



# State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: [www.med.ohio.gov](http://www.med.ohio.gov)

May 10, 2006

Carl Floyd Gottschling, M.D.  
4816 Anderson Road  
Lyndhurst, OH 44124-1004

Dear Doctor Gottschling:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Patricia A. Davidson, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on May 10, 2006, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

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.  
Secretary

LAT:jam  
Enclosures

CERTIFIED MAIL NO. 7003 0500 0002 4329 9613  
RETURN RECEIPT REQUESTED

Cc: Kevin P. Byers, Esq.  
CERTIFIED MAIL NO. 7003 0500 0002 4329 9590  
RETURN RECEIPT REQUESTED

*Second mailing 6-16-06  
Mailed 5-12-06*

In the matter of Carl Floyd Gottschling, M.D.  
Page 2

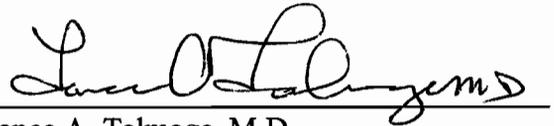
Second mailing: 4816 Anderson Road  
Lyndhurst, OH 44124-1004  
CERTIFIED MAIL NO. 7003 0500 0002 4329 9019  
RETURN RECEIPT REQUESTED

CC: Kevin P. Byers, Esq.  
CERTIFIED MAIL NO. 7003 0500 0002 4329 9002  
RETURN RECEIPT REQUESTED

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Patricia A. Davidson, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on May 10, 2006, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Carl Floyd Gottschling, M.D., 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.  
Secretary

(SEAL)

May 10, 2006  
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

\*

\*

CARL FLOYD GOTTSCHLING, M.D.

\*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on May 10, 2006.

Upon the Report and Recommendation of Patricia A. Davidson, 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 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:

The application of Carl Floyd Gottschling, M.D., for restoration of his license to practice medicine and surgery in the State of Ohio shall be DENIED.

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

(SEAL)

  
\_\_\_\_\_  
Lance A. Talmage, M.D.  
Secretary

May 10, 2006  
\_\_\_\_\_  
Date

2006 APR 19 A 11: 48

**REPORT AND RECOMMENDATION  
IN THE MATTER OF CARL FLOYD GOTTSCHLING, M.D.**

The Matter of Carl Floyd Gottschling, M.D., was heard by Patricia A. Davidson, Hearing Examiner for the State Medical Board of Ohio, on March 31, 2006.

**INTRODUCTION**

I. Basis for Hearing

- A. By letter dated November 9, 2005, the State Medical Board of Ohio [Board] notified Carl Floyd Gottschling, M.D., of its proposed denial of his application for license restoration, or other sanction or restriction. The Board's proposal was based on allegations that Dr. Gottschling made false statements on the application. (State's Exhibit 1A)

The Board alleged that Dr. Gottschling's conduct constitutes "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," as that clause is used in as that clause is used in Ohio Revised Code Section [R.C.] 4731.22(B)(5)."

In addition, the Board alleged that Dr. Gottschling's conduct constitutes a "failure to furnish satisfactory proof of good moral character" as required by R.C. 4731.29 and 4731.08.

Further, the Board alleged that Dr. Gottschling had not engaged in the active practice of medicine since August 2000 and that his "failure to be engaged in the active practice of medicine and surgery for a period in excess of two years prior to his application for restoration" constitutes cause for the Board to exercise its discretion under R.C. 4731.222, to require additional evidence of his fitness to resume practice.

Accordingly, the Board advised Dr. Gottschling of his right to request a hearing. (State's Ex. 1A)

- B. On December 6, 2005, the Board received Dr. Gottschling's request for a hearing. (State's Exhibit 1B)

II. Appearances

- A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Damion M. Clifford, Assistant Attorney General.
- B. On behalf of the Respondent: Kevin P. Byers, Esq.

## EVIDENCE EXAMINED

### I. Testimony Heard

Carl Floyd Gottschling, M.D.

### II. Exhibits Examined

#### A. Presented by the State

1. State's Exhibits 1A through 1O: Procedural exhibits.
2. State's Exhibit 2: Certified copies of documents maintained by the Board in the Matter of Carl Floyd Gottschling, M.D.
3. (No Exhibit 3)
4. State's Exhibit 4: Copies of documents pertaining to Dr. Gottschling's exclusion from participation in federal health-care programs by the U.S. Department of Health & Human Services. (The Hearing Examiner paginated the exhibit post hearing.)

