



# State Medical Board of Ohio

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December 14, 2005

Binh Quoc Doan, M.D.  
5559 Auburn Road, Apt. C  
Jacksonville, FL 32207

Dear Doctor Doan:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of R. Gregory Porter, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on December 14, 2005, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order.

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

LAT:jam  
Enclosures

CERTIFIED MAIL NO. 7003 0500 0002 4333 9913  
RETURN RECEIPT REQUESTED

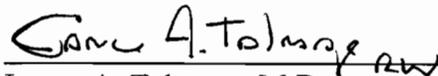
Cc: Kevin P. Byers, Esq.  
CERTIFIED MAIL NO. 7003 0500 0002 4333 9937  
RETURN RECEIPT REQUESTED

*Mailed 12/28/05*

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of R. Gregory Porter, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on December 14, 2005, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Binh Quoc Doan, M.D., as it appears in the Journal of the State Medical Board of Ohio.

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

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

(SEAL)

December 14, 2005  
\_\_\_\_\_  
Date

**BEFORE THE STATE MEDICAL BOARD OF OHIO**

IN THE MATTER OF

\*

\*

BINH QUOC DOAN, M.D.

\*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on December 14, 2005.

Upon the Report and Recommendation of R. Gregory Porter, 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 modification, 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:** The certificate of Binh Quoc Doan, M.D., to practice medicine and surgery in the State of Ohio shall be **SUSPENDED** for a period of 30 days.
- B. **REQUIRED REPORTING BY LICENSEE TO EMPLOYERS AND HOSPITALS:** Within thirty days of the effective date of this Order, Dr. Doan 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. Doan 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. This requirement shall continue for two years following the effective date of this Order.
- C. **REQUIRED REPORTING BY LICENSEE TO OTHER STATE LICENSING AUTHORITIES:** Within thirty days of the effective date of this Order, Dr. Doan 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. Doan 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. Doan shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt. This requirement shall continue for two years following the effective date of this Order.

**EFFECTIVE DATE OF ORDER:** This Order shall become effective immediately upon the mailing of notification of approval by the Board.

(SEAL)

Lance A. Talmage RW  
Lance A. Talmage, M.D.  
Secretary

December 14, 2005  
Date

**REPORT AND RECOMMENDATION  
IN THE MATTER OF BINH QUOC DOAN, M.D.**

The Matter of Binh Quoc Doan, M.D., was heard by R. Gregory Porter, Esq., Hearing Examiner for the State Medical Board of Ohio, on May 13, 2005.

**INTRODUCTION**

I. Basis for Hearing

- A. By letter dated November 10, 2004, the State Medical Board of Ohio [Board] notified Binh Quoc Doan, 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 an allegation that Dr. Doan had submitted an application to the Board for renewal of his license in which he failed to provide true information. Further, the Board alleged that Dr. Doan had submitted a licensure application to the Florida Board of Medicine [Florida Board] in which he failed to provide accurate information. In addition, the Board alleged that, when the Florida Board requested further information from Dr. Doan, his explanation failed to provide complete and accurate information.

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

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

- B. By letter received by the Board on November 26, 2004, Dr. Doan requested a hearing. (State's Exhibit 1B)

II. Appearances

- A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Rebecca J. Albers, Assistant Attorney General.
- B. On behalf of the Respondent: Kevin P. Byers, Esq.

**EVIDENCE EXAMINED**

I. Testimony Heard

Binh Quoc Doan, M.D.

II. Exhibits Examined

A. Presented by the State

- 1. State's Exhibits 1A through 1N: Procedural exhibits.
- 2. State's Exhibit 2: Certified copy of Dr. Doan's application for renewal of his Ohio certificate, signed in November 2002 for the 2001-2003 registration period. (Note: Social Security number redacted)
- 3. State's Exhibit 3: Certified copy of an order from the Magistrate Court of Hancock County, West Virginia, in *State v. Doan*, Case No. 02-M-418, entered May 17, 2002, regarding a court appearance on May 8, 2002.
- 4. State's Exhibit 4: Certified copy of a document titled "Criminal Case History" in *State v. Doan*, Case No. 02M-418.
- 5. State's Exhibit 5: Certified copy of Dr. Doan's Florida licensure file maintained by the Florida Board (excepting documents exempt from disclosure under Florida law).
- 6. State's Exhibit 6: Copies of Sections 17C-5-2, 17C-5-3, and 17C-2-2 of the West Virginia Code.

B. Presented by the Respondent

- 1. Respondent's Exhibit A: Undated letter from D. Renee O'Neil, M.D., Physician Manager, North Florida Hospitalists.

2. Respondent's Exhibit B: Copy of Traffic Citation and Complaint, Hancock County, West Virginia, issued May 8, 2002, citing Dr. Doan for the offense of Reckless Driving. (Note: Social Security number redacted)

### **SUMMARY OF THE EVIDENCE**

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

#### **Background Information**

1. Binh Quoc Doan, M.D., testified that he had been born in Vietnam and then raised in Pennsylvania from the age of two years. He explained that he had graduated from an accelerated, six-year program at The Pennsylvania State University in University Park, Pennsylvania, that involved both undergraduate studies and medical education. He graduated from that program in 1996 with a medical degree from The Jefferson Medical College of Philadelphia of Thomas Jefferson University. In 1999, after completing a three-year residency in internal medicine at Cooper University Hospital and Medical Center in Camden, New Jersey, Dr. Doan joined a private practice group in Steubenville, Ohio. Dr. Doan was board certified in internal medicine in 1999. (State's Exhibit [St. Ex.] 5 at 14, 26-27; Hearing Transcript [Tr.] at 11-12, 24-27)
2. In 2003, the Florida Board of Medicine [Florida Board] granted Dr. Doan a license after he submitted a corrected application and satisfied other requirements including payment of a fine, as discussed more fully below. Dr. Doan currently practices inpatient medicine at a hospital in Jacksonville, Florida. (St. Ex. 5, 23, 65; Respondent's Exhibit [Resp. Ex.] A; Tr. at 12)

