State Medical Board of Ohio

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February 11, 2004

Vladimir Vasic, M.D.
3012 Glenwood Avenue
Fort Wayne, IN 46805

Dear Doctor Vasic:

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 February 11, 2004, 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

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 7000 0600 0024 5150 0613
RETURN RECEIPT REQUESTED

Third Mailing 3-3-04
Second Mailing 2-25-04
Mailed 2-12-04

Second mailing: 1300 North Main Street
Rushville, IN 46173-1116
CERTIFIED MAIL NO. 7000 0600 0024 5150 0804
RETURN RECEIPT REQUESTED

Third mailing: 5459 Portage Road
Niagra Falls, Ontario
CANADA L2G 5Y1
REGISTERED MAIL NO. RR 323 469 594 US
RETURN RECEIPT REQUESTED

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on February 11, 2004, 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 Vladimir Vasic, 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)

February 11, 2004
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF	*
	*
VLADIMIR VASIC, M.D.	*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on February 11, 2004.

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:

> The certificate of Vladimir Vasic, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED.

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

Lance A. Talmage, M.D.
Secretary

(SEAL)

February 11, 2004
Date

STATE MEDICAL BOARD
OF OHIO

2003 DEC 30 A 9:18

REPORT AND RECOMMENDATION
IN THE MATTER OF VLADIMIR VASIC, M.D.

The Matter of Vladimir Vasic, M.D., was heard by Sharon W. Murphy, Esq., Hearing Examiner for the State Medical Board of Ohio, on November 24, 2003.

INTRODUCTION

I. Basis for Hearing

A. By letter dated July 9, 2002, the State Medical Board of Ohio [Board] notified Vladimir Vasic, M.D., that it had proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board based its proposed action on allegations that Dr. Vasic had provided false information in applications for hospital privileges and in the course of responding to a Board subpoena.

The Board alleged that the conduct of Dr. Vasic constitutes "'publishing a false, fraudulent, deceptive, or misleading statement,' as that clause is used in Section 4731.22(B)(5), Ohio Revised Code, as in effect prior to March 9, 1999; [and/or] '[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." (State's Exhibit 1A)

B. On August 11, 2003, Dr. Vasic submitted a written hearing request. (State's Exhibit 1B)

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: Dr. Vasic, having been apprised of his right to be represented by counsel, appeared at the hearing on his own behalf.

EVIDENCE EXAMINED

I. Testimony Heard

A. Presented by the State

1. Vladimir Vasic, M.D., as upon cross-examination
2. Rita van der Heiden, by telephone

B. Presented by the Respondent

Vladimir Vasic, M.D.

II. Exhibits Examined

Presented by the State

* A. State's Exhibits 1A through 1K: Procedural exhibits.

* B. State's Exhibit 2: Copies of documents pertaining to Dr. Vasic maintained by the Greater Niagara General Hospital, Niagara Falls, Ontario, Canada.

* C. State's Exhibits 3, 4, 7 and 9: Copies of documents pertaining to Dr. Vasic maintained by the of Physicians and Surgeons of Ontario, Toronto, Canada.

* D. State's Exhibit 5: Copy of Dr. Vasic's Application for Appointment to the Medical Staff of Hancock Memorial Hospital in Greenfield, Indiana.

* E. State's Exhibit 6: Copy of Dr. Vasic's Application for Appointment to the Professional Staff of Ashtabula County Medical Center in Ashtabula, Ohio.

* F. State's Exhibit 8: Copy of a May 12, 2003, letter to the Board from Dr. Vasic.

* G. State's Exhibit 10: Copy of a July 31, 2003, letter to the Board from Dr. Vasic, with attached letter to Dr. Vasic from William H. Ainslie, Chief of Staff, Greater Niagara General Hospital.

* Note: In exhibits marked with an asterisk [*], some or all pages of the exhibit were numbered by Hearing Examiner post-hearing.

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.

1. Vladimir Vasic, M.D., was born in Yugoslavia. Dr. Vasic received a medical degree from the University of Belgrade in Yugoslavia in 1969. After finishing medical school, Dr. Vasic performed missionary work in Africa for two years. In 1971, Dr. Vasic relocated to Canada. He completed an internship, in 1973, at St. Michael's Hospital at the University of Toronto in Ontario, Canada. In 1977, he completed a general surgery residency at Jewish General Hospital, McGill University, in Montreal. In 1978, Dr. Vasic completed a one-year fellowship in surgery at St. Joseph's Hospital, University of Toronto. (Hearing Transcript at [Tr.] 16-18; State's Exhibit [St. Ex.] 5 at 1)

   Subsequently, Dr. Vasic started a private practice in general surgery in Niagara Falls, Ontario. He remained there until 1997, when he relocated to the State of Illinois in the United States. In 2000, Dr. Vasic relocated to Indiana. Dr. Vasic testified that he currently practices general surgery in Rushville, Indiana, and that he holds surgical privileges at Rushville Memorial Hospital. (Tr. 15, 19)

   Dr. Vasic was certified in general surgery by the American Board of Surgery in September 1978. He was recertified in October 2002. (St. Ex. 3; St. Ex. 5 at 2)

   Dr. Vasic testified that he holds licenses to practice medicine in Ohio, Indiana, Illinois, and Ontario. (Tr. 15-16)

2. By letter dated December 5, 1997, Dr. David B. Hanniwell, then Chief of Staff at Greater Niagara General Hospital in Niagara Falls, Ontario, advised the Registrar of the College of Physicians and Surgeons of Ontario that Dr. Vasic's privileges at Greater Niagara General Hospital had been terminated on December 4, 1997. More specifically, the letter stated that:

   - On October 2, 1997, Dr. Hanniwell contacted Dr. Vasic regarding rumors that Dr. Vasic was planning to leave Niagara Falls and his practice.