#### B. Presented by the Respondent

Respondent's Exhibit A: Copy of letter from Howard Nearman, M.D. to the Board.

## SUMMARY OF THE EVIDENCE

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

### **Background**

1. Carl Floyd Gottschling, M.D., testified that he received a bachelor's degree from Bowling Green State University in 1970 and then served in the Marine Corps for eleven years. He stated that, in 1982, he had entered Golden West College in Orange County, California, and eventually received a chemistry degree from California State University at Fullerton in 1987. Dr. Gottschling received his medical degree from the University of Southern California in 1991. He testified that that he had completed an internal medicine internship in 1992 at the Los Angeles County Medical Center and completed an anesthesiology residency at University Hospitals of Cleveland in 1995. Dr. Gottschling stated that he is not board-certified. (Tr. at 7-8, 27-30)

Dr. Gottschling further testified that he had been employed in 1995 by University Anesthesiologists, Inc., to work at University Hospitals of Cleveland. He testified that he had left University Anesthesiologists in August 2000 and has not practiced medicine, or otherwise worked full time, since then. (Tr. at 8, 30, 37)

### **Exclusion From Participation in Federal Health Care Programs**

2. By letter dated November 5, 1999, William Darracott, Chief of the Debt Servicing Section of the Division of Financing Operations, United States Government, notified Dr. Gottschling that payments on his student loans were overdue and that, if he did not pay the amount in arrears or propose a repayment agreement, the debt would be reported to governmental agencies for a variety of possible collection activities. (St. Ex. 4 at 5)
3. By letter dated March 6, 2001, Mr. Darracott notified Dr. Gottschling that he must contact the Debt Servicing Section within 60 days to indicate how he intended to resolve the delinquency on his debt. Mr. Darracott stated that this was Dr. Gottschling's final notice and that, if Dr. Gottschling was unwilling or unable to negotiate a repayment agreement within 60 days, the Debt Servicing Section would immediately refer the matter to the Office of the Inspector General for "initiation of an exclusion from participation in reimbursement for services provided under the Medicare program." Mr. Darracott noted that the Office of the Inspector General would be required to exclude Dr. Gottschling "immediately" from participation in "any state health care program, including Medicaid." (St. Ex. 4 at 6)
4. By letter dated July 31, 2001, the Office of the Inspector General, U.S. Department of Health and Human Services notified Dr. Gottschling as follows, in pertinent part:

By letter dated March 6, 2001, you were notified \* \* \* that as a result of your failure to repay your Health Education Assistance Loan or to enter into an agreement to repay the debt, you would be excluded from participation in the Medicare Program. This letter is to notify you that \* \* \* you are being excluded from participation in the Medicare program pursuant to section 1892 of the Social Security Act (Act) (42 U.S.C. 1395ccc). In addition, \* \* \* you are also being excluded from participation in the Medicare, Medicaid, and **all** Federal health care programs as defined in section 1128B(f) of the Act. These exclusions are effective 20 days from the date of this letter and will remain in effect until your debt has been completely satisfied.

A detailed explanation of the authority for this exclusion, its effect, the right to waiver, and your appeal rights is enclosed and is incorporated as part of this notice by specific reference. You should read this document carefully, act upon it as necessary, and retain it for future reference.

(St. Ex. 4 at 2)

### **The Termination of Dr. Gottschling's Employment with University Anesthesiologists**

5. According to Dr. Gottschling's testimony, in 1998 he began to use "the hospital's computer system to access the Internet and download inappropriate material, specifically pornography." Dr. Gottschling explained that, when his visits to pornographic websites was discovered by the computer-services department, he had been advised by Helmut F. Cascorbi, M.D., Ph.D., the

Chairman of the Department of Anesthesiology, that this conduct was inappropriate and must cease. (Tr. at 13-14)

Dr. Gottschling testified that, after a “couple of months,” he could no longer comply with the prohibition, and he returned to accessing inappropriate materials on the Internet. Dr. Gottschling testified that, in about June 2000, the new director of his department, Howard Nearman, M.D., had approached him and asked whether he was still using the hospital computers to access prohibited materials. According to Dr. Gottschling, Dr. Nearman told him to “make sure” he did not. (Tr. at 14-15)

