



# State Medical Board of Ohio

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December 13, 2006

Ravi Chandra Ashwath, M.D.  
30866 Kilgour Drive  
Westlake, OH 44145

Dear Doctor Ashwath:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of R. Gregory Porter, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on December 13, 2006, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of an original Notice of Appeal with the State Medical Board of Ohio and a copy of the Notice of Appeal with the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Lance A. Talmage, M.D.  
Secretary

LAT:jam  
Enclosures

CERTIFIED MAIL NO. 7003 0500 0002 4330 1828  
RETURN RECEIPT REQUESTED

Cc: James M. McGovern, Esq.  
CERTIFIED MAIL NO. 7003 0500 0002 4330 1842  
RETURN RECEIPT REQUESTED

*Mailed 12-15-06*

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 13, 2006, 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 Ravi Chandra Ashwath, 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 13, 2006

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

\*

\*

RAVI CHANDRA ASHWATH, M.D.

\*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on December 13, 2006.

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 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:

Ravi Chandra Ashwath, M.D., is REPRIMANDED.

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

(SEAL)

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

December 13, 2006  
\_\_\_\_\_  
Date

2006 OCT 30 A 9 25

**REPORT AND RECOMMENDATION  
IN THE MATTER OF RAVI CHANDRA ASHWATH, M.D.**

The Matter of Ravi Chandra Ashwath, M.D., was heard by R. Gregory Porter, Esq., Hearing Examiner for the State Medical Board of Ohio, on February 16, 2006.

**INTRODUCTION**

I. Basis for Hearing

- A. By letter dated May 18, 2005, the State Medical Board of Ohio [Board] notified Ravi Chandra Ashwath, M.D., that it had proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board's proposed action was based on an allegation that Dr. Ashwath had entered into a consent order in January 2005 with the Georgia Composite State Board of Medical Examiners [Georgia Board] in which he had agreed to accept a reprimand, among other things. In addition, the Board alleged that, when submitting his Ohio renewal application in February 2005, Dr. Ashwath had answered "No" when asked whether he had consented to a reprimand or other discipline in a jurisdiction other than Ohio. (State's Exhibit 1)

The Board alleged that the Georgia Board's order constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery \* \* \* in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,' as that clause is used in R.C. 4731.22(B)(22)." (State's Exhibit 1)

In addition, the Board alleged that Dr. Ashwath's conduct constitutes "fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board,' as that clause is used in R.C. 4731.22(A)." Further, the Board alleged that Dr. Ashwath's conduct 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 R.C. 4731.22(B)(5)." Accordingly, the Board advised Dr. Ashwath of his right to request a hearing in this matter. (State's Exhibit 1)

- B. On June 6, 2005, Dr. Ashwath submitted a written hearing request. (State's Exhibit 2)

II. Appearances

- A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Damion M. Clifford, Assistant Attorney General.
- B. On behalf of the Respondent: James M. McGovern, Esq.

**EVIDENCE EXAMINED**

I. Testimony Heard

- A. Presented by the State

Ravi Chandra Ashwath, M.D., as upon cross-examination

- B. Presented by the Respondent

- 1. Ernest Siwik, M.D.
- 2. Kenneth Zahka, M.D.
- 3. Ravi Chandra Ashwath, M.D.
- 4. Lasharn Hughes

II. Exhibits Examined

- A. Presented by the State

- 1. State's Exhibits 1 through 6 (including 1A through 1EE) and State's Exhibit 10: Procedural exhibits.
- 2. State's Exhibit 7: Letter to Dr. Ashwath dated March 9, 2005, from Board staff, with attached printout from Dr. Ashwath's online renewal application. [Note that a Social Security number was redacted from this document by the Hearing Examiner post hearing.]
- 3. State's Exhibit 8: Copy of Medical Malpractice Information Form submitted by Dr. Ashwath to the Board in response to Board staff's March 9, 2005, letter.
- 4. State's Exhibit 9: Certified copy of Public Consent Order in *The Matter of Ravi Ashwath, M.D.*, maintained by the Georgia Composite State Board of Medical Examiners [Georgia Board].

