State Medical Board of Ohio

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June 11, 2003

Ryan P. Hanson, M.D.
2035 Iuka Avenue
Columbus, OH 43201

Dear Doctor Hanson:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Sharon W. Murphy, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on June 11, 2003, 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 a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Anand G. Garg, M.D.
Secretary

AGG:jam
Enclosures

CERTIFIED MAIL NO. 7000 0600 0024 5148 4562
RETURN RECEIPT REQUESTED

Cc: 1875 Millikin Road
Columbus, OH 43210
CERTIFED MAIL NO. 7000 0600 0024 5148 4555
RETURN RECEIPT REQUESTED

Joseph R. Landusky II, Esq.
CERTIFIED MAIL NO. 7000 0600 0024 5151 1350
RETURN RECEIPT REQUESTED

Mailed 6-12-03

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 June 11, 2003, 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 Ryan P. Hanson, 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.

Anand G. Garg, M.D.
Secretary

(SEAL)

June 11, 2003
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *

*

RYAN P. HANSON, M.D. *

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on June 11, 2003.

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 Ryan P. Hanson, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for thirty days.

B. **PROBATIONARY CONDITIONS**: Upon reinstatement, Dr. Hanson's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:

1. **Obey the Law and Terms of Criminal Probation**: Dr. Hanson shall obey all federal, state, and local laws, all rules governing the practice of medicine and surgery in the state in which he is practicing, and all terms of probation imposed by the Franklin County Municipal Court.

2. **Quarterly Declarations**: Dr. Hanson 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. Hanson 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. Hanson 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. **Third-Party Presence During Exam/Treatment**: Dr. Hanson shall have a third party present while examining or treating erogenous areas on either male or female patients.

6. **Absence from Ohio**: In the event that Dr. Hanson should leave Ohio for three continuous months, or reside or practice outside the State, Dr. Hanson must notify the Board in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under the Order, unless otherwise determined by the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.

7. **Violation of Probation; Discretionary Sanction Imposed**: If Dr. Hanson 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.

8. **Tolling of Probationary Period while Out of Compliance**: In the event Dr. Hanson is found by the Secretary of the Board to have failed to comply

with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period.

C. **TERMINATION OF PROBATION**: Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Hanson'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. Hanson 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. Hanson 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. Hanson 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. Hanson 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. Hanson 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 within thirty days of the mailing of notification of approval by the Board.

Anand G. Garg, M.D.
Secretary

(SEAL)

June 11, 2003
Date

STATE MEDICAL BOARD
OF OHIO

2003 APR 17 A 11: 01

REPORT AND RECOMMENDATION
IN THE MATTER OF RYAN P. HANSON, M.D.

The Matter of Ryan P. Hanson, M.D., was heard by Sharon W. Murphy, Attorney Hearing Examiner for the State Medical Board of Ohio, on March 25, 2003.

INTRODUCTION

I. Basis for Hearing

A. By letter dated November 13, 2003, the State Medical Board of Ohio [Board] notified Ryan P. Hanson, M.D., that it had proposed to take disciplinary action against his certificate to practice medicine and surgery in this state. The Board based its proposed action on allegations pertaining to Dr. Hanson's criminal conviction for one misdemeanor count of Public Indecency, a violation of Columbus City Code 1959. The Board further alleged that Dr. Hanson's criminal conviction constitutes "'[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment in lieu of conviction for, a misdemeanor involving moral turpitude,' as that clause is used in Section 4731.22(B)(13), Ohio Revised Code." Accordingly, the Board advised Dr. Hanson of his right to request a hearing in this matter. (State's Exhibit 1A).

B. On December 12, 2003, Joseph R. Landusky II, Esq., submitted a written hearing request on behalf of Dr. Hanson. (State's Exhibit 1C).

II. Appearances

A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Kyle C. Wilcox, Assistant Attorney General.

B. On behalf of the Respondent: Joseph R. Landusky II, Esq.

EVIDENCE EXAMINED

I. Testimony Heard

A. Presented by the State

1. Ryan P. Hanson, M.D., as if on cross-examination
2. Detective Paul A. Fiske

B. Presented by the Respondent

1. Ryan P. Hanson, M.D.
2. David Joseph Mollenkopf
3. Ted Grace, M.D., MPH.

II. Exhibits Examined

A. Presented by the State

1. State's Exhibits 1A-1I: Procedural exhibits.

2. State's Exhibit 2: Certified copies of documents regarding Dr. Hanson maintained by the Office of the Columbus [Ohio] City Attorney, Prosecutor Division. (Note: Social Security numbers redacted by the Attorney Hearing Examiner post-hearing).