   - On October 6, 1997, Dr. Hanniwell received a letter from Dr. Vasic dated September 6, 1997. In the letter, Dr. Vasic stated that, "Due to constant discrimination against me by a small group at GNGH, I am taking sabbatical for two years starting 12 Oct. 1997."

- On October 9, 1997, Dr. Hanniwell responded to Dr. Vasic's letter. In the letter, Dr. Hanniwell denied that there had been any discrimination directed at Dr. Vasic. Moreover, Dr. Hanniwell advised that the by-laws of Greater Niagara General Hospital did not provide for sabbaticals. Therefore, he advised, should Dr. Vasic depart from the hospital, it would be considered a withdrawal of his privileges. Furthermore, if Dr. Vasic ever wished to return to Greater Niagara General Hospital, he would be required to submit a new application for privileges. Finally, Dr. Hanniwell advised that Dr. Vasic must assure that patient care would not be compromised based upon his abrupt departure.

- On November 20, 1997, at a Greater Niagara General Hospital Department of Surgery meeting, it was recommended that Dr. Vasic's privileges be terminated because he was in default of his obligations for privileges.

- On November 20, 1997, Dr. Hanniwell sent a letter to Dr. Vasic advising that Dr. Vasic's request for a sabbatical had not been approved. Dr. Hanniwell further advised that Dr. Vasic's actions constituted a withdrawal of his privileges at Greater Niagara General Hospital and that the hospital administration was "treating [his] privileges at an end." Finally, Dr. Hanniwell advised that, should Dr. Vasic return to Niagara Falls and desire to practice at Greater Niagara General Hospital, it would be necessary for him "to make a submission as a new applicant."

- On November 25, 1997, the Medical Advisory Committee of Greater Niagara General Hospital approved the Department of Surgery's recommendation to terminate Dr. Vasic's privileges.

- On December 4, 1997, the Board of Governors of Greater Niagara General Hospital approved the Medical Advisory Committee's recommendation to terminate Dr. Vasic's privileges.

(St. Ex. 2 at 3-8)

3. On February 4, 1998, Dr. Murray J. Girotti, Professor of Surgery and Chairman of the Trauma Program at the University of Western Ontario Medical School, wrote to Dr. C. Muir, Chairman of the Department of Surgery at Greater Niagara General Hospital, thanking him for his assistance in a review pertaining to Dr. Vasic. Dr. Girotti further noted that the College of Physicians and Surgeons of Ontario had been notified of Dr. Vasic's suspension from Greater Niagara General Hospital and of the concerns "regarding the clinical care (or lack of) of at least one patient referred to Greater Niagara General Hospital under Dr. Vasic." A report of Dr. Girotti's review indicates that Dr. Vasic had demonstrated problems regarding clinical abilities, professionalism, and behavior disturbances. (St. Ex. 2 at 1, 10-14)

4. On February 18, 1999, Dr. Vasic signed an Application for Appointment to the Medical Staff [Hancock Application] which he submitted an to Hancock Memorial Hospital in Greenfield, Indiana. (St. Ex. 5) In completing the Hancock Application, Dr. Vasic answered "NO" to the question, "Have your privileges at any hospital ever been suspended, diminished, revoked or not renewed?" (St. Ex. 5 at 3)

5. On August 23, 1999, the Discipline Committee of the College of Physicians and Surgeons of Ontario issued a Decision and Reasons for Decision [Decision] pertaining to Dr. Vasic. In the Decision, the Discipline Committee noted that an Amended Notice of Hearing had been issued alleging that Dr. Vasic was guilty of professional misconduct. Moreover, the Discipline Committee noted that Dr. Vasic had agreed that his behavior as described "constitutes professional misconduct." In addition, the Discipline Committee set forth an Statement of Agreed Facts, which included the following:

   a. Dr. Vasic performed a cholecystectomy on Complainant 1 and failed to recognize and properly treat an infection in Complainant 1's surgical wound. He also used an instrument from an open cart to examine Complainant 1's surgical wound thereby failing to use a proper sterilized technique in treating the infection. Finally, Dr. Vasic was inappropriate and unprofessional in his communications with Complainant 1 and Complainant 1's family including being rude and abusive to Complainant 1 while he was sedated.

   b. Dr. Vasic improperly inserted a central venous line into the internal jugular vein of Complainant 2. He also failed to consider a portable chest radiological finding of a widening of the superior mediastinum and malposition of the left subclavian line and/or failed to take any action once he saw the results of the chest audiograph. Complainant 2 was transferred to another medical center with a left pneumothorax and collapsed left lung.

