



State Medical Board of Ohio

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

May 10, 2006

Anil Kumar Tripathy, M.D.
109 Travers Blvd.
Amherst, NY 14228

Dear Doctor Tripathy:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on May 10, 2006.

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

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

Very truly yours,

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. 7003 0500 0002 4329 9422
RETURN RECEIPT REQUESTED

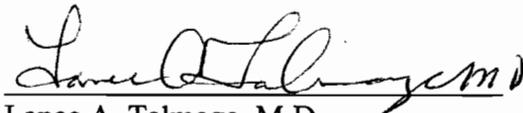
Duplicate mailing: 164 Newcastle Drive
Buffalo, NY 14221-1991
CERTIFIED MAIL NO. 7003 0500 0002 4329 9439
RETURN RECEIPT REQUESTED
RESTRICTED DELIVERY

Mailed 5-11-06

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry approved by the State Medical Board, meeting in regular session on May 10, 2006, constitutes a true and complete copy of the Findings, Order and Journal Entry in the matter of Anil Kumar Tripathy, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This Certification is made by the authority of the State Medical Board of Ohio in its behalf.


Lance A. Talmage, M.D.
Secretary

(SEAL)

May 10, 2006
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :
:
ANIL KUMAR TRIPATHY, M.D. :

FINDINGS, ORDER AND JOURNAL ENTRY

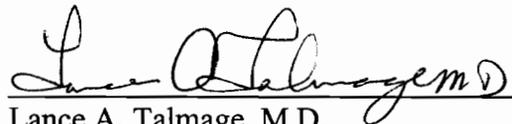
This matter came on for consideration before the State Medical Board of Ohio on May 10, 2006, pursuant to a Notice of Opportunity for Hearing issued to Anil Kumar Tripathy, M.D., on October 13, 2004. No request for hearing having been received within the statutorily mandated time period, Hearing Examiner Patricia A. Davidson, Esq., on behalf of the Board, reviewed and summarized evidence supporting the Notice, and prepared Proposed Findings and a Proposed Order.

WHEREFORE, having reviewed Ms. Davidson's Proposed Findings and Proposed Order, which is attached hereto and incorporated herein, the Board hereby finds that there is reliable, probative and substantial evidence to support the allegations as set forth in the October 13, 2004, Notice of Opportunity for Hearing.

Accordingly, it is hereby ORDERED that:

The application of Anil Kumar Tripathy, M.D., for a certificate to practice medicine and surgery in the State of Ohio is PERMANENTLY DENIED.

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



Lance A. Talmage, M.D.
Secretary

(SEAL)

May 10, 2006

Date

2006 APR 11 P 3:41

**PROPOSED FINDINGS AND PROPOSED ORDER
IN THE MATTER OF ANIL KUMAR TRIPATHY, M.D.**

The Matter of Anil Kumar Tripathy, M.D., was reviewed by Patricia A. Davidson, Hearing Examiner for the State Medical Board of Ohio.

INTRODUCTION

Basis for the Review

1. By letter dated October 13, 2004, [referred to hereinafter as the “Notice of Opportunity for Hearing” or “Notice”], the State Medical Board of Ohio [Board] notified Anil Kumar Tripathy, M.D., that the Board had proposed to deny his application for a certificate to practice medicine in Ohio or impose other sanctions. This proposed action was based on allegations that Dr. Tripathy had made false statements on his licensure application to the Board as well as false statements in applications to other state medical boards, a residency program, and the Federation Credentials Verifications Service. In addition, the Board alleged that Dr. Tripathy had not completed an acceptable examination sequence and had failed to respond to interrogatories served on him by the Board. (Exhibit 2)

The Board alleged that Dr. Tripathy’s conduct constitutes:

- “fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board,” as that clause is used in Ohio Revised Code Section [R.C.] 4731.22(A);
- “[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board,” as that clause is used in R.C. 4731.22(B)(5);
- a “[f]ailure to cooperate in an investigation conducted by the board under division (F) of this section,” as that clause is used in R.C. 4731.22(B)(35); and/or
- a failure to furnish satisfactory proof of good moral character as required by R.C. 4731.29 and 4731.08. (Exhibit 2)

In addition, the Board alleged that the failure to complete an examination sequence acceptable to the Board as required in Rules 4731-6-14 and 4731-6-16, Ohio Administrative Code, constitutes a failure to fulfill the requirements of R.C. 4731.29 and Rule 4731-6-16, Ohio Administrative Code. (Exhibit 2)

In its Notice of Opportunity for Hearing, the Board advised Dr. Tripathy that he was entitled to a hearing upon written request received by the Board within thirty days of the Notice's mailing. The Board mailed the Notice on October 14, 2004, by certified mail, and the return receipt indicates that the Notice was delivered to Dr. Tripathy on October 19, 2004. (Exhibit 2)