Dr. Gottschling testified that he had been unable to stop accessing pornography on the Internet: “Then, again, unfortunately, I did not change my behavior.” He stated that, on August 10, 2000, he was called into Dr. Nearman’s office and informed that the computer-services department had used surveillance equipment to monitor his computer use and had documented that he had continued to engage in the prohibited behavior. (Tr. at 15)

Dr. Gottschling further testified that, in this meeting, Dr. Nearman stated that the hospital wanted to pursue legal action, and Dr. Gottschling got the impression that criminal charges were contemplated. He testified that Dr. Nearman had reminded him that he had been warned to stop the behavior but had not complied. According to Dr. Gottschling, Dr. Nearman stated that, if Dr. Gottschling did not resign immediately, the hospital would pursue legal action. Dr. Gottschling testified that he had resigned his position at that time. (Tr. at 16-17, 31, 43)

6. Dr. Gottschling testified that he has not worked full time in any capacity since August 2000. His medical license expired in January 2001. He testified that he has lived on his savings and recently obtained personal loans from a friend. (Tr. at 43, 47; Ex. 2 at 2)

#### **Dr. Gottschling’s Application for Restoration of the Ohio Certificate**

7. On May 3, 2005, Dr. Gottschling submitted an Application for License Restoration to the Board. By signing the Affidavit and Release included in the application, he certified that the information provided therein was true. (St. Ex. 2 at 1-120)

Under the heading “Additional License Restoration Information,” the application sets forth the following instructions:

If you answer “YES” to any of the following questions, you are required to furnish **complete details**, including date, place, reason and disposition of the matter. All affirmative answers must be **thoroughly explained** on a separate sheet of paper. You must submit copies of all relevant documentation, such as court pleadings, court or agency orders, and institutional correspondence and orders. Please note that some questions require very specific and detailed information. Make sure that all responses are complete.

(St. Ex. 2 at 7) (Emphasis added)

Dr. Gottschling answered “Yes” in response to Question 3 under “Additional License Restoration Information,” which asked as follows:

Have you ever resigned from, withdrawn from or terminated, or have you ever been requested to resign from, withdraw from, or otherwise been terminated from a position with a medical partnership, professional association, corporation, health maintenance organization, or other medical practice organization, either private or public?

(St. Ex. 2 at 7) On a separate sheet, Dr. Gottschling provided the following explanation:

**Question 3:** On 10 August 2000, I voluntarily resigned my position as a staff anesthesiologist with University Anesthesiologists Incorporated \* \* \* in order to deal with personal health and family issues as well as to consider other avenues of endeavor. (Emphasis in original)

(St. Ex. 2 at 9) In addition, Dr. Gottschling answered “No” to Question 19, which asked as follows:

Have you ever been denied or relinquished participation in any third party reimbursement program, whether governmental or private, including Medicaid and Medicare; or had such participation limited, restricted, suspended, or revoked; or been warned, reprimanded, requested to appear before, or fined by the responsible body?

(St. Ex. 2 at 8)

### **Additional Testimony by Dr. Gottschling Testimony at the Hearing**

8. With regard to the exclusion from federal reimbursement programs, Dr. Gottschling testified that he remembered receiving warning letters from the federal government stating that, if he did not pay his debt, the government would exclude him from participation in the reimbursement programs. However, Dr. Gottschling testified that he had not received the letter that actually excluded him. Dr. Gottschling said that he had learned of the exclusion when he received a telephone call from a Board staff member regarding his application, and the staff member had asked him if he was aware that he had been excluded. (Tr. at 19-24)
9. Dr. Gottschling also testified regarding his departure from University Anesthesiologists. He stated that, on the day he had resigned, he had felt embarrassed and disappointed with himself because he had been unable to control his behavior and had continued to engage in the activity despite being warned. He testified that his employer’s action in compelling him to leave the group had been warranted by his behavior but that he had not deserved to be forced out of the practice of medicine at that point. (Tr. at 31-33)

Dr. Gottschling stated that Dr. Nearman had helped him to find a psychiatrist. Dr. Gottschling testified that he had visited the psychiatrist over a period of about ten months from August 2000 until June 2001, at which time he had decided to stop going. However, Dr. Gottschling stated that he had benefited from the treatment. Dr. Gottschling testified that the psychiatrist had diagnosed dysthymia and that the sessions had revealed the reasons he had continued to view and download pornography despite warnings, such as introversion and lack of productive long-term relationships. (Tr. at 35-36)