B. Presented by the Respondent

1. Respondent's Exhibit A: October 20, 2005, Affidavit of Lasharn Hughes, Executive Director, Georgia Board.
2. Respondent's Exhibit B: Copy of letter to Dr. Ashwath from the Georgia Board dated February 23, 2005, with enclosures.
3. Respondent's Exhibit C: Copy of notice to Dr. Ashwath from the National Practitioner Data Bank dated February 23, 2005. [Note that this exhibit has been sealed pursuant to federal law. Further note that a Social Security number was redacted from this document by the Hearing Examiner post hearing.]
4. Respondent's Exhibit D: End-of-the-Year Assessment of Fellow Performance, Rainbow Babies and Children's Hospital, Case Western Reserve University School of Medicine, assessing Dr. Ashwath during July and August 2005.
5. Respondent's Exhibit E: Dr. Ashwath's curriculum vitae.
6. Respondent's Exhibit F: Not admitted. See Proffered Material, below.

**PROFFERED MATERIAL**

The following document was neither admitted to the record nor considered, but is being sealed and held as proffered material for the Respondent:

Respondent's Exhibit F: Documents formerly attached to a procedural exhibit, State's Exhibit 1S, which were removed prior to the admission of that exhibit. (See Hearing Transcript at 31-32, 97.)

**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**

1. Ravi C. Ashwath, M.D., received his medical degree from Mysore Medical College in Mysore, India. Subsequently, after coming to the United States, he completed a three-year residency in pediatrics at Westchester County Medical Center in Valhalla, New York, in 1998. After his residency, Dr. Ashwath joined a small pediatric group in Jackson, Georgia,

a rural area where he practiced from 1998 to 2004. (Respondent's Exhibit [Resp. Ex.] E; Hearing Transcript [Tr.] at 11-12, 52)

In 2004, Dr. Ashwath moved to Ohio, where he began a fellowship in pediatric cardiology at Rainbow Babies and Children's Hospital in Cleveland, Ohio. At the time of the hearing Dr. Ashwath was a second-year fellow. Dr. Ashwath testified that he had been chosen to be the chief fellow for his third year, and appointed to serve as the liaison between his fellowship program and the program at the Cleveland Clinic Foundation. He also testified that he had been board-certified in pediatrics in 1998, and recertified in 2005. (Tr. at 53-56)

### **Dr. Ashwath's 1999 Treatment of Patient C.F.**

2. Dr. Ashwath testified that, in 1999, one of his patients had died, and his diagnosis and treatment had been the subject of a malpractice action and a review by the Georgia Composite State Board of Medical Examiners [Georgia Board]. Dr. Ashwath explained that, on a Monday in July 1999, he had examined a boy in his office who had been seen at an urgent-care center the previous Saturday and diagnosed with a staph infection based on headache, neck ache, and cold symptoms. The urgent-care physician had advised the family to contact a neurosurgeon if symptoms persisted because the child had a history of spina bifida, myelomeningocele, and a severe spinal-cord defect, and he had a ventricular shunt to drain fluid from his brain. However, on Sunday, the boy was fine, and the family had not contacted a neurosurgeon, according to Dr. Ashwath. (St. Ex. 8; Tr. at 60-61, 65)

Dr. Ashwath stated that when he saw the patient on the following Monday, he had taken a detailed history and inquired closely into symptoms. He said that, when he had asked about headache, nausea, vomiting, visual changes, and radiation of pain, all the answers had been negative. Dr. Ashwath testified that he had asked specifically if the child had symptoms through the weekend, such as "continuous headache, which is usually indicative of shunt malfunction, and the answer to that was 'No' and that he had been feeling fine on Saturday after he left ER and had also felt fine on Sunday." (Tr. at 60-62)

Dr. Ashwath stated that, during his examination, all vital signs had been normal. He had thought that, if the intracranial pressure had been elevated, the blood pressure would have been high and the pulse decreased. Dr. Ashwath further testified that the patient's pupils had been equal and reactive and that, if there had been elevated intracranial pressure, he would have expected deviated movement of the eyes and unequal pupils. Dr. Ashwath further stated that the boy had been able to touch his chin to his neck, so there was no stiffness as with meningitis, and no increased pain as he would have expected with a shunt problem. Dr. Ashwath stated that he had also examined the shunt function by depressing the chamber on the side of the neck, and it had been functioning normally. He observed that the boy had talked and appeared active. (Tr. at 62-63)

Dr. Ashwath had concluded that the neck complaints could be related to the upper-respiratory infection or caused by neck strain. He testified that he had advised the mother to watch the

child and if a headache or vomiting occurred, to call Dr. Ashwath immediately or take the boy to the emergency room. Dr. Ashwath testified that he had not ordered imaging studies because he had found no signs pointing toward a shunt malfunction. (Tr. at 63-64)

