR HEARING

At this time the Board read and considered the proposed Order of Summary Suspension and Notice of Opportunity For Hearing in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

DR. VARYANI MOVED TO ENTER AN ORDER OF SUMMARY SUSPENSION IN THE MATTER OF RICK D. ST. ONGE, M.D., IN ACCORDANCE WITH SECTION 4731.22(G), OHIO REVISED CODE, AND TO ISSUE THE NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY FOR HEARING. MR. HAIRSTON SECONDED THE MOTION. A vote was taken:

ROLL CALL:

Mr. Albert	- abstain
Dr. Egner	- aye
Dr. Suppan	- aye
Dr. Varyani	- aye
Mr. Hairston	- aye
Dr. Amato	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Madia	- aye

The motion carried.

State Medical Board of Ohio

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



Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY FOR HEARING

April 8, 2009

Case number: 09-CRF- **046**

Rick D. St. Onge, M.D.
554 Juniper Lane
Gallipolis, OH 45631

Dear Doctor St. Onge:

The Secretary and the Supervising Member of the State Medical Board of Ohio [Board] have determined that there is clear and convincing evidence that you have violated Sections 4731.22(B)(19) and (B)(22), Ohio Revised Code, and have further determined that your continued practice presents a danger of immediate and serious harm to the public, as set forth in paragraphs (1) through (4), below.

Therefore, pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Lance A. Talmage, M.D., Secretary, and Raymond J. Albert, Supervising Member, you are hereby notified that, as set forth in the attached Entry of Order, your certificate to practice medicine and surgery in the State of Ohio is summarily suspended. Accordingly, at this time, you are no longer authorized to practice medicine and surgery in Ohio.

Furthermore, in accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the 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) By letter dated January 21, 2009, the Board notified you of its determination that it had reason to believe that you are in violation of Section 4731.22(B)(19), Ohio Revised Code, and ordered you to undergo a mental illness evaluation to determine if you are in violation of Section 4731.22(B)(19), Ohio Revised Code. The Board's determination was based upon one or more of the reasons outlined in such letter, which included information contained in the Notice of Opportunity for Hearing issued by the Board and dated October 8, 2008, a copy of which is attached hereto and fully incorporated herein; reports that you may suffer from various mental health illnesses, including bipolar disorder, depression, sexual health disorders, and suicidal ideations; reports that you entered inpatient treatment at two out-of-state psychiatric treatment centers; and reports that as recently as in or about

September 2008, your healthcare provider recommended you were not fit to practice medicine.

- (2) By letter dated March 16, 2009, from Stephen G. Noffsinger, M.D., a Board-approved evaluator, the Board was notified that following the Board-ordered evaluation conducted on February 26, 2009, you were determined to be unable in your ability to practice according to acceptable and prevailing standards of care by reason of mental illness. Further, Dr. Noffsinger opined with reasonable medical certainty that your diagnoses include Sexual Disorder, not otherwise specified, Mood Disorder, not otherwise specified, and furthermore, that your sexual compulsions, hypersexuality, impulsivity, narcissism and grandiosity impair your professional relationships with patients, judgment, and ability to understand and carry out your fiduciary responsibility to your patients.
- (3) The Board has not received information that you have been determined to be capable of practicing in accordance with acceptable and prevailing standards of care.
- (4) On or about March 23, 2009, you entered into a Consent Order with the West Virginia Board of Medicine [West Virginia Consent Order], whereby you permanently surrendered your license to practice medicine and surgery in the State of West Virginia. Said West Virginia Consent Order found that because you acknowledged that you had exposed yourself to a patient, you had engaged in unprofessional, unethical and dishonorable conduct; exercised influence within a patient-physician relationship for the purpose of engaging a patient in sexual activity; and committed conduct which has the effect of bringing the medical profession into disrepute. A copy of the West Virginia Consent Order is attached hereto and fully incorporated herein.