10. At the hearing, Dr. Gottschling admitted that his response to question 3 was not thorough and complete. Dr. Gottschling admitted that he had “intended not to disclose the details of this resignation in the application.” (Tr. at 17)

When asked whether he had made “a conscious decision to withhold the details” of his resignation from the Board, Dr. Gottschling answered, “Yes.” He explained that he had not realized that the details were relevant. In addition, he stated that the meetings with the psychiatrist had revealed to him that his behavior at University Anesthesiologists had been caused by his medical diagnosis of dysthymia. Dr. Gottschling stated that, at the time he resigned, the cause was “the issue with the computer” and avoiding legal action, but that, after meeting with the psychiatrist, he came to believe that his computer misuse had been caused by the dysthymia. (Tr. at 38-40, 43)

He clarified that the basis for the resignation was the misuse of the computer and the threat of legal action, whereas he had stated on the application that the basis for the resignation was family issues and personal health, which he agreed were “two different things.” He testified that his narrative explanation of his answer was not accurate. (Tr. at 44-47)

11. Dr. Gottschling testified that, although he has not practiced medicine since August 2000, he had kept current with his CME courses. He affirmed his willingness to take the SPEX and other clinical evaluation of his skills as necessary. He also stated that he was willing to comply with any restrictions and conditions, such as monitoring, mentoring, or preceptorship. Dr. Gottschling stated that he had been informed by the chairman of anesthesia service at Louis Stokes Veterans Medical Center in Cleveland that the hospital would welcome him as an anesthesiologist, although no offer has been made and the chairman does not actually do the hiring. (37, 40-42)

12. In addition, Dr. Gottschling stated that he was on medication for his psychiatric condition at the time he completed his restoration application and was still continuing to take his medication. When asked to explain being on medication although he had terminated his psychiatric treatment in 2001, Dr. Gottschling explained that he had ceased his medication for several years. Then, he had subsequently explained his “situation and so forth” to a physician and obtained medication again. When asked what type of specialist he had consulted, he stated that he had talked with an anesthesiologist. However, Dr. Gottschling stated that, in preparation for the Board hearing, he had reestablished contact a few weeks before the hearing with the psychiatrist who had previously treated him. (Tr. at 44, 48)

### **Character References on Behalf of Dr. Gottschling**

13. David Kazdan, M.D., Ph.D., testified on behalf of Dr. Gottschling. Dr. Kazdan holds the following degrees and completed the following training: bachelor's degrees in electrical engineering and music from the Massachusetts Institute of Technology, medical degree from the University of Cincinnati in 1985, a year's residency in internal medicine at University of Michigan; a Ph.D. in biomedical engineering from Case Western Reserve University, and an anesthesiology residency completed in 1995 at University Hospitals of Cleveland, where he met Dr. Gottschling. Dr. Kazdan is currently an anesthesiologist at the Louis Stokes Medical Center in Cleveland and an assistant professor at Case Western Reserve University. (Tr. at 50-54)

Dr. Kazdan testified that he observed Dr. Gottschling's capabilities when they were residents together. Subsequently, as teaching faculty, he also observed Dr. Gottschling in operating rooms. Further, Dr. Kazdan testified that he knows Dr. Gottschling well outside the practice of medicine, as friends, and that Dr. Gottschling has come to family events. He testified that, in 2005, Dr. Gottschling had explained to him why he had left University Anesthesiologist in 2000. Dr. Kazdan testified that Dr. Gottschling has a good moral character and that it has "been an honor knowing him." (Tr. at 55-57)

14. In a letter to the Board dated March 29, 2006, Dr. Howard Nearman, who was involved in Dr. Gottschling's termination of employment in 2000 and is currently the Chairman of the Department of Anesthesiology and Perioperative Medicine at University Hospitals of Cleveland, wrote in support of Dr. Gottschling's licensure in Ohio. He stated in part:

Dr. Gottschling had a problem as a result of some personal issues he needed to address. At no time was there ever any issue of quality of patient care, or ability to perform his clinical responsibilities. On the contrary, Dr. Gottschling was well liked by his patients and respected by colleagues.

Once his licensure situation is resolved, I will certainly consider hiring Carl again as our group's expansion continues into other branches of the University Hospitals Health System and we will need more good anesthesiologists.

