

STATE OF OHIO  
THE STATE MEDICAL BOARD OF OHIO  
77 SOUTH HIGH STREET  
17TH FLOOR  
COLUMBUS, OHIO 43215

July 14, 1989

Clare M. Logan  
3874 Alta Avenue  
Cincinnati, Ohio 45236

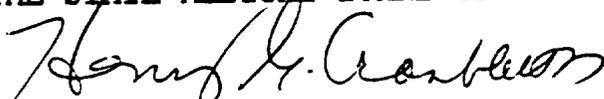
Dear Ms. Logan:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Joan Irwin Fishel, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of the Minutes of the State Medical Board, meeting in regular session on July 12, 1989, including Motions approving the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order.

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

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 within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

  
Henry G. Cramblett, M.D.  
Secretary

HGC:em

Enclosures

CERTIFIED MAIL NO. P 746 514 593  
RETURN RECEIPT REQUESTED

cc: Thomas D. Thompson, Esq.

CERTIFIED MAIL NO. P746 514 594  
RETURN RECEIPT REQUESTED

Mailed July 18, 1989

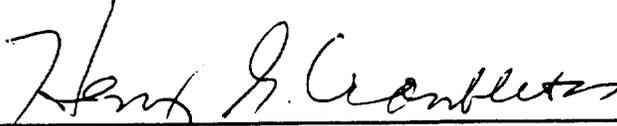
STATE OF OHIO  
STATE MEDICAL BOARD

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 Joan Irwin Fishel, Attorney Hearing Examiner, State Medical Board; and attached excerpt of Minutes of the State Medical Board, meeting in regular session on July 12, 1989, including Motions approving the Findings of Fact and Conclusions of Law of the Hearing Examiner, and adopting an amended Order, constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Clare M. Logan, 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.

(SEAL)

  
\_\_\_\_\_  
Henry G. Cramblett, M.D.  
Secretary

July 14, 1989  
\_\_\_\_\_  
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

\*

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CLARE M. LOGAN

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ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 12th day of July, 1989.

Upon the Report and Recommendation of Joan Irwin Fishel, Attorney Hearing Examiner, Medical Board, in this matter designated pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification, approval and confirmation by vote of the Board on July 12, 1989, the following Order is hereby entered on the Journal of the State Medical Board for the 12th day of July, 1989.

It is hereby ORDERED:

1. That the current application of Clare M. Logan for registration as a physician's assistant in Ohio shall be and is hereby DENIED.
2. Further, Ms. Logan shall be ineligible to apply for a physician's assistant registration number in the State of Ohio unless and until all the following minimum requirements are met:
  - a. Ms. Logan shall submit an application for a physician's assistant registration number, accompanied by appropriate fees.
  - b. Ms. Logan shall submit a minimum of two (2) written reports by physicians approved by the Board stating that Ms. Logan has been assessed and that she has been found capable of practicing according to acceptable and prevailing standards of care. Each of these evaluations shall state with particularity the basis for such determination.
  - c. Ms. Logan shall appear in person for an interview before the full Board prior to the approval of her application for a physician's assistant registration number.

Clare M. Logan

3. Upon successful completion of the requirements of Paragraph 2 of this Order, Ms. Logan's registration number shall be issued, subject to any continuing monitoring deemed appropriate by the Board based upon the reports submitted in compliance with Paragraph 2b above.

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

(SEAL)

  
\_\_\_\_\_  
Henry G. Cramblett, M.D.  
Secretary

July 14, 1989

\_\_\_\_\_  
Date

JUN 22 1989

REPORT AND RECOMMENDATION  
IN THE MATTER OF CLARE M. LOGAN

The Matter of Clare M. Logan, came on for hearing before me, Joan Irwin Fishel, Esq., Hearing Examiner for the State Medical Board of Ohio, on May 23, 1989.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Basis for Hearing