Rule 4731-28-01, Ohio Administrative Code, provides that “[f]or the purposes of . . . division (B)(19) of section 4731.22 of the Revised Code . . . the following definitions apply: (A) ‘Mental illness’ includes, but is not limited to, mental disorder; and (B) ‘Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills’, includes inability to practice in accordance with such standards without appropriate treatment, monitoring, or supervision.”

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (4) above, individually and/or collectively, constitute “[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills,” as that clause is used in Section 4731.22(B)(19), Ohio Revised Code.

Further, the West Virginia Consent Order as alleged in paragraph (4) above constitutes “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

Notice of Summary Suspension
& Opportunity for Hearing
Rick D. St. Onge, M.D.
Page 3

Pursuant to Chapter 119., Ohio Revised Code, and Chapter 4731., Ohio Revised Code, you are hereby advised that you are entitled to a hearing concerning these matters. 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.

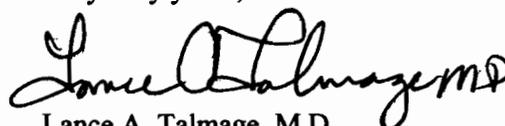
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at 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 consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/DSZ/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3068 6366
RETURN RECEIPT REQUESTED

cc: Eric J. Plinke, Esq.
Dinsmore & Shohl, LLP
191 W. Nationwide Blvd., Suite 300
Columbus, Ohio 43215

CERTIFIED MAIL #91 7108 2133 3936 3068 6373
RETURN RECEIPT REQUESTED

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

OHIO STATE MEDICAL BOARD

IN RE: RICKY DONALD ST. ONGE, M.D.

APR - 2 2009

RECEIVED

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Ricky Donald St. Onge, M.D. ("Dr. St. Onge") freely and voluntarily enter into the following Consent Order pursuant to W. Va. Code § 30-3-14, et seq.

FINDINGS OF FACT

1. Dr. St. Onge currently holds an active license to practice medicine and surgery in the State of West Virginia, License No. 18317, issued in 1995 by the Board, and his address of record is in Gallipolis, Ohio.

2. In August 2008, a complaint was filed against Dr. St. Onge at the Board by a former ob/gyn patient of Dr. St. Onge, and among her complaints was that Dr. St. Onge in June 2007, had exposed himself to her in his office early in her second pregnancy after examining her, and she provided evidence of the same.

3. In his response to the complaint, Dr. St. Onge acknowledged that he had exposed himself to the patient.

4. Dr. St. Onge appeared before the Board's Complaint Committee for a full discussion of this matter in March 2009.

5. Dr. St. Onge does not have a need to maintain his West Virginia medical license and desires to resolve this matter and terminate his dispute with the Board through entry into the following Consent Order.

CONCLUSIONS OF LAW

1. The Board has a mandate pursuant to the West Virginia Medical Practice Act to protect the public interest. W. Va. Code § 30-3-1.

2. Probable cause exists to substantiate charges of disqualification of Dr. St. Onge from the practice of medicine and surgery in the State of West Virginia due to violations of the West Virginia Medical Practice Act and a rule of the Board, including W. Va. Code § 30-3-14(c)(8) and(17) and 11 CSR 1A 12.1(e),(j), and (r), and 11 CSR 1A 12.2(d), all relating to unprofessional, unethical and dishonorable conduct, exercising influence within a patient-physician relationship for the purpose of engaging a patient in sexual activity, and conduct which has the effect of bringing the medical profession into disrepute.

3. The Board has determined that it is appropriate and in the public interest to waive the commencement of proceedings against Dr. St. Onge, and to proceed without the filing of formal charges in a Complaint and Notice of Hearing at this time, provided Dr. St. Onge enters into this Consent Order.

OHIO STATE MEDICAL BOARD

APR - 2 2009

RECEIVED

CONSENT

Ricky Donald St. Onge, M.D., by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and proceedings conducted in accordance with this Order, to the following:

1. Dr. St. Onge acknowledges that he is fully aware that, without his consent here given, no permanent legal action may be taken against him except after a public hearing held in accordance with W. Va. Code § 30-3-14(h) and § 29A-5-1, *et seq.*

2. Dr. St. Onge further acknowledges that he has the following rights, among others: the right to a formal public hearing before the Board, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, and the right to cross-examine witnesses against him.

