

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

IAN H FREIRICH, M.D.

*

ORDER AND ENTRY

On or about November 18, 1999, notice was issued to Ian H. Freirich, M.D., that the State Medical Board of Ohio intended to consider disciplinary action against his license to practice medicine and surgery in the State of Ohio. The Board's notice was based on Dr. Freirich's surrender of his New York license wherein he had admitted practicing with negligence on more than one occasion involving the treatment of four patients.

The Board received a letter dated December 2, 1999, from Robert J. Sullivan, Dr. Freirich's attorney, informing the Board that Dr. Freirich had passed away several months ago.

The Board having been subsequently notified of Dr. Freirich's death, it is hereby ORDERED that the above referenced matter be and is hereby dismissed as MOOT.



Anand G. Garg, M.D.
Secretary

01/11/00

Date

Robert J. Sullivan, Esq.
CERTIFIED MAIL RECEIPT NO. Z 233 896 697
RETURN RECEIPT REQUESTED

Mailed 1/4/00



State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0313 • 614/466-3934 • Website: www.state.oh.us/med/

November 17, 1999

Ian H. Freirich, M.D.
1808 McCreary Avenue
Owensboro, Kentucky 42301

Dear Doctor Freirich:

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) Effective May 3, 1999, the New York State Board for Professional Misconduct (hereinafter the "New York Board") accepted your surrender of your license in Surrender Order BMPC #99-90, and ordered that your name be stricken from the roster of physicians in the State of New York.

In the Surrender, you admitted that you were charged with practicing with negligence on more than one occasion involving your treatment of four (4) patients, and that you could not successfully defend against the acts of misconduct set forth in the New York Board Statement of Charges. A copy of the New York Board Surrender Order is attached hereto and fully incorporated herein.

The New York Board Surrender Order as alleged in paragraph (1) above, constitutes "[a]ny of the following actions taken by the state agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or the limited branches of medicine in another state, 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 language is used in Section 4731.22(B)(22), 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 (30) days of the time of mailing of this notice.

You are further advised that 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, permanently revoke, suspend, refuse to

Mailed 11/18/99

Ian H. Freirich, M.D.

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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

AGG/jag
Enclosures

CERTIFIED MAIL # Z 233 896 480
RETURN RECEIPT REQUESTED

cc: 1783 Southwood Drive
San Luis Obispo, California 93401-6031

CERTIFIED MAIL # Z 233 896 481
RETURN RECEIPT REQUESTED

cc: Ian H. Freirich, M.D.
c/o Robert J. Sullivan
Nossaman, Gunthner, Knox & Elliott
915 L Street, Suite 100
Sacramento, California 95814-3705

CERTIFIED MAIL # Z 233 895 136
RETURN RECEIPT REQUESTED

OHIO STATE MEDICAL BOARD

NOV 15 1999

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X

IN THE MATTER : SURRENDER
OF : ORDER
IAN FREIRICH, M.D. : BMC # 99-90

-----X

IAN FREIRICH, M.D., says:

On or about September 17, 1984, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 160016 by the New York State Education Department.

I understand that I have been charged with one specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as physician in the State of New York and request that the Board issue this Surrender Order.

I cannot successfully defend against the acts of misconduct alleged in the one specification set forth in the Statement of Charges.

I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that in the event the State Board for Professional Medical Conduct agrees with my proposal, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. I agree that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

OHIO STATE MEDICAL BOARD

NOV 15 1999

I am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

Ian Freirich MD 4/17/99

IAN FREIRICH, M.D.