- B. On October 21, 2004, the Board received two items from Dr. Tripathy: the Notice of Opportunity for Hearing that had been delivered to Dr. Tripathy on October 19, 2004; and his answers to interrogatories that a Board attorney had served on him in August 2004. (Exhibits 4-5)

In response, the Board's Public Services Administrator, Barbara A. Jacobs, sent a letter to Dr. Tripathy dated October 26, 2006. In her letter Ms. Jacobs acknowledged receipt of the items from Dr. Tripathy but stated that submitting his answers to the interrogatories did not resolve the issues set forth in the Notice of Opportunity for Hearing. Ms. Jacobs stated that, if Dr. Tripathy wanted a hearing on the allegations, he must request a hearing in writing within 30 days of October 19, 2004. In addition, she noted his rights as set forth in the Notice, and the Board's ability to proceed in the absence of a timely request for hearing. Ms. Jacobs enclosed a copy of the Notice and invited Dr. Tripathy to contact her by telephone if he had any questions about the hearing process.¹ (Exhibit 4)

- C. Dr. Tripathy did not request a hearing within 30 days. As of January 4, 2005, he had still not submitted a written hearing request. (Exhibit 4)

EVIDENCE EXAMINED

1. Exhibit 1: Memorandum from Barbara A. Jacobs, Public Services Administrator, to Gregory Porter, Chief Hearing Officer.
2. Exhibit 2: Certified copy of the Notice of Opportunity for Hearing and mail receipt.
3. Exhibit 3: Affidavit of Kay L. Rieve, Administrative Officer.
4. Exhibit 4: Affidavit of Barbara A. Jacobs with attached letter dated October 26, 2004.
5. Exhibit 5: Affidavit of David P. Katko, Enforcement Attorney for the Board. (The exhibits to this affidavit were originally lettered A through G. After Mr. Katko's affidavit was marked as Exhibit 5, the Hearing Examiner marked the accompanying exhibits to the affidavit as 5A, 5B, 5C, and so forth.)

¹Ms. Jacobs explained in a subsequent affidavit that, in her October 2004 letter to Dr. Tripathy, she had mistakenly stated that he could request a hearing within 30 days of his *receipt* of the Notice on October 19, 2004. This statement had been in error because, under the applicable procedures, the time began running on the date of *mailing* on October 14, 2004. However, Ms. Jacobs further explained that, under the circumstances, a written hearing request from Dr. Tripathy would have been accepted if it had been received within 30 days of October 19, 2004. (Ex. 4)

- a. Exhibit 5A: Certified copy of Dr. Tripathy's application for a certificate to practice medicine in Ohio, submitted on or about October 2, 2004. (Some of the Social Security numbers had already been redacted when the exhibit was received for review. However, additional redaction of Social Security numbers was done by the Hearing Examiner, who also paginated the exhibit.)
- b. Exhibit 5B: Certified copy of an Application for Credentials Verification completed by Dr. Tripathy on July 31, 2002. (The Hearing Examiner redacted Social Security numbers.)
- c. Exhibit 5C: Certified copy of the file maintained by the Anesthesia Residency Program at Texas Tech University Health Sciences Center regarding Dr. Tripathy. (The Hearing Examiner redacted Social Security numbers and patient names.)
- d. Exhibit 5D: Certified copy of Dr. Tripathy's application for a license to practice medicine in Iowa, completed by Dr. Tripathy on or about March 26, 2002. (The Hearing Examiner paginated this exhibit, marking page numbers 1 through 44 in the lower right corner of each page. Many of the Social Security numbers had already been redacted when the original copy was received by the Hearing Examiner, but the Hearing Examiner redacted several more. In addition, examination scores on page 26 had already been redacted before the Hearing Examiner received the exhibit.)
- e. Exhibit 5E: Certified copy of the file maintained by the residency program at the Hurley Medical Center, Flint, Michigan, regarding Dr. Tripathy. (The names of patients on medical records had already been redacted when the original was received by the Hearing Examiner. However, the Hearing Examiner redacted Social Security numbers and a checking account number, and also paginated the exhibit. Pages 25 through 37 of Exhibit 5E were removed and placed under seal because they are Dr. Tripathy's medical records, and redaction is not feasible.)
- f. Exhibit 5F: Certified copies of two separate files maintained at the State University of New York in Syracuse, New York, with respect to Dr. Tripathy's residency. Pages 1 through 31 are the Graduate Medical Education file, and pages 32 through 168 are the Department of Anesthesia's file. (The Hearing Examiner redacted Social Security numbers on the latter file and paginated both files.)
- g. Exhibit 5G: Certified copy of an August 11, 2004, letter to Dr. Tripathy from David P. Katko, including interrogatories.

SUMMARY OF THE EVIDENCE

All exhibits, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Proposed Findings and Proposed Order.