- A. By letter of February 8, 1989 (State's Exhibit #4), the State Medical Board notified Clare M. Logan that it proposed to deny her application for registration as a physician's assistant in Ohio. Ms. Logan answered "Yes" to the application question, "Have you ever been convicted or found guilty of a violation of federal law, state law, or municipal ordinance other than a minor traffic violation?" In her written explanation of this answer, Ms. Logan stated that she had been convicted of driving while under the influence of alcohol in May of 1983. In fact, Ms. Logan was convicted of driving under the influence of alcohol in May of 1984 and May of 1985. Further, Ms. Logan had answered "No" to the application question, "Are you now or have you ever been addicted to or excessively used alcohol, narcotics, barbiturates, or other drugs affecting the central nervous system, or any drugs which may cause physical or psychological dependence?" The Board alleged that Ms. Logan's acts and/or omissions constituted:
1. "failure to comply with the requirements of this chapter," as that clause is used in Section 4730.05(B), Ohio Revised Code, to wit: Sections 4730.03(A) and 4730.03(D), Ohio Revised Code; and
  2. "(o)btaining or attempting to obtain registration and certification by fraud or deception," as that clause is used in Section 4730.05(H), Ohio Revised Code.
- B. By letter received by the State Medical Board on February 22, 1989 (State's Exhibit #2), Ms. Logan requested a hearing.

II. Appearances

- A. On behalf of the State of Ohio: Anthony J. Celebrezze, Jr., Attorney General, by Rachel L. Belenker, Assistant Attorney General
- B. On behalf of the Respondent: Thomas D. Thompson, Esq.

JUN 22 1989

III. Testimony Heard

- A. Presented by the State
  - 1. Clare Logan, as on cross-examination
- B. Presented by the Respondent
  - 1. Clare Logan
  - 2. Robert Contadino, Ms. Logan's counselor

IV. Exhibits Examined

In addition to those exhibits noted above, the following exhibits were identified and admitted into evidence in this Matter:

- A. Presented by the State
  - 1. State's Exhibit #1: March 8, 1989, letter to Clare Logan from the State Medical Board scheduling the hearing for May 23, 1989.
  - 2. State's Exhibit #3: February 24, 1989, letter to Clare Logan from the State Medical Board advising that a hearing initially set for March 8, 1989, was postponed pursuant to Section 119.09, Ohio Revised Code.
  - 3. State's Exhibit #5: March 14, 1989, letter to the State Medical Board from Thomas D. Thompson, Esq., advising the Board of Mr. Thompson's representation of Ms. Logan in this Matter.
  - 4. State's Exhibit #6: Copy of a certified copy of Ticket No. 75-1575282 issued by the City of Cincinnati, Ohio, to Ms. Logan on May 5, 1984, and bearing Case No. 84 TRC-18277.
  - 5. State's Exhibit #7: Copy of a certified copy of the Journal Entry in Case No. 84 TRC-18277 dated May 11, 1984.
  - 6. State's Exhibit #8: Copy of a certified copy of the Commitment in Case No. 84 TRC-18277 from the Hamilton County Municipal Court commanding the Hamilton County Sheriff to receive Clare Logan into custody in the Community Correctional Institute of Hamilton County, Ohio for three days.
  - 7. State's Exhibit #9: Copy of a certified copy of the Sentence issued to Clare Logan on May 11, 1984, in Case No. 84 TRC-18277, requiring her to report to the Corrections Division facility at the Friedlander Building of Drake Hospital.
  - 8. State's Exhibit #10: Copy of a certified copy of a Waiver of Trial by Judge in Case No. 84 TRC-18277.

JUN 22 1989

9. State's Exhibit #11: Copy of a certified copy of a Letter to Drive in Case No. 84 TRC-18277 giving Ms. Logan occupational driving privileges.
10. State's Exhibit #12: Copy of a certified copy of Ticket No. 00-2828384 issued by Sycamore Township, Ohio, to Clare Logan on May 5, 1985, and bearing Case No. C85 TRC-19245.
11. State's Exhibit #13: Copy of a certified copy of Journal Entry on Ticket No. 00-00282838 showing the sentence rendered.
12. State's Exhibit #14: Copy of the Commitment in Case No. C85 TRC-19245 commanding the Sheriff of Hamilton County to receive Clare Logan into custody for ten days in the Community Correctional Institute of Hamilton County, Ohio.
13. State's Exhibit #15: Copy of a certified copy of a Letter to Drive in Case No. C85 TRC-19245 giving Ms. Logan occupational driving privileges.
14. State's Exhibit #16: Copy of Clare Logan's Application for Registration as a Physician's Assistant.

