



# State Medical Board of Ohio

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April 13, 2005

Paul Po-Tsang Yang, M.D.  
857 Willow Bend Drive  
Wilmington, OH 45177

Dear Doctor Yang:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Sharon W. Murphy, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on April 13, 2005, 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.*  
Lance A. Talmage, M.D. /LATD  
Secretary

LAT:jam  
Enclosures

CERTIFIED MAIL NO. 7002 2410 0002 3141 3741  
RETURN RECEIPT REQUESTED

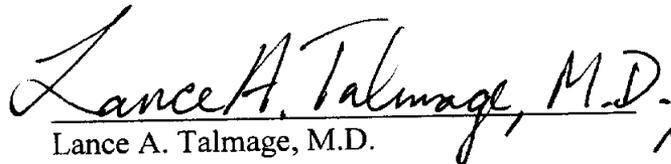
Cc: Kevin P. Byers, Esq.  
CERTIFIED MAIL NO. 7002 2410 0002 3141 3697  
RETURN RECEIPT REQUESTED

MAILED 4-14-05

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on April 13, 2005, 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 Paul Po-Tsang Yang, 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. *ATAD*  
Secretary

(SEAL)

April 13, 2005  
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

\*

\*

PAUL PO-TSANG YANG, M.D.

\*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on April 13, 2005.

Upon the Report and Recommendation of Sharon W. Murphy, 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:

- A. **SUSPENSION OF CERTIFICATE:** The certificate of Paul Po-Tsang Yang, M.D., to practice medicine and surgery in the State of Ohio shall be **SUSPENDED** for thirty days.
- B. **PROBATIONARY CONDITIONS:** Upon reinstatement, Dr. Yang's certificate shall be subject to the following **PROBATIONARY** terms, conditions, and limitations for a period of at least two years:
  - 1. **Obey the Law:** Dr. Yang shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state of Ohio.
  - 2. **Quarterly Declarations:** Dr. Yang 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 the first day of the third month following the month in which this Order becomes

effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the Board's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

3. Appearances: Dr. Yang shall appear in person for quarterly interviews before the Board or its designated representative during the third month following the effective date of this Order. 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.
4. Course on Personal Ethics: Before the end of the first year of probation, or as otherwise approved by the Board, Dr. Yang shall provide acceptable documentation of successful completion of a course or courses dealing with personal 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 acquisition period(s) in which they are completed.
5. Psychiatric Assessment/Treatment: Within thirty days of the effective date of this Order, unless otherwise determined by the Board, Dr. Yang shall submit to the Board for its prior approval the name and curriculum vitae of a psychiatrist of Dr. Yang's choice. Upon approval by the Board, Dr. Yang shall obtain from the approved psychiatrist an assessment of Dr. Yang's current psychiatric status. The assessment shall take place within thirty days of the Board's approval of the psychiatrist, unless otherwise determined by the Board. Prior to the initial assessment, Dr. Yang 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 which the Board may deem appropriate or helpful to that psychiatrist.

Upon completion of the initial assessment, Dr. Yang 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. Yang's current psychiatric status and condition;

- b. A detailed plan of recommended psychiatric treatment, if any, based upon the psychiatrist's informed assessment of Dr. Yang'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 psychiatric treatment, and upon approval by the Board, Dr. Yang shall undergo and continue psychiatric treatment weekly 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. Yang shall comply with his psychiatric treatment plan, including taking medications as prescribed for his psychiatric disorder.

Dr. Yang shall continue in psychiatric 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. The psychiatric reports shall contain information describing Dr. Yang's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Yang's compliance with the treatment plan; Dr. Yang's psychiatric status; Dr. Yang's progress in treatment; and results of any laboratory studies that have been conducted since the prior report. Dr. Yang 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. Yang's quarterly declaration.

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

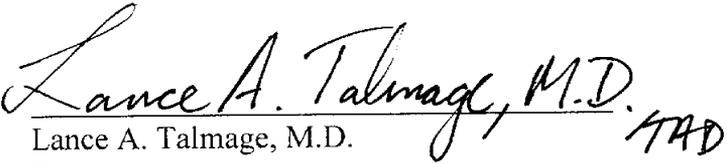
In the event that the designated psychiatrist becomes unable or unwilling to serve in this capacity, Dr. Yang must immediately so notify the Board in writing and make arrangements acceptable to the Board for another psychiatrist as soon as practicable. Dr. Yang shall further ensure that the previously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

The Board expressly reserves the right to disapprove any psychiatrist proposed to serve as Dr. Yang's designated treating psychiatrist, or to withdraw approval of any psychiatrist previously approved to serve as Dr. Yang's designated treating psychiatrist, in the event that the Secretary and Supervising Member of the Board determine that any such psychiatrist has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

6. Absence from Ohio: Dr. Yang shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed.
  7. Violation of Probation; Discretionary Sanction Imposed: If Dr. Yang violates probation 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.
- C. **TERMINATION OF PROBATION**: Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Yang's certificate will be fully restored.
- D. **REQUIRED REPORTING BY LICENSEE TO EMPLOYERS AND HOSPITALS**: Within thirty days of the effective date of this Order, Dr. Yang shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Yang shall provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.
- E. **REQUIRED REPORTING BY LICENSEE TO OTHER STATE LICENSING AUTHORITIES**: Within thirty days of the effective date of this Order, Dr. Yang shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Yang shall also provide a copy of this Order by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration of any professional license. Further, Dr. Yang shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

EFFECTIVE DATE OF ORDER: This Order shall become effective thirty days after mailing of notification of approval by the Board.