#### **Dr. Doan's 2002 Traffic Violation in West Virginia**

3. On April 18, 2002, Dr. Doan was operating a vehicle in Hancock County, West Virginia, when he was pulled over by the police and arrested for Driving Under the Influence (DUI). Dr. Doan testified that he spent a night in jail and posted a \$1,000 bond for his release pending trial. (Tr. at 12-14, 37) Dr. Doan testified that the arresting officer had not given him a ticket or complaint for DUI; instead, the officer had given him a "notice to appear." Dr. Doan testified that he could not recall what the notice to appear had said. (Tr. at 35)
4. On May 8, 2002, Dr. Doan appeared in the Magistrate Court of Hancock County, at which time the court dismissed the DUI charge. A traffic citation was issued to Dr. Doan for reckless driving, and the matter was refiled in court as a reckless driving charge. Dr. Doan pled no contest to that charge and was fined \$100 and court costs. (St. Ex. 3-4;

Resp. Ex. B; Tr. at 12-14) The court memorialized the proceedings in an order entered on May 17, 2002, as follows:

On the 8th day of May, 2002, came the \* \* \* Prosecuting Attorney for Hancock County, West Virginia, and as well came the defendant, BINH Q. DOAN, in person and by \* \* \* counsel of record.

THEREUPON, the Court did note that pursuant to discussions with the arresting officer, the defendant was prepared to enter a plea on a citation charging him with reckless driving and, on the officer's recommendation, with no objection by the State, Case. No. 02-M-418 would be dismissed.

THEREUPON, the Court, based upon the above, does accept the defendant's plea to the charge of reckless driving and does ADJUDGE and ORDER that he be fined the sum of One Hundred Dollars plus court costs. Based upon the recommendation of the arresting officer, Case No. 02-M-418 shall be dismissed and stricken from the active docket of this Court, and any bond heretofore posted for that matter shall be released.

(St. Ex. 3)

5. Pursuant to West Virginia law, reckless driving is a misdemeanor. (St. Ex. 6)
6. A document maintained by the Magistrate Court entitled, "Criminal Case History," concerns Dr. Doan's arrest for DUI. The Criminal Case History states that Dr. Doan had been arrested on April 18, 2002, for the offense of DUI, in violation of Section 17C-5-2 of the West Virginia Code. The document further states that on May 8, 2002, the "original charge [was] dismissed and refiled on a citation \* \* \* for reckless driving." (St. Ex. 4)

Dr. Doan testified that he had not seen the Criminal Case History prior to the Board's hearing. (St. Ex. 4; Tr. at 12)

7. On June 25, 2002, an administrative hearing was held before the West Virginia Division of Motor Vehicles [DMV] regarding the revocation of Dr. Doan's driving privileges in West Virginia. By Final Order dated July 10, 2002, the DMV Commissioner rescinded an earlier revocation order. (St. Ex. 5 at 33-35)

#### **Dr. Doan's 2002 Application for Renewal of his Ohio Certificate**

8. On November 29, 2002, Dr. Doan signed an application for renewal of his certificate to

practice medicine and surgery in Ohio, stating as follows:

I certify, under penalty of loss of my right to practice in the State of Ohio,  
\* \* \* that the information provided on this application for renewal is true  
and correct in every respect.

(St. Ex. 2) On his application, Dr. Doan answered “NO” in response to the following question:

At any time since signing your last application for renewal of your certificate:

1.) Have you been found guilty of, or pled guilty or no contest to, or received treatment or intervention in lieu of conviction of, a misdemeanor or felony?

(St. Ex. 2)

#### **Dr. Doan’s Testimony Concerning his 2002 Application for Renewal of his Ohio Certificate**

9. Dr. Doan testified that, at the time he completed the 2002 Ohio renewal application, he had reviewed the March 17, 2002, court order and the traffic citation that had been given to him during his court appearance on May 8, 2002. Dr. Doan explained that nothing in those documents indicated that he had been convicted of a misdemeanor. Further, Dr. Doan asserted that he had not realized that he had been convicted of a misdemeanor, but thought that he had pled to a “traffic violation.” Finally, Dr. Doan stated that he had first learned that he had been convicted of a misdemeanor after receiving the November 10, 2004, notice of opportunity for hearing from the Board [Notice]. (St. Ex. 3; Resp. Ex. B; Tr. at 25-28, 35-38)

#### **Dr. Doan’s License Application to the Florida Board in 2002**

10. On October 7, 2002, Dr. Doan signed and submitted to the Florida Board an application to practice medicine and surgery in Florida. By signing the application, he declared under penalty of perjury that his answers and all statements were true and correct. (St. Ex. 5 at 53, 65) Dr. Doan answered “NO” in response to the following question on the application:

23. Have you ever been convicted of, or entered a plea of guilty, nolo contendere or no contest to, a crime in any jurisdiction other than a minor traffic offense? You must include all misdemeanors and felonies, even if adjudication was withheld by the court so that you would not have a record of conviction. Driving under the influence or driving while impaired is not a minor traffic offense for purposes of this question. (If ‘yes’, list below and see application instructions for required documentation to submit.)

