BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :

:

WALTER MALKIN, D.P.M. :

ENTRY OF ORDER

On July 14, 2004, Walter Malkin, D.P.M., executed a Surrender of his Certificate to practice podiatric medicine and surgery in the State of Ohio with a consent to revocation, which document is attached hereto and fully incorporated herein.

In consideration of the foregoing and of Dr. Malkin's express waiver of the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board members vote to revoke said certificate, it is hereby ORDERED that Certificate No. 36-001201 authorizing Walter Malkin, D.P.M., to practice podiatric medicine be permanently REVOKED, effective July 29, 2004.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 29th day of July 2004, and the original thereof shall be kept with said Journal.

Lance A. Talmage, M.D.
Secretary

(SEAL)

July 29, 2004
Date

STATE OF OHIO
THE STATE MEDICAL BOARD
SURRENDER OF CERTIFICATE
TO PRACTICE PODIATRIC MEDICINE AND SURGERY

I, Walter Malkin, D.P.M., acknowledge that I am represented by counsel and that I am aware of the rights of being formally charged and having a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein.

I, Walter Malkin, D.P.M., do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice podiatric medicine and surgery, #36-001201, to the State Medical Board of Ohio [Board], thereby relinquishing all rights to practice podiatric medicine and surgery in Ohio. I understand that as a result of the surrender herein that I am no longer permitted to practice podiatric medicine and surgery in any form or manner in the State of Ohio.

I agree that I shall be ineligible for, and shall not apply for, reinstatement of certificate to practice podiatric medicine and surgery #36-001201 or issuance of any other certificate pursuant to Chapters 4730., 4731., 4760. or 4762., Ohio Revised Code, on or after the date of signing this Surrender of Certificate to Practice Podiatric Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

I hereby authorize the Board to enter upon its Journal an Order permanently revoking my certificate to practice medicine and surgery, #36-001201 in conjunction with which I expressly waive the provision of Section 4731.22(B), Ohio Revised Code, requiring that six Board Members vote to revoke said certificate, and further expressly and forever waive all rights as set forth in Chapter 119., Ohio Revised Code, including but not limited to my right to counsel, right to a hearing, right to present evidence, right to cross-examine witnesses, and right to appeal the Order of the Board permanently revoking my certificate to practice podiatric medicine and surgery.

I, Walter Malkin, D.P.M., hereby release the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This document shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. I, Walter Malkin, D.P.M., acknowledge that my social security number will be used if this information is so reported and agree to provide my social security number to the Board for such purposes, with the specification that my social security number will be maintained in accordance will federal law and will not be made available by the Board to the public.

OHIO STATE MEDICAL BOARD

JUL 1 9 2004

I stipulate and agree that I am taking the action described herein in lieu of formal disciplinary proceedings pursuant to Section 4731.22(B)(9), Ohio Revised Code, based upon the plea of guilty that I have agreed to enter to an Information in the United States District Court, Northern District of Ohio, charging me with violation of 18 U.S.C. Section 1347: Health Care Fraud and/or pursuant to Section 4731.22(B)(10), Ohio Revised Code, based upon my acts constituting a violation of 18 U.S.C. Section 1347: Health Care Fraud.

Signed this 14th day of July, 2004.

Walter Malkin, DPM.
Walter Malkin, D.P.M.

Sworn to and subscribed before me this 14 day of July, 2004

MARIANNE THOMAS
Notary Public, State of Ohio
My Commission Expires Jan. 31, 2008
SEAL

Notary Public

Accepted by the State Medical Board of Ohio:

LANCE A. TALMAGE, M.D.
SECRETARY

RAYMOND J. ALBERT
SUPERVISING MEMBER

7-29-04
DATE

7/29/04
DATE

OHIO STATE MEDICAL BOARD
JUL 19 2004

STATE OF OHIO
THE STATE MEDICAL BOARD OF OHIO
65 SOUTH FRONT STREET
SUITE 510
COLUMBUS, OHIO 43266-0315

February 12, 1988

Walter M. Malkin, D.P.M.
4249 Mahoning Avenue
Youngstown, Ohio 44515

Dear Doctor Malkin:

Enclosed please find Notice of Dismissal signed by Henry G. Cramblett, M.D., Secretary of the Medical Board, and John E. Rauch, D.O., Supervising Member of the Medical Board, regarding the dismissal of charges and allegations set forth in the Board's letter of October 15, 1981.