1. Anil Kumar Tripathy, M.D., received a bachelor's degree in medicine and surgery in 1980 from the Maharaja Krishna Chandra Gajapati Medical College of Berhampur University in

Orissa, India. Dr. Tripathy stated that he obtained his medical degree in 1984 at the All-India Institute of Medical Sciences in New Delhi, where he later served as an assistant professor. Dr. Tripathy also stated that he was a senior resident from 1985 to 1988 in the Department of Forensic Medicine at Maulana Azad Medical College in New Delhi. His curriculum vitae and applications list a variety of other positions and training activities. (St. Ex. 5E at 113, 118-120; Ex. 5A at 11)

Dr. Tripathy immigrated to the United States in 1991. In December 1991, he passed Component 1 of the Federation Licensing Examination (FLEX) but failed Component 2. In June 1992, Dr. Tripathy passed Step 1 of the United States Medical Licensing Examination. In December 1992, he again failed Component 2 of the FLEX. In March 1993, Dr. Tripathy was certified by the Educational Commission for Foreign Medical Graduates after passing examinations in science and English. (Ex. 5A at 53-54; Ex. 5E at 121, 123-125)

Residency at Hurley Medical Center

2. In July 1994, Dr. Tripathy began a residency program in internal medicine at the Hurley Medical Center at Michigan State University in Flint, Michigan. According to a memorandum from Barbara McIntosh, M.D., the Program Director, Dr. Tripathy was placed on probation as of April 21, 1995. (Ex. 5E at 18, 147)

In a letter to Dr. Tripathy dated May 9, 1995, Hemant T. Thawani, M.D., Assistant Program Director and Chairman of the Resident Evaluation Committee [REC], formally notified Dr. Tripathy that the REC had placed him on probation for three months due to problems in communicating, examining patients, and maintaining records. (Ex. 5E at 40-41)

3. The probation did not end after three months, however. Dr. Tripathy did not proceed to the second year of training but was required to repeat his PGY-1 year. By letter dated June 13, 1995, Dr. Thawani notified Dr. Tripathy that the committee had determined on June 8, 1996, that Dr. Tripathy was “not yet ready to be in a supervisory position” in the residency program. (Ex. 5E at 42-43, 74, 81)

In a letter dated October 11, 1995, Dr. McIntosh informed Dr. Tripathy that the REC had reviewed his probation at the end of September, and had recommended that Dr. Tripathy be evaluated by an outside expert to determine whether a medical condition was affecting his performance. Dr. McIntosh described the plans for a medical evaluation and indicated that Dr. Tripathy would remain on probation pending the results. (Ex. 5E at 41)

4. On December 3, 1995, Dr. Tripathy signed a plan for tutoring in January 1996, his vacation month. In a letter dated December 28, 1995, Dr. Thawani informed Dr. Tripathy that the REC had determined that Dr. Tripathy was unable at that time “to function in a responsible position and definitely cannot lead a team of junior housestaff and medical students.” However, Dr. Thawani noted that Dr. Tripathy was receiving treatment and had made plans for tutoring. (Ex. 5E at 64-65, 67)

5. In January 1996, the program determined that Dr. Tripathy would go on medical leave for four weeks beginning February 1, 1996, based on evaluations from his treating physician. Dr. McIntosh reported that she had “met with Dr. Tripathy on 1/31/96 to share with him the decision to place him on medical leave for the month of February 1996.” Dr. McIntosh noted that, upon further evaluation, Dr. Tripathy would return to clinical rotations or be terminated from the program. Dr. McIntosh also sent a letter to Dr. Tripathy dated February 5, 1996, in which she formally notified him of the medical leave for one month. (Ex. 5E at 60-63)

On February 2, 1996, Dr. Tripathy submitted a Request for Leave of Absence, requesting sick leave, personal leave, and other paid leave for the period beginning February 1 and continuing for one month. The Human Resources Department sent Dr. Tripathy a letter dated February 6, 1996, explaining that he had been approved for leave under the Family Medical Leave Act. (Ex. 5E at 8-11, 60-66)

6. By letter dated February 28, 1996, Dr. Thawani informed Dr. Tripathy that he could rejoin the training program. However, effective March 31, 1996, Dr. Tripathy’s residency at Hurley Medical Center was terminated due to his inability to meet competency standards. Dr. McIntosh reported that, at a meeting with Dr. Tripathy on April 9, 1996, Drs. Thawani and McIntosh had informed him that the REC had “decided to terminate his appointment with the Hurley Medical Center Residency Program,” although his salary would be continued through June 1996. (Ex. 5E at 18, 12, 21-22, 102-103, 147)

Dr. Tripathy received credit for 12 months of training for his residency at Hurley Medical Center from July 1, 1994, through March 31, 1996. Dr. Tripathy was aware that he had been required to repeat his PGY-1 year because he wrote a letter to Dr. McIntosh giving her permission to provide a detailed explanation “documenting the reason for repeating my PGY-1 year.” (Ex. 5E at 18, 59)