Dr. Ashwath testified that the boy had been playful and active after leaving the office, according to the mother. That night, however, the parents had taken him to the hospital due to increasing headache. According to Dr. Ashwath, the boy had had a very high blood pressure but had been stable, so the hospital had done no intervention or CT scan. After four hours, however, the boy had become unstable and a CT scan was done. Dr. Ashwath testified that the hospital had admitted the boy to ICU, but he had died the next day due to shunt obstruction. (St. Ex. 9 at 2; Tr. at 64)

Dr. Ashwath stated that he had been questioned later by the Georgia Board as to whether he had performed a fundoscopic examination to look for papilledema, which would have indicated increased intracranial pressure. He had answered that, "with the bright light in the room from the daylight and without dilating the pupil, it was hard to examine." Dr. Ashwath also stated that, due to contractures and stiffness from spina bifida, examination of reflexes and sensation had been limited. (Tr. at 65)

Dr. Ashwath testified that the chief of pediatric neurosurgery and the director of pediatrics had supported the actions he had taken. However, he said that he had learned a lesson, to be always exceptionally thorough. With regard to the malpractice action, Dr. Ashwath testified that, despite the support of noted pediatric academicians, he had decided to settle the action due to the unfavorable demographics in rural Georgia. He reported that the claim against him had been settled for \$250,000 in March 2004. (St. Ex. 8; Tr. at 52, 63-65)

Dr. Ashwath testified that the Georgia Board had concluded that he should have been more thorough, and he had agreed. He testified that, as part of its order, the Georgia Board had required CME in pediatric neurology, which he has completed. (St. Ex. 8; Tr. at 52, 63-65)

## **2005 Consent Order in Georgia**

3. On February 23, 2005, the Georgia Board approved and docketed a Public Consent Order in *The Matter of Ravi Ashwath, M.D.* (State's Exhibit [St. Ex.] 9) The Public Consent Order states as follows, in pertinent part:

By agreement of the [Georgia Board] and Ravi Ashwath, M.D., Respondent, the following disposition of this matter is entered into \* \* \*.

### FINDINGS OF FACT

\* \* \*

2.

On or about July 12, 1999, C.F., a ten year old with spina bifida and a ventricular shunt, presented to Highpoint Medical Center with complaints of

pain in the back of the neck for four days. The medical records indicate that Respondent considered possible shunt malfunction and examined the shunt by using compression and found no block. The records also reflect that the Respondent checked the patient's pupils and the flexibility of the patient's neck and concluded with a diagnosis of neck sprain. The medical records indicate that Respondent did not order or perform any radiological studies to evaluate the patient's shunt. The medical records show that Respondent sent the patient home with instructions to follow up with either Respondent or go to the emergency room in headache, vomiting or fever occurred. The medical records further show that the patient presented to the emergency room at Children's Healthcare at Egleston Hospital in the evening of July 12, 1999, and died on July 13, 1999, due to shunt obstruction.

3.

A Board appointed peer reviewer has evaluated the treatment of patient C.F. and concluded that the treatment of patient C.F. departed from and failed to conform to the minimum standard of acceptable and prevailing medical practice in the following ways:

When a patient with a history of spina bifida and a ventricular shunt presents with complaints of multiple days of headaches and neck pain, the minimum standard of care would require a more extensive examination, including a funduscopy to determine elevated intracranial pressure and a thorough neurologic examination. The physical exam should not include pumping or depressing because it does not assess ventricular shunt function. In light of the duration of the patient's complaints, the minimum standard would also require that the treating physician refer the patient immediately to a proper facility to obtain plain films and head CT to assess the physical continuity of the shunt.

#### CONCLUSIONS OF LAW

Respondent's conditions and/or prior conduct constitute sufficient grounds for the imposition of sanctions upon Respondent's license to practice medicine in the State of Georgia \* \* \*. \* \* \*

#### ORDER

The [Georgia Board], having considered the particular facts and circumstances of this case, hereby orders, and Respondent hereby agrees to the following:

1.

Respondent shall obtain thirty (30) hours of continuing medical education ("CME") in the area of pediatric neurology in addition to the CME required of all Georgia physicians. Respondent shall complete said additional thirty hours within two years from the docketing of this order. \* \* \*

2.

This Consent Order and dissemination thereof shall serve as a public reprimand to the Respondent for Respondent's conduct.