(SEAL)

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

April 13, 2005

Date

**REPORT AND RECOMMENDATION  
IN THE MATTER OF PAUL PO-TSANG YANG, M.D.**

The Matter of Paul Po-Tsang Yang, M.D., was heard by Sharon W. Murphy, Esq., Hearing Examiner for the State Medical Board of Ohio, on November 19, 2004.

**INTRODUCTION**

I. Basis for Hearing

- A. By letter dated July 14, 2004, the State Medical Board of Ohio [Board] notified Paul Po-Tsang Yang, M.D., that it had proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board based its proposed action on allegations that Dr. Yang had provided false information in an application for licensure in Ohio.

The Board further alleged that Dr. Yang's conduct constitutes "fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code; and] "[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."

Accordingly, the Board advised Dr. Yang of his right to request a hearing in this matter. (State's Exhibit 1A).

- B. On August 11, 2004, Kevin P. Byers, Esq., submitted a written hearing request on behalf of Dr. Yang. (State's Exhibit 1B).

II. Appearances

- A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Tara L. Berrien, Assistant Attorney General.
- B. On behalf of the Respondent: Kevin P. Byers, Esq.

## EVIDENCE EXAMINED

### I. Testimony Heard

#### A. Presented by the State

Paul Po-Tsang Yang, M.D., as upon cross-examination

#### B. Presented by the Respondent

1. Juanita Redfield, M.D.
2. Paul Po-Tsang Yang, M.D.

### II. Exhibits Examined

#### A. Presented by the State

1. State's Exhibits 1A through 1J: Procedural exhibits.
2. State's Exhibit 2: Certified copies of documents regarding Dr. Yang maintained by the Board.
3. State's Exhibit 3: Copy of a June 23, 2004, Affidavit of J. Michael Gibson, M.D., Physician-in-Charge with the Colorado Permanente Medical Group, P.C., Denver, Colorado, with attached documents pertaining to Dr. Yang.
4. State's Exhibit 4: Certified copies of documents regarding Dr. Yang maintained by the Colorado Permanente Medical Group, P.C.
5. State's Exhibit 5: State's Closing Argument.

#### B. Presented by the Respondent

1. Respondent's Exhibit A: Copy of an undated letter pertaining to Dr. Yang from Patty Fahy, M.D., Associate Medical Director – Human Resources, Colorado Permanente Medical Group, P.C.
2. Respondent's Exhibit B: Letters written in support of Dr. Yang.
3. Respondent's Exhibit C: Kaiser Permanente's summary of patients' evaluations of Dr. Yang.

4. Respondent's Exhibit D: Kaiser Permanente's patients' evaluations of Dr. Yang.
5. Respondent's Exhibit E: Hillsboro Urgent Care patients' evaluations of Dr. Yang.
6. Respondent's Exhibit F: Copy of a document entitled, "Background Facts and Sworn Statement by Paul Po-Tsang Yang, M.D."
7. Respondent's Exhibit G: Copy of a March 27, 2003, letter from Dr. Yang to Dr. Jonathan Gordon, RDC, Family Practice Department, Colorado Permanente Medical Group.
8. Respondent's Exhibit H: Respondent's Closing Argument.

### **PROCEDURAL MATTERS**

At hearing, Counsel for the State requested an additional day of hearing to present a rebuttal witness. Although, the hearing record was held open to make arrangements with that witness, Counsel for the State later advised that she had decided against presenting the rebuttal witness. Therefore, the parties requested an opportunity to present written closing arguments, and a schedule was set forth for that purpose. The parties submitted their closing arguments, which were admitted to the record as State's Exhibit 5 and Respondent's Exhibit H. The hearing record closed on February 4, 2005.

### **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.

#### **General Background**

1. Paul Po-Tsang Yang, M.D., received a medical degree in 1993 from the University of Michigan Medical School. Thereafter, Dr. Yang completed a residency in family medicine in 1997 at the University of Cincinnati. (Hearing Transcript [Tr.] at 9, 50).

Dr. Yang testified that, in January 1997, he had started working for "Kaiser Permanente" at the Southeast Permanente Medical Group in Georgia. He remained there almost five years. In late 2001, Dr. Yang transferred to the Colorado Permanente Medical Group in Colorado. Since December 2003, Dr. Yang has been working for the Professional Emergency

Specialists of Southern Ohio in Wilmington, Ohio. Dr. Yang testified that he was board certified in family medicine in 1997, and recertified in 2004. (Tr. at 9, 12-13, 50-52).