Residency at State University of New York

7. On July 1, 1996, Dr. Tripathy began an anesthesiology residency at the State University of New York at Syracuse [SUNY]. In a letter to Dr. Tripathy dated November 5, 1996, Enrico M. Camporesi, M.D., the Chair of the Department of Anesthesiology at SUNY, informed Dr. Tripathy that, as they had discussed in a recent meeting, Dr. Tripathy’s performance during the first three months of his residency from July to September 1996 had been “rated unsatisfactory.” (Ex. 5F at 102) However, in a letter to Dr. Tripathy dated January 8, 1997, Dr. Camporesi stated as follows:

Your six-month evaluation has been completed. As per our ongoing discussions, you have failed to reach consistent daily passing scores. Therefore, the past six months cannot be counted toward completion of your anesthesiology residency.

We have discussed how you can improve your performance. I hope you will continue in our program and make an increased effort to improve your scores.

(Ex. 5F at 103) By letter dated May 7, 1997, Dr. Camporesi notified Dr. Tripathy that his contract would not be renewed:

The review of the last three months indicates that you have continued to show insufficient performance based on a variety of academic criteria. Because of this, I am sorry to inform you that we will not be able to renew your contract as of July 1997.

(Ex. 5F at 9, 97) When responding to inquiries, Dr. Camporesi summarized as follows:

Dr. Tripathy was present as a resident at the PGY-2 level in our Anesthesiology training program for the period from July 1, 1996, to June 17, 1997. In this time, he had six approved months toward his residency training and six months probation. At the end of this period, his contract was not renewed, as his clinical evaluation from the faculty was not favorable. He left the program at that time.

(Ex. 5F at 2; 5, 9, 45, 65-67)

8. Records of training reports from the American Board of Anesthesiology, Inc. [ABA], show that Dr. Tripathy had been denied credit for 12 months of his residency at SUNY, receiving zero months of credit for that year. In January 1998, July 1998, January 1999, July 1999, and January 2000, Dr. Tripathy signed ABA reports that included charts showing that he had been denied credit for 12 months of training at SUNY. (Ex. 5C at 300-309)

Residency at Texas Tech University

9. On or about June 30, 1997, Dr. Tripathy submitted a residency application to Texas Tech University Health Sciences Center in Lubbock, Texas [Texas Tech]. In the application, Dr. Tripathy was asked whether his membership on a hospital medical staff, his clinical privileges, or his "institution affiliation (e.g., medical school, HMO, etc.)" had ever been "investigated, denied, revoked, suspended, reduced, limited, placed on probation, not renewed, or voluntarily relinquished." The application also asked whether "Any other type of professional sanction" had ever been "investigated, denied, revoked, suspended, reduced, limited, placed on probation, not renewed, or voluntarily relinquished."² Dr. Tripathy answered "No" in all categories. (Ex. 5C at 43)
10. In July 1997, Dr. Tripathy began an anesthesiology residency at Texas Tech. (Ex. 5C at 20) In a letter dated August 6, 1997, Tae W. Kim, M.D., the Chief of Pediatric Anesthesia, wrote to

²Although the intent of this question appears clear (that Texas Tech was inquiring as to whether any other professional sanction had been imposed), the question's wording is problematic, and, consequently, the Hearing Examiner believes it would be inappropriate for the Board to base any part of its decision on Dr. Tripathy's answer to that question.

Bonny Carter, M.D., the Program Director at that time, expressing strong concern regarding Dr. Tripathy's conduct with regard to a patient:

On July 31, 1997, I had assumed responsibility of a young lady who was undergoing an open reduction and internal fixation of a fractured forearm. * * * [S]he was taken to the recovery room extubated * * * [and] the recovery room nurse asked if the patient still required a C-collar for cervical spine stabilization. I indicated that the collar was removed prior to my assuming responsibility of the case, but was informed by Dr. Tripathy that the C-spine was clear and it was okay to remove the collar for intubation. But I incidentally asked that the nurses should ask about the collar when they talked to the orthopedic resident * * *.

Later on that evening, I returned to the recovery room to find the patient with the collar back on at the direction of the orthopedic resident. I became concerned. I immediately located Dr. Tripathy and asked him who directed him to remove the collar. He indicated he was aware she had the collar and made sure that the C-spine was cleared by a radiologist and had a nurse confirm the clearing of the C-spine by the radiologist. I questioned him as to which anesthesia attending had indicated it was alright to remove the collar, he indicated he had not discussed this matter with an anesthesia attending. I continued to ask who exactly he conveyed this information to and who gave him the final approval to remove the collar prior to intubation. He indicated that Dr. Dan Burchfield had specifically indicated "it was okay to remove the collar for intubation, that the C-spine was cleared." I asked if he had written this on the anesthesia record and he replied "no." I indicated if Dr. Burchfield had directed him to remove the collar then he should write this down on his record before he leave[s] the hospital and he agreed.

