



State Medical Board of Ohio

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

April 11, 2001

Paul Morrow, P.A.
5065 Cliff Drive
Sheffield Lake, OH 44054

Dear Mr. Morrow:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Sharon W. Murphy, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on April 11, 2001, including motions approving and confirming 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 must be taken to the Franklin County Court of Common Pleas.

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

THE STATE MEDICAL BOARD OF OHIO

A handwritten signature in black ink, appearing to read "Anand G. Garg".

Anand G. Garg, M.D.
Secretary

AGG:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. 7000 0600 0022 4402 9109
RETURN RECEIPT REQUESTED

Mailed 4-12-01

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on April 11, 2001, including motions approving and confirming the Findings of Fact and Conclusions 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 Paul Morrow, P.A., 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)



Anand G. Garg, M.D.
Secretary

APRIL 11, 2001

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

PAUL MORROW, P.A.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on April 11, 2001.

Upon the Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification, 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 no further action be taken in the matter of Paul Morrow, P.A. and that this matter be DISMISSED.

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

(SEAL)



Anand G. Garg, M.D.
Secretary

APRIL 11, 2001
Date

2001 MAR 13 P 3: 22

**REPORT AND RECOMMENDATION
IN THE MATTER OF PAUL MORROW, P.A.**

The Matter of Paul Morrow, P.A., was heard by Sharon W. Murphy, Attorney Hearing Examiner for the State Medical Board of Ohio, on January 19, 2001.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated October 11, 2000, the State Medical Board of Ohio [Board] notified Paul Morrow, P.A., that it had proposed to take disciplinary action against his certificate to practice as a physician assistant in this state. The Board based its proposed action on allegations pertaining to Mr. Morrow's criminal conviction for one misdemeanor count of Domestic Violence, in violation of Section 2919.25(A). The Board further alleged that, in that case, the court found that Mr. Morrow had "caused bruises to the face and neck of a ten-year old child." Finally, the Board alleged that Mr. Morrow's criminal conviction constitutes "[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment in lieu of conviction for, a misdemeanor involving moral turpitude," as that clause is used in Section 4730.25(B)(14), Ohio Revised Code." Accordingly, the Board advised Mr. Morrow of his right to request a hearing in this matter. (State's Exhibit 1A).
- B. On November 3, 2000, George Wm. Joseph, Jr., Esq., submitted a written hearing request on behalf of Mr. Morrow. (State's Exhibit 1B).

II. Appearances

- A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by Rebecca J. Albers, Assistant Attorney General.
- B. On behalf of the Respondent: Mr. Morrow, having been apprised of his right to be represented by counsel, appeared on his own behalf.

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SUMMARY OF THE EVIDENCE

All exhibits and transcripts of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

1. On April 28, 1999, the Lorain Municipal Court for Lorain, Ohio, found Paul Morrow, P.A., guilty of one misdemeanor count of Domestic Violence, a violation of Section 2919.25(A), Ohio Revised Code. In the Judgment Entry, Statement of Facts, the court found as follows:

Sgt. Komlosy of the Sheffield Lake Police Department testified he took the pictures of [the victim], a minor, aged 10 years, submitted to the court as State's evidence, and, in his opinion, [the victim's] injuries were consistent with those of a victim of assault or domestic violence. The pictures showed numerous bruises about [the victim's] head and neck, and Sgt. Komlosy testified that he observed, in addition to the bruises pictured, a cut on the inside of [the victim's] lip.

[The victim] testified the Defendant [Mr. Morrow] was his biological father. [The victim] testified after he declined to watch his sister's baseball game with Defendant at a baseball park in Sheffield Lake, the Defendant took [the victim] to their home in Sheffield Lake, whereby, in [the victim's] bedroom, Defendant tripped, slapped, punched, and kicked him, causing observable physical harm or injury to [the victim].

Amy Halvorsen testified she was [the victim's] mother and she further testified that the Defendant was her ex-husband. She further testified when Defendant was at a ballpark in Sheffield Lake, Defendant appeared upset after [the victim] refused to walk with him. Halvorsen testified that * * * Defendant took [the victim] to Defendant's home. Halvorsen testified she picked up [the victim] at Defendant's home approximately forty (40) minutes after Defendant had taken [the victim] home, and she observed signs of injury about [the victim's] head and body. Halvorsen testified [the victim] appeared withdrawn and quiet.

Barb Hofelich, a representative from Lorain County Children's Services, testified she observed [the victim] on May 31, 1998, and saw signs of physical harm or injury about [the victim's] body consistent, in her opinion, with those sustained by a victim of child abuse. She also testified [the victim] told her [his] inner ear hurt. She further testified Defendant told her concerning the events of May 30, 1998, "For every action, there's a reaction."