Dr. Yang is licensed to practice medicine and surgery in Ohio and Colorado. (Tr. at 10).

2. In November 2002, Dr. Yang received an "8 Month Evaluation" from Dianne Glenn, M.D., of the Colorado Permanente Medical Group. In the evaluation, it was noted that Dr. Yang "is clinically competent, and works well in managed care environment." On the other hand, it was also noted that Dr. Yang had had difficulty with staff relationships. Other staff members had requested that they not be assigned to work with him because of his behavior. Complaints about him included the following: "Becomes easily upset and yells," and, "Short tempered and moody at times." It was also noted that Dr. Yang had not always maintained a professional attitude with staff, and that he had been verbally abusive to a member of the staff. Finally, it was noted that Dr. Yang had been counseled regarding this behavior and was "working on it." (State's Exhibit [St. Ex.] 4 at 8-9).

On November 11, 2002, Dr. Yang submitted to the Colorado Permanente Medical Group a written response to the 8 Month Evaluation. In his response, Dr. Yang stated that he had not been abusive to the staff member. He explained,

I did not utter any profanity or curse at this staff member during this discussion. I did not threaten her or try to intimidate her at any time. I do admit that I was confrontational due to my intense frustration at the time. I realize that a confrontational style is not correct and I am resolving to alter my approach in the future.

I would like to present my point of view from working at the Westminster office [Colorado Permanente Medical Group] for eleven months now. I feel a lack of support by my supervising staff. I am the only full-time physician on the east team and I feel that my concerns are ignored. If I try to state my case in a strong manner, I am reprimanded for not being a team player. While I wholly support working as a team, I also believe that there should be support for the individual physician. In private practice, even with a team model, the staff would still be considered employees. I feel that the staff garners more protection from administration than the physicians most likely due to past labor strife and unionization.

I feel that my concerns are either ignored or discounted. \* \* \*

(St. Ex. 4 at 6).

3. On approximately March 13, 2003, J. Michael Gibson, M.D., Physician in Charge at the Westminster Medical Office of the Colorado Permanente Medical Group, signed a

document entitled, "Intervention with Dr. Paul Yang." That document provides, in part, as follows:

I was called to intervene in the Family Practice department at Westminster Medical Office on Thursday, March 13, 2003. Dr Paul Yang had a negative interaction with several of the nurses over the lunch hour concerning [three] unscheduled patients. The behavior described by the nurses reflected anger, cursing of the nurses, and secluding himself in his office. He was not responding to the nurses, stating 'he needed some time for himself.'

I went to Dr. Yang's office and talked with him. He appeared angry and tense. When asked about the encounter with the nurses, he went into a rage about inappropriate triage and lack of support and decision making by the RN's. He felt they were shifting work to him inappropriately and were lazy. He persisted with attacks on the staff and how unsupported he felt, with the attacks extending to other Departments who refer patients to him. \* \* \* I clearly stated that the behaviors and the language used in the department is inappropriate in the workplace and is unacceptable without exception. I have had one other direct counseling session with Dr. Yang concerning a similar angry outburst with the nursing supervisor at the central desk of the department. He received counseling at that time in October of 2002 that this behavior is inappropriate and unacceptable.

Due to the continuation in these behaviors and the severity of this encounter, Dr. Yang was suspended of his afternoon duties and sent home for the remainder of the day as well as Friday 3-14-2003. \* \* \* It seems apparent that if he does continue his employment, a referral to the Colorado Physicians Health Program for evaluation and anger management is essential to enable Paul to work on performance and behavior goals.

(St. Ex. 4 at 5).

4. On March 17, 2003, Dr. Yang received a Final Warning from the administration of the Colorado Permanente Medical Group. The Final Warning provided, in part, as follows:

Due to a documented pattern of abusive behavior as defined in the Kaiser Permanente Abuse Free Workplace document of 1996, the behaviors of discourteous behavior, raised voices, angry verbalizations, foul language, and intimidation have been observed in the department and documented by staff on several occasions. Dr. Yang has been counseled on various occasions that these behaviors are unacceptable in the workplace and will not be tolerated.

In response to these behaviors and the lack of improvement in these areas of abusive behavior, this serves as the final warning to Dr. Paul Yang. As a condition of his continued employment with Colorado Permanente Medical Group, he must accept our referral to the Colorado Physician Health Program for evaluation and assistance in improvement of the behaviors noted above. \* \* \*

Our desire is that Dr. Yang can address his anger and negative interaction with staff, and that this will allow him to reestablish relationships in the department for the benefit of our patients and the work teams. The goals for Dr. Yang include evidence of reintegration as a team player with the clinical team, active participation and problem solving with the team, and flexibility in the daily clinical practice.

As a last warning, it is vital that Dr. Yang acknowledge that his previous behavior in the workplace is unacceptable, and that any further expressions of abusive behaviors will be grounds for immediate suspension and interventions determined by Colorado Permanente Medical Group Administration, up to and including termination of employment with CPMG.