The following morning * * * [t]he patient still had the collar * * *. I went to the patient's chart to see if Dr. Tripathy had written the note concerning Dr. Burchfield, he had not. This seemed odd and I decided to contact Dr. Burchfield by phone to confirm that he had given the approval to remove the collar. He had not! He indicated he did not even discuss the matter with Dr. Tripathy. * * *

In trying to be fair to Dr. Tripathy, I again approached him and asked why he did not write the note. He responded by saying the patient had left the recovery room. I then informed him that I had talked to Dr. Burchfield and again asked him who directed him to remove the collar. He responded, "No one." Dr. Tripathy had acted independently without the benefit of an anesthesia attending's input. In addition, I asked if he had seen the patient postoperatively the next day and if he wrote a follow-up note. Dr. Tripathy replied, "Yes, I saw the patient, no, I did not write a note." I asked him if he saw my note and he indicated he did not review the patient's chart. I eventually asked him why he did not elect to write a note and he replied, "I wrote a postoperative note after the operation that night."

In reflecting on the events surrounding what would have been an otherwise uneventful anesthetic case, it has caused me great concern. * * *

(Ex. 5C at 365-366) Dr. Tripathy and Dr. Carter signed a copy of this letter on August 15, 1997. (Ex. 5C at 366)

11. In a memorandum dated June 11, 1999, the Program Director, Alan Kaye, M.D., notified Dr. Tripathy that he had “been put on probation as of June 8, 1999.” (Ex. 5C at 31, 325, 454)
12. In a letter dated March 30, 2000, Dr. Kaye notified Dr. Tripathy that his contract at Texas Tech would not be renewed:

As you know, you have received unsatisfactory performance in each of the last six month Clinical Competency Committee evaluations. As the result, it is the feeling of the entire faculty of the Department of Anesthesiology that you will not graduate from our residency program. I know that Dr. Wilson and I have discussed this reality with you and this should not come as new information. Therefore, * * * your contract will not be renewed for the 2000-2001 academic year.

(Ex. 5C at 317) A note in Dr. Tripathy’s file states that this letter was delivered to him by hand at the hospital on March 30, 2000, at 1:30 p.m. (Ex. 5C at 317)

13. Dr. Tripathy’s employment at Texas Tech was terminated effective June 30, 2000. He received credit for only 18 months of training due to unsatisfactory performance. (Ex. 5C at 34, 85, 89, 139, 154, 165, 168, 170, 174, 188)
14. The directors of the residency program periodically sent a report to the American Board of Anesthesiology entitled “Clinical Competence Report.” The report in July 1999 states that Dr. Tripathy’s performance was “unsatisfactory” in the following categories: “Is honest and ethical,” “Is reliable, conscientious and responsible,” “Acquired Character Skills,” “Judgment [in] Intraoperative management,” and “Overall Clinical Competence.” Dr. Tripathy signed the report on July 29, 1999, acknowledging that he had read it. In the January 2000 report, Dr. Tripathy was rated as unsatisfactory in several areas: “Is reliable, conscientious and responsible,” “Learns from experience,” and “Overall Clinical Competence.” Dr. Tripathy signed the report on January 27, 2000, acknowledging that he had read it. (Ex. 5C at 300-303)

Arizona Training Application

15. On or about October 4, 1998, Dr. Tripathy completed an application form for the Board of Medical Examiners for the State of Arizona entitled “Postgraduate Training Registration.” On that form, Dr. Tripathy answered “No” in response to the following questions:
 2. Have any actions, restrictions, limitations (including probation or academic probation) been taken while you were participating in any type of training program or by any health care provider?

3. Have you ever been counseled regarding your performance or behavior in any training program or by any health care provider?
4. Have you ever taken a leave of absence (other than for pregnancy) during medical school, training, or any other practice?

(Ex. 5C at 268-269)

Application to the Federation Credentials Verification Service

16. On or about July 31, 2002, Dr. Tripathy submitted an application to the Federation Credentials Verification Service [FCVS]. In signing the application, he stated that he had answered the questions and reported the information truthfully and completely. (Ex. 5B at 9) With regard to his residencies at Michigan State University, SUNY, and Texas Tech, Dr. Tripathy answered “No” to the following questions:

Did you take a leave(s) of absence or break(s) from your medical education?
Were you ever placed on probation?
Were you ever disciplined or placed under investigation?
Were any negative reports ever filed against you?
Were any limitations or special requirements imposed on you because of academic incompetence, disciplinary problems or any other reason?