Defendant testified that on May 30, 1998, at Defendant's residence, he attempted to restrain [the victim] for approximately ten to fifteen minutes, by standing behind [the victim], who was also standing, and wrapping his arms around [the victim's] upper body. Defendant testified he was five feet ten inches tall and weighed approximately 170 pounds, and [the victim] was four feet ten inches tall, and weighed approximately 65 pounds, on May 30, 1998. Defendant testified he could not account for how [the victim] sustained the injuries as shown in the photographs taken by Sgt. Komlosy. Defendant testified he saw the bruises/swelling under [the victim's] left eye in one of Sgt. Komlosy's photographs. Defendant did not testify as to his being physically harmed or injured while attempting to restrain [the victim].

(State's Exhibit [St. Ex.] 2 at 1-4).

The court found that Mr. Morrow had committed the offense of domestic violence by administering excessive discipline to the victim. The court further noted that the victim "is an unruly child, whose antisocial behavior would test the patience of Job. However, be that as it may, it should not be a reason to cause physical harm to [the victim] as defined in R.C. §2901.10(C)." The court sentenced Mr. Morrow to pay a fine of \$250.00, to serve fifteen days of house arrest with electric monitoring, and to attend a seminar on domestic violence. (Hearing Transcript [Tr.] at 39-40; St. Ex. 2 at 3-4).

2. Captain David Komlosy testified at hearing on behalf of the State. Capt. Komlosy testified that on May 30, 1998, he had been a sergeant with the Sheffield Lake Police Department. Capt. Komlosy stated that, at approximately 9:10 that evening, he had received a telephone call from Ms. Halvorsen who advised that her son had been "physically attacked" by Mr. Morrow. Capt. Komlosy advised Ms. Halvorsen to bring her son to the police station, which she did. (Tr. at 10-12).

Capt. Komlosy further testified that when Ms. Halvorsen and the victim arrived at the police station, Capt. Komlosy observed bruising at the victim's left eye, his forehead, his right ear and neck, and a cut on his upper lip. The victim had also reported to Capt. Komlosy that Mr. Morrow had kicked him in the stomach and had tripped him, but Capt. Komlosy stated that there had been no visible evidence of those injuries. (Tr. at 12-13). Capt. Komlosy concluded that, based upon his experience as a police officer, the victim's injuries were "much more than you would have if you were just holding the child or trying to corporally punish." Capt. Komlosy concluded that the injuries were consistent with an assault or domestic violence. (Tr. at 12-14).

3. Mr. Morrow testified at the present hearing on his own behalf. Mr. Morrow stated that, in May 1998, he had been divorced from his first wife, Ms. Halvorsen. Mr. Morrow was married again, and had custody of his two children from his first marriage. The children, a

daughter and a son [the victim in this matter], had had very little contact with Ms. Halvorsen prior to that time. (Tr. at 25-26).

On May 28, 1998, Ms. Halvorsen was visiting. The family was attending a softball game in which the victim's sister was playing. Ms. Halvorsen had arranged to take the victim and his sister for visitation after the ballgame. Mr. Morrow stated that, during the game, the victim was misbehaving, running around, and getting into trouble. Mr. Morrow had asked him numerous times to sit down, watch the game, and spend time with his mother. The victim had refused to do so. Therefore, Mr. Morrow removed the victim from the park and took him home. (Tr. at 26).

Mr. Morrow stated that, when he and the victim arrived home, the victim became upset and "ragged out" both physically and verbally. The victim started to smash things in the house and was verbally abusive towards Mr. Morrow's wife. Mr. Morrow sent the victim to his room and told him to calm down. The victim's rage escalated, and Mr. Morrow was forced to restrain him. Mr. Morrow stated that the victim had been very angry, swinging his arms and kicking. Mr. Morrow admitted that, during the course of this conflict, the victim had been injured as described by Capt. Komlosy. (Tr. at 26-27). Mr. Morrow stated that he had not intended to cause any injury to the victim. (Tr. at 32).

Mr. Morrow stated that Ms. Halvorsen had come to pick up the children a short while later. After filing the police report, Ms. Halvorsen obtained "emergency custody" of the victim and took him with her to Wisconsin, where she lived. Mr. Morrow retained custody of the victim's sister and the three children he had fathered with his second wife. (Tr. at 27, 34).

Mr. Morrow testified that, in the months prior to the May 28, 1998, incident, the victim had had numerous episodes where the victim had become physically and verbally abusive, causing destruction in the home and resulting in harm to Mr. Morrow's three younger children. (Tr. at 27-28).