Respondent

Leslie D. Freirich 4-17-99

Leslie D. Freirich
Attorney-in-Fact

AGREED TO:

Date: 4/15/, 1999

Robert Sullivan
ROBERT SULLIVAN, Esq.
Attorney for Respondent

Date: 4/22, 1999

Kalimah Jenkins
KALIMAH JENKINS
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: April 26, 1999

Anne F. Saile
ANNE F. SAILE
Director, Office of
Professional Medical Conduct

ORDER

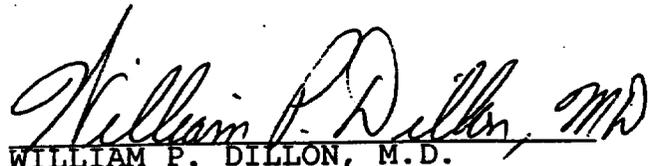
Upon the proposed agreement of IAN FREIRICH, M.D., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of this Order to Respondent at the address set forth in this agreement or to Respondent's attorney, or upon transmissions via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 4/28/99



WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

EXHIBIT A

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X

IN THE MATTER : STATEMENT
OF : OF
IAN FREIRICH, M.D. : CHARGES

-----X

IAN FREIRICH, M.D., the Respondent, was authorized to practice medicine in New York State on September 17, 1984 by the issuance of license number 160016 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

A. Respondent treated Patient A from in or around July 8, 1993 through in or around July 15, 1993. Respondent's treatment of Patient A did not meet acceptable standards of care in that:

1. Respondent failed to appropriately evaluate Patient A's symptoms and/or appropriately diagnose Patient A's condition.
2. Respondent failed to appropriately treat Patient A with medication and/or therapy.
3. Respondent placed Patient A on room restriction without indication.
4. Respondent subjected Patient A to an inappropriate treatment plan.

5. Respondent inappropriately discharged Patient A.
6. Respondent failed to implement an appropriate discharge plan for Patient A.
7. Respondent diagnosed Patient A as malingering without indication.

B. Respondent treated Patient A from in or around July 16, 1993 through July 27, 1993. Respondent's treatment of Patient A did not meet acceptable standards of care in that:

1. Respondent failed to appropriately evaluate Patient A's symptoms and/or appropriately diagnose Patient A's condition.
2. Respondent failed to appropriately treat Patient A with medication and/or therapy.
3. Respondent placed Patient A on room restriction without indication.
4. Respondent placed Patient A in sheet restraints without indication.
5. Respondent subjected Patient A to an inappropriate treatment plan.
6. Respondent diagnosed Patient A as malingering and/or having a factitious disorder without indication.
7. Respondent inappropriately discharged Patient A.
8. Respondent failed to implement an appropriate discharge plan for Patient A.

C. Respondent treated Patient B from in or around May 19, 1993 through May 26, 1993. Respondent's treatment of Patient B did not meet acceptable standards of care in that:

1. Respondent failed to appropriately evaluate Patient B's symptoms and/or appropriately diagnose Patient B's condition.
2. Respondent failed to provide an appropriate treatment plan for Patient B.

D. Respondent treated Patient B from in or around July 4, 1993 through in or around July 6, 1993. Respondent's treatment of Patient B did not meet acceptable standards of care in that:

1. Respondent failed to appropriately evaluate Patient B's symptoms and/or appropriately diagnose Patient B's condition.
2. Respondent failed to provide an appropriate treatment plan for Patient B.
3. Respondent placed Patient B on room restriction without indication.
4. Respondent diagnosed Patient B as malingering without indication.
5. Respondent failed to evaluate Patient B's condition when she requested readmission to the hospital.
6. Respondent conditioned Patient B's readmission to the hospital on Patient B's agreement to be placed on room restriction which was not indicated.

SPECIFICATIONS OF MISCONDUCT

FIRST SPECIFICATION

PRACTICING WITH NEGLIGENCE

ON MORE THAN ONE OCCASION

The Respondent is charged with practicing the profession with negligence on more than one occasion with the meaning of N.Y. Educ.Law § 6530(3) in that Petitioner charges that the Respondent committed two or more of the following:

1. The facts of paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5, A and A.6, A and A.7, B and B.1, B and B.2, B and B.3, B and B.4, B and B.5, B and B.6, B and B.7, B and B.8, C and C.1, C and C.2, D and D.1, D and D.2, D and D.3, D and D.4, D and D.5, D and D.6.

DATED: , 1999
Albany, New York

PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct