

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio 43215

April 28, 1983

Trinidad Delapena, M.D.
9 Buttles Avenue
Columbus, OH 43215

Dear Doctor Delapena:

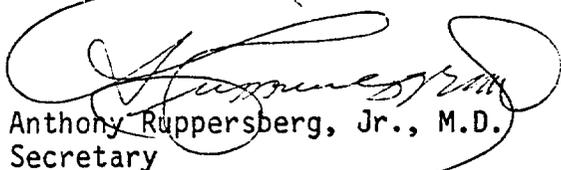
Please find enclosed a certified copy of the Entry of Order; the Report and Recommendation of Peter Lancione, M.D., Member, State Medical Board of Ohio; and a certified copy of the Motions by the State Medical Board, meeting in regular session on April 13, 1983, modifying said Report and Recommendation as the Findings and Order of the State Medical Board.

Pursuant to the agreement with your attorney, Mr. Hollenbaugh, the effective date of this Order shall be April 14, 1983, rather than May 12, 1983. Your license shall become active on May 14, 1983.

You are hereby notified that you may appeal this Order to the Court of Common Pleas of the county in which your place of business is located, or the county in which you reside. If you are not a resident and have no place of business in this state, you may appeal to the Court of Common Pleas of Franklin County, Ohio.

To appeal as stated above, you must file a notice of appeal with the Board setting forth the Order appealed from, and the grounds of the appeal. You must also file a copy of such notice with the court. Such notices of appeal shall be filed within fifteen (15) days after the date of mailing of this letter and in accordance with Section 119.12, Revised Code.

THE STATE MEDICAL BOARD OF OHIO



Anthony Ruppertsberg, Jr., M.D.
Secretary

AR:ls

Enclosures

CERTIFIED MAIL NO. P349 642 045
RETURN RECEIPT REQUESTED

cc: H. Ritchey Hollenbaugh, Esq.
500 South Fourth Street
Columbus, OH 43206

CERTIFIED MAIL NO. P349 642 046
RETURN RECEIPT REQUESTED

STATE OF OHIO
THE STATE MEDICAL BOARD

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of Peter Lancione, M.D., Member, State Medical Board of Ohio; and the attached copy of the Motion approved by the State Medical Board, meeting in regular session on April 13, 1983, modifying said Report and Recommendation as the Findings and Order of the State Medical Board, constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Trinidad Delapena, M.D., as it appears in the Journal of the State Medical Board of Ohio.


Anthony Ruppertsberg, Jr., M.D.
Secretary

(SEAL)

4-20-83

DATE

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

TRINIDAD DELAPENA, M.D.

*

ENTRY OF ORDER

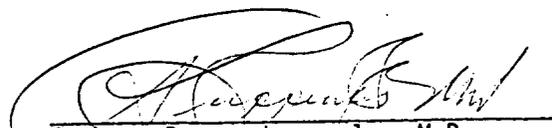
This matter came on for consideration before the State Medical Board of Ohio the 13th day of April, 1983.

Upon the Report and Recommendation, a true copy of which is attached hereto and incorporated herein, of Peter Lancione, M.D., the Hearing Member in this matter designated pursuant to R.C. 4731.23, which Report and Recommendation was modified, by vote of the Board on the above date, the following order is hereby entered on the Journal of the State Medical Board of the 13th day of April, 1983, and made part of the record of the Board's proceedings:

ORDER

1. It is hereby ORDERED that
 - A. The license to practice medicine in the State of Ohio of Dr. Delapena be suspended for a period of two (2) years.
 - B. All but thirty (30) days of the suspension is stayed with the following probationary provisions;
 1. Dr. Delapena is to report to the Ohio State Medical Board or its representatives in three (3) months.
 2. Dr. Delapena shall keep a record of all schedule II drugs prescribed and bring this record with him when he appears before the Medical Board.
 3. Dr. Delapena shall obey all federal, state, and local laws, including all laws and rules governing the practice of medicine in Ohio.

This Order shall become effective May 12, 1983.


Anthony Ruppertsberg, Jr., M.D.
Secretary

(SEAL)

4-28-83

DATE

STATE OF OHIO
THE STATE MEDICAL BOARD

NOV 18 1982

REPORT AND RECOMMENDATION
IN THE MATTER OF TRINIDAD M. DELAPENA, M.D. STATE BOARD

The matter of Trinidad M. Delapena, M.D., came before me, Peter Lancione, M.D., Member of the State Medical Board of Ohio, on November 18, 1982.