Mr. Morrow further testified that, while the victim remained in Wisconsin, Ms. Halvorsen had found the victim too difficult to handle. Ms. Halvorsen had sent the victim for a psychiatric evaluation, where he was diagnosed as suffering from "oppositional defiant disorder." (Tr. at 27-28). Shortly thereafter, Ms. Halvorsen returned the victim to Mr. Morrow's home. Since that time, Mr. Morrow has been attending counseling with the victim. (Tr. at 34-35). In addition, Mr. Morrow, his wife, and the victim are attending anger management classes. Mr. Morrow stated that the anger management class meets once a week over a six month period. (Tr. at 48). Mr. Morrow testified that he would be willing to undergo psychiatric evaluation and/or continued counseling should the Board request it. (Tr. at 49-52).

4. In June 2000, Donald M. Jacobson, M.D., of Racine, Wisconsin, diagnosed the victim as suffering from Intermittent Explosive Disorder, Conduct Disorder, and Oppositional Defiant Disorder. (Respondent's Exhibit [Resp. Ex.] G at 3).

refuse to do schoolwork, call the teachers foul names, and fight. I could not discipline my son — he was uncontrollable.

Since my son has returned to live with his father, I have seen so much improvement in him. He is now becoming a much more lovable and caring young man. He no longer rages and is genuinely trying to put his life in order.

(Resp. Ex. E).

9. By letter dated February 19, 2001, Rick E. Banas, M.A.; Donald C. Higgin, M.Ed.; and Diana Santantonio, Ed.S., of Psychiatric & Psychological Services, Elyria, Ohio, advised the Board, in part, as follows:

Diagnostically, [the victim's] condition is seen as Oppositional Defiant Disorder (DSM IV 313.81). As such, [the victim] typically displays behavior such as arguing with adults, defying rules when requested to comply by an adult, becoming spiteful/vindictive and blaming others for his mistakes and/or misbehavior. [The victim] can be outwardly confrontational with his father and step-mother, and occasionally abusive to his siblings. As one can imagine, these types of behavior can try the patience of any adult and I believe that this is what occurred in the incident in question.

Having explained that, it is my belief that it is additionally the responsibility of Mr. Morrow to maintain the perspective as the adult in the situation and to not allow the situation to deteriorate to the extent that it did.

It has thus been my effort in treatment to involve [the victim], [Mr. Morrow], as well as [the victim's] step-mother. I have attempted to more clearly define rules in the home and to help everyone understand the bottom line for acceptable behavior. Several times, [the victim] has had to be removed from the home by the police. Additionally, the family has been participating in an anger management group, which appears to have been helpful. I have worked with both [Mr. Morrow] and [the victim] in terms of communicating.

It is my opinion that the home situation has improved. Both [Mr. Morrow] and [the victim] have been cooperative and open in therapy, which I believe improves the prognosis substantially. I believe that so long as treatment continues the home environment will continue to improve.

(Resp. Ex. G).

10. Numerous colleagues and acquaintances submitted letters on behalf of Mr. Morrow. Included in these letters are the following:

- a. Lynette McGough, Judge, Lorain County Court of Common Pleas, wrote that she has known Mr. Morrow for a number of years. She further wrote:

I am aware of the domestic violence conviction which is the subject of this hearing, and would say that I am also aware of the unusual fact pattern that is involved in this case. As one who deals with the victims of domestic violence every day, I would never write a letter of support for any person that I believed was a danger to any one else; in the case of Paul Morrow, I firmly believe that no such danger exists. [The victim] is a child with difficult problems, which Paul and Claudia work daily to resolve. I am not the only one who holds this opinion, as [the victim] is once again in the care, custody, and control of his father.

I sincerely hope that this board will recognize the extraordinary circumstances that exist in this case, and will take no punitive action. The loss of Paul Morrow's talent in the medical community of Lorain County would be a travesty of justice, and just plain wrong.

(Resp. Ex. F at 1).

- b. Carla S. O'Day, M.D., FACEP, Chief Executive Officer, Lakeland Emergency Associates, Inc., wrote that she is one of Mr. Morrow's supervising physicians. Dr. O'Day further stated that she works closely with Mr. Morrow and has found him to be "conscientious, capable, and an excellent clinician." In addition, Dr. O'Day advised that:

Mr. Morrow's son has Oppositional Defiant Disorder. Mr. Morrow has made every attempt to obtain therapy and counseling for his child, and despite the difficult circumstances, continues to be a loving parent. Mr. Morrow is kind, devoted to his family, and I would recommend you consider all these circumstances when determining whether the Medical Board will act on his registration or not.

Again, I have a great deal of respect for his dedication to his son and [am] supportive of his efforts to maintain his standing with the Medical Board.

(Resp. Ex. F at 2).

FINDINGS OF FACT

On April 28, 1999, Paul Morrow, P.A., was found guilty in the Lorain Municipal Court for Lorain, Ohio, of one misdemeanor count of Domestic Violence, a violation of Section 2919.25(A), Ohio Revised Code. As basis for the conviction, the court found that, on May 30, 1998, Mr. Morrow had caused bruises to the face and neck of a ten-year-old child.