(St. Ex. 3 at 2). The Final Warning was signed by Dr. Yang, Diane Glenn, M.D., and Michael Gibson, M.D. (St. Ex. 3 at 2).

5. On June 12, 2003, Dr. Gibson signed a document entitled, "Disciplinary Action of Dr. Paul Yang." That document provides, in part, as follows:

During mid morning, Natalie, RN, took a phone message into Dr. Yang's office and placed it on his desk and then returned in 15-20 minutes with an additional message. At that time, he made a sarcastic statement of "are you spreading the wealth?" Natalie responded that each doctor had received one message. Dr. Yang stated that he doubted that.

Later in the afternoon, Dr. Yang was on the phone and slammed his door. At that time he escalated his voice and tone with cursing and yelling. Frequent use of the "F" word. He then threw things at the wall causing loud noises. Both Natalie and Jen stated the conversation was heard in the hall and patient care areas. Also, since his office shares a wall with the mammogram suite, Kathy the mammogram tech and a patient were subjected to this display of yelling, cursing and throwing of objects. The patient was upset and frightened, and when Kathy had to leave the room to obtain some materials, she had to lock the door because of the patient being fearful of what could happen.

\* \* \*

I spoke to Dr. Yang at noon today to hear his side of the story. He collaborated [sic] the same story. He continued to deflect blame to others. He did not think he violated our agreement outlined in the Last Written Warning. He felt that the cursing, yelling and throwing of objects were all in his office and 'I can do whatever I wish in my office.'

He admitted [he] knew the behavior was inappropriate, but he felt the attitude of Natalie would make anyone angry.

After my talk with Dr. Yang at noon, I interviewed the [three] people most involved in the incident yesterday. I then met with Dr. Yang at the end of the day along with Dr. Dianne Glenn, Chief of Family Practice. I reviewed our agreement and signing of the Last Warning, and that his behavior yesterday was a direct violation of this agreement. Due to the ongoing issues of angry outbursts, lack of respect of the staff and his lack of understanding of the severity of the issue, I suspended Dr. Yang with intent of separation or termination dependent on the decision of the Administration of CPMG. I obtained his permission for Dr. Patty Fahy to call him this evening and to arrange a meeting on Friday, 6-13-03. I encouraged him to call CPHP and speak with his counselor. He felt he would have support and would be safe for himself and others.

Dr. Yang returned to his office and left the building shortly thereafter.

(St. Ex. 3 at 3).

6. Patty Fahy, M.D., Associate Medical Director – Human Resources, Colorado Permanente Medical Group, signed an undated letter addressed "To Whom It May Concern," which advised that Dr. Yang had voluntarily resigned from the Colorado Permanente Medical Group on July 21, 2003. The letter further stated that the Colorado Permanente Medical Group wished Dr. Yang well. (Respondent's Exhibit [Resp. Ex.] A).
7. On or about September 1, 2003, Dr. Yang submitted an Application for License Restoration – Medicine or Osteopathic Medicine [License Application] to the Board. (St. Ex. 2; Tr. at 10). By signing the License Application, Dr. Yang certified that the information provided therein was true. (St. Ex. 2 at 16).

In his License Application, Dr. Yang answered "No" in response to question number 2 in the "Additional Information" section, which asks:

Have you ever been warned, censured, disciplined, had admissions monitored, had privileges limited, had privileges suspended or terminated,

been put on probation, or been requested to withdraw from or resign privileges at any hospital, nursing home, clinic, health maintenance organization, or other similar institution in which you have trained, been a staff member, or held privileges, for reasons other than failure to maintain records on a timely basis, or failure to attend staff or section meetings?

(St. Ex. 2 at 10).

Moreover, Dr. Yang answered “No” in response to question number 3 in the “Additional Information” section of his License Application, which asks:

Have you ever resigned from, withdrawn from, or terminated, or have you ever been requested to resign from, withdraw from, or otherwise 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 10).

8. The Board restored Dr. Yang’s license on November 12, 2003. (St. Ex. 2 at 25).
9. At hearing, Dr. Yang testified that he had had no intention to deceive the Board when he completed his application for licensure. He further testified that he had thought that he understood the questions at the time he completed the applications. He added that he has learned a lot from this experience, and will exercise extreme caution when completing applications in the future. (Tr. at 60).

Dr. Yang explained that it had not been his understanding that he had been suspended from Colorado Permanente Medical Group at any time. Dr. Yang acknowledged that he had been sent home on March 13, 2003, from his position at the Colorado Permanente Medical Group due to an encounter he had had with nursing staff. Dr. Yang further acknowledged that, during the encounter with nursing staff, he had been angry and cursing, and that he had secluded himself in his office. Dr. Yang stated that he had been counseled by his supervisor, Dr. Gibson, for that behavior. Nevertheless, Dr. Yang testified that no one had told him that he was being suspended. Dr. Yang further explained that he had not received any written notice stating that he had been suspended. (Tr. at 32-35, 53, 66). In fact, Dr. Yang testified that he had not seen Dr. Gibson’s March 13, 2003, document entitled, “Intervention with Dr. Paul Yang,” at any time prior to the hearing. (Tr. at 59-60; St. Ex. 4 at 5).