3. State's Exhibits 3 and 4: Maps depicting Berliner Park in Columbus, Ohio.

B. Presented by the Respondent

1. Respondent's Exhibit A: Copy of a letter to the Board from Mr. Landusky, with attached letters and other documents of support for Dr. Hanson. (Note: pages numbered by the Attorney Hearing Examiner post-hearing).

2. Respondent's Exhibit B: Copy of a Table of [Criminal] Penalties.

3. Respondent's Exhibit C: Not admitted [Duplicate of Page 9 of State's Exhibit 2].

SUMMARY OF THE EVIDENCE

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

1. Ryan P. Hanson, M.D., testified that he had received a medical degree from the Ohio State University [OSU] College of Medicine in 1995. In 1998, Dr. Hanson completed a family practice residency at Riverside Methodist Hospital in Columbus, Ohio. For the following year, Dr. Hanson worked part-time in a private practice. In September 1999, he was offered a full-time position at the student health center at OSU. Dr. Hanson accepted the

position and remains an employee of the student health center at this time. (Hearing Transcript [Tr.] at 15-16).

Dr. Hanson is not licensed to practice medicine and surgery in any other state. (Tr. at 16).

2. Detective Paul A. Fiske of the Columbus Police Department testified at hearing on behalf of the State. Detective Fiske testified that, in June 2002, he had been assigned to the Enforcement Section of the Columbus Police Department Strategic Response Bureau [SRB]. Detective Fiske explained that the SRB is a community liaison/community policing group that focuses on street level prostitution, narcotics, and vice complaints. (Tr. at 33-34).

Detective Fiske testified that, on June 12, 2002, he and other members of the SRB had been assigned to work in Berliner Park in Columbus. He stated that the assignment had been made in response to complaints of "sexual activity in the tree line area of the park." Detective Fiske testified that he has personally witnessed "all sorts" of sexual activity in Berliner Park, including acts of masturbation, fellatio, and anal sex in that park. Detective Fiske further testified that the sexual activity generally involves only males. He added that it is not uncommon to see a group of men standing around another man who is performing a sexual act such as masturbation. (Tr. at 34-35, 39, 40, 49).

Furthermore, Detective Fiske testified that, on June 12, 2003, he had seen Dr. Hanson in Berliner Park. He stated that Dr. Hanson had been sitting on a log or sewer head facing another while male. The other white male was standing approximately twelve or fifteen yards from Dr. Hanson, watching Dr. Hanson. Detective Fiske testified that he had been standing approximately twenty-five yards from Dr. Hanson at that time. Detective Fiske testified that he had observed Dr. Hanson sitting with his legs spread and massaging his crotch through the pockets of his shorts. (Tr. at 39-41).

Detective Fiske testified that Detective Fiske had been dressed in plain clothes—shorts and a tee shirt—at that time. Detective Fiske stated that he had moved closer to Dr. Hanson, approximately six yards away. Detective Fiske further testified that Dr. Hanson had waited until the other male left the area, and then moved to a more secluded area approximately twenty-five or thirty yards further into the tree line. Detective Fiske followed Dr. Hanson into the more secluded area. (Tr. at 36, 40-41).

Detective Fiske testified that Dr. Hanson had seated himself on a log facing Detective Fiske and made eye contact with Detective Fiske. Detective Fiske further testified that Dr. Hanson had watched him for approximately two minutes, then scanned the area as if to assure that no one else was near. Next, Dr. Hanson "pulled his shorts to the side and started to masturbate." Detective Fiske testified that he had clearly seen Dr. Hanson's erect penis. Detective Fiske testified that he had been five to six yards from Dr. Hanson at that time. Detective Fiske added that he had "heard people moving around in the tree line," but did not observe anyone else at that time. (Tr. at 42-43, 61-62).

When asked if it was possible that Dr. Hanson had simply been rubbing a chafed area on his thigh, Detective Fiske testified that it was not possible. Detective Fiske explained that Dr. Hanson had demonstrated seductive behavior including "a lot of eye contact." Furthermore, Detective Fiske testified that he had been a member of the SRB for long enough to know the difference between touching a chaffed area and masturbating an erect penis. Detective Fiske stated that he had clearly seen Dr. Hanson's hands on his penis. Finally, Detective Fiske testified that he had let the conduct continue long enough so that he could be sure of what he was observing. (Tr. at 64-66).

Detective Fiske testified that, after observing Dr. Hanson's conduct for fifteen to twenty seconds, he had identified himself to Dr. Hanson as a police officer by showing Dr. Hanson his badge. Detective Fiske took Dr. Hanson to a "staging area" where Dr. Hanson was arrested and placed in plastic handcuffs. Detective Fiske further testified that Dr. Hanson's car had been impounded. A police officer found a white hand towel and a pair of men's cotton underwear on the front passenger seat. (Tr. at 43-45, 59-61).