(St. Ex. 5 at 60) Dr. Doan also responded “NO” to the following question:

24. Have you ever been criminally or civilly charged with any intentional or negligent action related to use or misuse of drugs, alcohol, or illegal chemical substances?

(St. Ex. 5 at 61)

11. In November 2002, the Florida Board received a report from the Federal Bureau of Investigation [FBI] that Dr. Doan had been arrested in West Virginia on April 18, 2002. On November 15, 2002, and again on December 11, 2002, the Florida Board sent memoranda to Dr. Doan informing him of the FBI report and instructing him to provide a detailed statement and supporting documents regarding his April 2002 arrest. (St. Ex. 5 at 30-3, 481)
12. By letter dated December 2, 2002, the attorney who had represented Dr. Doan in the West Virginia proceedings sent Dr. Doan’s file to him, advising him to send to the Florida Board copies of the Magistrate Court’s order and the DMV final order. (St. Ex. 5 at 32-35) By letter dated December 15, 2002, Dr. Doan sent a written response to the Florida Board, and included copies of the Magistrate Court’s order, the DMV’s final order, and his attorney’s letter. (St. Ex. 5 at 49-52) Dr. Doan’s written response stated as follows:

This is the statement to explain the FBI report. On April 18, 2002, I was pulled over for excessive speeding. I was changing the radio station, did not have my eyes on the road, and was driving erratically. I was charged with reckless driving for which I pleaded no contest to. I am extremely sorry and regretful about my careless actions. I aim to make amends by servicing the public in my profession with more dedication, compassion, and diligence to the utmost of my ability. Enclosed are the supporting documents. \* \* \*  
With deepest apologies, \* \* \*. Binh Q. Doan.

(St. Ex. 5 at 49) In his written response, Dr. Doan did not mention the DUI arrest. Further, although Dr. Doan provided the Florida Board with copies of the Magistrate Court’s order and the DMV’s final order, neither of these documents mentions the DUI arrest. (St. Ex. 5 at 49)

13. Subsequently, the Florida Board obtained information that Dr. Doan’s arrest in West Virginia had been for DUI. Given Dr. Doan’s responses to questions 23 and 24 on the Florida application, the Florida Board notified Dr. Doan on December 27, 2002, that he was required to make a personal appearance before the Credentials Committee of the Florida Board on January 25, 2003. (St. Ex. 5 at 46-47)

On January 25, 2003, the Credentials Committee questioned Dr. Doan regarding his application answers. (Tr. at 21-23)

Moreover, on February 8, 2003, the Florida Board met and determined that Dr. Doan had “failed to disclose [his] criminal background[,]” and that his certification be approved subject to the following conditions: (a) submission of a new, corrected application; (b) payment of a new application fee; and (c) payment of an administrative fine in the amount of \$5,000 made payable to the Florida Board. (St. Ex. 5 at 20)

Finally, by Order effective February 25, 2003, the Florida Board notified Dr. Doan of its determination. (St. Ex. 5 at 20)

14. Pursuant to the order of the Florida Board, Dr. Doan submitted a new, corrected application, paid the application fee, and paid the fine. The Florida Board sent him two letters dated January 2, 2004, informing him, among other things, that he had completed the application process and that his application had been approved. (St. Ex. 5 at 5-19)

#### **Dr. Doan’s Testimony Regarding his Application for a Florida Certificate**

15. With respect to Question No. 24 on the Florida application asking whether he had been charged with an offense related to the misuse or abuse of drugs or alcohol, Dr. Doan testified that it was his understanding that he had been “arrested” for DUI and later “charged” with reckless driving in court. Dr. Doan testified that, when he appeared in court, a ticket was written citing him only for reckless driving. He further explained that he had thought that “charges” were something that “happened in court.” (Tr. at 21, 35-36)

Dr. Doan explained that, “at the court the police officer wrote me a citation for reckless driving, and all I did was plead no contest to it, and I thought I wasn’t being charged with DUI. There was no mention of anything of DUI by the Judge or arresting officer at the time of the court hearing.” Dr. Doan testified that he knew he had been “arrested” for DUI but did not understand that he had been “charged” with DUI because he had not understood that “charges happened at the time of arrest.” He reiterated that he had believed that “charges are what happened in court, what you are being charged with.” (Tr. at 21-22)

16. Dr. Doan testified that his written response to the Florida Board’s request for additional information had not mentioned the arrest for DUI and had therefore not been entirely truthful. Dr. Doan further testified that he had not advised the Florida Board of the DUI arrest in his written response because he had been embarrassed, and because he had been afraid that he “would have to go through further proceedings.” (Tr. at 39)
17. Dr. Doan testified that, other than “motions from [his] lawyer for witnesses, trial,” he had received no documents regarding his criminal case in West Virginia beyond the documents he provided to the Florida Board. Dr. Doan testified that he had received no other “court records” nor “anything issued by the government” regarding the proceedings in West Virginia. (St. Ex. 5; Tr. at 29)

### **Additional Information**

18. Dr. Doan testified that, after receiving the Board's Notice and learning that he had a misdemeanor conviction on his record, he took action to update his physician profile in Florida to include that information. Moreover, Dr. Doan testified that he had also updated his employment application with his employer and his application for privileges at his hospital, as he had not listed the misdemeanor conviction at the time he submitted those applications. (Tr. at 28, 31-33)
19. By undated letter, D. Renee O'Neil, M.D., Physician Manager for North Florida Hospitalists in Jacksonville, Florida, addressed the Board. Dr. O'Neil stated,

Dr. Doan has worked with North Florida Hospitalists for the past year. He has proved to be a reliable and responsible physician and consistently upholds the highest ethical standards. He conducts himself in a very professional manner and is always respectful to both patients and colleagues. As his supervisor, I commend his professionalism and can attest to his upstanding character.