Moreover, on March 27, 2003, Dr. Yang wrote a letter to Dr. Gordon setting forth his viewpoint regarding the March events. In the letter, Dr. Yang discussed the matter in detail, and appeared to be forthright and open regarding his role in the events. Dr. Yang also

referred to being sent home from work on March 12, 2003, but he did not mention “suspension.” (Resp. Ex. G).

10. Dr. Yang testified that he had not been terminated or suspended on June 12, 2004. Dr. Yang explained that he had had a discussion with Dr. Glenn and Dr. Gibson, and that all had agreed that it was in everyone’s best interest for Dr. Yang to resign from his position. Dr. Yang testified that he had submitted his resignation on June 12, and stopped seeing patients at that time. Nevertheless, the effective date of his resignation was July 21, 2003. Dr. Yang explained that he had hired an attorney to act on his behalf in negotiations with the Colorado Permanente Medical Group. Dr. Yang explained that the Colorado Permanente Medical Group had not followed its own employment policies and procedures in dealing with Dr. Yang, and eventually settled the dispute in a confidential settlement agreement with Dr. Yang. Dr. Yang stated that the Colorado Permanente Medical Group had paid Dr. Yang a sum of money and made his resignation to be effective July 21, 2003. (Tr. at 37, 42-43, 45, 58, 70).
11. Despite his position that he had not been aware that he had been suspended, Dr. Yang acknowledged that the answers he provided on his application for licensure had been wrong. Dr. Yang stated that he should have advised the Board that he had been warned or disciplined. He explained that he had been concentrating on the issue of suspension, and had failed to acknowledge the reference to warnings and discipline which were also a part of the question, (Tr. at 52-53, 61).
12. Dr. Yang testified that he is aware that the Board did not allege psychiatric impairment in the July 14, 2004, notice of opportunity for hearing in this matter. Nevertheless, Dr. Yang stated that he would not object to questions regarding his anger management issues, despite caselaw which may preclude such questions.<sup>1</sup> Moreover, Dr. Yang advised that he would not object should the Board decide to impose sanctions that include a psychiatric evaluation. (Tr. at 71-75).
13. Dr. Yang explained that, as a result of the incidents at the Colorado Permanente Medical Group, Dr. Yang had been evaluated by the Colorado Physicians Health Program. Dr. Yang testified that, after the evaluation, it had been determined that Dr. Yang was not suffering any psychiatric pathology, but that he did have “some anger management issues.” The Colorado Physicians Health Program recommended that Dr. Yang pursue counseling with a clinical psychologist, and provided him with the name of a clinical psychologist. (Tr. at 76).

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<sup>1</sup> In *In re Eastway* (1994), 95 Ohio App.3d 516, 642 N.E.2d 1135, cert. denied, the Franklin County Court of Appeals held that the Board could not require psychiatric treatment as a condition of probation when it had not charged a physician with being mentally impaired. Therefore, a Board order which includes such sanctions is not supported by reliable, probative, and substantial evidence and is not in accordance with the law. See also *Lawrence S. Krain, M.D. v. State Medical Board of Ohio* (Oct. 29, 1998), Franklin App. No. 97APE08-981, unreported.

Dr. Yang testified that he had met with the recommended clinical psychologist approximately five times in Colorado. He added that the psychologist had recommended that Dr. Yang return to work with a reduced work schedule to minimize stress and potential difficulty with co-workers. Nevertheless, Dr. Yang testified that the Colorado Permanente Medical Group had not implemented the psychologist's recommendations. (Tr. at 77).

Dr. Yang testified that he has held a new position for the past year and that he is doing quite well. Dr. Yang testified that he is currently employed by the Professional Emergency Specialists of Southern Ohio, which is based in Wilmington, Ohio. Dr. Yang stated that he works in urgent care and occupational medicine at sites in Wilmington, Washington Court House, and Hillsboro, Ohio. Dr. Yang testified that his current work situation is much less stressful than it had been in Colorado. Dr. Yang testified that he is much happier in his new work environment, and feels supported by his employers. Dr. Yang testified that he has not had any problems with his current co-workers. (Tr. at 77-78).

Dr. Yang testified that he had relocated to Ohio, in part, because he has a newborn son. Dr. Yang testified that his parents and his sister and her family live in Ohio. Dr. Yang is hoping that his son will be able to know his extended family. Dr. Yang added that he had done his residency in Cincinnati and had enjoyed his time there. (Tr. at 11).

14. Juanita Ruth Redfield, M.D., testified by telephone on behalf of Dr. Yang. Dr. Redfield testified that she had graduated from the University of Illinois College of Medicine, and completed a family practice residency at MacNeal Hospital in Berwyn, Illinois. She is board certified in family practice. (Tr. at 19-20).