He further testified that he had arrested Dr. Hanson at approximately 8:20 or 8:35 pm, after having observed Dr. Hanson for about twenty minutes. Detective Fiske testified that it had been "still pretty light out" and that he had had no difficulty observing Dr. Hanson's conduct. (Tr. at 41, 45-49).

Detective Fiske testified that Dr. Hanson had not told Detective Fiske that Dr. Hanson had been jogging in the park that night. (Tr. at 53).

3. Detective Fiske's arrest report stated as follows:

> On 6-12-02 at 8:35 p.m., officers from SRB Enforcement East worked a Public Indecency Complaint at 325 Greenlawn Ave. Lou Berliner Park. Ofc. Fiske observed a male white later identified as Ryan Hanson seated on a log watching another M/W. Subject moved from that spot walking S/B [and] seated himself on another log. Subject spread his legs [and] began to rub himself. As officer approached subject, subject pulled his shorts to the side exposing his penis. Subject began to masturbate. Officer approached and identified himself to subject [and] subject was slated for offense * * *.

(State's Exhibit [St. Ex.] 2 at 9).

On cross-examination, when questioned about the brevity of his report, Detective Fiske testified that he had believed that the information in the report had been "clear" and "sufficient" to document the illegal activity. (Tr. at 53-57, 63-64).

4. On June 12, 2002, Detective Fiske filed a Complaint in the Franklin County Municipal Court. The Complaint alleged that Dr. Hanson did:

> recklessly expose his private parts [and] engage in masturbation: to wit pulled his penis over his pants and masturbated under circumstance which his conduct was likely to be viewed by [and] affront others not members of his household: to wit masturbated in the wooded area of a public park (Berliner).

(St. Ex. 2 at 4).

5. On July 29, 2002, in the Franklin County Municipal Court, Dr. Hanson pleaded no contest to, and was found guilty of, one count of Public Indecency, in violation of Section 2307.09A, Columbus City Code, a misdemeanor of the fourth degree. (St. Ex. 2 at 2-4).

The court sentenced Dr. Hanson to thirty days at the Franklin County Corrections Center I in Columbus, Ohio, and fined him $250.00 and costs. The court suspended the jail sentence and placed Dr. Hanson on non-reporting probation for a one-year period, with special conditions to stay off the lands and premises of all public parks in Franklin County, Ohio. At the time of hearing, Dr. Hanson was still under the terms of that probation. (St. Ex. 2 at 2, 3; Tr. at 18).

6. Dr. Hanson testified regarding the events which had taken place on June 12, 2002. Dr. Hanson testified that, at approximately 7:50 that evening, he had started running on paths in Berliner Park. He stated that the park is approximately eight miles from his home, and that it is one of the places he enjoys running because it is scenic. Dr. Hanson testified that the path upon which he was running ran along a heavily-wooded ravine next to a river. Dr. Hanson testified that "a fair amount of people regularly use the park." (Tr. at 18-20, 32).

Dr. Hanson testified that he had run 2½ to 3 miles. He stated that he had run at a leisurely pace, at a rate of approximately ten minutes per mile. (Tr. at 21).

Dr. Hanson further testified that he had ended his run early because he had been in pain. He stated that he had been wearing a new pair of shorts which had chaffed his inner thigh. He explained that he had wanted to check the area that was being chaffed. He further explained that he had walked off the path because he had realized that, if he was seen looking down between his legs, his actions might be misconstrued. Moreover, he testified that he had seen someone in the area a bit earlier, so he had walked further off the path to a more secluded area. (Tr. at 21-23, 24, 26). Dr. Hanson testified that,

> I had made sure that I was by myself, for one thing, gone way out of the way, off of the bike path into what I thought was a secluded, private area. And I sat down on an old tree stump and I was looking to see why I was having such pain. And I had pulled my shorts aside to look at the inside of my thigh and I

> believe I was feeling to see if there was any fluid coming out of the skin, because if you're chafed badly enough, that will happen. And I was trying to decide whether to keep running or to just slowly walk back to my car.

(Tr. at 21-22).

Dr. Hanson testified that he "had not exposed [him]self in any way, shape or form." He added that he had not had his hand on his penis, and that his hand had only touched his shorts. (Tr. at 22, 32-33).

Dr. Hanson further testified that, although he had seen someone in the area earlier, there had been no one near him when he did this other than Detective Fiske. (Tr. at 22-23).

Dr. Hanson testified that he recalls Detective Fiske walking up to him and holding out his badge. He further recalled Detective Fiske stating "you can stop right there. You are under arrest." Dr. Hanson testified that Detective Fiske had taken him to a picnic table where he joined other people who had been handcuffed. Dr. Hanson testified that he had been arrested, put in jail, and released approximately twelve hours later. (Tr. at 24).