B. Presented by the Applicant

1. Applicant's Exhibit A: March 24, 1989, letter recommending Clare Logan from Becky Reder, Director of Occupational Therapy and Physical Therapy, Children's Hospital Medical Center.
2. Applicant's Exhibit B: March 10, 1989, letter recommending Clare Logan from Notley G. Maddix, Jr., P.A.-C., Clinical Coordinator, Physician Assistant Program, Kettering College of Medical Arts.
3. Applicant's Exhibit C: May 25, 1989, letter recommending Clare Logan from William K. Schubert, M.D., President and Chief Executive Officer, Children's Hospital Medical Center.

V. Other Matters

At hearing, the Applicant indicated that a letter of recommendation from Dr. Schubert had been sent to the Board but that it could not be located. It was agreed that the record be held open ten days for the submission of this letter. The letter was received and by Entry dated June 5, 1989, Applicant's Exhibit C, was admitted to the record in this Matter. That Entry is also, hereby, made a part of the record.

JUN 22 1985

FINDINGS OF FACT

1. Clare M. Logan submitted an application for registration as a physician's assistant on or about August 9, 1988. At the time of the hearing, Ms. Logan worked as a clinical assistant at a nursing home. Prior to that she had worked as a physical therapist's assistant for 14 years at Children's Hospital in Cincinnati, Ohio.

These facts are established by the testimony of Ms. Logan (Tr. 37) and by State's Exhibit #16.

2. In her application, Ms. Logan answered "Yes" to the question, "Have you ever been convicted or found guilty of a violation of federal law, state law, or municipal ordinance other than a minor traffic violation?" In her written explanation of this affirmative answer, Ms. Logan stated, "I was found guilty of driving while under the influence of alcohol in May of 1983. This occurred in Cincinnati, Ohio. I was going through a very difficult divorce (8 yrs married) and allowed myself to overindulge in my consumption of alcohol, with no meal prior to drinking. I served a week of detention in a facility for women convicted of same violation. I also received private counseling on my own accord to help me deal with my feelings during the divorce."

These facts are established by State's Exhibit #16.

3. In fact, Ms. Logan had been convicted of driving under the influence (DUI) on both May 11, 1984, and May 13, 1985. She had been stopped and ticketed on May 5, 1984, and May 5, 1985. Upon her first conviction, Ms. Logan was sentenced to three days of incarceration at a hospital facility for others convicted of DUI. Upon her second conviction, Ms. Logan was sentenced to ten days of incarceration at the Hamilton County Correctional Institute.

These facts are established by State's Exhibits #9, #13, and #14 and by the testimony of Ms. Logan (Tr. 28).

4. Ms. Logan testified that she had not tried to hide anything from the Board and that she had meant to inform the Board of both of her DUI convictions. She stated that her insurance company had erroneously told her that she had been convicted in May of 1983 and May of 1984. She testified that in her written explanation she had meant to put May, 1983/1984. She further testified that she had originally written a two and one-half page letter describing the circumstances leading to her convictions. However, she had thrown it away and had not submitted it with her application because she had felt it was too lengthy, too emotional, and too irrelevant. She had felt it sounded as though she was making excuses. She testified that she had not read her explanation as closely as she should have before she submitted it.

These facts are established by the testimony of Ms. Logan (Tr. 16, 26, 32).

JUN 22 1989

5. At hearing, Ms. Logan explained the circumstances surrounding her two DUI convictions. She testified that after eight years of marriage, her divorce had been finalized in February of 1984. It had been a very painful divorce and had caused her much stress. During that period of time, she had worked at Children's Hospital in Cincinnati as a physical therapist's assistant. On May 4, 1984, a 19-month-old baby had major cardiac surgery. Ms. Logan had been working with this baby on a daily basis for approximately 18 months. Ms. Logan testified that she had stayed at the hospital until about 8:30 P.M. with some nurses who had also been very attached to the child. The baby had died and they had all been very upset. They all had then gone to a bar and had had some drinks. Ms. Logan testified that she had not had anything to eat. On her way home she had been stopped by the police and charged with driving while under the influence. The ticket states that she was stopped at 2:05 A.M. on May 5, 1984.