3.

In addition to and in conjunction with any other sanction contained herein, Respondent shall pay a fine to the Board in the amount of \$5000.00, payable by certified check or money order to the [Georgia Board] within thirty (30) days of the effective date of this Order. \* \* \*

4.

\* \* \* Respondent shall pay administrative fees in the amount of \$250.00 \* \* \*.

5.

Respondent understands that \* \* \* the contents of this order shall be placed on Respondent's Physician Profile. Furthermore, by executing this Consent Order, Respondent hereby agrees to permit the [Georgia] Board to update the Physician's Profile reflecting this Consent Order.

6.

**\* \* \* Respondent understands that this Consent Order will not become effective until approved and docketed by the [Georgia Board]. \* \* \***  
Respondent further understands that this Consent Order, once approved, shall constitute a public record that may be disseminated as a disciplinary action of the Board. However, if the Consent Order is not approved, it shall not constitute an admission against interest in this proceeding, or prejudice the right of the Board to adjudicate this matter. Respondent consents to the terms and conditions contained herein.

(St. Ex. 9) (Emphasis in original) On the last page of the Public Consent Order, the signatures of the Board President and Executive Director are written underneath the following statement: "Approved, this 23rd day of February, 2005." Finally, on the last page of the Public Consent Order are the words "Consented To" followed by the notarized signature of Dr. Ashwath. The notary public indicated that Dr. Ashwath had signed the document on January 31, 2005. (St. Ex. 9)

4. A copy of the approved and docketed Public Consent Order was mailed to Dr. Ashwath via certified mail on or about February 23, 2005. (Resp. Ex. B)

### **Dr. Ashwath's Renewal of his Ohio Certificate in February 2005**

5. On or about February 14, 2005, Dr. Ashwath electronically submitted his application for renewal of his certificate to practice medicine and surgery in Ohio. He certified under penalty of law that the information he had provided on that application was complete and correct. (St. Ex. 7; Tr. at 14)

In his renewal application, Dr. Ashwath responded affirmatively to a question concerning malpractice awards being paid by him or on his behalf for acts occurring outside of Ohio. However, he answered "No" to Question 2, which asked the following:

Have you surrendered, consented to limitation of, or to suspension, reprimand, or probation concerning, a license to practice any healthcare profession or state or federal privileges to prescribe controlled substances in any jurisdiction other than Ohio?

(St. Ex. 9; Tr. at 13-16) On or about March 1, 2005, the Board renewed Dr. Ashwath's certificate. (Tr. at 23)

6. At hearing, Dr. Ashwath confirmed that he had signed the Georgia Public Consent Order on January 31, 2005. However, he explained that he had answered "No" to question 2 on the renewal application because the Public Consent Order would not become effective unless and until it had been approved by the Georgia Board. He stated that, as of February 14, 2005, when he had submitted the renewal application, the Public Consent Order had not been approved. Dr. Ashwath stated that he had believed that the Public Consent Order had no effect, and that his consent had no effect, until the Public Consent Order had been approved by the Georgia Board. (Tr. at 16-23)
7. By letter dated February 23, 2005, Lasharn Hughes, Executive Director of the Georgia Board, advised Dr. Ashwath that the Georgia Board had approved the Public Consent Order. Dr. Ashwath testified that he cannot recall when he had actually received that letter. (Resp. Ex. B; Tr. at 21, 70)

### **Testimony by Lasharn Hughes, Executive Director of the Georgia Board**

8. Lasharn Hughes testified by affidavit that, "regardless of the date of Dr. Ashwath's signature, his consent and the limitations and reprimand contained in the [Consent] Order were not effective until the [Consent] Order was accepted and docketed by the Board on February 23, 2005." (Resp. Ex. A)

In addition, Ms. Hughes testified at the hearing. When asked to identify the date that Dr. Ashwath consented to the public reprimand, Ms. Hughes stated that, according to the Georgia Board, Dr. Ashwath had consented on February 23, 2005. She testified that Dr. Ashwath had *not* consented as of January 31, 2005. (Tr. at 81-82)