7. Dr. Hanson testified that he had entered a plea of no contest to the charges in this matter for a number of reasons. First, he testified that:

> I was given the impression from comments the judge had made to my lawyer that he wasn't going to believe anything other than what the policeman had stated. He had made the sarcastic remark behind the bench basically stating the he didn't believe anyone other than what was written.

(Tr. at 27). Dr. Hanson testified that the second reason had been that, in evaluating his situation, he had determined that entering the plea would produce the best outcome. He had been told that if he went to trial, he risked jail time, but if he entered a plea he would receive a fine, non-reporting probation, and expungement of the offense in one year. Dr. Hanson further testified that he had known that entering a plea of no contest was not an admission of guilt, and that that had been one of his considerations. (Tr. at 27-31, 69, 71-72, 71-77).

Finally, Dr. Hanson testified that the anniversary of September 11, 2001, was approaching. He stated that he had believed that, if he had gone to trial, jurors would have been more likely to believe a police officer rather than Dr. Hanson because of that anniversary. (Tr. at 69).

8. Regarding Detective Fiske's testimony, Dr. Hanson testified that he had definitely not exposed his penis and had not made eye contact with Detective Fiske. Dr. Hanson added that he was "disturbed by the number of lies" told by Detective Fiske. (Tr. at 68-69).

9. Ted Grace, M.D., MPH, testified at hearing on behalf of Dr. Hanson. In addition, Dr. Grace submitted a letter to the Board. In his testimony and letter, Dr. Grace advised that he is the Director of the Wilce Student Health Center at OSU, and that he has held that position for eleven years. Dr. Grace further noted that he had completed three residency programs, and is board certified in internal medicine, family practice and preventative medicine. Moreover, Dr. Grace holds a master's degree in Public Health. Dr. Grace has been practicing exclusively in the field of college health for the past sixteen years. (Tr. at 81; Respondent's Exhibit [Resp. Ex.] A at 3).

   Dr. Grace further advised that, as Director of the Wilce Student Health Center, he oversees a staff of one hundred employees, including physicians, pharmacists, physical therapists, dentists, optometrists, nurse practitioners, and dental hygienists. Dr. Grace further stated that he has served as a national consultant for college health centers and as the President of the Ohio College Health Association. As such, Dr. Grace advised that he takes very seriously "the quality of healthcare [the center] deliver[s] to a young, naive, and potentially vulnerable segment of our population." (Resp. Ex. A at 3-4). Dr. Grace explained that,

   > [W]e take care of late adolescents, so they're in a transition. A lot of them * * * are very vulnerable. They haven't really established their own sexual identity sometimes. You know, it's the first time that they're on their own. They don't have their parents there. And so basically we go overboard to protect [them].

   (Tr. at 95-96).

10. Dr. Grace testified that he had recruited Dr. Hanson to the student health center in 1999. He noted that,

   > Dr. Hanson is one of the most productive and dedicated members of our medical staff. He has made a number of very astute diagnoses over the years that I think other physicians might have delayed. His medical record keeping is complete and accurate, and I feel he practices medicine at the highest level of quality. Dr. Hanson has been well received by his patients and medical colleagues alike. While he is quiet, he is dependable, and pays attention to details. In his years at Ohio State, he has consistently maintained a high standard of moral values, and we have found his professional conduct to be exceptional. * * * He is an outstanding member of our medical team, and the medical community and student population at Ohio State would be adversely impacted by his absence.

   (St. Ex. 4 at 5; Tr. at 82-84). Dr. Grace added that the student health center depends on Dr. Hanson, in particular, because Dr. Hanson is in "a high productivity primary care area," and because Dr. Hanson is a full-time physician, one of the few employed to work through the summer at the student health center. (Tr. at 83).

11. Dr. Grace stated that he had reported Dr. Hanson's arrest to the Board as part of the integral peer review and monitoring that takes place at the student health center. Dr. Grace stated that he had also notified the University's Departments of Human Resources, Legal Affairs, and Student Affairs. In addition, a task force was appointed which initiated an extensive investigation regarding Dr. Hanson. (Tr. at 84-86; Resp. Ex. A at 4-5).

    Dr. Grace stated that, despite the extensive investigation, an on-going complaint system, yearly focused surveys, and biennial campus internet polls for patient satisfaction, the task force had found no complaints of a sexual or moral nature that had been alleged against Dr. Hanson. Dr. Grace further noted that Dr. Hanson's close working colleagues and support staff had denied ever having witnessed any events that were remotely suspicious. In addition, Dr. Grace testified that a number of Dr. Hanson's patients over the past four years had expressed respect and gratitude for Dr. Hanson. (Tr. at 83-86; Resp. Ex. A at 4-5).