(Resp. Ex. A)

### **FINDINGS OF FACT**

1. On May 3, 2005, Carl Floyd Gottschling, M.D., submitted an Application for License Restoration to the Board. That application is pending. By signing the Affidavit and Release in the application, he certified that the information provided therein was true.
2. Under the heading "Additional License Restoration Information," the application sets forth the following instructions:

If you answer “YES” to any of the following questions, you are required to furnish complete details, including date, place, reason and disposition of the matter. All affirmative answers must be thoroughly explained on a separate sheet of paper. You must submit copies of all relevant documentation, such as court pleadings, court or agency orders, and institutional correspondence and orders. Please note that some questions require very specific and detailed information. Make sure that all responses are complete.

Dr. Gottschling answered “Yes” in response to Question 3 under “Additional License Restoration Information,” which asked as follows:

Have you ever resigned from, withdrawn from or terminated, or have you ever been requested to resign from, withdraw from, or otherwise been terminated from a position with a medical partnership, professional association, corporation, health maintenance organization, or other medical practice organization, either private or public?

On a separate sheet, Dr. Gottschling provided the following explanation:

**Question 3:** On 10 August 2000, I voluntarily resigned my position as a staff anesthesiologist with University Anesthesiologists Incorporated \* \* \* in order to deal with personal health and family issues as well as to consider other avenues of endeavor.

In addition, Dr. Gottschling answered “No” to Question 19, which asked as follows:

Have you ever been denied or relinquished participation in any third party reimbursement program, whether governmental or private, including Medicaid and Medicare; or had such participation limited, restricted, suspended, or revoked; or been warned, reprimanded, requested to appear before, or fined by the responsible body?

3. In August 2000, Dr. Gottschling had resigned from University Anesthesiologists, Inc., to avoid legal action based on his misuse of his employer’s Internet facilities to view and download pornographic images. Dr. Gottschling admitted that he had intended not to disclose on the application the details of his resignation. He admitted that he had made a conscious decision to withhold the details of his resignation from the Board.
4. By letter dated July 31, 2001, the federal government had excluded Dr. Gottschling from participation in Medicare, Medicaid and all federal health care programs, and had informed Dr. Gottschling that the exclusion would be effective on or about August 20, 2001.
5. Dr. Gottschling has not practiced medicine since August 2000.

### CONCLUSIONS OF LAW

1. The conduct of Carl Floyd Gottschling, M.D., set forth above in Findings of Fact 1 through 4, constitute “[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board,” as that clause is used in R.C. 4731.22(B)(5).
2. Dr. Gottschling’s conduct as set forth above in Findings of Fact 1 through 4 constitutes a failure to furnish satisfactory proof of good moral character as required by R.C. 4731.29 and 4731.08.
3. The fact that Dr. Gottschling had not engaged in the active practice of medicine and surgery for a period in excess of two years prior to his application for restoration, as set forth in Finding of Fact 5, constitutes cause for the Board to exercise its discretion under R.C. 4731.222 to require additional evidence of his fitness to resume practice.

\* \* \* \* \*

Although Dr. Gottschling gave considerable attention at the hearing to the reasons why he misused his employer’s computer system from 1998 to August 2000, the focus of the Board’s Notice of Opportunity for Hearing is not on the cause of that conduct. The focus of the Board’s inquiry is on Dr. Gottschling’s honesty or dishonesty when he completed his license application in 2005.

Dr. Gottschling gave various explanations for providing an inaccurate narrative response on the application with regard to his departure from a practice group in 2000. He claimed that his reason for resigning in 2000 was to avoid legal action, but that he later came to understand that the misconduct and consequent resignation had been caused by a medical condition. However, the simple fact is that if he sincerely believed that his resignation was the unfortunate result of an untreated medical condition, then all he had to do was say so on the application.

The application made clear that a detailed and thorough explanation was necessary for any “Yes” answer. Rather than give a detailed explanation, Dr. Gottschling deliberately gave a vague explanation that was intended to mislead and deceive the Board. In addition, Dr. Gottschling’s explanation regarding his lack of awareness of his exclusion from federal reimbursement programs was not convincing.

Dr. Gottschling’s lack of honesty on his 2005 application precludes the granting of a certificate to practice at this time. However, the circumstances do not warrant a permanent bar to licensure.