3. Dr. St. Onge waives all rights to such a public hearing.

4. Dr. St. Onge consents to the entry of this Order relative to his practice of medicine and surgery in the State of West Virginia.

5. Dr. St. Onge understands that this Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the Consent of Dr. St. Onge, the West Virginia Board of Medicine hereby ORDERS as follows:

OHIO STATE MEDICAL BOARD

APR - 2 2009

RECEIVED

1. The license to practice medicine and surgery in the State of West Virginia previously issued to Ricky Donald St. Onge, M.D., License # 18317, is SURRENDERED to the Board, effective April 1, 2009 at 12:01 a.m.

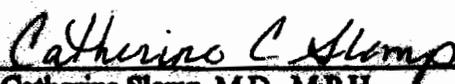
2. Dr. St. Onge shall not in the future apply for any license from the Board, and if he does, the application will be denied.

The foregoing Consent Order was entered this 23rd day of March, 2009.

WEST VIRGINIA BOARD OF MEDICINE



John A. Wade, Jr., M.D.
President



Catherine Slomp, M.D., M.P.H.
Secretary



Ricky Donald St. Onge, M.D.

Date: 3-18-09

OHIO STATE MEDICAL BOARD

APR - 2 2009

RECEIVED

STATE OF Ohio

COUNTY OF Franklin

I, ERIC JOHN PLINKE, a Notary Public for said county and state

do hereby certify that Ricky Donald St. Onge, M.D., whose name is signed on the previous page has this day acknowledged the same before me.

Given under my hand this 18th day of MARCH, 2009.

My commission expires N.A




Notary Public

ERIC JOHN PLINKE, Attorney at Law
NOTARY PUBLIC - STATE OF OHIO
My Commission has no expiration
date. Section 147.08 O.R.C.

OHIO STATE MEDICAL BOARD

APR - 2 2009

RECEIVED

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

October 8, 2008

Case number: 08-CRF- **125**

Rick D. St. Onge, M.D.
Holzer Clinic
90 Jackson Pike
Gallipolis, OH 45631

Dear Doctor St. Onge:

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) From in or about April 2006 to in or about May 2008, in the routine course of your medical practice as an obstetrician and gynecologist, you undertook the care of Patient 1, as identified on the attached Patient Key. The Patient Key is confidential and to be withheld from public disclosure. Despite your ongoing physician-patient relationship, in or about June 2007 you exposed your genitalia to Patient 1, and moreover, permitted Patient 1 to take a picture of your exposed genitalia with her camera phone. Further, you engaged in inappropriate sexual contact with Patient 1.

Your acts, conduct, and/or omissions as alleged in paragraph (1) 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, to wit: Rule 4731-26-02, Ohio Administrative Code. Pursuant to Rule 4731-26-03(A)(1), Ohio Administrative Code, a violation of Rule 4731-26-02, Ohio Administrative Code, also violates 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

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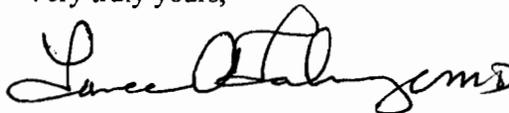
writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant a certificate to an applicant, revokes an individual’s certificate to practice, refuses to register an applicant, or refuses to reinstate an individual’s certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/DSZ/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3934 3685 9193
RETURN RECEIPT REQUESTED

Duplicate Mailing:

Rick D. St. Onge, M.D.
554 Juniper Lane
Gallipolis, OH 45631

CERTIFIED MAIL #91 7108 2133 3934 3685 9285
RETURN RECEIPT REQUESTED - RESTRICTED DELIVERY

cc: Eric J. Plinke, Esq.
Dinsmore & Shohl, LLP
191 W. Nationwide Blvd., Suite 300
Columbus, Ohio 43215

CERTIFIED MAIL #91 7108 2133 3934 3685 9209
RETURN RECEIPT REQUESTED