    Dr. Grace testified that, after reviewing the results of the investigation, the task force decided that Dr. Hanson's conduct in Berliner Park has no connection with Dr. Hanson's doctor/patient relationships. Dr. Grace testified that he had recommended a five year period of probation for Dr. Hanson, but that Human Resources had reduced the period to one year. Dr. Grace further testified that, during the probationary period, Dr. Hanson must have a chaperone during male and female sexual examinations. In addition, Dr. Hanson was advised that any complaints of a serious nature would result in further disciplinary action. (Tr. at 86-89; Resp. Ex. A at 4-5).

    Dr. Grace noted that, after Dr. Hanson's conviction, the student health center had received an unsigned, "very vague" complaint suggesting that Dr. Hanson is a "pervert." Nevertheless, the complaint did not include any identifying information or specific allegations. Dr. Grace stated that an investigation into the complaint had led to a conclusion that the complaint had been triggered by the publicity surrounding Dr. Hanson's conviction. Accordingly, Dr. Grace testified that the student health center did not act on the complaint. (Tr. at 89, 93,-94).

12. Dr. Hanson presented Patient Evaluation Sheets that had been submitted to the Wilce Student Health Center by patients who had been treated by Dr. Hanson at that facility. He also submitted notes written to him by patients he had treated. All of the Patient Evaluation Sheets, notes and letters were highly complimentary of Dr. Hanson. (Resp. Ex. A at 14-21).

13. David Joseph Mollenkopf testified at hearing on behalf of Dr. Hanson. Mr. Mollenkopf testified that he has known Dr. Hanson since they were both in college at OSU. Mr. Mollenkopf further testified that he and Dr. Hanson have worked together as volunteers for years in OSU marching band alumni activities. He stated that they are friends and have maintained a social relationship since meeting in college. (Tr. at 73-75, 77-78).

Mr. Mollenkopf testified that "Dr. Hanson is honest and trustworthy and an individual to whom [Mr. Mollenkopf] trust[s] the care of [him]self as well as [his] wife and [his] child." Mr. Mollenkopf further testified that he has never known Dr. Hanson to do anything immoral or unacceptable. (Tr. at 75, 78, 80).

14. Dr. Hanson submitted other letters written in his support. (Resp. Ex. A at 6-13). [Please note that the Assistant Attorney General did not have an opportunity to cross-examine the authors of these letters.]

FINDINGS OF FACT

On or about July 29, 2002, in the Franklin County Municipal Court in Columbus, Ohio, Ryan P. Hanson, M.D., pleaded no contest to, and was found guilty of, one count of Public Indecency, in violation of Section 2307.09A, Public Indecency, Columbus City Code 1959, a misdemeanor of the fourth degree. The court sentenced Dr. Hanson to thirty days incarceration and fined him $250.00 and costs. Furthermore, the court suspended the jail sentence and placed Dr. Hanson on non-reporting probation for a one-year period, with special conditions to stay off the lands and premises of all public parks in Franklin County, Ohio.

CONCLUSIONS OF LAW

The judicial finding of guilt pertaining to Ryan P. Hanson, M.D., as set forth in the Findings of Fact, constitutes "[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude," as that clause is used in Section 4731.22(B)(13), Ohio Revised Code.

* * * * *

Detective Fiske's testimony in this matter was credible and persuasive. Dr. Hanson testified that he had not acted in the manner described by Detective Fisk and that Detective Fiske had fabricated his testimony. Dr. Hanson's arguments are not persuasive.

Dr. Hanson further argued that his conduct did not constitute moral turpitude. In a recent case decided by the Ohio Supreme Court, Justice Cook, in a concurring opinion, noted that moral turpitude is not "precisely defined." She further noted, however, that moral turpitude is generally characterized "as involving 'baseness, vileness, or the depravity in private and social duties which [a] man owes to his fellow man, or to society in general." *Disciplinary Counsel v. Klaas* (2001), 91 Ohio St.3d 86, 88 (citations omitted).

Moreover, the *Klaas* Court noted that a criminal conviction, of itself, is not sufficient to find moral turpitude. Rather, the court must review the underlying facts "to determine if they manifest

the requisite lack of social conscience and depravity beyond any established criminal intent." The Court concluded that a finding of moral turpitude must be made on a case-by-case basis. *Id.* at 87 (citations omitted).

Moreover, in *Klaas*, an attorney had been convicted of a crime. The Court reasoned as follows:

> We have held that acts of moral turpitude 'must be measured against the accepted standards of morality, honesty, and justice prevailing upon the community's collective conscience.' * * * Additionally, in determining whether the acts of an attorney constitute moral turpitude, we place special emphasis on the status of an attorney in relation to the public at large. Attorneys assume a 'position of public trust' and are in a 'position of responsibility to the law itself, and any disregard thereof by him is much more heinous than that by the layman.'