### **Testimony from Directors of the Fellowship Program**

9. Ernest S. Siwik, M.D., testified that he is the Director of the Cardiac Catheterization Lab at Rainbow Babies and Children's Hospital in Cleveland, Ohio, and that he also serves as the Fellowship Director for the Pediatric Cardiology Training Program. Dr. Siwik stated that the Pediatric Cardiology Training Program is a three-year, ACGME accredited program. He testified that Dr. Ashwath was then a second-year fellow in the program and that he was "progressing very well." Dr. Siwik further stated that he works with Dr. Ashwath on a daily basis and described him as a "very serious, conscientious, and professional trainee, and he's done a very good job for us." (Tr. at 35-39)

Dr. Siwik testified that Dr. Ashwath had apprised him of the Georgia Board action approximately two or three months prior to the Ohio hearing. With respect to the incident in Georgia, Dr. Siwik stated that he could not say whether it may or may not have constituted malpractice, but he stated that there was nothing about Dr. Ashwath's "demeanor, behavior, professional competence or anything else" that would make him think that the event in Georgia was anything other than an "isolated incident." Dr. Siwik testified that he had no reason to question Dr. Ashwath's truthfulness or veracity. (Tr. at 39-40)

10. Kenneth G. Zahka, M.D., stated that he is a pediatric cardiologist. Dr. Zahka further stated that he had formerly served as the director of the fellowship program at Rainbow Babies and Children's Hospital, and that he continues to serve on the faculty there. (Tr. at 45-46, 49)

Dr. Zahka testified that Dr. Ashwath has done "extremely well" and has progressed "at an excellent rate" in the pediatric cardiology fellowship at Rainbow Babies and Children's Hospital. Dr. Zahka testified that he especially enjoys the work when Dr. Ashwath is part of his team and that he has "every confidence" that Dr. Ashwath "will be a wonderful pediatric cardiologist and will be a credit to our institution and to our profession." (Tr. at 46-48)

Dr. Zahka stated that he was aware of the Georgia Board's order and the Ohio Board's allegations regarding Dr. Ashwath. Having personally observed Dr. Ashwath's clinical skills and "passion for detail and his integrity," Dr. Zahka said he had been surprised to learn of Dr. Ashwath's difficulties with the Board. Finally, Dr. Zahka testified that he believes that Dr. Ashwath is "trustworthy and honest" as well as "a meticulous and wonderful physician." (Tr. at 49)

### **FINDINGS OF FACT**

1. On February 23, 2005, the Georgia Composite State Board of Medical Examiners [Georgia Board] approved and docketed a Public Consent Order imposing disciplinary sanctions against the Georgia medical license of Ravi Chandra Ashwath, M.D. The Georgia Board

found, and Dr. Ashwath agreed, that his treatment of Patient C.F. had departed from and failed to conform to the minimum standard of acceptable and prevailing medical practice. The Georgia Board ordered, and Dr. Ashwath agreed, that the Public Consent Order would serve as a public reprimand. Further, the Georgia Board ordered and Dr. Ashwath agreed to complete thirty hours of continuing medical education in pediatric neurology within two years, pay a fine \$5,000 within thirty days, and permit the Georgia Board to update his Georgia Physician Profile to reflect the Public Consent Order.

On the last page of the Public Consent Order are the words, "Consented To," followed by the notarized signature of Dr. Ashwath. The notary public indicated that Dr. Ashwath had signed the document on January 31, 2005.

2. In paragraph 6 of the Georgia Public Consent Order, the following statement appears in boldface type: "**Respondent understands that this Consent Order will not become effective until approved and docketed by the [Georgia Board].**" Additionally, the Georgia Board does not consider Dr. Ashwath to have entered into or consented to the Public Consent Order until the Georgia Board had approved and docketed that order on February 23, 2005, regardless of the date that Dr. Ashwath had signed it.
3. On February 14, 2005, Dr. Ashwath electronically submitted his application for renewal of his certificate to practice medicine and surgery in Ohio. He certified to the Ohio Board under penalty of law that the information he provided in the renewal application was complete and correct.

In his renewal application, Dr. Ashwath responded affirmatively to a question concerning malpractice awards being paid by him or on his behalf for acts occurring outside of Ohio. However, he answered "No" to Question 2, which asked the following:

Have you surrendered, consented to limitation of, or to suspension, reprimand, or probation concerning, a license to practice any healthcare profession or state or federal privileges to prescribe controlled substances in any jurisdiction other than Ohio?

On or about March 1, 2005, acting upon Dr. Ashwath's renewal application, the Ohio Board renewed Dr. Ashwath's certificate.