**PROPOSED ORDER**

It is hereby ORDERED that:

The application of Carl Floyd Gottschling, M.D., for restoration of his license to practice medicine and surgery in the State of Ohio shall be DENIED.

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

A handwritten signature in cursive script, appearing to read "Patricia A. Davidson", is written over a horizontal line.

Patricia A. Davidson  
Hearing Examiner



# State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/ 466-3934 • Website: [www.state.oh.us/med/](http://www.state.oh.us/med/)

## EXCERPT FROM THE DRAFT MINUTES OF MAY 10, 2006

### REPORTS AND RECOMMENDATIONS

Dr. Robbins announced that the Board would now consider the findings and orders appearing on the Board's agenda. He asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Carl Floyd Gottschling, M.D.; Donald R. Kiser, D.O.; Gary Ray Lutz, D.O.; Sonia Shetal Shah, M.D.; and Stephen David Waite, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Steinbergh	- aye
	Dr. Robbins	- aye

Dr. Robbins 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. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Steinbergh	- aye

Dr. Robbins - aye

Dr. Robbins 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. Robbins stated that, if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and orders in the above matters. No objections were voiced by Board members present.

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

CARL FLOYD GOTTSCHLING, M.D.

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**MR. BROWNING MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT, CONCLUSIONS, AND PROPOSED ORDER IN THE MATTER OF CARL FLOYD GOTTSCHLING, M.D. DR. STEINBERGH SECONDED THE MOTION.**

.....

A vote was taken on Mr. Browning's motion to approve and confirm:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye

The motion carried.



# State Medical Board of Ohio

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November 9, 2005

Carl Floyd Gottschling, M.D.  
4816 Anderson Road  
Lyndhurst, OH 44124

Dear Doctor Gottschling:

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

- (1) On or about May 3, 2005, you submitted an Application for License Restoration – Medicine or Osteopathic Medicine [Restoration Application] to the Board. Your Restoration Application is currently pending. By signing the Affidavit and Release of Applicant as part of your Restoration Application, you certified that the information provided therein was true.
- (2) The “Additional Information” section of your Restoration Application includes the instruction that, should you answer “YES” to any question, “you are required to furnish complete details, including date, place, reason and disposition of the matter. All affirmative answers must be thoroughly explained on a separate sheet of paper. . . . Please note that some questions require very specific and detailed information. Make sure all responses are complete.”

In the “Additional Information” section of your Restoration Application you answered “YES” to question number 3 which asks the following:

Have you ever resigned from, withdrawn from, or terminated, or have you ever been requested to resign from, withdraw from, or otherwise been terminated from, a position with a medical partnership, professional association, corporation, health maintenance organization, or other medical practice organization, either private or public?

In your written response you indicated that “[o]n 10 August 2000, [you] voluntarily resigned [your] position as a staff anesthesiologist with University Anesthesiologists Incorporated . . . in order to deal with personal health and family issues as well as to consider other avenues of endeavor.”

In fact, on or about October 6, 2005, you stated under oath in an investigatory deposition that you resigned from University Anesthesiologists, Incorporated, in lieu of threat of

*Mailed 11-10-05*

criminal prosecution based on your inappropriate use of your employer's internet facilities to download pornographic images, and you admitted that you intended not to disclose to the Board the details of the separation of your employment from University Anesthesiologists, Incorporated.

Further, in the "Additional Information" section of your Restoration Application you answered "NO" to question number 19 which asks the following:

Have you ever been denied or relinquished participation in any third party reimbursement program, whether governmental or private, including Medicaid and Medicare; or had such participation limited, restricted, suspended, or revoked; or been warned, reprimanded, requested to appear before, or fined by the responsible party?

In fact, on or about August 20, 2001, you were excluded from participation in Medicare, Medicaid and all federal health care programs.

- (3) You stated under oath in an investigatory deposition that you have not practiced medicine since August 2000.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute a failure to furnish satisfactory proof of good moral character as required by Sections 4731.29 and 4731.08, Ohio Revised Code.

Further, your failure to be engaged in the active practice of medicine and surgery for a period in excess of two years prior to your application for restoration, as alleged in paragraph (3) above, constitutes cause for the Board to exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of your fitness to resume practice.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice

before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon 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/blt  
Enclosures

CERTIFIED MAIL # 7003 0500 0002 4333 3836  
RETURN RECEIPT REQUESTED