(Resp. Ex. A)

### **FINDINGS OF FACT**

1. On November 29, 2002, Binh Quoc Doan, M.D., submitted to the State Medical Board of Ohio [Board] an application for renewal his certificate to practice medicine and surgery in Ohio [Renewal Application]. Dr. Doan certified, under penalty of loss of his right to practice in the State of Ohio, the information provided in his application is true and correct in every respect.

In his Renewal Application, Dr. Doan responded "No" to Question No. 1, which asks:

At any time since signing your last application for renewal of your certificate:

- 1.) Have you been found guilty of, or pled guilty or no contest to, or received intervention in lieu of conviction of, a misdemeanor or a felony?

On May 8, 2002, in the Magistrate Court of Hancock County, West Virginia, Dr. Doan pled "no contest" to a charge of reckless driving, which was accepted by the court. The court ordered that Dr. Doan be fined \$100 plus court costs.

2. Dr. Doan testified persuasively at hearing that he had not been aware that reckless driving is a misdemeanor. Further, neither the citation for reckless driving nor the court's order referred to the offense as a misdemeanor. Moreover, the Criminal Case History, which

does have an “X” in a box labeled “Misdemeanor,” concerns only a previous allegation of Driving Under the Influence [DUI] that was dismissed by the court; the “Misdemeanor” label does not refer to the reckless driving offense. Accordingly, the evidence is insufficient to support a finding that the conduct of Dr. Doan as set forth in Findings of Fact 1 resulted from an intent to mislead the Board.

3. On or about October 7, 2002, Dr. Doan signed and submitted an Application for Licensure [Florida Application] to the Florida Board of Medicine [Florida Board]. Dr. Doan declared under penalty of perjury that all of his statements on the Florida Application are true and correct.

Dr. Doan responded “No” to Question No. 24 in the Florida Application, which asks:

Have you ever been criminally or civilly charged with any intention or negligent action related to the use or misuse of drugs, alcohol, or illegal chemical substances?

In fact, on April 18, 2002, Dr. Doan was arrested in West Virginia for Driving Under the Influence [DUI] and required to post \$1,000 as bond for his release pending trial. On May 8, 2002, in the Magistrate Court of Hancock County, West Virginia, the DUI charge was dismissed and a citation for reckless driving immediately refiled to which Dr. Doan pled no contest. The court fined Dr. Doan \$100 plus court costs and ordered that Dr. Doan’s bond be returned.

Dr. Doan’s testimony that he had not been aware that he had been “charged” with DUI, and that he had instead believed that charges were something that happened in court, is unpersuasive. It is simply not reasonable to ask the Board to believe that, after having been arrested for DUI, spending the night in jail, and posting \$1,000 bond to secure release pending trial, Dr. Doan was unaware that he had been charged with having committed the offense of DUI. Rather, the evidence supports a finding that Dr. Doan had intended to hide the alleged DUI from the Florida Board. Dr. Doan’s intent to mislead the Florida Board is made even more apparent by the evidence discussed in Findings of Fact 4, below.

4. By memoranda dated November 15 and December 11, 2002, the Florida Board informed Dr. Doan that a Federal Bureau of Investigation report received by the Florida Board stated that Dr. Doan had been arrested on April 18, 2002, in West Virginia. In each of the memoranda, the Florida Board requested that Dr. Doan provide a detailed statement regarding his arrest and submit supporting documentation.

By letter dated December 15, 2002, Dr. Doan responded to the Florida Board’s query concerning his arrest. Dr. Doan stated that on April 18, 2002, he had been pulled over for excessive speeding; that he had been changing the radio station; that he had not had his eyes on the road and had been driving erratically, and that he had been charged with reckless driving, to which he had pled no contest. Dr. Doan further stated that he was extremely

sorry and regretful about his careless actions and aimed to make amends by serving the public in his profession with more dedication, compassion and diligence to the utmost of his ability. His explanation and supporting documentation included no mention of DUI.

In fact, Dr. Doan was arrested for DUI on April 18, 2002.

5. On or about December 27, 2002, Dr. Doan was informed that he would be required to make a personal appearance before the Florida Board Credentials Committee to discuss his criminal background check results.

Subsequently, on or about February 25, 2003, the Florida Board issued an Order notifying Dr. Doan they had determined he had failed to disclose his criminal background in his licensure application.

Further, the Florida Board ordered that certification be approved with the following conditions: submission of a new, corrected application; submission of a new application fee; and submission of an administrative fine in the amount of \$5,000 made payable to the Florida Board.

### **CONCLUSIONS OF LAW**

1. The conduct of Binh Quoc Doan, M.D., as set forth in Findings of Fact 3 through 5, 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.
2. As set forth in Findings of Fact 1 and 2, the evidence is insufficient to support a conclusion that Dr. Doan’s conduct with regard to the Ohio Renewal Application 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. Nevertheless, the Board was substantially justified in bringing this allegation, because this conclusion was reached only after consideration of the evidence developed at hearing.
3. As set forth in Findings of Fact 1 and 2, the evidence is insufficient to support a conclusion that Dr. Doan’s conduct with regard to the Ohio Renewal Application 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. Nevertheless, the Board was substantially justified in bringing this allegation, because this conclusion was reached only after consideration of the evidence developed at hearing.