INTRODUCTION AND SUMMARY OF EVIDENCE

1. Dr. Delapena was represented by Mr. Rickey Hollenbaugh from the firm of Hunter, Hollenbaugh, Theodotou and Butler. The State's case was represented by B. Douglas Anderson, Assistant Attorney General.
2. The allegations in this case are that Dr. Delapena has violated Section 4731.22(B)(2), Revised Code, in that his acts, conduct, and omissions, individually and/or collectively, constitute "failure to use reasonable care discrimination in the administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease", he has violated Section 4731.22(B)(3), Revised Code, in that his acts, conduct, and omissions, individually and/or collectively constitute "selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes", and he has violated Section 4731.22(B)(6), Revised Code, in that his acts, conduct, and omission, individually and/or collectively, constitute "a departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established".
3. The allegations involve two State Medical Board investigators who purportedly went to Dr. Delapena's office and received prescriptions for Desoxyn, without having been subject to an appropriate medical examination. Mr. McDaniel utilized the name J. Daniel while visiting Dr. Delapena and Mr. Eley utilize the name Chuck E. Cook.
4. Dr. Delapena contends in his defense that the investigators were properly examined and that all of those things which normally constitute a proper examination were done prior to the prescription being issued, and the procedure utilized was well within the accepted medical standards practiced in this community.
5. Various State's Exhibits were entered into the record as follows:
 - A. State's Exhibit No. 1 is the Notice of Opportunity for Hearing, a letter of July 14th, 1982, from the State Medical Board to Dr. Delapena.
 - B. State's Exhibit No. 2 is the Notice of Request for Hearing and entrance of appearance of counsel of Mr. Hollenbaugh on behalf of Dr. Delapena dated July 23rd, 1982.

- C. State's Exhibit No. 3 is a letter of July 29th, 1982 from the Medical Board scheduling a hearing and continuing it to a further date.
 - D. State's Exhibit No. 4 is a letter of October 20th, 1982 scheduling the adjudication hearing for November 4th.
 - E. State's Exhibit No. 5 is a letter of October 28th rescheduling the hearing from November 4th to November 18, 1982.
 - F. State's Exhibit No. 6 is a prescription written by Dr. Delapena in the name of J. Daniel. (Jerry McDaniel).
 - G. State's Exhibit No. 7 is a prescription and attached receipt for payment written in the name of Chuck Cook.
 - H. State's Exhibit No. 8 is a prescription and attached receipt for payment in the name of Chuck Cook.
6. Petitioner's Exhibit A and B are the patient records of J. Daniel and Chuck Cook. According to the doctor they contain information about past history, medications the patient may currently be on, family history, if the patient is diabetic or has high blood pressure, serious illnesses, and the doctor's advice with regard to exercise and diet.
7. Jerry McDaniel was sworn in as a witness. He related the following:
- A. He is an investigator employed by the State Medical Board.
 - B. He visited the medical office of Dr. Delapena on May 10, 1982 and used the pseudonym of J. Daniel. Another Medical Board investigator, Mr. Eley, was with him.
 - C. He signed a form and then was taken into the examination room. Before the doctor arrived the nurse did not take any data or perform any diagnostic procedures on him. (Transcript at 11)
 - D. His blood pressure, weight, and temperature were not taken by the nurse.
 - E. Dr. Delapena, upon arrival, asked him what he was there for. He said that he wanted some Desoxyn for fatigue. Dr. Delapena stated that he only prescribed Desoxyn for weight loss. Mr. McDaniel said, "Well, I was heavy." (Transcript at 12)
 - F. Dr. Delapena weighed Mr. McDaniel and said he was fifteen (15) pounds over what the chart called for. Mr. McDaniel is approximately 185-190 and 6'1" tall. (He was weighed fully dressed)
 - G. No urine or blood samples were taken. The doctor did not examine his eyes, chest, temperature, pulse or perform any palpation. Mr. McDaniel's blood pressure was taken.