6. The Discipline Committee found Dr. Vasic to be guilty of professional misconduct and reprimanded Dr. Vasic. Furthermore, the Discipline Committee suspended Dr. Vasic's certificate of registration to practice medicine in the Province of Ontario; the suspension was to become effective upon Dr. Vasic's return to practice in Ontario. In addition, the Discipline Committee suspended four months of the suspension on certain conditions, including the following:

   a. Dr. Vasic attend an assessment program arranged for him by the College of Physicians and Surgeons of Ontario; and

   b. Dr. Vasic successfully complete any program of upgrading that may be recommended by the assessors, and submit to further re-assessments.

   (St. Ex. 7)

7. In a memorandum dated June 11, 1999, William H. Ainslie, M.D., Chief of Staff at Greater Niagara General Hospital, advised that Dr. Vasic had been an active member of the staff of the Greater Niagara General Hospital from 1980 through 1997. Dr. Ainslie further advised that Dr. Vasic had "left the Hospital on his own volition having decided himself to seek opportunities elsewhere. Dr. Vasic had certainly not been asked to leave and in fact left us in a position where we had to find a replacement." (St. Ex. 10 at 2)

8. By letter dated September 18, 1999, Dr. Ainslie advised the Board that Dr. Vasic had left the hospital "on his own volition [and that] he left on short notice without giving the Department any time to find a replacement. As Dr. Vasic was in default of his obligations for privileges at [Greater Niagara General Hospital], it was approved by the Board of Governors that his privileges be terminated." (St. Ex. 2 at 2)

   On February 16, 2000, Dr. Ainslie sent a second letter to the Board. In that letter, Dr. Ainslie advised that, at the time he wrote the September 1999 letter to the Board, he had been unaware of the review of Dr. Vasic that had been completed by Dr. Girotti. Dr. Ainslie enclosed a copy of Dr. Girotti's review. (St. Ex. 2 at 1)

9. Rita van der Heiden testified by telephone on behalf of the State. Ms. van der Heiden testified that she is the Compliance Monitor for the College of Physicians and Surgeons of Ontario. She stated that her duties include the responsibility to ensure that orders of the College of Physicians and Surgeons of Ontario are fulfilled. (Tr. 73-74)

   Ms. van der Heiden testified that, in January 2002, Dr. Vasic had written a letter to the College of Physicians and Surgeons of Ontario advising that he was interested in working in Ontario. Ms. van der Heiden testified that, on February 22, 2002, she had responded with a letter to Dr. Vasic outlining the Order of the Discipline Committee and stating that she would be referring the matter of the Discipline Committee's recommended assessment of Dr. Vasic to the Quality Assurance Committee. (St. Ex. 3 at 2; Tr. 75-76)

   On April 10, 2002, the College of Physicians and Surgeons of Ontario advised Dr. Vasic that it could not arrange for the assessment until Dr. Vasic had secured a surgical hospital appointment in Ontario. (St. Ex. 3 at 2; Tr. 73-74)

10. On April 24, 2002, Dr. Vasic signed an Application for Appointment to the Professional Staff [Ashtabula Application] which he submitted to the Ashtabula County Medical Center in Ashtabula, Ohio. (St. Ex. 6) In completing the Ashtabula Application, Dr. Vasic answered "NO" to the questions:

    a. Have your clinical privileges or medical staff membership at any other hospital or health institute ever been voluntarily or involuntarily limited, suspended, revoked, not renewed, subjected to probationary conditions, or

relinquished; or have proceedings toward any of those ends ever been instituted or recommended by a Medical Staff committee or the Governing Body? (St. Ex. 6 at 4)

b. Has your license to practice your profession in any jurisdiction ever been voluntarily or involuntarily limited, suspended, revoked, denied, subjected to probationary conditions, or relinquished; or have challenges or proceedings toward any of those ends ever been instituted? (St. Ex. 6 at 3)

11. On October 24, 2002, Ms. van der Heiden received a voice mail message from Dr. Vasic stating that he had been unable to find a position in Ontario. He added that he felt that this was "the fault of the College [of Physicians and Surgeons of Ontario]." On October 25, 2002, Dr. Vasic contacted Ms. van der Heiden by telephone and advised that he would be opening an office in Niagara Falls, Ontario, on November 1, 2002, and that he would be practicing as a family physician. (St. Ex. 3 at 2, 4, 5, 7; Tr. 77-78)

On October 28, 2002, Ms. van der Heiden received a letter from Dr. Vasic dated October 18, 2002. In the letter, Dr. Vasic advised, in part, that he would be opening his office on November 1, 2002; that he had been unable to renew his license[s] in the United States until the suspension of his Canadian license had been resolved; and that he had no choice but to open an office practicing family medicine in Niagara Falls. In a hand written note at the bottom of the typed letter, Dr. Vasic wrote as follows:

> P.S. I feel that mission of [the College of Physicians and Surgeons of Ontario] is to harm doctors and not to be constructive and understanding. You are taking away from me a basic human right - work. More than 10 Ontario hospitals refused my application due to [the College of Physicians and Surgeons of Ontario's] policy.