**PROPOSED ORDER**

It is hereby ORDERED that:

The certificate of Binh Quoc Doan, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED. Such permanent revocation is STAYED, and Dr. Doan’s certificate shall be SUSPENDED for a period of 180 days.

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



R. Gregory Porter, Esq.  
Hearing Examiner



# State Medical Board of Ohio

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## EXCERPT FROM THE DRAFT MINUTES OF DECEMBER 14, 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: Binh Quoc Doan, M.D.; Adam P. Hall, D.O.; James L. Kegler, M.D.; John Michael Lonergan, M.D.; Richard Daniel Price, M.D.; Craig L. Rich, M.D.; Charles Christian Rickey, P.A.; Steven John Shor, M.D.; and Robert Martin Stang, D.O. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. 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. Talmage	- 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. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

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.

BINH QUOC DOAN, M.D.

Dr. Davidson directed the Board's attention to the matter of Binh Quoc Doan, M.D. She advised that no objections were filed to Hearing Examiner Porter's Report and Recommendation.

Dr. Davidson continued that a request to address the Board has been timely filed on behalf of Dr. Doan. Five minutes would be allowed for that address.

Dr. Doan was accompanied by his attorney, Kevin P. Byers. Mr. Byers stated that Dr. Doan came up from Florida today to make a brief presentation to the Board. He noted that there are no objections to the Hearing Examiner's Report and Recommendation; they believe that this is a fair and reasonable proposal from the Hearing Examiner.

Dr. Doan thanked the Board members for their time in reviewing this case and giving him the opportunity to speak with the Board. He stated that he's sorry if he brought any embarrassment to the profession. He's pleased with the outcome of the hearing. Dr. Doan stated that it was important to him that he appear here today to allow the Board members to ask him questions they might have.

Dr. Davidson asked whether the Assistant Attorney General wished to respond.

Mr. Clifford declined.

**MR. BROWNING MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF BINH QUOC DOAN, M.D. DR. STEINBERGH SECONDED THE MOTION.**

Dr. Davidson stated that she would now entertain discussion in the above matter.

Dr. Egner stated that she's not sure that she agrees with the Hearing Examiner's recommendation in this

case, adding that it seems too harsh to her. Dr. Egner added that she feels she understands Dr. Doan's reasoning for not including the information on his application. She stated that she's never been arrested before, and she doesn't have first-hand experience with looking at court papers that one would get personally for something like this, but Dr. Doan has indicated that nothing on the paperwork said that the charge was a misdemeanor. He said that he didn't know it was a misdemeanor until he received the Board's notice of opportunity for hearing. Dr. Egner stated that, if that's the case, she can understand.

Dr. Egner continued that Dr. Doan seemed to be very forthcoming at the time of the hearing; he seemed to be remorseful. He comes today with an apology for his actions, and not with excuses. Dr. Egner stated that she would propose an amendment to a reprimand.

Dr. Kumar expressed agreement with Dr. Egner, and added that he had drafted an amendment. He stated that he looked at the document from the court, and nowhere does it say that Dr. Doan was actually convicted of a misdemeanor. In fact, when he looked at the State's Exhibit and the court documents, he couldn't figure out that that was a misdemeanor conviction, either. Dr. Kumar stated that he had to ask someone on staff to show him where it indicated that this was a misdemeanor. Dr. Kumar stated that he can't say that Dr. Doan lied, because lying is saying something that you know is wrong, and Dr. Doan didn't know it was wrong.

**DR. KUMAR MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF BINH QUOC DOAN, M.D., BY SUBSTITUTING THE FOLLOWING:**

**PROPOSED ORDER**

It is hereby ORDERED that:

- A. **SUSPENSION:** The certificate of Binh Quoc Doan, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for a period of 30 days.
- B. **PROBATIONARY CONDITIONS:** Upon reinstatement, Dr. Doan's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least two years:
  1. **Obey Laws in Ohio:** Dr. Doan shall obey all federal, state, and local laws; and all rules governing the practice of medicine in Ohio.
  2. **Quarterly Declarations:** Dr. Doan shall submit quarterly declarations under penalty of Board disciplinary action 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. Subsequent

quarterly declarations must be received in the Board's offices on or before the first day of every third month.

3. **Personal Appearances:** Dr. Doan shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective or as otherwise directed by the Board. Dr. Doan shall also appear upon his request for termination of the probationary period, and/or as otherwise requested by the Board.
  4. **Violation of Probation; Discretionary Sanction Imposed:** If Dr. Doan 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.
  5. **Tolling of Probationary Period while Out of Compliance:** In the event Dr. Doan 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. Doan'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. Doan 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. Doan 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. This requirement shall continue until Dr. Doan receives from the Board written notification of his successful completion of probation pursuant to Paragraph C, above.
- E. **REQUIRED REPORTING BY LICENSEE TO OTHER STATE LICENSING AUTHORITIES:** Within thirty days of the effective date of this Order, Dr. Doan 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. Doan 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. Doan shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt. This requirement shall continue until Dr. Doan receives from the Board written notification of his successful completion of probation pursuant to Paragraph C, above.

**EFFECTIVE DATE OF ORDER:** This Order shall become effective immediately upon the mailing of notification of approval by the Board.

Dr. Kumar noted that the proposed amendment includes a shorter suspension period of 30 days, and a probationary period. He added that he would also be agreeable to a reprimand.