Id. at (citations omitted).

In the present matter, Dr. Hanson was convicted public indecency for masturbating in a public park where children or unwilling adults were likely to be confronted with his behavior. Such conduct "manifests the requisite lack of social conscience" to be considered an act of moral turpitude. The conduct is even more objectionable given that Dr. Hanson is a physician who holds a position of public trust.

There are, however, mitigating circumstances in this matter. Dr. Hanson's conduct did not involve patients. Moreover, it is likely that Dr. Hanson had believed that only willing adults could be affected by his conduct. In addition, Dr. Hanson has had no previous disciplinary actions, and an extensive investigation by his employer revealed only positive information regarding Dr. Hanson. Furthermore, the testimony of Dr. Grace supports a conclusion that Dr. Hanson excels in his practice at the student health center.

Finally, nothing more than a brief period of probation may have been appropriate in this matter if the hearing record had demonstrated that Dr. Hanson understands why such behavior is inappropriate and/or that such behavior is unlikely to recur. The hearing record did not do so. Moreover, Dr. Hanson's dishonest testimony at hearing warrants a brief period of suspension.

PROPOSED ORDER

It is hereby ORDERED that:

A. **SUSPENSION OF CERTIFICATE**: The certificate of Ryan P. Hanson, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for thirty days.

B. **PROBATIONARY CONDITIONS**: Upon reinstatement, Dr. Hanson's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:

1. **Obey the Law and Terms of Criminal Probation**: Dr. Hanson shall obey all federal, state, and local laws, all rules governing the practice of medicine and surgery in the state in which he is practicing, and all terms of probation imposed by the Franklin County Municipal Court.

2. **Quarterly Declarations**: Dr. Hanson 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. Hanson 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. Hanson 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. **Third-Party Presence During Exam/Treatment**: Dr. Hanson shall have a third party present while examining or treating erogenous areas on either male or female patients.

6. **Absence from Ohio**: In the event that Dr. Hanson should leave Ohio for three continuous months, or reside or practice outside the State, Dr. Hanson must notify the Board in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under the Order, unless otherwise

determined by the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.

7. **Violation of Probation; Discretionary Sanction Imposed**: If Dr. Hanson 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.

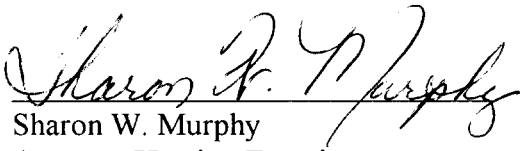
8. **Tolling of Probationary Period while Out of Compliance**: In the event Dr. Hanson is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period.

C. **TERMINATION OF PROBATION**: Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Hanson'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. Hanson 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. Hanson 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. Hanson 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. Hanson 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. Hanson 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 within thirty days of the mailing of notification of approval by the Board.



Sharon W. Murphy
Attorney 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/

EXCERPT FROM THE DRAFT MINUTES OF JUNE 11, 2003

REPORTS AND RECOMMENDATIONS

Mr. Browning 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 record, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Ashfaq Taj Ahmed, M.D.; Anil K. Bajaj, M.D.; Steven W. Crawford, M.D.; Ryan Hanson, M.D.; Rezso Spruch, M.D.; and David Vinson, Jr., M.D.A roll call was taken:

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

Mr. Browning 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:	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye

Dr. Steinbergh	- aye
Mr. Browning	- aye

Mr. Browning 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.

Mr. Browning 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.

.....

RYAN HANSON, M.D.

.....

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF RYAN HANSON, M.D. DR. ROBBINS SECONDED THE MOTION.

.....

A vote was taken on Dr. Steinbergh's motion to approve and confirm:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- nay
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- abstain
	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.state.oh.us/med/

November 13, 2002

Ryan P. Hanson, M.D.
2035 Iuka Avenue
Columbus, Ohio 43201

Dear Doctor Hanson:

In accordance with R.C. Chapter 119., 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) On or about July 29, 2002, in the Franklin County Municipal Court, Columbus, Ohio, you pleaded no contest to, and were found guilty of, one count of Public Indecency, in violation of Section 2307.09A, Public Indecency, Columbus City Codes, 1959, a misdemeanor of the fourth degree.

You were sentenced to thirty (30) days at the Franklin County Corrections Center I (FCCC I) [jail], Columbus, Ohio, and fined $250.00 and costs. The thirty (30) days jail sentence at FCCC I was suspended and you were placed on non-reporting probation for a one (1) year period, with special conditions to stay off the lands and premises of all public parks in Franklin County, Ohio.

The conduct underlying your plea of no contest to, and the judicial finding of guilty of, Public Indecency is more fully set forth in the Complaint, [Judgment] Entry and Conditions of Suspervision, which are attached hereto and incorporated herein.