Dr. Redfield has been employed by the Colorado Permanente Medical Group since January 2001. Dr. Redfield testified that she is the team leader of her group at the Colorado Permanente Medical Group, and that she has a good relationship with the other physicians and the nursing staff. (Tr. at 19-20, 23-24).

Dr. Redfield testified that she had worked with Dr. Yang for two years at the Colorado Permanente Medical group. She stated that she and Dr. Yang had been on the same team, and had shared patients. Moreover, she had seen Dr. Yang on a daily basis. (Tr. at 20-21). Dr. Redfield testified that,

Paul is truly an excellent physician. He's very competent, very capable of assessing patients' entire picture and coming up with an accurate diagnosis and a good treatment plan. He's also capable of seeing patients very efficiently which is not a quality that a lot of doctors have.

(Tr. at 21). Dr. Redfield further testified that, because Dr. Yang was so efficient in his work, he was able to help out other physicians who were not quite as efficient. She stated that he was definitely a team player. Dr. Redfield testified that she is aware that Dr. Yang

had had difficulties with some of his co-workers at the Colorado Permanente Medical Group. (Tr. at 22).

When asked if the Colorado Permanente Medical Group is supportive of its physicians, Dr. Redfield responded,

I think in some areas CPMG is very supportive of its physicians. In some areas I would say that CPMG falls short. And, sorry to have to say that, but I think if you're a certain kind of physician and you work in a certain way, then you are supported and encouraged. And if you don't fit the mold, then the attitude is really, well, let's get rid of you as soon as possible so that we can move on to someone who does.

(Tr. at 24).

Dr. Redfield testified that Dr. Yang had not "fit into the mold" at the Colorado Permanente Medical Group. She explained as follows:

Unfortunately that's due to a skill on his part. Dr. Yang is very efficient, and he's really capable of getting through his day on time and taking care of his patients in a timely manner. And like I said, I've taken over a lot of the patient care of patients he had seen. And his patients were always very happy with the care that they had received.

Unfortunately, that meant that since he was done before everyone else that he really ended up with a lot of extra work, and that was very frustrating. And the system is just not set up to reward that kind of skill.

(Tr. at 28-29).

Dr. Redfield acknowledged that Dr. Yang is "rather short tempered and has a tendency to come off as a little bit gruff," which resulted in some bad feelings on the part of the nursing staff. Dr. Redfield added, however, that Dr. Yang had been very receptive to constructive criticism. For example, on one such occasion, she had told him that he had been rather short-tempered and, rather than being defensive, Dr. Yang had apologized. (Tr. at 26-27).

15. By letter dated October 12, 2004, Michael Choo, M.D., FACEP, FAAEM, President and CEO of Professional Emergency Specialists of Southern Ohio, Inc., advised that Dr. Yang had been working in that group for one year. Dr. Choo further advised,

I am writing this letter to give testimony in support of Dr. Paul Yang's strong level of clinical competency as well as his commendable character. During his employment with us for the past year, our staff, patients, and hospital personnel have observed Dr. Yang to be a very caring physician who demonstrated great

interpersonal skills when dealing with our patients and our staff. \* \* \* [H]is performance during the past year most certainly demonstrated a caring physician who was cooperative, helpful, and ethical.

(Resp. Ex. B at 11).

Ron Seaman, M.D., co-owner of Professional Emergency Specialists of Southern Ohio, also wrote in support of Dr. Yang. Dr. Seaman stated that Dr. Yang has been an excellent employee, that there have been no questions about Dr. Yang's clinical competence, and that Dr. Yang is a team player who has had no problems interacting with staff. (Resp. Ex. B at 12).

Finally, by letter dated November 11, 2004, Keith A. Tofte, M.D., Professional Emergency Specialists of Southern Ohio, in Wilmington, Ohio, advised that Dr. Yang had been working in that group for one year. Dr. Tofte further advised that,

Dr. Yang's performance on a professional and personal level has been at or above our expectations in all regards. He has performed highly in terms of clinical skills, and the nursing and ancillary staff considers him a fine addition to our group of physicians. There have not been any negative interactions with staff at the locations in which Dr. Yang practices.

(Resp. Ex. B at 1). Dr. Yang submitted numerous other letters of support written by friends and colleagues. (Resp. Ex. B at 1-12). Dr. Yang also submitted many positive evaluations of him written by patients he had treated. (Resp. Ex. C, D, E, F).

### **FINDINGS OF FACT**

1. On or about September 1, 2003, Paul Po-Tsang Yang, M.D., submitted to the Board an Application for License Restoration – Medicine or Osteopathic Medicine [License Application]. By signing the License Application, Dr. Yang certified that the information provided therein was true. The Board restored his license on November 12, 2003.
2. In completing the License Application, Dr. Yang answered “No” in response to question number 2 in the “Additional Information” section, which asks:

Have you ever been warned, censured, disciplined, had admissions monitored, had privileges limited, had privileges suspended or terminated, been put on probation, or been requested to withdraw from or resign privileges at any hospital, nursing home, clinic, health maintenance organization, or other similar institution in which you have trained, been a staff member, or held privileges, for reasons other than failure to maintain records on a timely basis, or failure to attend staff or section meetings?