- H. No past medical history was taken.
 - I. He was in the examination room with Dr. Delapena about 5 minutes.
 - J. He identified State's Exhibit No. 7 as the prescription he was given for Desoxyn, and testified that State's Exhibit No. 7 had been mistakenly made out to Charles Cook. He initialed the prescription on the back to identify it as the prescription given to him. (Transcript at 14)
 - K. Dr. Delapena did talk to Mr. McDaniel about diet and exercise.
 - L. He made no other visits to Dr. Delapena.
 - M. The charge was \$18 for the visit, although this charge is "probably on Mr. Cook's chart" because of the mix-up of patients. (Transcript at 15)
8. Mr. Charles Eley was sworn in as a witness. He related the following:
- A. He is employed by the Ohio State Medical Board as an investigator.
 - B. In his capacity as an investigator he visited Dr. Delapena for the first time on May 10, 1982. He went with investigator Jerry McDaniel. Mr. Eley used the pseudonym Chuck E. Cook.
 - C. The doctor took Mr. McDaniel and him into a small room. The doctor asked what his complaint was. He told the doctor he wanted Desoxyn to keep him awake.
 - D. Mr. McDaniel and he were separated at about that time.
 - E. The doctor indicated that Desoxyn was for weight loss.
 - F. The doctor took his blood pressure and listened to his heart. The doctor weighed him. His weight is around 205-206 and he is 6'2".
 - G. No other examination procedures were performed. No one took his temperature. His eyes weren't checked. The doctor did not palpate any body organs or ask him if he were taking any other medication. No prior history or family problems were asked by the doctor.
 - H. He could not recall if diet and exercise were discussed.
 - I. He never complained to the doctor about being overweight. The doctor gave him a prescription for 30 tablets of Desoxyn. (See State's Exhibit No. 6)
 - J. He paid for the services rendered.

- K. He noticed a sign posted on Dr. Delapena's wall saying "No refills²³ before seven days". (Transcript at 26)
 - L. He could not recall the doctor telling him that he would see him in one month.
 - M. He made a subsequent visit to Dr. Delapena on May 26, 1982. The doctor weighed him and said that he hadn't lost enough weight. The doctor received his chart and wrote him a second prescription for 30 Desoxyn, 15 milligrams within a time period of 16 days.
 - N. The doctor did not question the fact that he was back so soon, although he did tell the doctor that he was leaving town and needed a refill sooner.
 - O. On the second visit the doctor and he had a general conversation about weight.
9. Mr. Hollenbaugh made a motion for a directed verdict on the basis that the State had not proven that there was a significant departure from the standard practice in this area. This motion was denied. (Transcript at 34-37)
10. Sharon Ludaway was sworn in as a witness for the Respondent. She related the following:
- A. She is employed by Dr. Delapena and Dr. Hughes as a receptionist.
 - B. The doctor has an information sheet that new patients fill out. The sheet requires the patient's name, address, date of birth, county of residence, social security number, allergies to medication, and financial status. Completing it is a standard procedure with every new patient. The information is marked on a card that goes into the office chart. (Transcript at 39)
 - C. When Mr. McDaniel and Mr. Eley first visited Dr. Delapena on May 10, 1982, "they said they wanted to be on diets, so I made charts up for them." (Transcript at 40)
 - D. These two patients were not treated any differently than any other patients.
 - E. The tall fellow came to see Dr. Delapena a second time. "He said that he was a little early for his diet pills." "He was sort of demanding." (Transcript at 41)
 - F. He went back and saw the doctor, and "he confused the doctor." She pulled J. Daniel's chart, not Chuck Cook's.

11. The prescriptions given to the two Medical Board investigators were confused on the visit of May 10, 1982. On the 26th when Mr. Cook (Eley) made his second visit, he straightened out the confusion, and the prescription written on the 26th of May was in Mr. Cook's name. (Transcript at 45)
12. Rosalee See was sworn in as a witness for the Petitioner. She testified to the following:
 - A. She is a licensed practical nurse (LPN) and is presently employed by Dr. Delapena.
 - B. When a new patient comes to see Dr. Delapena, she takes the patient's chart and shows the patient into the treatment room. She asks them what the problem is and then takes a brief medical history which she records on their chart. She then tells them to remain seated, that the doctor will be with them shortly.
 - C. There are other types of procedures, depending on the patient. They always take the blood pressure of the patients with hypertension or they do a blood sugar on people who have diabetes.
 - D. About 35% of Dr. Delapena's patients are weight patients. (Transcript at 49)
 - E. When a new patient comes in and they say they want to lose weight, she immediately weighs them, and measures their height. She checks the chart of desired weight according to their frame.
 - F. She asks them if there is diabetes or hypertension in the family. If there is, she either does a blood sugar test or marks it on the chart.
 - G. Dr. Delapena does not have a separate form for the medical history.
 - H. She does not remember two patients who registered under the names of J. Daniel and Chuck Cook.
 - I. She normally sees perhaps 18 to 20 patients a day just for Dr. Delapena.
13. Dr. Delapena was sworn in as a witness. He related the following:
 - A. He remembered Mr. Daniel and Mr. Eley coming in to see him.
 - B. Mr. Eley wanted some DeSoxyn to help him stay awake.
 - C. He stated "... I don't usually give diet pills for that, but I said it stands to reason that if you are overweight, you probably feel sleepy because of that, and I could rationalize that if you are overweight that I could probably treat you on that basis, so he sat down, and I went ahead examining him." (Transcript at 62)

