BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *

CHARLES P. POLLAK, M.D. *

*

ENTRY NUNC PRO TUNC

By Order of the State Medical Board of Ohio on October 10, 2001, the certificate of Charles P. Pollak, M.D., to practice medicine and surgery was indefinitely suspended for failing to comply with a Continuing Medical Education (CME) audit.

In order to correct the requirement contained within paragraph 2(c) of the October 10, 2001 Board Order, the following is hereby substituted for that Order in its entirety:

It is hereby ORDERED that:

1. The certificate of Charles P. Pollak, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than thirty (30) days.

2. The Board shall not consider reinstatement of Dr. Pollak's certificate to practice until all of the following minimum requirements are met:

   a. Dr. Pollak shall submit an application for reinstatement, accompanied by appropriate fees.

   b. Dr. Pollak shall provide documentation acceptable to the Board of satisfactory completion of 100 hours of CME, at least 40 hours of which shall be in Category I, for the period from July 1, 1996 to June 30, 1998.

      It shall be Dr. Pollak's responsibility to work with appropriate Board staff to ascertain what will be considered as satisfactory documentation and to obtain the same.

   c. Dr. Pollak shall provide documentation acceptable to the Board of satisfactory completion of 75 hours of CME, at least 30 hours of which shall be Category I, for the period of July 1, 1998 to January 1, 2000.

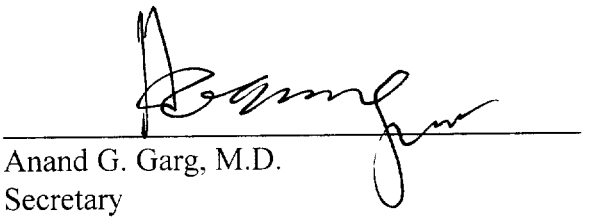
d. Dr. Pollak shall supply documentation acceptable to the Board of satisfactory completion of the requisite hours of CME for each complete biennium, if any, during which Dr. Pollak's certificate remains suspended.

e. In the event that Dr. Pollak has not been engaged in the active practice of medicine for a period of more than two (2) years prior to his application for reinstatement, Dr. Pollak shall take and pass the SPEX examination or any similar written examination which the Board may deem appropriate to assess his clinical competency.

3. Subsequent to reinstatement, Dr. Pollak shall provide documentation acceptable to the Board of satisfactory completion of the requisite number of hours of CME for the CME acquisition period in effect at the time of reinstatement, and for two complete CME acquisition periods thereafter. This documentation shall be due in the Board's offices within thirty (30) days of the conclusion of each CME acquisition period.

This above Order shall be retroactive to November 10, 2001.

So ORDERED this 10 day of November, 2001.



Anand G. Garg, M.D.
Secretary

amended/es

State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.state.oh.us/med/

October 10, 2001

Charles Pollak, M.D.
3440 Olentangy River Road
Apt. 11-I
Columbus, OH 43202

Dear Doctor Pollak:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on October 10, 2001.

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 a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

Very truly yours,

Anand G. Garg, M.D.
Secretary

AGG:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. 7000 0600 0024 5147 2637
RETURN RECEIPT REQUESTED

Mailed 10.11.01

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry approved by the State Medical Board, meeting in regular session on October 10, 2001, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of Charles Pollak, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This Certification is made by the authority of the State Medical Board of Ohio in its behalf.

Anand G. Garg, M.D.
Secretary

(SEAL)

October 10, 2001
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF	*
CHARLES POLLAK, M.D.	*
	*

FINDINGS, ORDER AND JOURNAL ENTRY

By letter dated August 8, 2001, notice was given to Charles Pollak, M.D., that the State Medical Board intended to consider disciplinary action against his license to practice medicine and surgery in Ohio, and that he was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of said notice. In accordance with Section 119.07, Ohio Revised Code, said notice was sent via certified mail, return receipt requested, on August 9, 2001, to the address of record of Dr. Pollak, that being 3440 Olentangy River Road, Apt. 11-I, Columbus, OH 43202.

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

WHEREFORE, for the reasons outlined in the August 8, 2001 notice of opportunity for hearing, which is attached hereto and incorporated herein, it is hereby ORDERED:

1. The certificate of Charles Pollak, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than thirty (30) days.

2. The Board shall not consider reinstatement of Dr. Pollak's certificate to practice until all of the following minimum requirements are met:

    a. Dr. Pollak shall submit an application for reinstatement, accompanied by appropriate fees.

    b. Dr. Pollak shall provide documentation acceptable to the Board of satisfactory completion of 100 hours of CME, at least 40 hours of which shall be in Category I, for the period from July 1, 1996 to June 30, 1998.

It shall be Dr. Pollak responsibility to work with appropriate Board staff to ascertain what will be considered as satisfactory documentation and to obtain the same.

c. Dr. Pollak shall provide documentation acceptable to the Board of satisfactory completion of 125 hours of CME, at least 50 hours of which shall be Category I, for the period of July 1, 1998 to January 1, 2001.

d. Dr. Pollak shall supply documentation acceptable to the Board of satisfactory completion of the requisite hours of CME for each complete biennium, if any, during which Dr. Pollak certificate remains suspended.

e. In the event that Dr. Pollak has not been engaged in the active practice of medicine for a period of more than two (2) years prior to his application for reinstatement, Dr. Pollak shall take and pass the SPEX examination or any similar written examination which the Board may deem appropriate to assess his clinical competency.