With regard to her second conviction, Ms. Logan testified that in May of 1985 she was being harrassed by a former boyfriend. She had broken up with him about two and one-half months previously. She testified that he would follow her, call her, and call the hospital. She had changed her phone number and had informed hospital security. The harrassment had grown to a point where he had cut off her horse's tail and had damaged her car. She had decided to move her horse to another barn. On May 4, 1985, she had moved her horse and when she had returned to her old barn to get some equipment, her former boyfriend had been there. Ms. Logan testified that he had slapped her, shoved her, and verbally threatened her. He had thrown a rock at her car as she was leaving. Ms. Logan testified that she had been very upset and had gone to a friend's house for most of the evening. She had drunk alcohol there, had had something to eat, and had slept for a while. Later, at about 2:00 or 3:00 A.M., she had decided to go home, partly because her former boyfriend had threatened to burn her house down. She had been stopped by the police at approximately 3:00 A.M. on May 5, 1985. The ticket indicates that her blood alcohol level was .202%.

These facts are established by State's Exhibits #6, #8, #9, #12, and #14 and by the testimony of Ms. Logan (Tr. 17-20, 30-31).

6. Ms. Logan sought private counseling following her first DUI conviction. Starting in June, 1984, she met almost weekly with Robert Contadino, a licensed professional clinical counselor and certified rehabilitation counselor. Mr. Contadino testified that Ms. Logan had been depressed and had felt guilty about her DUI conviction. He felt her anxiety and depression had been reactive to the stresses in her life. He described his counseling during that time as "crisis intervention" aimed at helping Ms. Logan identify the triggers of her emotional reactions and at helping her strengthen her coping capabilities. This counseling had ended in August, 1984.

JUN 22 1989

Ms. Logan had resumed counseling with Mr. Contadino in April, 1985. She had been feeling stress as a result of the break-up with her boyfriend and his harrassment of her. In addition to this stress, they had also discussed Ms. Logan's vocational direction. Later, after Ms. Logan's second DUI conviction, they again discussed her use of alcohol.

Mr. Contadino testified that he had worked with alcoholics at a mental health facility and had worked in a chemical dependency unit during graduate school. During his counseling of Ms. Logan, he had noted no symptoms of alcoholism. He described Ms. Logan as a reactive drinker in that she had used alcohol to cope with stress. Further, he had found that she was not drinking in a way which interfered with her work or school. In Mr. Contadino's opinion, Ms. Logan would not resort to alcohol in a current stressful situation.

Mr. Contadino testified that he felt he knew Ms. Logan very well. He had found her to be a person with high moral standards. He felt her make-up was such that she would feel very guilty when violating those standards.

These facts are established by the testimony of Mr. Contadino (Tr. 44-48, 50-51, 53) and by the testimony of Ms. Logan (Tr. 24, 33-34, 36).

7. Ms. Logan testified that regular exercise and religion help her cope with stress now. She also attends an AA class for adult children of alcoholics. She testified that her father was an alcoholic. She began attending this class approximately three weeks before the hearing and stated that she found the class beneficial and intended to continue.

These facts are established by the testimony of Ms. Logan (Tr. 25, 27-28).

8. Ms. Logan testified that she had not intended to deceive the Board when she answered "No" to the question, "Are you now or have you ever been addicted to or excessively used alcohol, narcotics, barbiturates, or other drugs affecting the central nervous system, or any drugs which may cause physical or psychological dependence?" She testified that she had left that question blank for quite awhile because she had not been sure what it was asking. She had decided that because the question used the words "addicted", "narcotics", "excessive use", and "psychological or physical dependence," it did not apply to her. She stated at hearing that she now realizes that her two DUI convictions constitute excessive use and that she should have answered the question "Yes."

These facts are established by the testimony of Ms. Logan (Tr. 22-23) and by State's Exhibit #16.

9. Ms. Logan testified that she was very ashamed, disgusted and upset with herself because of the DUI convictions, particularly because she had worked with victims of drunk drivers. She stated that she now never drinks and drives, though she does still drink socially.

These facts are established by the testimony of Ms. Logan (Tr. 24, 33).

JUN 22 1989

CONCLUSIONS OF LAW

1. There is insufficient evidence to support a conclusion that Clare Logan intended to deceive this Board regarding her DUI convictions and her excessive use of alcohol. She informed the Board that she had been convicted of a violation of law when she answered application question #10 in the affirmative. She testified that she did not intend to deceive the Board and offered a plausible explanation of the incorrect information she supplied. That this explanation is uncorroborated is outweighed by the fact that Ms. Logan's counselor unqualifiedly attested to her high moral standards. Excessive use is not defined in the application question. It is possible that Ms. Logan equated "excessive use" with the question's other terms, specifically "addiction" and "dependence". Also, in her written explanation she divulged a DUI conviction.