### CONCLUSIONS OF LAW

1. The Public Consent Order approved by the Georgia Composite State Board of Medical Examiners [Georgia Board] with regard to Ravi Chandra Ashwath, M.D., as set forth in Findings of Fact 1 and 2, constitutes one or more "of the following actions taken by the agency responsible for regulating the practice of medicine and surgery \* \* \* in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation,

or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Ohio Revised Code Section [R.C.] 4731.22(B)(22).

2. As set forth in Findings of Fact 1 through 3, Dr. Ashwath signed the Georgia Public Consent Order on January 31, 2005. Subsequently, on February 14, 2005, Dr. Ashwath electronically submitted an application to renew his Ohio certificate, and answered "No" to question 2 on that application. The Georgia Board did not approve and docket the Public Consent Order until February 23, 2005.

The language of question 2 on Dr. Ashwath's Ohio renewal application did not ask whether another jurisdiction had taken action against Dr. Ashwath's out-of-state license. Rather, it asked whether Dr. Ashwath had "consented to" such discipline. Further, the signature line of the Georgia Public Consent Order follows the words, "Consented To." It thus seems clear that Dr. Ashwath had consented to the discipline of his Georgia medical license prior to submitting his Ohio renewal application, regardless of when the Public Consent Order actually became effective. Accordingly, Dr. Ashwath should have answered "Yes" to question 2.

Nevertheless, although Dr. Ashwath should have answered "Yes" to question 2, the evidence does not support a conclusion that Dr. Ashwath had intended to deceive the Board with his negative response. Based upon Findings of Fact 2, Dr. Ashwath could reasonably have believed that his consent to the Georgia Public Consent Order would not take effect until the Georgia Board had approved that document. Moreover, the evidence is undisputed that, on his Ohio renewal application, Dr. Ashwath *did* advise the Ohio Board of the malpractice action that had provided the basis for the Georgia Public Consent Order.

Accordingly, the evidence is insufficient to support a conclusion that the conduct of Dr. Ashwath, as set forth in Findings of Fact 1 through 3, 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 R.C. 4731.22(A). Nevertheless, because the Board did not previously have before it all of the information that was presented during the hearing, the Board was substantially justified in pursuing this allegation.

3. For the reasons stated in Conclusions of Law 2, above, the evidence is also insufficient to support a conclusion that the conduct of Dr. Ashwath, as set forth in Findings of Fact 1 through 3, constitutes "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," as that clause is used in R.C. 4731.22(B)(5). Nevertheless, because the Board did not previously have before it all of the information that was presented during the hearing, the Board was substantially justified in pursuing this allegation.

\* \* \* \* \*

Dr. Ashwath accepted the Georgia Board's decision and completed the additional training that the Georgia Board required. He also accepted a reprimand and paid a substantial fine. Since then, Dr. Ashwath has entered a fellowship in pediatric cardiology in Ohio, where he has been praised for the excellence of his work by both the present and former directors of the program. No additional training appears to be necessary to protect the public. Similarly, a suspension or probation would not appear to benefit the public or promote Dr. Ashwath's development as a physician. Accordingly, a reprimand would be a sufficient sanction by the Ohio Board in response to the Georgia Board's action.

**PROPOSED ORDER**

It is hereby ORDERED that:

Ravi Chandra Ashwath, M.D., is REPRIMANDED.

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

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

## EXCERPT FROM THE DRAFT MINUTES OF DECEMBER 13, 2006

### REPORTS AND RECOMMENDATIONS

Dr. Robbins announced that the Board would now consider the Reports and Recommendations appearing on its agenda. He 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: Ravi Chandra Ashwath, M.D.; Alexander M. Beylinson, M.D.; Harry Michael Condoleon, D.O.; Shaji Jaffrey Kazi, M.D.; Tera Jean Martin, M.T.; Lalsingh P. Rohira, M.D.; Robert Franklin Short, M.D.; and Gretel Case Stephens, M.D. 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. Davidson	- aye
	Dr. Steinbergh	- aye
	Dr. Robbins	- aye

Dr. Robbins 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. Davidson	- aye

Dr. Steinbergh - aye  
Dr. Robbins - aye

Dr. Robbins 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. They may, however, participate in the matter of Dr. Beylinson, as that case is not disciplinary in nature and concerns only the doctor's qualifications for licensure. . In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

RAVI CHANDRA ASHWATH, M.D.

.....

**DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. PORTER'S FINDINGS OF FACT, CONCLUSIONS, AND PROPOSED ORDER IN THE MATTER OF RAVI CHANDRA ASHWATH, M.D. MS. SLOAN SECONDED THE MOTION.**

.....