The judicial finding of guilt, as alleged in paragraph one (1) above, constitutes "[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude," as that clause is used in R.C. 4731.22(B)(13).

Pursuant to R.C. Chapter 119., 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.

Mailed 11-14-02

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, 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, R.C. 4731.22(L), 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 # 7000 0600 0024 5151 4580
RETURN RECEIPT REQUESTED

1875 Millikin Road
Columbus, Ohio 43210

CERTIFIED MAIL # 7000 0600 0024 5151 4573
RETURN RECEIPT REQUESTED

[redacted] O [redacted]

Franklin County Municipal Court

Paul M. Herbert, Clerk of Court 375 S. HIGH ST., COLUMBUS, OHIO 43215

State of Ohio
County of Franklin
City of Columbus

OTHER JURISDICTION

V: RYAN P HANSON
DEFENDANT

FILED
02 JUN 12 PM 10: 10
FRANKLIN COUNTY
MUNICIPAL COURT
PAUL M. HERBERT, CLERK
MJP
TIME STAMP

COMPLAINT

Complainant, being duly sworn, states that the above named defendant, at Franklin County / Columbus, Ohio, on or about the 12 day of JUNE, 20 02 did: RECKLESSLY EXPOSE HIS PRIVATE PARTS & ENGAGE IN MASTURBATION TO WIT PULLED HIS PENIS OVER HIS PANTS AND MASTURBATED UNDER CIRCUMSTANCE WHICH HIS CONDUCT WAS LIKELY TO BE VIEWED BY AN AFFRONT OTHERS NOT MEMBERS OF HIS HOUSEHOLD TO WIT MASTURBATED IN THE WOODED AREA OF A PUBLIC PARK (BERLINER)

in violation of section 2307.09A ☒ City Code ☐ O.R.C., a ☒ Misdemeanor ☐ Felony of the 4 degree.

Complainant [signature] SIGNATURE PAUL A. FISKE PRINT FULL NAME 1290 BADGE NUMBER

CPD SRB ENF ADDRESS OR AGENCY & ASSIGNMENT COLUMBUS CITY OHIO STATE 43215 ZIP CODE

Sworn to and subscribed before me, this 12 day of JUNE, 20 02

Paul M. Herbert
Clerk of the Franklin County Municipal Court
By [signature] A [signature] / BRITTON 999
~~CLERK / DEPUTY CLERK / NOTARY PUBLIC~~ / PEACE OFFICER
Notary Seal & Expiration Date

☒ **ARREST WARRANT**

To any law enforcement officer of the State of Ohio:
You are hereby commanded to arrest the above named defendant and bring him/her before the Franklin County Municipal Court without unnecessary delay, to answer to the complaint hereon. WHEN APPLICABLE, IN ACCORDANCE TO CRIMINAL RULE #4, THE WARRANT HAS BEEN ISSUED BEFORE THE DEFENDANT HAS APPEARED AND THE BAIL PROVISION CRIMINAL RULE 46 SHALL APPLY. ARRAIGNMENT COURT IS HELD IN COURTROOM 4C AT 9:00 A.M., MONDAY THROUGH FRIDAY.

Paul M. Herbert
Clerk of the Franklin County Municipal Court
Slate # Control #
By Matt Rundy DEPUTY 6-12-02 DATE
PAUL M. HERBERT, CLERK
By: [signature]
Date: 8-30-02

Complaint Number 871869 Issuing Officer D FISKE Badge Number 1290
☐ SUMMONS ☒ WARRANT ☐ MISDEMEANOR CITATION
Case No. 02-15104
Charge: PUBLIC INDECENCY
Section Number 2307.09A ☒ City Code ☐ O.R.C. Offense Date 6-12-02 Offense Time 8:30 AM PM
Offense Location 325 GREELAWN Suspect Cruiser Dist. 113
Name HANSON (LAST) RYAN (FIRST) P (MIDDLE)
Street 2035 IUKA AVE
City Cols State OH Zip 43201
SEX M RACE W HGT 5-08 WGT 195 HAIR BRN EYES BLU
DOB 9-13-67 S.S. #

☐ **SUMMONS:** Read Notice #1 on reverse side.
You MUST appear in courtroom 4C ☐ or 15C ☐ on the date and time indicated. I personally served the Defendant a copy of this Summons on _____ Signature _____

Type of SUMMONS Service Requested:
☐ Personal ☐ Certified Mail

☐ **CITATION:** Read Notice #2 on reverse side.
Court appearance is OPTIONAL. You may contest this citation by appearing in COURTROOM 4C ☐ COURTROOM 15C ☐ on the date and time indicated.