(St. Ex. 3 at 3, 6)

12. On October 29, 2002, Ms. van der Heiden wrote Dr. Vasic a letter informing him that, since he had indicated his intention to initiate practice in Ontario starting November 1, 2002, the suspension imposed by the August 23, 1999, Order of the Discipline Committee of the College of Physicians and Surgeons of Ontario would be imposed effective November 1, 2002. She added that the suspension would be in effect for six months, but could be reduced by four months if Dr. Vasic were to arrange for practice supervision. Ms. van der Heiden further testified that she had discussed the suspension with Dr. Vasic by telephone. (St. Ex. 3 at 3, 8-9; Tr. 78-79, 83)

13. On November 1, 2002, the College of Physicians and Surgeons of Ontario suspended Dr. Vasic's Ontario license for a period of six months. (St. Ex. 3 at 3; St. Ex. 4 at 2)

14. By letter to Dr. Vasic dated November 22, 2002, the Quality Assurance Committee of the College of Physicians and Surgeons of Ontario confirmed the suspension of Dr. Vasic's Ontario license. Moreover, the Quality Assurance Committee advised that it was unsure of Dr. Vasic's intentions regarding his return to practice in Ontario. Accordingly, the Quality Assurance Committee arranged a meeting with Dr. Vasic to help him in developing "the most appropriate form of assessment and practice supervision based on [Dr. Vasic's] practice reality." The meeting was scheduled for December 16, 2002. (St. Ex. 3 at 3, 10; Tr. 80)

    On December 16, 2002, Dr. Vasic appeared before the Quality Assurance Committee of the College of Physicians and Surgeons of Ontario. On December 16, 2002, the Quality Assurance Committee wrote to Dr. Vasic regarding the interview. (St. Ex. 3 at 11; Tr. 80)

15. In a January 13, 2003, "Note to File," a staff member of the College of Physicians and Surgeons of Ontario advised that,

    > Dr. Vasic was very upset about the Discipline Order information provided on Certificates of Professional Conduct [CPCs]. He stated that he has been trying to obtain a hospital position since March 2002, but to no avail. He made it clear that he blamed the College's wording on the CPC for his inability to obtain a position. Furthermore, he noted his financial constraints as he has been unable to work in Canada or the US due to his suspension.
    >
    > * * * Dr. Vasic stated that he would be obtaining legal counsel and would sue the College. He further stated that Brian Mulroney is a friend of the family and that he would bring this up with him as well. He also advised that he received a letter from the US Attorney General regarding the suspension. He stated that he is now in trouble, as he practiced in the US after the Discipline Order, and it is being argued that he should not have been practicing in the US.
    >
    > He further noted that his surgical skills are above average and that he was in the top of his class for the latest examination by the American Board of Surgery. I advised that I had received a copy of the letter from the American Board of Surgery.

    (St. Ex. 3 at 11).

16. In May 2003, Ms. van der Heiden sent a letter to Dr. Vasic advising that his suspension had been terminated on May 1, 2003. (Tr. 81-82).

17. By letter dated May 12, 2003, Dr. Vasic advised the Board that he had had "a normal, continuous Ontario medical license for 23 years." He added that, "Questionable suspension is applicable only if I return to Ontario and I never did. This text was made to avoid chain reaction in U.S." (St. Ex. 8)

18. Initially, Dr. Vasic testified that he had not received mail from Greater Niagara General Hospital informing him that his privileges had been terminated. Dr. Vasic acknowledged that the letter had been sent to his address in Niagara Falls, but stated that he had not received it because he had not been living there at that time. (Tr. 29-30)

    Nevertheless, Ms. van der Heiden testified that all mail sent to Dr. Vasic by the College of Physicians and Surgeons of Ontario had been sent to Dr. Vasic's address in Niagara Falls, Ontario, which is his address of record with the College. Ms. van der Heiden further testified that no mail sent to that address has ever been returned to the College. (Tr. 78-79)

    Moreover, Dr. Vasic later contradicted his statement that he had not received mail sent to his Niagara Falls address. Dr. Vasic testified that his family lives at the address in Niagara Falls, and that his family opens his mail for him. Dr. Vasic even stated that he receives mail sent to that address in a more timely manner than if the mail is sent to him "across the border." (Tr. 89-90)

19. Dr. Vasic testified that his privileges at Greater Niagara General Hospital had not been terminated and that he had left Greater Niagara General Hospital on his own accord. Dr. Vasic further testified that, before leaving Greater Niagara General Hospital, he had contacted the Ontario Medical Association and the Canadian Medical Protective Association for advice, and had followed the instructions provided by those organizations. (Tr. 7-8, 23)

20. Dr. Vasic testified that, prior to becoming Chief of Staff, Dr. Ainslie had been just another surgeon who practiced at Greater Niagara General Hospital. Dr. Vasic testified that, over the years, he had been Dr. Ainslie's competition as a surgeon in the community. Regarding the letter Dr. Ainslie wrote regarding Dr. Vasic, Dr. Vasic testified that,

    > [When] [h]e wrote that letter about me, [he] was 83, 84. And the question about his intellectual capacity to write any kind of letter about anyone, the man is too old to even be in the hospital * * * let alone chief of staff.