Dr. Robbins stated that he also thinks that the Hearing Examiner's Proposed Order, which included a 180-day suspension, was excessive. Dr. Robbins also indicated that a stayed revocation rather than a stayed permanent revocation would be more appropriate. He stated that he would also agree that it's refreshing to hear someone come and apologize to the Board for what he or she did, and he added that that's important here. He added that it also means something to him that Dr. Doan and his attorney thought that the Proposed Order was fair. That in itself was somewhat surprising to him. Therefore, he would not support just a reprimand in this case. He does feel, however, that 180 days is excessive, and that it should be cut down.

Dr. Buchan stated that he's not buying Dr. Doan's argument. He stated that he's been here a while, has listened to a lot of conversations, and has read a lot of reports and arresting records. He just doesn't buy that Dr. Doan wasn't pulled over for good cause. Dr. Doan was arrested and charged with DUI. He wasn't convicted. That's a big deal in his mind, and to not declare it on a license renewal application is a big deal. Dr. Buchan advised that he's not sure that Dr. Doan wasn't DUI. Dr. Buchan stated that what was missing in this Order was an evaluation. Dr. Buchan stated that the public needs to understand that Dr. Doan is not impaired, and an evaluation, in addition to the Hearing Examiner's Proposed Order, is in order.

Mr. Browning stated that he's in general agreement with the Proposed Order being too severe. Mr. Browning stated that he doesn't think that the Board can retry this case. He added that he doesn't see the substance of the argument for an evaluation three and a half years later on a reckless operation charge. Mr. Browning stated that two weeks after the incident the court dismissed the DUI charge. Mr. Browning stated that he respects Dr. Buchan's opinion, but that is not what the Board has in the record. He doesn't feel that it's fair for the Board to speculate in a manner inconsistent with what happened in court. Mr. Browning stated that he thinks that Dr. Kumar's proposal is reasonable.

Dr. Egner stated that it does make a big difference to her whether the Board includes revocation, permanent revocation stayed or no revocation at all. Dr. Egner stated that she doesn't think that the Board should use those words unless it really means them. From the conversation around the table, no one is saying that this is up to the level of a revocation, or, if something happens again, the doctor should definitely be revoked. Dr. Egner stated that she would like to see the revocation language removed from the order completely.

Dr. Steinbergh also agreed that the original Proposed Order is too harsh and she does not want to use any terms about revocation for this.

Dr. Steinbergh stated that, if the Board is going to suspend this physician's license, she doesn't see the point in putting him on probation for two years. She's not sure what the Board would be monitoring. If the Board is going to suspend the doctor rather than reprimand him, what is the Board taking action on? She needs to know what the Board is taking action on. The Board understands what occurred. She agreed with Dr. Buchan that there may be a red flag in here that the Board members are missing in regard to the DUI concept, but the Board doesn't know what happened in West Virginia that caused the West Virginia court to resolve the issue as it was resolved. She would like to know for sure what the Board is finding him guilty of today. She stated that she's going to believe that Findings of Fact three to five constitute making a false, deceptive, misleading statement. She asked whether the Board would agree that that is what it is basing its sanction on.

Board members indicated that it was.

Dr. Steinbergh stated that, in that case, she would agree to suspend for 30 days, but she doesn't know that the Board has reason to put him on probation and make him come in for personal appearances. She thinks that the Board just needs to be done with this case.

Dr. Kumar stated that he considered amending this Order to just a reprimand, but he feels that the question asked on the Florida application is worded in a different way than the question on Ohio's renewal application. The question on the Florida application asks whether the applicant has ever been "charged with any intentional or negligent action related to use or misuse of drugs, alcohol, or illegal chemical substances." Dr. Kumar noted that Dr. Doan responded, "no," to that question. Dr. Kumar stated that that response bothered him, and that's why he felt that a suspension was warranted.

Dr. Steinbergh stated that she agrees with that. She added that she doesn't know that this is worth having probationary conditions attached. She suggested an order suspending the license for 30 days. As far as requiring him to report this action to other agencies, she would like that requirement to remain.

Ms. Thompson suggested that, if the Board does include that requirement in an amended order, it should also include an expiration time for that requirement, otherwise he will be required to report this forever.

Dr. Steinbergh suggested putting a time limit of two years on the requirement.

**DR. KUMAR ACCEPTED DR. STEINBERGH'S RECOMMENDATION TO DELETE THE PROBATION PORTION OF HIS AMENDED ORDER, AND TO PUT A TIME LIMIT ON THE REPORTING REQUIREMENT PARAGRAPHS OF TWO YEARS FROM THE EFFECTIVE DATE OF THE ORDER, WHICH WILL BE IMMEDIATELY UPON MAILING OF THE ORDER.**

Dr. Buchan spoke against the amendment, noting that Dr. Doan is willing to accept the Hearing Examiner's Proposed Order. He stated that this speaks volumes to him. Dr. Buchan stated that, if the Board members don't believe that this is anything other than a man who is changing his radio station or is sleepy, then it should reprimand him and not make this a bigger deal than it needs to be. If Board members believe that there was, at the minimum, misleading information, then he would agree with a suspension and no strings attached.

Dr. Kumar stated that he believes that the question on the Florida application is clear, and Dr. Doan erroneously responded, "no." That is why he would favor something beyond reprimand.

Mr. Browning stated that he agrees with Dr. Buchan. He questioned whether, if the Board decides to suspend Dr. Doan's license because of his response, it really needs to include the probationary terms. He stated that those aren't responsive to what happened. He suggested suspending Dr. Doan's license for 30 days and then moving on.

Dr. Steinbergh stated that the additional language is only to obligate Dr. Doan to notify his employers over the next two years.