(Ex. 5B at 6-8)

Application for Ohio Certificate

17. On or about October 2, 2002, Dr. Tripathy submitted an application to the Board for a certificate to practice medicine, stating that the State of New York had granted him a license in 2001.³ That application is currently pending. The Board, after having notified Dr. Tripathy several times that it had not received his credentials packet the FCVS, received the FCVS materials on or about April 13, 2004. (Ex. 5A at 2-28)

By signing the application, Dr. Tripathy certified that the information he provided therein was true. (Ex. 5A at 19) Under the heading “Additional Information” in the application, he answered “No” to Question number 4, which asked as follows:

Have you ever resigned from, withdrawn from, or have you ever been warned by, censured by, disciplined by, been put on probation by, been requested to withdraw from, dismissed from, been refused renewal of contract by, or expelled from, a medical school, clinical clerkship, externship, preceptorship, residency, or graduate medical education program?

(Ex. 5A at 12)

³ In its Notice, the Board stated that Dr. Tripathy has “a license issued by another state.” However, a copy of the license was not found among the Board’s records regarding Dr. Tripathy in State’s Exhibit 5A.

Application for Iowa Medical License

18. On or about March 26, 2002, Dr. Tripathy submitted an application for a medical license to the Iowa Board of Medical Examiners [Iowa Board]. (Ex. 5A) In that application, he answered “No” in response to the following questions:

5. Have you ever been terminated or requested to withdraw from any medical school or training program?
6. Have you ever been requested to repeat a portion of an internship, residency or fellowship program?
7. Have you ever received a warning, reprimand, or been placed on probation during an internship, residency, or fellowship program?

(Ex. 5D at 7)

19. On April 10, 2002, the Iowa Board wrote to Dr. Tripathy noting that several sections in his application “appear to require correction, completion, or clarification,” including the following:

Section 12, Questions 5, 6, and 7. You responded “No” to questions under this section that address post-graduate training issues. Information submitted by Hurley and SUNY-Syracuse suggests that you should reconsider your responses to these questions. Please provide an explanation concerning your negative responses.

20. Dr. Tripathy sent a handwritten response to the Iowa Board as follows:

Post-graduate Training at Hurley Medical Center

FLINT: MI (USA): Even though I had worked 2 yrs (July 1996 – to June 1996)
– Institution has given 12 months (1yr) credit of ACGME Training.

Post – graduate Training at SUNY Syracuse (NY)

Even though I had worked 1 yr (July 1996 - June 1997) : 1 yr, (12 months)
but institution had given ACMGE (2nd # of 6 (six months)

(Ex. 5D at 14) (Emphasis, abbreviations, and punctuation as in the original)

Interrogatories Served by the Ohio Board

21. On or about August 11, 2004, the Board served a set of interrogatories on Dr. Tripathy via certified mail. (Ex. 5G) The cover letter accompanying the interrogatories included the following statements:

* * * Please provide full and complete responses to the Board to my attention, in detail as provided in the instructions, so that your responses are received by the Board by no later than August 24, 2004. Please * * * be advised that a failure of a Board license applicant to cooperate in a Board

investigation can lead to license discipline pursuant to Section 4731.22(B)(35), Ohio Revised Code.

(Ex. 5G) As of October 13, 2004, the date on which the Board issued its Notice of Opportunity for Hearing, the Board had not received Dr. Tripathy's response to the interrogatories, according to the affidavit of David P. Katko, Enforcement Coordinator. However, after Dr. Tripathy received the Notice, he submitted his answers to the interrogatories on October 21, 2004, according to the affidavit of Barbara A. Jacobs.⁴ (Ex. 4; Ex. 5 at par. 14)

History of Examinations for Licensure

22. In December 1991, Dr. Tripathy took the Federation Licensing Examination (FLEX), passing Component I but failing Component II. He again attempted Component II in 1992 without passing. In June 1992, Dr. Tripathy passed Step I of the United States Medical Licensing Examination [USMLE] on his first attempt. (Ex. 5A at 53-54)

In March 1993, Dr. Tripathy was certified by the Educational Commission for Foreign Medical Graduates after passing examinations in science and English. (Ex. 5E at 123)

Dr. Tripathy passed Step 2 of the USMLE in February 2001 on his third attempt, and he passed Step 3 in January 2004 on his tenth attempt. (Ex. 3; Ex. 5A at 54; Ex. 5C at 49)

According to the affidavit testimony of Kay L. Rieve, Administrative Officer with the Ohio Board, Dr. Tripathy has failed to complete an examination sequence acceptable to the Board under R.C. 4731.29 and Ohio Administrative Code Rules 4731-6-14 and 4731-6-16. (Ex. 3)

PROPOSED FINDINGS

License Application to the Ohio Board

1. On or about October 2, 2002, Anil Kumar Tripathy, M.D., submitted to the State Medical Board of Ohio [the Board] an application for a certificate to practice medicine in Ohio. The Board, after notifying Dr. Tripathy several times that it had not received his credentials packet from the Federation Credentials Verification Service, received the FCVS materials on or about April 13, 2004. The license application is currently pending.
2. In signing the application, Dr. Tripathy certified that the information provided therein was true. Dr. Tripathy answered "No" to Question number 4 under the hearing "Additional Information," which asked as follows:

Have you ever resigned from, withdrawn from, or have you ever been warned by, censured by, disciplined by, been put on probation by, been requested to withdraw

⁴ The interrogatories as served on Dr. Tripathy are included in Exhibit 5G. Dr. Tripathy's answers submitted in October 2004, after the Board had issued its Notice, are not part of the evidence provided to the Hearing Examiner for review.

from, dismissed from, been refused renewal of contract by, or expelled from, a medical school, clinical clerkship, externship, preceptorship, residency, or graduate medical education program?

3. Dr. Tripathy's response to Question number 4 was false, and he had reason to know it was false, based on the following facts:
 - a. Dr. Tripathy had been placed on probation on or about April 21, 1995, by the Internal Medicine Residency Program at Hurley Medical Center at Michigan State University, and this probation had continued through at least October 11, 1995, and Dr. Tripathy had been formally notified of this probation by letter in May 1995.
 - b. Dr. Tripathy's residency at Michigan State University had been terminated due to his failure to meet the residency program's competency standards, and he had been notified of this termination during a meeting in April 1996.
 - c. Dr. Tripathy had been denied 6 months of credit toward completion of his anesthesiology residency at the State University of New York at Syracuse [SUNY], according to the residency's program director, who notified Dr. Tripathy of this denial of credit in a January 1997 letter. According to the American Board of Anesthesiology, Dr. Tripathy had been denied 12 months of credit for his SUNY residency, and the ABA had advised him of this fact through its Record of Training Reports that he signed in 1998, 1999, and 2000.
 - d. The SUNY residency had refused renewal of Dr. Tripathy's residency contract due to insufficient performance based on a variety of criteria, and Dr. Tripathy had been informed of the nonrenewal in May 1997.
 - e. Dr. Tripathy had been placed on probation on or about June 8, 1999, by the Anesthesia Residency Program at Texas Tech University Health Sciences Center in Lubbock, Texas [Texas Tech], and he had been given written notice of that probation within a few days of its beginning.
 - f. The Texas Tech residency had informed Dr. Tripathy in writing on or about March 30, 2000, that his contract would not be renewed due to unsatisfactory performance.

Application to the Federation Credentials Verification Service

4. On or about July 31, 2002, Dr. Tripathy submitted an application to the FCVS. In signing the application, he stated that he had answered the questions and reported the information truthfully and completely. (Ex. 5B at 9) With regard to his residencies at Michigan State University, SUNY, and Texas Tech, Dr. Tripathy answered "No" to the following questions:

Did you take a leave(s) of absence or break(s) from your medical education?
Were you ever placed on probation?
Were you ever disciplined or placed under investigation?

Were any negative reports ever filed against you?

Were any limitations or special requirements imposed on you because of academic incompetence, disciplinary problems or any other reason?

5. Dr. Tripathy's answers to these questions in his FCVS application were false, and he had reason to know they were false, based on some or all of the facts set forth above in Proposed Finding 3, and also based on the following facts:
 - a. Dr. Tripathy had been required to repeat his first year of residency training at the Hurley Medical Center at Michigan State University, and he was aware of that fact during the Hurley residency.
 - b. During the Hurley residency, Dr. Tripathy had been placed on medical leave for the month of February 1996, and he was aware of the medical leave at the time it began.
 - c. Dr. Tripathy had been given only 12 months of credit for his training at Hurley Medical Center although he had been in the program from July 1, 1994, through March 31, 1996. Dr. Tripathy was aware when he left the program that he had received only 12 months of credit for 21 months of work, and if it was not clear at that time, it was stated in records generated by the American Board of Anesthesiology, which he signed in January 1998, July 1998, and at other times.
 - d. During the Texas Tech residency, Dr. Tripathy had been given unsatisfactory ratings on the Clinical Competence Committee Report to the American Board of Anesthesiology in July 1999 in five categories: honesty and ethics; reliability, conscientiousness and responsibility; acquired character skills; judgment in intraoperative management; and overall clinical competence. In the Clinical Competence Committee Report in January 2000, Dr. Tripathy had been given unsatisfactory ratings in three categories: reliability, conscientiousness and responsibility; learning from experience; and overall clinical competence. Dr. Tripathy had signed both of these reports, acknowledging that he had read them.
 - e. During the Texas Tech residency, one of the faculty members had reported to the program director in writing that Dr. Tripathy had misrepresented the circumstances surrounding the removal of a C-collar from a patient by falsely stating that an attending physician had approved removal of the collar. Dr. Tripathy was aware of that report because he had signed a copy of it.