However, an intent to deceive is not required for a violation of Section 4730.05(H), Ohio Revised Code, which prohibits both fraud and deception. While an intent to deceive is an element of fraud, it is not necessarily an element of deception. To deceive is to mislead, either intentionally, or negligently. Clare Logan's inaccurate written statement on her application and her negative response to the application question regarding excessive use of alcohol were misleading. Consequently, it is concluded that she violated Section 4730.05(H), Ohio Revised Code, "obtaining or attempting to obtain registration and certification by fraud or deception."

2. As set forth in Conclusion of Law #1, Ms. Logan misrepresented her DUI convictions and her excessive use of alcohol to this Board. Though not intentional, her actions were clearly negligent and careless. She admitted that she did not read over her explanation closely enough before submitting her application. Accurate information on the application was required pursuant to Section 4730.03(D), Ohio Revised Code. Thus, Ms. Logan's behavior constitutes a violation of Section 4730.05(B), Ohio Revised Code, "(f)ailure to comply with the requirements of this chapter..."
3. As no intent to deceive was found, it cannot be concluded that Clare Logan's negligent misrepresentations constitute proof of a lack of good moral character. The State's proof of Ms. Logan's two DUI convictions creates an inference of a lack of good moral character. However, this inference was sufficiently rebutted by the evidence presented by Ms. Logan. She sought counseling and fully cooperated with her counselor. She attends AA classes for the children of alcoholics and she expressed sincere remorse and shame regarding her behavior. Further, her counselor attested to her high moral standards.

There is insufficient evidence to conclude that Clare Logan violated Section 4730.05(D), Ohio Revised Code, due to a lack of good moral character as required by Section 4730.03(A), Ohio Revised Code.

\* \* \* \* \*

The violations of Sections 4730.05(H) and 4730.05(B), Ohio Revised Code, constitute grounds to deny Ms. Logan's application. Though he described Ms. Logan as a "reactive drinker", Mr. Contadino's opinion was that she did not have an alcohol problem. His experience in working with alcoholics is insufficient to establish him as an expert in the diagnosis and treatment of alcohol impairment problems. The record raises the question of a possible impairment problem, and it would be within this Board's authority to withhold registration of Ms. Logan until it is provided with satisfactory proof of the nonexistence of such a problem.

PROPOSED ORDER

It is hereby ORDERED that:

1. The current application of Clare M. Logan for registration as a physician's assistant in Ohio shall be and is hereby DENIED.
2. Further, Ms. Logan shall be ineligible to apply for a physician's assistant registration number in the State of Ohio unless and until all the following minimum requirements are met:
  - a. Ms. Logan shall submit an application for a physician's assistant registration number, accompanied by appropriate fees.
  - b. Ms. Logan shall submit a minimum of two psychiatric evaluations by physicians acceptable to the Board stating that Ms. Logan is not drug or alcohol dependent. These physicians must be provided with copies of the Findings of Fact, Conclusions of Law, and Order in this Matter prior to their evaluations of Ms. Logan. Each of these evaluations shall be in writing and shall state with particularity the basis for such determination.
  - c. Ms. Logan shall appear in person for an interview before the full Board prior to the approval of her application for a physician's registration number.

Report and Recommendation  
In the Matter of Clare M. Logan  
Page 9

JUN 22 1969

3. Upon approval of her application, Ms. Logan's registration will be unconditional.

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

  
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Joan Irwin Fishel  
Attorney Hearing Examiner

EXCERPT FROM THE MINUTES OF JULY 12, 1989

REPORTS AND RECOMMENDATIONS

Dr. O'Day advised that the findings and orders appearing on the Board's agenda are those in the matters of Dr. Leonard M. Kaplan, Dr. John W. Foderick, Dr. Robert L. Tomsak, Ms. Clare M. Logan, and Dr. Glenn M. Roberts.