Noting that there was not a second to Dr. Kumar's motion, Dr. Egner moved as follows:

**DR. EGNER MOVED TO MODIFY THE PROPOSED ORDER IN THE MATTER OF BINH QUOC DOAN, M.D., BY SUBSTITUTING AN ORDER OF REPRIMAND. MS. SLOAN SECONDED THE MOTION.**

Dr. Robbins stated that, although he's in the leniency camp, he does feel that, had he gone through everything Dr. Doan went through, he would have at least written an addendum to the application explaining the situation. Dr. Doan didn't do that. Dr. Robbins stated that, for that reason, he wants a harsher penalty than just a reprimand.

Dr. Kumar agreed with Dr. Robbins, stating that he didn't choose to amend to reprimand because of Dr. Doan's response to the questions on the Florida application. Dr. Doan knew that he'd been charged in West Virginia, but he responded in the negative to the question.

Dr. Egner stated that she doesn't think that it's appropriate for this Board to discipline Dr. Doan based on his response on the Florida application.

Dr. Steinbergh disagreed, stating that Dr. Doan has been misleading in his responses on applications. She stated that she does not think that a reprimand is appropriate in this case.

A vote was taken on Dr. Egner's motion to amend:

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

The motion failed.

**DR. KUMAR MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF BINH QUOC DOAN, M.D., BY SUBSTITUTING THE FOLLOWING:**

**PROPOSED ORDER**

It is hereby ORDERED that:

- A. **SUSPENSION:** The certificate of Binh Quoc Doan, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for a period of 30 days.
  
- B. **REQUIRED REPORTING BY LICENSEE TO EMPLOYERS AND HOSPITALS:** Within thirty days of the effective date of this Order, Dr. Doan 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. Doan 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. This requirement shall continue for two years following the effective date of this Order.
  
- C. **REQUIRED REPORTING BY LICENSEE TO OTHER STATE LICENSING AUTHORITIES:** Within thirty days of the effective date of this Order, Dr. Doan 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. Doan 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. Doan shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt. This requirement shall continue for two years following the effective date of

this Order.

**EFFECTIVE DATE OF ORDER:** This Order shall become effective immediately upon the mailing of notification of approval by the Board.

**DR. STEINBERGH SECONDED THE MOTION.** A vote was taken:

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

The motion carried.

**DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF BINH QUOC DOAN, M.D. DR. KUMAR SECONDED THE MOTION.** A vote was taken:

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

November 10, 2004

Binh Quoc Doan, M.D.  
5559 Auburn Road, Apt. C  
Jacksonville, Florida 32207

Dear Doctor Doan:

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

- (1) On or about November 29, 2002, you submitted an application for renewal of your license to practice medicine and surgery to the State Medical Board of Ohio (Ohio Board). You certified, under penalty of loss of your right to practice in the State of Ohio, the information provided in this application for renewal is true and correct in every respect. Subsequently, on or about December 5, 2002, in reliance upon the truthfulness of your statement, the Ohio Board renewed your certificate to practice medicine and surgery in Ohio.

In the above Ohio Board Application, you responded "No" to Question No. 1, which asks:

At any time since signing your last application for renewal of your certificate:

- 1.) Have you been found guilty of, or pled guilty or no contest to, or received intervention in lieu of conviction of, a misdemeanor or a felony?

In fact, on or about May 8, 2002, in the Magistrate Court of Hancock County, West Virginia, your plea to a charge of reckless driving, a misdemeanor, was accepted. The Court adjudged, and ordered you be fined the sum of One Hundred Dollars, plus court costs.

- (2) On or about October 7, 2002, you signed and submitted an Application for Licensure to the Florida Board of Medicine (Florida Board). You declared under penalty of perjury that your answers and all statements made by you therein are true and correct.

*Mailed 11-18-04*

You responded "No" in the Florida Board Application to Question No. 24:

24. Have you ever been criminally or civilly charged with any intention or negligent action related to the use or misuse of drugs, alcohol, or illegal chemical substances?

In fact, on or about April 18, 2002, you were criminally charged with Driving under the influence of alcohol, controlled substances or drugs (DUI), West Virginia Code §17C-5-2. Subsequently, in the Magistrate Court of Hancock County, West Virginia, after posting a cash bond in the amount of \$1,000.00, you were released, pending trial. On or about May 8, 2002, the DUI charge was dismissed, and immediately refiled on a citation for reckless driving, to which you pleaded no contest, and were adjudged guilty.

(3) (a) Following submission of your Application for Licensure to the Florida Board, paragraph two (2) above, the Florida Board, on or about November 15, 2002, and again, on or about December 11, 2002, informed you a Federal Bureau of Investigation (FBI) report reveals you were arrested on April 18, 2002, in South Charleston, West Virginia. In each of the above letters, the Florida Board requested you provide a detailed statement regarding this FBI report and submit supporting documents.

In response, on or about December 15, 2002, you submitted an unsigned statement to the Florida Board to explain the above FBI report. You stated, on April 18, 2002, you were pulled over in West Virginia for excessive speeding; that you were changing the radio station; that you did not have your eyes on the road and were driving erratically, and that you were charged with reckless driving, to which you pleaded no contest.

Further, you stated you were extremely sorry and regretful about your careless actions and aimed to make amends by servicing the public in your profession with more dedication, compassion and diligence to the utmost of your ability, and stated you enclosed the supporting documents. You then stated that you had enclosed the supporting documents.