    (Tr. 23)

    Moreover, Dr. Vasic initially testified that Dr. Ainslie had not been truthful when he made the statement that Dr. Vasic's privileges at Greater Niagara General Hospital had been terminated because Dr. Vasic had left the hospital without giving the hospital sufficient time to find a replacement. (Tr. 24-26)

Dr. Vasic later acknowledged that he had received letters from Dr. Ainslie and Dr. Hanniwell informing him that his privileges at Greater Niagara General Hospital had been terminated. Nevertheless, Dr. Vasic responded as follows:

> Sure. Dr. Hanniwell, Dr. Ainslie, the termination [by] these two people doesn't mean anything in my mind. The people are already in the dementia stage. I don't think they should have been in the in the hospital in any capacity. May have been as a patient.

(Tr. 63)

21. Dr. Vasic denied that any action had ever been taken against a license held by him. Nevertheless, Dr. Vasic acknowledged that a complaint had been filed by a patient against him in 1990. Dr. Vasic further acknowledged that the College of Physicians and Surgeons of Ontario had informed him in 1999 that an action had been filed against him, that there had been a hearing, and that the College had filed a Decision and Reasons for Decision against Dr. Vasic. Nevertheless, Dr. Vasic argued that there had been no action taken against him because the suspension would only have taken effect if he had returned to Ontario, and he has not returned to Ontario. (Tr. 32-36, 41)

    Dr. Vasic further acknowledged that the College of Physicians and Surgeons of Ontario had issued a reprimand against him. Dr. Vasic argued, however, that a "reprimand doesn't mean anything in terms of professional sanction. It doesn't mean a thing." (Tr. 36-37)

22. Dr. Vasic testified that his license had not been taken from him, "not a single day for the last 28 years." Dr. Vasic explained again that the suspension had not taken effect because he had not returned to Ontario. Dr. Vasic further explained that, because the suspension had remained in a "pending" state, he had had difficulty obtaining hospital privileges in Ohio and Indiana. Therefore, because he had wanted to terminate the conditions on his Ontario license, he told the College of Physicians and Surgeons of Ontario that he would be starting work in Ontario on November 1, 2002, although he had had no intention of returning to Ontario. (Tr. 8-10, 44-45, 49-54)

    Dr. Vasic testified that, before he had set this plan into action, he had contacted the Ontario Medical Association, lawyers in Ontario, and officials in Indiana, and was told that there would be no "chain reaction" to his other licenses based on the action against his Ontario license. (Tr. 11, 39-40) Dr. Vasic further testified that,

> I was told by experts from Washington, D.C., from Chicago, from Cleveland, from Ohio, there will be no chain reaction because physically in real life I was never back in Ontario. I never was suspended, license

> was never taken away. I never served a suspension. May of this year license suspension was lifted, so-called suspension. I don't know what it was. This May, everything back to normal. There is not any complaint against me. It's all cleared up.

(Tr. 11-12) When asked what he had meant when he stated that the suspension had been lifted, Dr. Vasic testified that,

> Well, they gave me a suspension but I never served it. I was never back there to serve it. So in real life I was never suspended. That's what the lawyers told me. And all this so-called suspension I wanted myself to clear up what is going on because complaint was in 1990. Finally, in '99 and 2002 something was done about it.

(Tr. 11-12)

Dr. Vasic concluded that his license had not been suspended by the College of Physicians and Surgeons of Ontario, because he himself had requested that the suspension be imposed. (Tr. 45-47, 53-54) He further stated that his license had not been suspended by the College, because, "in reality, to be suspended you have to serve it. You have to be physically there." (Tr. 55-56)

Moreover, Dr. Vasic acknowledged that he had received notice that his license had been suspended, but he added, "That's paperwork, but I was never there in real life to be suspended." (Tr. 58-59)

Finally, Dr. Vasic stated that everyone thinks he is lying because no one understands what really happened in Ontario. (Tr. 43)

FINDINGS OF FACT

1. On December 4, 1997, the Greater Niagara General Hospital in Niagara Falls, Ontario, terminated the staff privileges of Vladimir Vasic, M.D.

2. On February 18, 1999, Dr. Vasic signed an Application for Appointment to the Medical Staff [Hancock Application] which he submitted an to Hancock Memorial Hospital in Greenfield, Indiana. In completing the Hancock Application, Dr. Vasic answered "NO" to the question, "Have your privileges at any hospital ever been suspended, diminished, revoked or not renewed?"

3. On August 23, 1999, the Discipline Committee of the College of Physicians and Surgeons of Ontario issued a Decision and Reasons for Decision, which reprimanded Dr. Vasic,

suspended his certificate of registration to practice medicine in the Province of Ontario [Ontario license] upon his return to practice in Ontario, and imposed certain terms and conditions based on a Statement of Agreed Facts and Consent Disposition wherein Dr. Vasic admitted, in part, the following:

a. Dr. Vasic performed a cholecystectomy on Complainant 1 and failed to recognize and properly treat an infection in Complainant 1's surgical wound. He also used an instrument from an open cart to examine Complainant 1's surgical wound thereby failing to use a proper sterilized technique in treating the infection. Finally, Dr. Vasic was inappropriate and unprofessional in his communications with Complainant 1 and Complainant 1's family including being rude and abusive to Complainant 1 while he was sedated.

b. Dr. Vasic improperly inserted a central venous line into the internal jugular vein of Complainant 2. He also failed to consider a portable chest radiological finding of a widening of the superior mediastinum and malposition of the left subclavian line and/or failed to take any action once he saw the results of the chest audiograph. Complainant 2 was transferred to another medical center with a left pneumothorax and collapsed left lung.