- D. He goes through a history of any serious illnesses from the past with his patients. He finds out a family history.
- E. He emphasizes to the patient that Desoxyn is just an aid to losing weight and that the primary thing is to develop new eating habits. He also goes over an exercise program with the patient.
- F. He finds out if the patient has been on medication because there are certain medications that cannot be given with Desoxyn.
- G. He takes the patient's blood pressure and "if you are trained, you can see the pulse rate, the regularity of oscillation. You don't even have to put your stethoscope there on the heart." (Transcript at 64)
- H. He also inspects the patient. "From inspecting a patient, looking at the patient and observing how she talks and how she acts is going to help you in your diagnosis, even how she behaves." (Transcript at 65)
- I. He did perform these procedures in the cases of Mr. Eley and Mr. McDaniel.
- J. He described a second visit by "Mr. McDaniel". He confused Mr. McDaniel and Mr. Eley at the time Mr. Eley came in for a second visit under the name Cook.
- K. He was about to write the prescription for Desoxyn when he noticed it was too early. The patient indicated he was going out of town, and that is why he came early.
- L. Usually, he comprises and says all right, but if you come back, you have to come back maybe a little later to cover the 30 days that you are supposed to have to finish your medication. (Transcript at 66)
- M. With weight loss patients he only does a thyroid function test when necessary. He usually looks at the thyroid gland around the neck and "maybe feel it too." (Transcript at 75) He does not always do liver function tests for weight loss patients because these tests are expensive.
- N. He primarily prescribes Desoxyn for weight loss. Occasionally he prescribes Ionamin, Fastin, Tenuate and Dexedrine.
- O. He keeps a patient on Desoxyn as long as they are losing weight. He will keep them on Desoxyn for more than five months if they are showing a substantial weight loss. He would keep them on Ionamin for over five months if they are showing a weight loss. (Transcript at 76-77)

- P. If there is a small weight loss, he discusses the patient's diet and exercise program to see if the patient has been following it.
- Q. He relies on the patient's statements to him about their health rather than doing extensive testing.
- R. If a person is about 20 to 50 pounds overweight he will try to help them lose some of it. The textbook definition of obesity is 10% above a patient's ideal weight.
- S. Only about 10% of his patients are overweight.
- T. The majority of his patients have hypertension, diabetics, upper respiratory infection, depression, manic depression, alcoholism, sometimes back problems, and occasionally tuberculosis.

DISCUSSION

The testimony of the two Medical Board investigators, Mr. McDaniel and Mr. Eley, did sometimes conflict with the testimony of Dr. Delapena and his two secretaries, particularly in regard to the procedures and evaluations performed upon their visits to Dr. Delapena. However, I accept the testimony of Mr. Eley and Mr. McDaniel as reliable, probative, and substantial. Of particular interest is that despite testimony from respondent and respondent's witnesses that medical family histories are always taken from, and that tests are sometimes performed upon, new patients, no evidence of these histories or any tests was offered into evidence. Respondent's only physical evidence consisted of Exhibits A and B which, in my opinion, are not sufficient to constitute tests, or family or medical history.

After considering all of the testimony and evidence presented at the hearing, and after having read the transcript and all exhibits introduced, I make the following findings:

FINDINGS OF FACT

1. Dr. Delapena prescribed Desoxyn to Mr. Eley and Mr. McDaniel for fatigue and to stay awake not for weight loss.
2. Jerry McDaniel, an investigator for the State Medical Board, visited the office of Dr. Delapena on May 10, 1982, under the pseudonym of J. Daniel.
3. Mr. McDaniel signed a form and was then taken into the examination room. Before the doctor arrived, the assistant did not take any data or perform any diagnostic procedures on him.