In fact, you were arrested April 18, 2002, on the charge of DUI and were required to post a cash bond in the amount of \$1,000.00 for your release, pending trial on that charge. Further, you failed to inform the Florida Board that, on or about May 8, 2002, when the above DUI charge was dismissed, and refiled immediately in the Magistrate Court of Hancock County, West Virginia, on a citation for reckless driving, you then pleaded no contest to, and were adjudged guilty of, reckless driving.

Further, you failed to provide the Florida Board with any supporting documentation regarding your April 18, 2002, arrest for DUI and your subsequent release on bond pending trial on that charge.

- (b) On or about December 27, 2002, you were informed you were required to make a personal appearance before the Florida Board Credentials Committee to discuss your criminal background check results.

Subsequently, on or about February 25, 2003, the Florida Board issued an Order notifying you they had determined you had failed to disclose your criminal background in your licensure application.

Further, the Florida Board Order determined that certification be approved with the following conditions: submission of a new, corrected application; submission of a new application fee, and submission of an administrative fine in the amount of \$5,000.00 made payable to the Florida Board. A copy of the Florida Board Order is attached hereto and incorporated herein.

Your acts, conduct, and/or omissions, as alleged in paragraph one (1) 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 R.C. 4731.22(A).

Further, your acts, conduct, and/or omissions as alleged in paragraphs one (1) through three (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 R.C. 4731.22(B)(5).

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 days of the time of mailing of this notice.

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

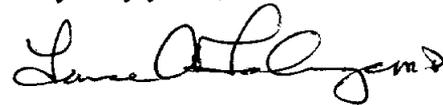
In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently

revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, R.C. 4731.22(L), 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,

A handwritten signature in black ink, appearing to read "Lance A. Talmage". The signature is fluid and cursive, with a small flourish at the end.

Lance A. Talmage, M.D.  
Secretary

LAT/cw  
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5149 5964  
RETURN RECEIPT REQUESTED

STATE OF FLORIDA  
BOARD OF MEDICINE

IN RE: CERTIFICATION FOR  
LICENSURE AS A PHYSICIAN  
BY ENDORSEMENT OF  
BINH Q. DOAN, MD

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK *Vicki R. Kenon*  
DATE 2/25/03

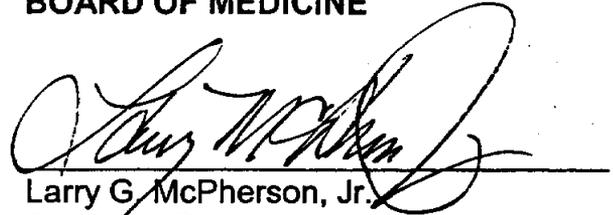
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**ORDER**

1. You are hereby notified that the Board of Medicine intends to grant your certification for licensure as a physician by endorsement with conditions.
2. The Credentials Committee reviewed and considered your application for certification for licensure on January 25, 2003, and the Board of Medicine, at a duly-noticed public meeting on February 8, 2003, in Orlando, Florida, considered the committee's recommendations and determined that you failed to disclose your criminal background; therefore the Board has determined that certification be **APPROVED** with the following conditions:
  - a. Submission of a new, corrected application;
  - b. Submission of a new application fee;
  - c. Submission of an administrative fine in the amount of \$5,000.00 made payable to the Board.
3. This Notice takes effect upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 21 day of FEBRUARY, 2003.

**BOARD OF MEDICINE**



Larry G. McPherson, Jr.  
Executive Director  
for Rhagavendra Vijayanagar, M.D.  
Chairperson

**NOTICE OF HEARING RIGHTS**

You may seek review of this Order, pursuant to Sections 120.569 and 120.57, Florida Statutes, by filing a petition with the Executive Director of the Board, 4052 Bald Cypress Way, Bin #C03, Tallahassee FL 32399-3253, within 21 days of receipt of this Order. If you dispute any material fact upon which the Board's decision is based, you may request a hearing before an administrative law judge pursuant to Section 120.57(1), Florida Statutes; your petition must contain the information required by Rule 28-106.201, Florida Administrative Code, ***including a statement of the material facts which are in dispute.*** If you do not dispute any material fact, you may request a hearing before the Board pursuant to Section 120.57(2), Florida Statutes; your petition must include the information required by Rule 28-106.301, Florida Administrative Code. At any hearing, you have the right to be represented by an attorney or other qualified representative, to take testimony, or call or cross-examine witnesses, to have subpoena issued and to present written evidence or argument.

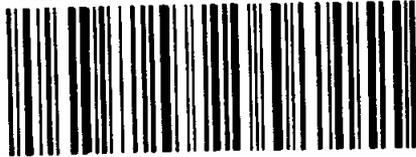
Pursuant to Section 120.573, Florida Statutes, you are hereby notified that mediation pursuant to that section is not available.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been provided by certified mail to: Binh Q. Doan, M.D., 231 Woodridge Drive, Apt. A-303, Wintersville, Ohio 43953 this 25<sup>th</sup> day of February, 2003.

Susan B. Hart

2. Article Number



7160 3901 9844 5293 6319

3. Service Type CERTIFIED MAIL

4. Restricted Delivery? (Extra Fee)  Yes

1. Article Addressed to:

Binh Q. Doan, M.D.  
231 Woodridge Drive, Apt. A-303

Wintersville, Ohio 43953

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

3-1-03

C. Signature

X

*Binh Q. Doan*

Agent

Addressee

D. Is delivery address different from item 1?  
If YES, enter delivery address below:

Yes

No

RE:

SENDER:

MQA Central Records #80830

PS Form 3811, April 2001

Domestic Return Receipt

MED

2-25-03