4. On April 24, 2002, Dr. Vasic signed an Application for Appointment to the Professional Staff [Ashtabula Application], which he submitted to the Ashtabula County Medical Center in Ashtabula, Ohio. In completing the Ashtabula Application, Dr. Vasic answered "NO" to the questions:

a. Have your clinical privileges or medical staff membership at any other hospital or health institute ever been voluntarily or involuntarily limited, suspended, revoked, not renewed, subjected to probationary conditions, or relinquished; or have proceedings toward any of those ends ever been instituted or recommended by a Medical Staff committee or the Governing Body?

b. Has your license to practice your profession in any jurisdiction ever been voluntarily or involuntarily limited, suspended, revoked, denied, subjected to probationary conditions, or relinquished; or have challenges or proceedings toward any of those ends ever been instituted?

5. On November 1, 2002, the College of Physicians and Surgeons of Ontario suspended Dr. Vasic's Ontario license for a period of six months.

6. By letter dated May 12, 2003, in the course of responding to a Board subpoena, Dr. Vasic submitted a written statement indicating that the "[q]uestionable suspension is applicable only if I return to Ontario and I never did."

CONCLUSIONS OF LAW

The conduct of Vladimir Vasic, M.D., as set forth in Findings of Fact 2, 4, and 6, constitutes "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code, as in effect prior to March 9, 1999; and "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

* * * * *

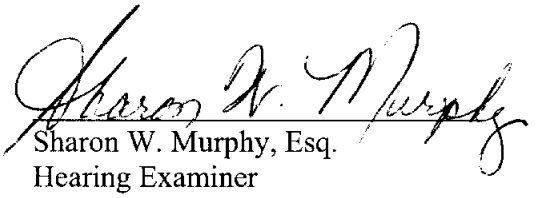
Dr. Vasic has made a number of untruthful statements on official documents related to the practice of medicine and surgery. Even at hearing, Dr. Vasic argued that official documents issued by the College of Physicians and Surgeons of Ontario and the Greater Niagara General Hospital do not accurately reflect the truth. Moreover, Dr. Vasic continues to blame his troubles on others, and admits to no misconduct on his part. The series of untruths, his unwillingness to accept responsibility for his action, and the inability of the Board to adequately monitor Dr. Vasic, indicate that Dr. Vasic cannot be trusted to hold a certificate to practice in this state. Accordingly, permanent revocation of that certificate is appropriate.

PROPOSED ORDER

It is hereby ORDERED that:

> The certificate of Vladimir Vasic, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED.

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



Sharon W. Murphy, Esq.
Hearing Examiner

State Medical Board of Ohio

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

EXCERPT FROM THE DRAFT MINUTES OF FEBRUARY 11, 2004

REPORTS AND RECOMMENDATIONS

Ms. Sloan 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 record, the proposed findings, conclusions, and order, and any objections filed in the matters of: Miles J. Jones, M.D.; Willie L. Josey, M.D.; Benton Matthew Maslyk, M.T.; Robert S. Reeves, Jr., M.D.; Joel H. Rubin, D.O.; and Vladimir Vasic, M.D.; and the Report of Remand in the Matter of Joseph W. Fischkelta, P.A. A roll call was taken:

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

Ms. Sloan 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. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Dr. Davidson	- aye

Dr. Robbins	- aye
Dr. Garg	- aye
Ms. Sloan	- aye

Ms. Sloan 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.

Ms. Sloan 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.

.....

VLADIMIR VASIC, M.D.

.....

DR. KUMAR MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF VLADIMIR VASIC, M.D. MR. BROWNING SECONDED THE MOTION.

.....

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

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- abstain

The motion carried.

State Medical Board of Ohio

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July 9, 2003

Vladimir Vasic, M.D.
10 East Washington Street
Painesville, OH 44077

Dear Doctor Vasic:

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

(1) On or about February 18, 1999, you submitted an Application for Appointment to the Medical Staff [Hancock Application] to Hancock Memorial Hospital in Greenfield, Indiana. On or about April 24, 2002, you submitted an Application for Appointment to the Professional Staff [Ashtabula Application] to the Ashtabula County Medical Center in Ashtabula, Ohio.

In completing the Hancock Application, you answered "NO" to the following questions:

> Have your privileges at any hospital ever been suspended, diminished, revoked or not renewed?

In completing the Ashtabula Application, you answered "NO" to the following questions:

> Have your clinical privileges or medical staff membership at any other hospital or health institute ever been voluntarily or involuntarily limited, suspended, revoked, not renewed, subjected to probationary conditions, or relinquished; or have proceedings toward any of those ends ever been instituted or recommended by a Medical Staff committee or the Governing Body?

In fact, regarding the questions in the Hancock and Ashtabula Applications related to your hospital privileges, on or about December 4, 1997, your privileges at Greater Niagara General Hospital were terminated.