4. Mr. McDaniel asked for some Desoxyn for fatigue. Dr. Delapena told Mr. McDaniel that he only gave Desoxyn for weight and upon weighing him said that he was fifteen (15) pounds overweight according to the weight chart.
5. No urine or blood samples were taken. The doctor did not examine his eyes, chest, temperature, pulse or perform palpation of the body organs. No past medical history was taken. Mr. McDaniel's blood pressure was taken and Dr. Delapena did talk to Mr. McDaniel about diet and exercise.
6. Mr. McDaniel was in the examination room with Dr. Delapena about 5 minutes and received a prescription for Desoxyn. (State's Exhibit No. 7)
7. Mr. McDaniel was charged \$18 for the visit.
8. Mr. Charles Eley, also an investigator for the State Medical Board, visited Dr. Delapena for the first time on May 10, 1982.
9. Mr. Eley used the pseudonym, Chuck E. Cook while visiting Dr. Delapena.
10. Mr. Eley told the doctor he wanted Desoxyn to keep him awake.
11. The doctor took Mr. Eley's blood pressure and listened to his heart. He weighed Mr. Eley. No other examinations or tests were performed.
12. Even though Mr. Eley never complained about being overweight, the doctor gave him a prescription for 30 tablets of Desoxyn. (See State's Exhibit No. 6)
13. Mr. Eley made a subsequent visit to Dr. Delapena on May 26, 1982. The doctor weighed Mr. Eley and said that he hadn't lost enough weight. The doctor reviewed Mr. Eley's chart and wrote him a prescription for 30 Desoxyn. This was within a time period of 16 days.
14. Dr. Delapena's treatment of his weight patients typically involves the use of Desoxyn, sometimes Ionamin, Tenuate, Dexedrine and very rarely Fastin.
15. Dr. Delapena keeps patients on Desoxyn as long as they are losing weight. He will keep them on Desoxyn for more than five months if they are showing a substantial weight loss. He keeps them on Ionamin for over five months if they are showing a weight loss. (Transcript at 77)

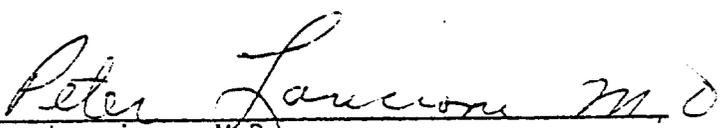
CONCLUSIONS

1. The medication prescribed by Dr. Delapena should not under any circumstances, be given, essentially upon demand, for fatigue or to stay awake.
2. Dr. Delapena's acts and omissions as found in Findings of Fact 1 through 14 above individually and collectively:
 - A. Constitute "failure to use reasonable care discrimination in the administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease", as that clause is used in Section 4731.22(B)(2), Ohio Revised Code;
 - B. Constitute "selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes", as that clause is used in Section 4731.22(B)(3), Ohio Revised Code; and
 - C. Constitute "a departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established", as that clause is used in Section 4731.22(B)(6), Ohio Revised Code.

PROPOSED ORDER

1. It is hereby ORDERED that
 - A. The license to practice medicine in the State of Ohio of Dr. Delapena be suspended for a period of two (2) years.
 - B. All but 30 days of the suspension is stayed with the following probationary provisions;
 1. Dr. Delapena is to report to the Ohio State Medical Board or its representatives in three (3) months.
 2. Dr. Delapena shall keep a record of all schedule II drugs prescribed and bring this record with him when he appears before the Medical Board.
 3. Dr. Delapena shall obey all federal, state, and local laws, including all laws and rules governing the practice of medicine in Ohio.

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


Peter Lancione, M.D.
Member, State Medical Board of Ohio

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio 43215

EXCERPT FROM THE MINUTES OF APRIL 13, 1983

REPORT AND RECOMMENDATION IN THE MATTER OF TRINIDAD M. DELAPENA, M.D.

Mr. Bumgarner, Mr. Schmidt, Ms. Cato, Mr. Albert and Mr. Meyer left the meeting at this time.

Dr. Clarke asked if each member of the Board received, read and considered the hearing record, the proposed findings and order, and any objections filed to the proposed findings and order in the matter of Trinidad M. Delapena, M.D. A roll call was taken:

ROLL CALL:	Dr. Cover	- aye
	Dr. Lancione	- aye
	Dr. Buchan	- aye
	Dr. Cramblett	- aye
	Mr. Johnston	- aye
	Dr. Yut	- aye
	Dr. Oxley	- aye
	Dr. Lovshin	- aye
	Mr. Paulo	- aye
	Dr. Ruppertsberg	- aye

.....
DR. BUCHAN MOVED TO APPROVE AND CONFIRM THE FINDINGS OF FACT, THE CONCLUSIONS AND THE PROPOSED ORDER IN THE MATTER OF TRINIDAD M. DELAPENA, M.D. DR. COVER SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cover	- aye
	Dr. Lancione	- abstain
	Dr. Buchan	- aye
	Dr. Cramblett	- aye
	Mr. Johnston	- aye
	Dr. Yut	- aye
	Dr. Oxley	- aye
	Dr. Lovshin	- aye
	Mr. Paulo	- aye
	Dr. Ruppertsberg	- aye

The motion carried.