In fact, on March 13 and 14, 2003, Dr. Yang had been relieved of his duties at the Westminster Medical Office with the Colorado Permanente Medical Group, in Westminster, Colorado. This action was based on Dr. Yang's behavior, which included Dr. Yang's isolation of himself in his office, discourteousness, loud angry verbalizations, profanity, and intimidation, despite counseling for similar behavior in or about October 2002. On March 17, 2003, Dr. Yang received a Final Warning from the administration of the Colorado Permanente Medical Group due to the pattern of abusive behaviors. On June 12, 2003, due to continuing issues of angry outbursts, lack of respect of the staff, and lack of understanding of the severity of the issue, Dr. Yang received a disciplinary action of suspension with possible separation or termination dependent on the decision of the administration of Colorado Permanente Medical Group.

3. Dr. Yang answered "No" in response to question number 3 in the "Additional Information" section of his License Application, which asks:

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

In fact, Dr. Yang voluntarily resigned from employment with the Colorado Permanente Medical Group effective on July 21, 2003.

### CONCLUSIONS OF LAW

1. The conduct of Paul Po-Tsang Yang, M.D., as set forth in Findings of Fact 1 through 3, constitutes a "fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code. Section 4731.22(A), Ohio Revised Code, provides that,

The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a certificate to a person found by the board to have \* \* \* committed fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the Board.

R.C. 4731.22(A)

In a decision<sup>2</sup> by the Franklin County Court of Common Pleas interpreting this statute, the court held that, when the Board finds a violation of this provision, the Board may only “revoke or \* \* \* refuse to grant a certificate of registration.” Thus, the range of penalties available to the Board does not include a fine, probation, suspension, or stayed revocation. Accordingly, unless the Board decides to revoke Mr. Yang’s certificate to practice medicine and surgery in Ohio, the Board shall take no further action based on the violation of Section 4731.22(A), Ohio Revised Code.

2. The conduct of Dr. Yang, as set forth in Findings of Fact 1 through 3, 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 Section 4731.22(B)(5), Ohio Revised Code.

### **PROPOSED ORDER**

It is hereby ORDERED that:

- A. **SUSPENSION OF CERTIFICATE:** The certificate of Paul Po-Tsang Yang, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for thirty days.
- B. **PROBATIONARY CONDITIONS:** Upon reinstatement, Dr. Yang’s certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least two years:
  1. **Obey the Law:** Dr. Yang shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state of Ohio.
  2. **Quarterly Declarations:** Dr. Yang 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 the first day of the third month following the month in which this Order becomes effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the Board’s offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the Board’s offices on or before the first day of every third month.
  3. **Appearances:** Dr. Yang shall appear in person for quarterly interviews before the Board or its designated representative during the third month following the effective

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<sup>2</sup> *Faye F. Istanbooly, M.D., v. State Medical Board of Ohio* (Dec. 4, 2003), Franklin C.P. No. 03CVF-02-2334, unreported.

date of this Order. 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.

4. **Course on Personal Ethics:** Before the end of the first year of probation, or as otherwise approved by the Board, Dr. Yang shall provide acceptable documentation of successful completion of a course or courses dealing with personal 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 acquisition period(s) in which they are completed.
5. **Psychiatric Assessment/Treatment:** Within thirty days of the effective date of this Order, unless otherwise determined by the Board, Dr. Yang shall submit to the Board for its prior approval the name and curriculum vitae of a psychiatrist of Dr. Yang's choice. Upon approval by the Board, Dr. Yang shall obtain from the approved psychiatrist an assessment of Dr. Yang's current psychiatric status. The assessment shall take place within thirty days of the Board's approval of the psychiatrist, unless otherwise determined by the Board. Prior to the initial assessment, Dr. Yang 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 which the Board may deem appropriate or helpful to that psychiatrist.

Upon completion of the initial assessment, Dr. Yang 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. Yang's current psychiatric status and condition;
- b. A detailed plan of recommended psychiatric treatment, if any, based upon the psychiatrist's informed assessment of Dr. Yang'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 psychiatric treatment, and upon approval by the Board, Dr. Yang shall undergo and continue psychiatric treatment weekly 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. Yang shall comply with his psychiatric treatment plan, including taking medications as prescribed for his psychiatric disorder.

Dr. Yang shall continue in psychiatric 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. The psychiatric reports shall contain information describing Dr. Yang's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Yang's compliance with the treatment plan; Dr. Yang's psychiatric status; Dr. Yang's progress in treatment; and results of any laboratory studies that have been conducted since the prior report. Dr. Yang 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. Yang's quarterly declaration.