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

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. Davidson	- aye
	Dr. Robbins	- 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)

May18, 2005

Ravi Chandra Ashwath, M.D.  
11477 Mayfield Road #318  
Cleveland, Ohio 44106

Dear Doctor Ashwath:

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 January 31, 2005, by your notarized signature, you entered into the Georgia Composite State Board of Medical Examiners (Georgia Board) Public Consent Order, filed February 23, 2005. You agreed the Georgia Board Order shall serve as a public reprimand; you shall obtain thirty (30) hours of Continuing Medical Education in the area of pediatric neurology within two (2) years; you shall pay a fine in the amount of \$5,000.00 within thirty (30) days; and to permit the Georgia Board to update your Georgia Physician Profile to reflect this Order.

Further, you agreed with the findings of fact of the Georgia Board, that your treatment of deceased patient C. F., departed from, and failed to conform to, the minimum standard of acceptable and prevailing medical practice.

A copy of the Georgia Board Public Consent Order is attached hereto and incorporated herein.

- (2) On or about February 14, 2005, you electronically submitted your application for renewal of your certificate of registration to practice medicine and surgery to the State Medical Board of Ohio (Ohio Board). You certified, under penalty of law, the information you provided in this application for renewal is complete and correct. Subsequently, on or about March 1, 2005, in reliance upon the truthfulness of your statement, the Ohio Board renewed your certificate.

In the above renewal application, you responded "No" to Question 2:

\* \* \*

MAILED 5-19-05

**Discipline**

\* \* \*

2. Have you surrendered, consented to limitation of, or to suspension, reprimand, or probation concerning, a license to practice any healthcare profession or state or federal privileges to prescribe controlled substances in any jurisdiction other than Ohio?

\* \* \*

In fact, on or about January 31, 2005, you had consented to the limitations and reprimand of your license to practice medicine in another jurisdiction, as provided in the Georgia Board Public Consent Order, paragraph one (1) above.

The Georgia Board Public Consent Order, as alleged in paragraph one (1) above, constitutes “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in R.C. 4731.22(B)(22).

Further, your acts, conduct, and/or omissions as alleged in paragraph two (2) 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 paragraph two (2) 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,



Lance A. Talmage, M.D.  
Secretary

LAT/cw  
Enclosures

CERTIFIED MAIL # 7003 0500 0002 4340 6561  
RETURN RECEIPT REQUESTED

BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

STATE OF GEORGIA

**Composite State Board  
of Medical Examiners**

IN THE MATTER OF:

\*

FEB 23 2005

RAVI ASHWATH, M.D.

\*

**DOCKET NUMBER**

\*

DOCKET NO.

\*

2005 0113

License # 45707

\*

Respondent.

\*

PUBLIC CONSENT ORDER

By agreement of the Composite State Board of Medical Examiners and Ravi Ashwath, M.D., Respondent, the following disposition of this matter is entered into pursuant to the provisions of O.C.G.A. § 50-13-13 (a) (4), as amended.

**OHIO STATE MEDICAL BOARD**

FINDINGS OF FACT

MAR 21 2005

1.

At all relevant times, Respondent was licensed to practice medicine in the State of Georgia.

2.

On or about July 12, 1999, patient C.F., a ten year old with spina bifida and a ventricular shunt, presented to Highpoint Medical Center with complaints of pain in the back of the neck for four days. The medical records indicate that Respondent was the treating physician and that he examined patient C.F. The medical records indicate that Respondent considered possible shunt malfunction and examined the shunt by using compression and found no block. The records also reflect that the Respondent checked the patient's pupils and the flexibility of the patient's neck and concluded with a diagnosis of neck sprain. The medical records indicate that

Respondent did not order or perform any radiological studies to evaluate the patient's shunt. The medical records show that Respondent sent the patient home with instructions to follow up with either Respondent or go to the emergency room if headache, vomiting or fever occurred. The medical records further show that the patient presented to the emergency room at Children's Healthcare at Egleston Hospital in the evening of July 12, 1999 and died on July 13, 1999 due to shunt obstruction.

OHIO STATE MEDICAL BOARD

3.