3. Subsequent to reinstatement, Dr. Pollak shall provide documentation acceptable to the Board of satisfactory completion of the requisite number of hours of CME for the CME acquisition period in effect at the time of reinstatement, and for two complete CME acquisition periods thereafter. This documentation shall be due in the Board's offices within thirty (30) days of the conclusion of each CME acquisition period.

This ORDER shall become effective thirty (30) days after the mailing of notification of approval by the State Medical Board of Ohio.

This ORDER is hereby entered upon the Journal of the State Medical Board of Ohio for the 10th day of October, 2001, and the original thereof shall be kept with said Journal.

Anand G. Garg, M.D.
Secretary

(SEAL)

October 10, 2001
Date

State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.state.oh.us/med/

August 8, 2001

Charles Pollak, M.D.
3440 Olentangy River Road
Apt. 11-I
Columbus, OH 43202

Dear Doctor Pollak:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

(1) In applying for registration of your certificate to practice medicine and surgery for the 1998-2000 period, you certified that you had completed or would complete the requisite hours of Continuing Medical Education (CME) as required by Section 4731.281, Ohio Revised Code, during the last biennial period of acquisition of CME (July 1, 1996 - June 30, 1998).

(2) By a certified mail letter dated in or about July 1999, the State Medical Board of Ohio informed you that you were required to complete a log listing your CME for the July 1, 1996 - June 30, 1998 period and to provide documentation that you had actually completed at least forty (40) hours of Category I CME credits. By certified mail letter dated August 28, 2000, the State Medical Board again requested that you submit documentation of your CME credits for the July 1, 1996 - June 30, 1998 period. By certified mail letter dated March 7, 2001, the State Medical Board again requested that you submit documentation of your CME credits for the July 1, 1996 - June 30, 1998 period. You have failed to submit any documentation of CME completed for the above period.

(3) Your lack of response to the notices as detailed in the above paragraph (2) rebuts the presumption under Rule 4731-10-08(A), Ohio Administrative Code, that you did complete the requisite hours of CME, and/or demonstrates that you failed to keep detailed records of CME taken.

Mailed 8.9.01

Your acts, conduct and/or omissions in certifying to the State Medical Board that you had completed the statutorily required CME, as set forth in the above paragraph (1), when you had not, in fact, done so, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code, as in effect prior to March 9, 1999.

Further, your acts, conduct and/or omissions in certifying to the State Medical Board that you had completed the statutorily required CME, as set forth in the above paragraph (1), when you had not, in fact, done so, constitute "[p]ublishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code, as in effect prior to March 9, 1999.

Further, your failure to respond to the audit notices, to obtain the requisite CME, and/or to submit documentation of same, as alleged in the above paragraphs (2) and (3) 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: Section 4731.281, Ohio Revised Code, as in effect prior to March 9, 1999, and Rules 4731-10-03 and 4731-10-08, Ohio Administrative 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 (30) 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 (30) 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, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, effective March 9, 1999, 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,

Anand G. Garg, M.D.
Secretary

Enclosures

CERTIFIED MAIL #7000 0600 0024 5140 5918
RETURN RECEIPT REQUESTED

7000 0600 0024 5140 5918

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

CITE JAM

Postage	$ 1.26
Certified Fee	2.10
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.86

CLINTONVILLE STA COLUMBUS OH 43202 AUG 9 2001 USPS

Postmark Here

Recipient
Street,
City, St
PS Form

Charles Pollak, M.D.
3440 Olentangy River Road
Apt. 11-I
Columbus, OH 43202

structions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Charles Pollak, M.D.
3440 Olentangy River Road
Apt. 11-I
Columbus, OH 43202

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)* JOHN MACIOCI

B. Date of Delivery 8/10/01

C. Signature
X John Macioci

☒ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

CITE JAM

SCHERMERHOLD STA COLUMBUS OH 43214 0698 AUG 10 2001 USPS

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Copy from service label)*
7000 0600 0024 5140 5918

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

AFFIDAVIT

I, Debra Jones, being duly cautioned and sworn, do hereby depose and say:

1) That I am employed by the State Medical Board of Ohio (hereinafter, "The Board")

2) That I serve the Board in the position of Chief, Continuing Medical Education, Records, and Renewal;

3) That in such position I am the responsible custodian of all public licensee records maintained by the Board pertaining to individuals who have received certificates issued pursuant to Chapter 4731., Ohio Revised Code;

4) That I have this day carefully examined the records of the Board pertaining to Charles Pollak, M.D.

5) That based on such examination, I have found the last known address of record of Charles Pollak, M.D. to be:

3440 Olentangy River Road
Apt. 11-I
Columbus, OH 43202

6) Further, Affiant Sayeth Naught.

Debra L. Jones

Debra L. Jones, Chief
Continuing Medical Education,
Records and Renewal

Sworn to and signed before me, Angela D. Fields, Notary Public, this 25th day of September, 2001.

ANGELA D. FIELDS
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 05/14/06

Angela D. Fields

Notary Public