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

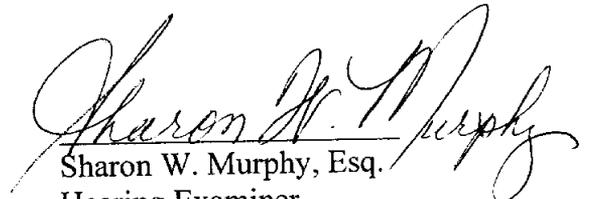
In the event that the designated psychiatrist becomes unable or unwilling to serve in this capacity, Dr. Yang must immediately so notify the Board in writing and make arrangements acceptable to the Board for another psychiatrist as soon as practicable. Dr. Yang shall further ensure that the previously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

The Board expressly reserves the right to disapprove any psychiatrist proposed to serve as Dr. Yang's designated treating psychiatrist, or to withdraw approval of any psychiatrist previously approved to serve as Dr. Yang's designated treating psychiatrist, in the event that the Secretary and Supervising Member of the Board determine that any such psychiatrist has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

6. **Absence from Ohio:** Dr. Yang shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed.
7. **Violation of Probation; Discretionary Sanction Imposed:** If Dr. Yang violates probation 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.

- C. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Yang's certificate will be fully restored.
- D. **REQUIRED REPORTING BY LICENSEE TO EMPLOYERS AND HOSPITALS:** Within thirty days of the effective date of this Order, Dr. Yang shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Yang shall provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.
- E. **REQUIRED REPORTING BY LICENSEE TO OTHER STATE LICENSING AUTHORITIES:** Within thirty days of the effective date of this Order, Dr. Yang shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Yang shall also provide a copy of this Order by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration of any professional license. Further, Dr. Yang shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

**EFFECTIVE DATE OF ORDER:** This Order shall become effective thirty days after mailing of notification of approval by the Board.

  
Sharon W. Murphy, Esq.  
Hearing Examiner



# State Medical Board of Ohio

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

## EXCERPT FROM THE DRAFT MINUTES OF APRIL 13, 2005

### REPORTS AND RECOMMENDATIONS

Dr. Davidson announced that the Board would now consider the findings and orders appearing on the Board's agenda. She 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: Khaled Mohammed Abdel Aziz, M.D., Ph.D.; Ugo Ernesto Gallo, M.D.; and Paul Po-Tsang Yang, M.D. A roll call was taken:

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

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

Dr. Davidson - aye

Dr. Davidson 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.

Dr. Davidson 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.

.....

PAUL PO-TSANG YANG, M.D.

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**MR. BROWNING MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF UGO ERNESTO GALLO, M.D. DR. ROBBINS SECONDED THE MOTION.**

.....

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

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Saxena	- aye
	Dr. Steinbergh	- aye

The motion carried.



# 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)

July 14, 2004

Paul Po-Tsang Yang, M.D.  
10008 Raleigh Street  
Westminster, CO 80031

Dear Doctor Yang:

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 or place you on probation for one or more of the following reasons:

- (1) On or about September 1, 2003, you submitted an Application for License Restoration – Medicine or Osteopathic Medicine [License Application] to the Board. By signing the License Application, you certified that the information provided therein was true. In reliance upon the information as presented in the application being the truth, the Board restored your license on November 12, 2003.
- (2) You answered “No” in response to question number 2 in the “Additional Information” section of your License Application, which asks:

Have you ever been warned, censured, disciplined, had admissions monitored, had privileges limited, had privileges suspended or terminated, been put on probation, or been requested to withdraw from or resign privileges at any hospital, nursing home, clinic, health maintenance organization, or other similar institution in which you have trained, been a staff member, or held privileges, for reasons other than failure to maintain records on a timely basis, or failure to attend staff or section meetings?

In fact, on or about March 13 and 14, 2003, you were suspended from your duties at the Westminster Medical Office with the Colorado Permanente Medical Group, P.C., [CPMG] Westminster, Colorado, for behavior that included isolation of yourself in your office, discourteousness, loud angry verbalizations, profanity and intimidation, despite counseling for similar behavior in or about October 2002. On or about March 17, 2003, you received a final warning from the administration of the CPMG based upon the above documented pattern of abusive behaviors. On or about June 12, 2003, due to

*Mailed 7-15-04  
Second Mailing 7-22-04*

continuing issues of angry outbursts, lack of respect of the staff, and lack of understanding of the severity of the issue, you received a disciplinary action of suspension with possible separation or termination dependent on the decision of the administration of CPMG.

- (3) You answered “No” in response to question number 3 in the “Additional Information” section of your License Application, which asks:

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

In fact, you voluntarily resigned from employment with the CPMG effective on July 21, 2003.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (3) above, individually and/or collectively, constitute “fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board,” as that clause is used in Section 4731.22(A), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) through (3) 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.

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.

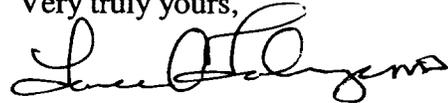
In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand 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 # 7000 0600 0024 5144 8427  
RETURN RECEIPT REQUESTED

Second mailing: 857 Willow Bend Drive  
Wilmington, OH 45177  
CERTIFIED MAIL NO. 7000 0600 0024 5149 9917  
RETURN RECEIPT REQUESTED