MAR 21 2005

A Board appointed peer reviewer has evaluated the treatment of patient C.F. and concluded that the treatment of patient C.F. departed from and failed to conform to the minimum standard of acceptable and prevailing medical practice in the following ways:

When a patient with a history of spina bifida and a ventricular shunt presents with complaints of multiple days of headaches and neck pain, the minimum standard of care would require a more extensive examination, including a fundoscopy to determine elevated intracranial pressure and a thorough neurologic examination. The physical exam should not include pumping or depressing because it does not assess ventricular shunt function. In light of the duration of the patient's complaints, the minimum standard would also require that the treating physician refer the patient immediately to a proper facility to obtain plain films and head CT to assess the physical continuity of the shunt.

#### CONCLUSIONS OF LAW

Respondent's condition and/or prior conduct constitute sufficient grounds for the imposition of sanctions upon Respondent's license to practice medicine in the State of Georgia under O.C.G.A. Chs. 1 and 34 T. 43, as amended. Respondent hereby waives any further conclusions of law with respect to the above-styled matter.

ORDER

The Composite State Board of Medical Examiners, having considered the particular facts and circumstances of this case, hereby orders, and Respondent hereby agrees to the following:

1.

Respondent shall obtain thirty (30) hours of continuing medical education ("CME") in the area of pediatric neurology in addition to the CME required of all Georgia physicians. Respondent shall complete said additional thirty hours within two years from the docketing of this order. Prior to obtaining the CME, Respondent shall submit the title of the course(s) he plans to attend and information concerning the course(s) to the Board. Within two years from the docketing of this consent order, Respondent shall submit proof of completion of said additional thirty hours to the Board.

**OHIO STATE MEDICAL BOARD**

2.

**MAR 21 2005**

This Consent Order and dissemination thereof shall serve as a public reprimand to the Respondent for Respondent's conduct.

3.

In addition to and in conjunction with any other sanction contained herein, Respondent shall pay a fine to the Board in the amount of \$5000.00, payable by certified check or money order to the Composite State Board of Medical Examiners within thirty (30) days of the effective date of this Order. Failure to pay the entire amount by the 30th day shall be considered a violation of this Order and shall result in further sanctioning of Respondent's license, including revocation, upon substantiation thereof.

4.

In addition to the fine required in paragraph 3 of this Consent Order, Respondent shall pay administrative fees in the amount of \$250.00 as reimbursement to the Board of expenses incurred in the investigation of this matter, which expenses do not include time spent by the investigative division of the Board. Said fees shall be payable by certified check or money

order to the Composite State Board of Medical Examiners within thirty (30) days of the effective date of this Order. Failure to pay the entire amount by the 30<sup>th</sup> day shall be considered a violation of this Order and shall result in further sanctioning of Respondent's license, including revocation, upon substantiation.

5.

Respondent understands that pursuant to O.C.G.A. Title 43, Chapter 34A, the contents of this order shall be placed on Respondent's Physician Profile. Furthermore, by executing this Consent Order, Respondent hereby agrees to permit the Board to update the Physician's Profile reflecting this Consent Order.

6.

Respondent acknowledges that Respondent has read this Consent Order and understands its contents. Respondent understands that he has the right to a hearing in this matter, and freely, knowingly and voluntarily waives such right by entering into this Consent Order. **Respondent understands that this Consent Order will not become effective until approved and docketed by the Composite State Board of Medical Examiners.** Respondent further understands and agrees that a representative of the Department of Law may be present during presentation of this Consent Order to the Board and that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Order. Respondent further understands that this Consent Order, once approved, shall constitute a public record that may be disseminated as a disciplinary action of the Board. However, if the Consent Order is not approved, it shall not constitute an admission against interest in this proceeding, or prejudice the right of the Board to adjudicate this matter. Respondent consents to the terms and conditions contained herein.

**OHIO STATE MEDICAL BOARD**

**MAR 21 2005**

Approved, this 23<sup>rd</sup> day of February, 2005.

COMPOSITE STATE BOARD OF  
MEDICAL EXAMINERS

(BOARD SEAL)

BY: *Roland S. Summers MD*  
ROLAND S. SUMMERS, M.D.  
President

ATTEST: *Lasharn Hughes*  
LASHARN HUGHES  
Executive Director

CONSENTED TO: *Ravi Ashwath*

Sworn to and Subscribed  
Before me this 31 day  
of January, 2005.

RAVI ASHWATH, M.D.  
Respondent

*Phyllis Creve*  
NOTARY PUBLIC  
My Commission Expires:

8-5-07

OHIO STATE MEDICAL BOARD  
MAR 21 2005