In addition, in completing the Ashtabula Application, you answered "NO" to the following questions:

> Has your license to practice your profession in any jurisdiction ever been voluntarily or involuntarily limited, suspended, revoked, denied, subjected to

Mailed ~~7/10/03~~ 7/11/03

probationary conditions, or relinquished; or have challenges or proceedings toward any of those ends ever been instituted?

In fact, regarding the questions in the Ashtabula Application related to your medical license, on or about August 23, 1999, the Disciplinary Committee of the College of Physicians and Surgeons of Ontario [Ontario Board] issued a Decision and Reasons for Decision, a copy of which is attached hereto and incorporated herein, reprimanding you, suspending your certificate of registration to practice medicine in the Province of Ontario [Ontario license] upon your return to practice in Ontario and imposing certain terms and conditions based on a Statement of Agreed Facts and Consent Disposition wherein you admitted, in part, the following:

(a) you performed a cholecystectomy on Complainant 1 and failed to recognize and properly treat an infection in Complainant 1's surgical wound, used an instrument from an open cart to examine Complainant 1's surgical wound thereby failing to use a proper sterilized technique in treating the infection, and were inappropriate and unprofessional in your communications with Complainant 1 and her family including being rude and abusive to Complainant 1 while she was sedated; and

(b) in Complainant 2, suffering from a left pneumothorax and collapsed left lung, you improperly inserted a central venous line into the internal jugular vein of Complainant 2, you failed to consider a portable chest radiological finding of a widening of the superior ediastinum and malposition of the left subclavian line and/or you failed to take any action once you saw the results of the chest audiograph.

(2) On or about May 12, 2003, in the course of responding to a Board subpoena, you submitted a written statement indicating that the "[q]uestionable suspension is applicable only if I return to Ontario and I never did." In fact, on or about November 1, 2002, the Ontario Board suspended your Ontario license for a period of six months.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code, as in effect prior to March 9, 1999, and/or "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

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

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 or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,

Lance A. Talmage, M.D.
Secretary

LAT/blt
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5141 7270
RETURN RECEIPT REQUESTED

Duplicate mailing to: 3012 Glenwood Ave
Fort Wayne, IN 46805

CERTIFIED MAIL # 7000 0600 0024 5141 7287
RETURN RECEIPT REQUESTED

Duplicate mailing to: 5459 Portage Road
Niagara Falls, ON, Canada, L2G 5Y1

REGISTERED MAIL # RR 323 469 475
RETURN RECEIPT REQUESTED

Indexed as: Vasic (Re)

JAN 27 2000

THE DISCIPLINE COMMITTEE OF THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO

IN THE MATTER OF a Hearing directed by the Complaints Committee of the College of Physicians and Surgeons of Ontario, pursuant to Section 58(2) of the Health Disciplines Act R.S.O. 1990

BETWEEN:

THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO

- and -

DR. VLADIMIR VASIC

PANEL MEMBERS: H. MAEOTS (CHAIR)
K. MANSEAU
DR. M. RAPP
MR. R. SANDERS

HEARING DATE: August 23, 1999

DECISION /RELEASED: August 23, 1999

JAN 2 7 2000

DECISION AND REASONS FOR DECISION

This matter was heard on August 23, 1999 before the Discipline Committee of the College of Physicians and Surgeons of Ontario at Toronto.

THE ALLEGATIONS

The College filed an Amended Notice of Hearing which alleged that Dr. Vasic was guilty of professional misconduct,

(a) for failing to maintain the standard of practice of the profession, which is professional misconduct under paragraph 29.22 of Ontario Regulation 548, R.R.O. 1990, and

(b) for conduct or an act relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, which is professional misconduct under paragraph 29.33 of Ontario Regulation 548, R.R.O. 1990.

The Amended Notice of Hearing set out particulars of the allegations.

BACKGROUND

Dr. Vasic, a native of Yugoslavia, was certified by the RCPS in 1979 and has practised until recently in Ontario as a general surgeon specializing in head and neck problems. He has no prior record with the College. He moved his practice to the U.S.A., where the Committee was advised he intends to remain, in 1997.

THE PLEA AND FINDINGS

By means of a Statement of Agreed Facts and Consent Disposition, Dr. Vasic agreed that certain facts are true and that the behaviour described constitutes professional misconduct as defined in paragraphs 29.22 and 29.33 of Ontario Regulation 548, R.R.O. 1990, made under the *Health*

JAN 2 7 2000

Disciplines Act, R.S.O. 1990, in that he failed to maintain the standard of practice of the profession, and in that the admitted conduct is conduct or an act relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

The Statement of Agreed Facts disclosed the following:

1. Complainant 1 was admitted to the hospital in May 26, 1992, for a cholecystectomy.

2. Dr. Vasic performed the cholecystectomy in May 27, 1992, and discharged Complainant 1 home on June 1, 1992.

3. Complainant 1 had a fever on June 1, 1992 when she was discharged from the hospital.

4. Complainant 1 attended the hospital emergency room with right upper quadrant pain, fever and chills.

5. Dr. Vasic attended Complainant 1 in the emergency room on June 2, 1992, and, after examination with an instrument, found no infection in or near the wound site, but diagnosed a urinary tract infection. Dr. Vasic ordered that Complainant 1 stay in the holding area overnight for conservative therapy.