CONCLUSIONS OF LAW

The criminal conviction of Paul Morrow, P.A., as set forth in the Findings of Fact, constitutes “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment in lieu of conviction for, a misdemeanor involving moral turpitude,” as that clause is used in Section 4730.25(B)(14), Ohio Revised Code.

* * * * *

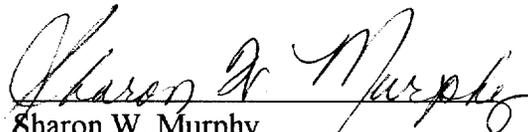
The court found that Mr. Morrow had committed the offense of domestic violence by administering excessive discipline to a minor victim. The court further noted that the victim “is an unruly child, whose antisocial behavior would test the patience of Job. However, be that as it may, it should not be a reason to cause physical harm to [the victim] as defined in R.C. §2901.10(C).” Accordingly, the Board is justified in finding that Mr. Morrow has committed a crime of moral turpitude in violation of Section 4730.25(B)(14), Ohio Revised Code.

Nevertheless, when considering all the circumstances surrounding the May 1998 incident and its aftermath, it is apparent that Mr. Morrow had been facing very difficult personal circumstances. Moreover, Mr. Morrow has made significant effort toward improving his family’s situation: the source of the victim’s unruly behavior has been identified; and the family is actively seeking psychological counseling and is attending anger management classes. In addition, Mr. Morrow is much more knowledgeable today than he was in 1998 about the problems his family faces. Finally, and most significantly, there is no evidence that Mr. Morrow poses any threat to the public at this time.

PROPOSED ORDER

It is hereby ORDERED that no further action be taken in the matter of Paul Morrow, P.A.

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


Sharon W. Murphy
Attorney Hearing Examiner



State Medical Board of Ohio

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EXCERPT FROM THE DRAFT MINUTES OF APRIL 11, 2001

REPORTS AND RECOMMENDATIONS

Dr. Bhati announced that the Board would now consider the findings and orders appearing on the Board's agenda.

Dr. Bhati asked whether 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 Peter E. Dintiman, M.D.; James E. Fleming, M.D.; Ndubueze C. J. Okereke, M.D., M.P.H.; Paul Morrow, P.A.; and Jimmie Steve Ward, P.A. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Somani	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Dr. Bhati	- aye

Dr. Bhati 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. Somani	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

Dr. Bhati - aye

Dr. Bhati 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.

Dr. Bhati stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and orders in the above matters. No objections were voiced by Board members present.

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

.....
PAUL MORROW, P.A.
.....

DR. STIENECKER MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF PAUL MORROW, P.A., BY SUBSTITUTING THE FOLLOWING:

It is hereby ORDERED that no further action be taken in the matter of Paul Morrow, P.A., and that this matter be DISMISSED.

DR. AGRESTA SECONDED THE MOTION.
.....

A vote was taken on Dr. Stienecker's motion to amend the Proposed Order:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Somani	- nay
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- abstain
	Dr. Bhati	- nay



State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/ 466-3934 • Website: www.state.oh.us/med/

October 11, 2000

Paul Morrow, P.A.
5065 Cliff Dr.
Sheffield Lake, OH 44054

Dear Mr. Morrow:

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

- (1) On or about April 28, 1999, you were found guilty in the Lorain Municipal Court for Lorain, Ohio, of one (1) misdemeanor count of Domestic Violence, a violation of Section 2919.25 (A), Ohio Revised Code. The Court found that, on or about May 30, 1998, you caused bruises to the face and neck of a ten-year-old child.

Your plea of guilty or the judicial finding of guilt as alleged in paragraph (1) above, individually and/or collectively, constitute “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment in lieu of conviction for, a misdemeanor involving moral turpitude,” as that clause is used in Section 4730.25(B)(14), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) 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.

Mailed 10-12-00

Paul Morrow, P.A.

Page 2

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 limit, revoke or suspend your certificate of registration as a physician assistant, refuse to issue or reinstate your certificate or to reprimand or place you on probation.

Please note that, whether or not you request a hearing, Section 4730.25(L), Ohio Revised Code, effective March 9, 1999, provides that "[w]hen the board refuses to grant a certificate of registration as a physician assistant to an applicant, revokes an individual's certificate of registration, refuses to issue a certificate of registration, or refuses to reinstate an individual's certificate of registration, 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 of registration as a physician assistant 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,

A handwritten signature in black ink, appearing to read "Anand G. Garg".

Anand G. Garg, M.D.
Secretary

AGG/krt
Enclosures

CERTIFIED MAIL # P 152 984 627
RETURN RECEIPT REQUESTED