COURT DATE & TIME
MONTH DAY YEAR TIME AM PM
X STATED
This is not an admission of guilt. An ARREST WARRANT will be issued if you do not properly respond to this charge.

8/01 ORIGINAL/COURT COPY

IN THE FRANKLIN COUNTY MUNICIPAL COURT
COLUMBUS, OHIO

FILED
2002 JUL 29 PM 12:33
FRANKLIN COUNTY
MUNICIPAL COURT
PAUL M. HERBERT, CLERK

State of Ohio,
City of Columbus/_____,

Plaintiff,

v.

R. Danson,

Defendant.

Case No. 15104/02

ENTRY

JUDGMENT ENTRY
JURY WAIVED. ADVISED
AS TO PLEAS AND RIGHT
OF COUNSEL. COURT
REPORTER WAIVED. PLEA
OF ~~GUILTY~~ (NC). FOUND
GUILTY: (NOT) ABLE TO PAY.
SENTENCE:

Deeply alter

w/stay finding guilty

30 days FCC + Fine $250 + costs
susp 30 days & place 1 yr non rep prob w/ spec conds
1) D stay off the lands & premises of
all public parks in Franklin Cty.
cont of FCC 9/3/02

This is to certify that the following is a true copy of the original entry as the same appears upon the records of the court.

PAUL M. HERBERT, CLERK
By: [signature]
Date: 8-30-02

✓ Per defendant's own statement, he/she is able to pay the fine and costs imposed by 9/3/02
Date

7/29/02
Date

[signature]
JUDGE HAYES

x:\courtrooms\12A-B\Hayes' Files\BLKENTRY

FRANKLIN COUNTY MUNICIPAL COURT
DEPARTMENT OF PROBATION SERVICES
CONDITIONS OF SUPERVISION

E: Ryan Hanson DATE: 7-29-02

NUMBER: 02CRB15104 JUDGE: Hayes

You have been convicted of a crime or crimes under the laws of the State of Ohio and/or under local municipal ordinances and the sentencing judge has ned, pursuant to provisions of Ohio Revised Code (Section 2929.51 and 2951.02) and/or provisions of local municipal ordinance, that all or some portion entence imposed be suspended and has ordered that you be placed on PROBATION for a period of 1 yr Non-report Prob e following terms and conditions:

You shall not violate any law (Federal, State or Local). You shall report any arrest, citation of a violation of law, conviction or any other contact with a law enforcement officer to your probation officer no later than the next business day. You shall not be engaged in an offensive course of conduct.

You shall not leave Franklin County, for a period of more than 72 hours, without permission from your probation officer.

You shall work regularly at a lawful occupation to the best of your ability or be actively and sincerely seeking employment. When out of work, you shall notify your probation officer at once.

You shall maintain contact with your probation officer and report as directed. You shall keep your probation officer informed of your correct address and phone number and shall report any change to your probation officer, in writing, within seven days of the change.

You shall follow all orders and instructions of your probation officer and/or other authorized court representative.

You shall submit to alcohol and/or drug testing if your probation officer has established reasonable grounds to require you to do so.

You shall sign a release of information for any public or private agency, if required to do so by your probation officer, in order to obtain or verify information pertaining to court ordered conditions of probation.

Pursuant to Section 2951.02 of the Ohio Revised Code, a probation officer may search, with or without a warrant, an offender's person, place of residence, motor vehicle or other personal property if there are reasonable grounds to believe that you are in violation of the law or the conditions of your probation.

You shall not report to the Probation Department or Court under the influence of alcohol and/or drugs.

Upon request, you shall provide all information to your probation officer regarding your financial status to assist in determining your ability to meet any financial obligations.

You shall pay a $30 probation user fee.

You shall abide by all conditions and orders imposed upon you by this Court and/or your probation officer. The special conditions are as follows:

(A) Stay off lands & premises of all public
(B) parks in Franklin County
(C)
(D)
(E)

This is to certify that the following is a true copy of the original entry as the same appears upon the records of the court.

PAUL M. HERBERT, CLERK

By:

Date: 8/30/02

PROBATIONER'S ACKNOWLEDGMENT

While on probation, I understand and agree that the assigned Judge may change the conditions of probation, may reduce or extend the period of probation l not to exceed five years), or may issue a warrant for my arrest and revoke probation for any violation of the terms and conditions of probation. I understand it y responsibility to call (614) 645-1960 on 8-5-02, between the hours of 6:00 and 2:30 speak directly with Officer Melinda Francis in order to arrange an appointment. I have read, or have had read to me, and have received a copy e above rules and instructions concerning my probation. I fully understand them, and I will abide by them.

Ryan Hanson — ationer's Signature

7/29/02 — Date

D. L. Evans — Intake Officer

S01POF112P/Revised 7/01/2001