Dr. Rauch asked if each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of Dr. Leonard M. Kaplan, Dr. John W. Foderick, Dr. Robert L. Tomsak, Ms. Clare M. Logan, and Dr. Glenn M. Roberts. A roll call was taken:

ROLL CALL:	Dr. Cramblett	- aye
	Dr. Gretter	- aye
	Dr. Daniels	- aye
	Dr. Stephens	- aye
	Dr. Agresta	- aye
	Dr. Rauch	- aye
	Dr. Kaplansky	- aye
	Mr. Albert	- aye
	Ms. Rolfes	- aye
	Dr. O'Day	- aye

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

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Mr. Dowling, Ms. Thompson, and Mr. Dilling left the meeting at this time.

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REPORT AND RECOMMENDATION IN THE MATTER OF CLARE M. LOGAN

Dr. O'Day stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and order in the above matter. No objections were voiced by Board Members present.

Dr. O'Day advised that objections to the Hearing Examiner's Report and Recommendation were received in the Board office on July 11, 1989, subsequent to the filing deadline. She asked if the Board wished to accept the objections.

DR. KAPLANSKY MOVED TO ACCEPT THE OBJECTIONS FILED BY MS. LOGAN'S ATTORNEY. DR. GRETTOR SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Gretter	- aye
	Dr. Daniels	- aye

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Gretter	- aye
	Dr. Daniels	- aye
	Dr. Stephens	- aye
	Dr. Agresta	- aye
	Dr. Rauch	- abstain
	Dr. Kaplansky	- aye
	Mr. Albert	- aye
	Ms. Rolfes	- aye

The motion carried.

MR. ALBERT MOVED TO APPROVE AND CONFIRM MS. FISHEL'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF CLARE M. LOGAN, AS AMENDED. DR. GRETTER SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Gretter	- aye
	Dr. Daniels	- aye
	Dr. Stephens	- aye
	Dr. Agresta	- aye
	Dr. Rauch	- abstain
	Dr. Kaplansky	- aye
	Mr. Albert	- aye
	Ms. Rolfes	- aye

The motion carried.

STATE OF OHIO  
THE STATE MEDICAL BOARD  
77 South High Street  
17th Floor  
Columbus, Ohio 43215

February 8, 1989

Clare M. Logan  
3874 Alta Avenue  
Cincinnati, Ohio 45236

Dear Ms. Logan:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio proposes to deny your application for registration as a physician's assistant for one or more of the following reasons:

- (1) On or about August 9, 1988, the State Medical Board of Ohio received your application for registration as a physician's assistant signed by you on or about July 26, 1988.
  - (a) In completing the application for registration mentioned in the above paragraph (1), you answered "Yes" to question number ten (10) on the ADDITIONAL INFORMATION section of the application which asks, "Have you ever been convicted or found guilty of a violation of federal law, state law, or municipal ordinance other than a minor traffic violation?"

Pursuant to the instruction on the application form stating that "(a)ll affirmative answers must be thoroughly explained on a separate sheet of paper," you wrote that you were "found guilty of driving while under the influence of alcohol in May of 1983."

In fact, you were convicted of driving while intoxicated in May of 1984 and again in May of 1985. You omitted to mention these convictions on your application for registration as a physician's assistant.

February 8, 1989

- (b) In completing the application for registration mentioned in the above paragraph (1), you answered "No" to question number seven (7) on the ADDITIONAL INFORMATION section of the application which asks, "Are you now or have you ever been addicted to or excessively used alcohol, narcotics, barbiturates, or other drugs affecting the central nervous system, or any drugs which may cause physical or psychological dependence?"

In fact, you have been found guilty of driving while intoxicated on at least two separate occasions in May of 1984 and 1985.

Your acts, conduct, and/or omission alleged in the above paragraphs (1) through (1)(b), individually and/or collectively, constitute "(f)ailure to comply with the requirements of this chapter," as that clause is used in Section 4730.05(B), to wit: Sections 4730.03(A) and 4730.03(D), Ohio Revised Code.

Your acts, conduct, and/or omissions alleged in the above paragraphs (1) through (1)(b), individually and/or collectively, constitute "(o)btaining or attempting to obtain registration and certification by fraud or deception," as that clause is used in Section 4730.05(H), 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 a hearing, that request must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing this notice.

You are further advised that 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 the 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 (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 deny your application for registration as a physician's assistant.

Copies of the applicable sections are enclosed for you information.

Very truly yours,



Henry G. Cramblett, M.D.  
Secretary

HGC:jmb

Enclosures

CERTIFIED MAIL RECEIPT P 569 363 938  
RETURN RECEIPT REQUESTED