Very truly yours,

Ray Q. Bumgarner

Ray Q. Bumgarner
Executive Director

RQB:em

Enclosure

STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :

:

WALTER M. MALKIN, D.P.M. :

Notice of Dismissal

The undersigned, pursuant to the authority vested in them by the State Medical Board of Ohio and on its behalf, hereby notify Walter M. Malkin, D.P.M., that the charges and allegations against him, as set forth in the Board's letter of October 15, 1981, are hereby dismissed without prejudice to future action.

John E. Rauch, D.O.
Supervising Member

2/10/88
Date

Henry G. Cramblett
Secretary

2/8/88
Date

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

October 15, 1981

Walter M. Malkin, D.P.M.
4249 Mahoning Avenue
Youngstown, OH 44515

Dear Doctor Malkin:

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 Sections 4731.22, 4731.591, and 4731.61, Ohio Revised Code, whether or not to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice podiatry for the following reasons:

1. During the period beginning on or about December 19, 1978, and ending on or about May 11, 1981, you wrote the following prescriptions for the Schedule II controlled substance Percodan for one Patient A, who is named in the attached key (to be withheld from public disclosure).

Date	Amount
12/19/78	20
07/03/79	10
07/11/79	20
09/15/79	20
10/20/79	30
01/21/80	30
08/18/80	30
08/22/80	20
08/25/80	30
08/29/80	30
09/08/80	20
09/12/80	30
09/17/80	30
09/23/80	30
09/30/80	30
10/06/80	30
10/14/80	30
10/18/80	30
10/21/80	30
10/24/80	30
10/31/80	30
11/03/80	30
11/10/80	30
11/14/80	30
11/21/80	30

Date	Amount
12/03/80	30
12/05/80	30
12/08/80	30
12/10/80	30
12/12/80	30
12/15/80	30
12/17/80	30
12/26/80	30
12/29/80	30
12/31/80	30
01/02/81	25
01/05/81	30
01/07/81	30
01/12/81	30
01/14/81	30
01/16/81	30
01/19/81	30
01/21/81	30
01/26/81	30
01/28/81	30
02/02/81	30
02/04/81	30
02/09/81	30
02/11/81	30
02/16/81	30
02/19/81	30
02/23/81	30
02/25/81	30
02/28/81	30
03/02/81	30
03/04/81	30
03/09/81	30
03/13/81	30
03/16/81	30
03/20/81	30
03/23/81	30
03/27/81	30
03/30/81	30
04/03/81	30
04/06/81	30
04/06/81	30
04/10/81	30
04/13/81	30
04/17/81	30
04/20/81	30
04/22/81	20
04/24/81	30
04/27/81	30
05/01/81	30
05/04/81	30
05/08/81	30
05/11/81	30

2. On or about May 18, 1981, and May 27, 1981, you wrote the following prescriptions for the Schedule II controlled substance Dexedrine for one Patient A who is named in the attached key (to be withheld from public disclosure).

Date	Amount
05/18/81	15
05/27/81	15

Such acts in Paragraph 1 and/or Paragraph 2 individually and/or collectively, constitute a "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.

Further, such acts in Paragraph 1 and/or Paragraph 2 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 in Paragraph 1 and/or Paragraph 2 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.

Further, such acts in Paragraph 1 and/or Paragraph 2 individually and/or collectively, constitute "grossly unprofessional or dishonest conduct" as that clause is used in Section 4731.591, Ohio Revised Code. Further, such acts in Paragraph 1 and/or Paragraph 2 individually and/or collectively, exceed the scope of the practice of podiatry, as set forth in Section 4731.51, Ohio Revised Code.

Pursuant to Section 4731.61, Ohio Revised Code, the certificate of a podiatrist may be refused, revoked, or suspended for violations of Sections 4731.51 to 4731.60 of the Revised Code.

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

Enclosed is a copy of the Medical Practice Act for your information.

Very truly yours,

Oscar W. Clarke, M.D.

Oscar W. Clarke, M.D.
Vice-President

OWC:jmb

Enclosure:

CERTIFIED MAIL #P32 4679587
RETURN RECEIPT REQUESTED