6. Dr. Vasic used an instrument from an open cart to examine the wound of Complainant 1 thereby failing to use a proper sterilized technique in treating the infection.

7. Dr. Vasic was inappropriate and unprofessional in his communications with Complainant 1, her family and a colleague in the holding area on June 2, 1992. Dr. Vasic denied there was infection, was rude to the patient and her family, and ignored the request of a nurse that Complainant 1 required her regular medication.

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8. Complainant 1 remained in the holding area until June 4, 1992 when she was admitted to a ward in the hospital. She continued to have pain, fever and chills, and a large amount of infection was draining from the wound.

9. Dr. Vasic discharged Complainant 1 home on June 9, 1992. Dr. Vasic ordered home care from the Victorian Order of Nurses with instructions to apply a dry dressing and use an antiseptic of choice.

10. Dr. Vasic failed to give appropriate orders to the Victorian Order of Nurses.

11. On June 14, 1992 Complainant 1 again attended the emergency room at the hospital, as she continued to have a fever and her surgical incision was draining pus. She was monitored in the holding area overnight, and was admitted to the hospital on June 15, 1992.

12. Dr. Vasic was inappropriate and unprofessional in his communications with Complainant 1 and her family, in the holding area on June 15, 1992. Dr. Vasic was rude and abusive to Complainant 1while she was sedated.

13. Dr. Vasic was inappropriate and unprofessional in his communications with Complainant 1 and her family on June 16, 1992, and denied that she had a fever when she was sent home on the previous two occasions.

14. Dr. Vasic failed to recognize and properly treat the infection in Complainant 1's wound, and failed to prescribe the required medication.

15. Dr. Vasic treated Complainant 2 at the hospital in April 25, 1993, when she was referred to him for the insertion of a central venous line.

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16. Dr. Vasic inserted the line into the left internal jugular vein.

17. In April 25, 1993, a portable chest radiograph showed a widening of the superior ediastinum and a malposition of the left subclavian line.

18. Complainant 2 was transferred to the university medical centre in April, 1993, with a left pneumothorax and a collapsed left lung.

19. Dr. Vasic failed to insert the central venous line properly.

20. Dr. Vasic failed to consider the radiological findings after he inserted the line or, alternatively, he failed to take any action once he had seen the results of the chest audiograph.

DECISION

On reading the Amended Notice of Hearing, the Agreed Statement of Facts and Consent Disposition, and on hearing submissions of counsel for the College and for Dr. Vasic, the Committee found Dr. Vasic guilty of professional misconduct as defined in paragraphs 29.22 and 29.33 of Ontario Regulation 548, R.R.O. 1990, made under the *Health Disciplines Act*, R.S.O. 1990, in that he failed to maintain the standard of practice of the profession, and in that the conduct set out in the agreed statement of facts is conduct or an act relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

PENALTY

Counsel for the College and counsel for the defendant made a joint submission regarding penalty.

In weighing penalty, the Committee considered Dr. Vasic's clean prior record with the College, his co-operation in the matter and his admission of responsibility. The Committee was satisfied

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that the consent disposition described below was fair and appropriate in the particular circumstances and met the need for specific punishment and deterrence as well as the larger need to protect the public and the reputation and integrity of the profession.

The Committee ordered the following:

1. Dr. Vasic be reprimanded by the Committee;

2. The fact of the reprimand be recorded on the Register;

3. Dr. Vasic's certificate of registration be suspended for a period of six (6) months. The suspension shall commence on a date which shall be fixed by the Registrar who shall take this action upon Dr. Vasic's return to practice in Ontario;

4. Four (4) months of the said suspension of Dr. Vasic's certificate of registration shall itself be suspended, provided that Dr. Vasic fulfills the following terms and conditions;

   (a) Dr. Vasic attends an assessment program as arranged for him by the College;

   (b) Prior to commencement of the program, Dr. Vasic provides written consent to the release by the College to the assessor(s) of any information considered appropriate by the Director of the Professional Enhancement Department of the College;

   (c) Dr. Vasic co-operates in every respect with the assessment process;

   (d) Dr. Vasic provides his written consent to the release by the assessor(s) to the College of the result of the assessment and of any information with respect to the assessment as may be considered necessary by the Director of the Professional Enhancement Department of the College or the assessor(s);

JAN 2 7 2000

e) Dr. Vasic completes successfully and to the satisfaction of the assessor(s) any program of upgrading which may be recommended by the assessor(s), and submits himself to such further re-assessments as may be recommended by the assessor(s), and completes any training or upgrading recommended by the assessor(s) from time to time on the occasion of any re-assessment(s) which may be recommended;

(f) Dr. Vasic shall within thirty (30) days of the submission of an invoice therefor pay the costs of his assessment and re-assessment(s).

5. In the event that Dr. Vasic fails to comply with any of the terms and conditions as set out in paragraph 4 of this order, the balance of his suspension shall commence immediately.

Dr. Vasic waived his right of appeal and the reprimand was administered on August 23, 1999.