DR. BUCHAN MOVED THAT THE ORDER GO INTO EFFECT IN 30 DAYS. DR. COVER SECONDED THE MOTION. All members voted aye. The motion carried.

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio 43215

July 14, 1982

Trinidad M. Dela Pena, M.D.
Nine Buttles Avenue
Columbus, OH 43215

Dear Doctor Dela Pena:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine under the provisions of Section 4731.22, Ohio Revised Code, whether or not to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine and surgery for one or more of the following reasons:

1. On or about May 10, 1982, you were paid an office visit by one Chuck Cook, also known as Medical Board Investigator Charles Eley, who complained that he was an alcoholic who had problems of losing his driver's license. Mr. Cook requested some Desoxyn to keep him awake and alert. After listening to the patient's heart and recording his weight and blood pressure, you advised him that he was overweight, and that you would prescribe Desoxyn as treatment for this condition. You advised that the medication would keep Mr. Cook awake, but that you had to prescribe it for a weight problem. You proceeded to prescribe for the patient thirty (30) tablets of Desoxyn Gradumet 15mg., a Schedule II Controlled Substance. No other physical examination of the patient was performed, and no medical history was taken.
2. On or about May 26, 1982, Charles Eley, using the name Chuck Cook, paid a return visit to your office, requesting more Desoxyn for the purpose of staying awake. You advised the patient that you did not give it for that reason. You weighed the patient, noted that he had lost two pounds, and issued to him a prescription for thirty (30) tablets of the Schedule II Controlled Substance, Desoxyn Gradumets 15mg. Besides the weighing, no other physical examination of the patient was performed.
3. On or about May 10, 1982, you were paid an office visit by one Jerry Daniels, also known as Medical Board Investigator Jerry McDaniel. Mr. Daniels complained to you that he was "tired all the time", and requested Desoxyn. You advised the patient that you would not give that medication for that reason, but would only give it for weight control. You weighed the patient, recorded his blood pressure, and issued to him a prescription for thirty (30) tablets for Desoxyn Gradumets 15 mg., a Schedule II Controlled Substance. No other physical examination of the patient was performed, and no medical history was taken.

Your acts, conduct, and omissions in Paragraphs (1), (2), and (3) above, individually and/or collectively, constitute "failure to use reasonable care discrimination in the administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease", as that clause is used in Section 4731.22(B)(2), Ohio Revised Code.

STATE OF OHIO
THE STATE MEDICAL BOARD

July 14, 1982

Page 2

Trinidad M. Dela Pena, M.D.

Further, such acts, conduct, and omissions in Paragraphs (1), (2), and (3) above, individually and/or collectively, constitute "selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes", as that clause is used in Section 4731.22(B)(3), Ohio Revised Code.

Further, such acts, conduct, and omissions in Paragraphs (1), (2), and (3) above, individually and/or collectively, constitute "a departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established", as that clause is used in Section 4731.22(B)(6), Ohio Revised Code.

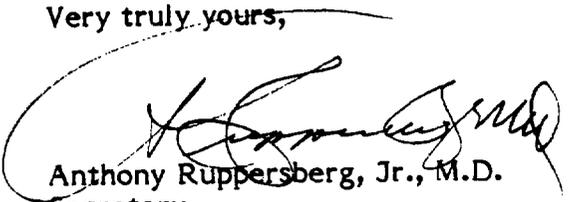
Pursuant to Chapter 119., Ohio Revised Code, please be advised that you may request a hearing on this matter. If you wish to request such a hearing, that request must be made within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, 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 there is no request for such hearing made within thirty (30) days of the time of mailing of this notice, the State Medical Board of Ohio may, in your absence and upon consideration of this matter, determine whether or not to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine or surgery in the State of Ohio.

A copy of Section 4731.22 is enclosed for your review.

Very truly yours,



Anthony Ruppertsberg, Jr., M.D.
Secretary

AR:ls

Enclosure

CERTIFIED MAIL NO. P30 5155406
RETURN RECEIPT REQUESTED