Residency Application to Texas Tech

6. On or about June 30, 1997, Dr. Tripathy submitted a residency application to Texas Tech University Health Sciences Center in Lubbock, Texas [Texas Tech]. In the application, Dr. Tripathy was asked whether his membership on a hospital medical staff, his clinical privileges, or his "institution affiliation (e.g., medical school, HMO, etc.)" had ever been

“investigated, denied, revoked, suspended, reduced, limited, placed on probation, not renewed, or voluntarily relinquished.” Dr. Tripathy answered “No.” (Ex. 5C at 43)

7. Dr. Tripathy’s answer was false, and he had reason to know it was false, based on some or all of the facts set forth above in Proposed Findings 3 and 5.

Training Application to the Arizona Board

8. On or about October 4, 1998, Dr. Tripathy completed an application form for the Board of Medical Examiners for the State of Arizona entitled “Postgraduate Training Registration.” On that form, Dr. Tripathy answered “No” in response to the following questions:

2. Have any actions, restrictions, limitations (including probation or academic probation) been taken while you were participating in any type of training program or by any health care provider?
3. Have you ever been counseled regarding your performance or behavior in any training program or by any health care provider?
4. Have you ever taken a leave of absence (other than for pregnancy) during medical school, training, or any other practice?

9. Dr. Tripathy’s answers were false, and he had reason to know they were false, based on some or all of the facts set forth above in Proposed Findings 3 and 5.

License Application to the Iowa Board

10. On or about March 26, 2002, Dr. Tripathy completed and caused to be submitted an application for a medical license to the Iowa Board of Medical Examiners [Iowa Board]. (Ex. 5A) In that application, he answered “No” in response to the following questions:

5. Have you ever been terminated or requested to withdraw from any medical school or training program?
6. Have you ever been requested to repeat a portion of an internship, residency or fellowship program?
7. Have you ever received a warning, reprimand, or been placed on probation during an internship, residency, or fellowship program?

11. Dr. Tripathy’s answers were false, and he had reason to know they were false, based on some or all of the facts set forth above in Proposed Findings 3 and 5. When the Iowa Board contacted Dr. Tripathy, stating that these answers appeared to require correction or clarification, Dr. Tripathy failed to provide a sufficient or reasonable explanation.

Interrogatories Served by the Ohio Board

12. On or about August 11, 2004, the Board served a set of interrogatories on Dr. Tripathy via certified mail with instructions to respond no later than August 24, 2004, and informing Dr. Tripathy of the potential for disciplinary action if he failed to comply.
13. As of October 13, 2004, the date on which the Board issued its Notice of Opportunity for Hearing, Dr. Tripathy had given no response to the interrogatories. After receiving the Notice, Dr. Tripathy submitted a response to the Board on October 21, 2004.

Licensure Examination History

14. In June 1992, Dr. Tripathy passed Step 1 of the United States Medical Licensing Examination [USMLE] on his first attempt. In March 1993, Dr. Tripathy was certified by the Educational Commission for Foreign Medical Graduates after passing examinations in science and English.

In February 2001, Dr. Tripathy passed Step 2 of the USMLE examination on his third attempt. In January 2004, Dr. Tripathy passed Step 3 of the USMLE examination on his tenth attempt.
15. Dr. Tripathy did not pass all three steps of the USMLE within a seven-year period. The period began when he passed Step 1 of the USMLE in 1992, but he did not pass Step 3 until 2004, more than ten years later. Dr. Tripathy has not successfully completed any of the examination sequences acceptable to the Board under Sections 4731-6-14 and 4731-6-16 of the Ohio Administrative Code.

Conclusions

16. Dr. Tripathy's acts, conduct, and/or omissions as set forth above in Proposed Findings 1, 2 and 3, constitute "fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board," as that clause is used in Ohio Revised Code Section [R.C.] 4731.22(A).
17. Dr. Tripathy's acts, conduct, and/or omissions as set forth above in Proposed Findings 1 through 11 constitute "[m]aking a false, fraudulent, deceptive, or misleading statement * * * in relation to the practice of medicine and surgery * * *; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," as that clause is used in R.C. 4731.22(B)(5).
18. Dr. Tripathy's acts, conduct, and/or omissions as set forth above in Proposed Findings 12 and 13 constitute a "[f]ailure to cooperate in an investigation conducted by the board under division (F) of this section," as that clause is used in R.C. 4731.22(B)(35).

19. Dr. Tripathy's acts, conduct, and/or omissions as set forth above in Proposed Findings 1 through 11 constitute a failure to furnish satisfactory proof of good moral character as required in R.C. 4731.29 and 4731.08.
20. Further, because Dr. Tripathy has not failed to complete an examination sequence acceptable to the Board under Ohio Administrative Rules 4731-6-14 and 4731-6-16, he has failed to fulfill the licensure requirements in R.C. 4731.29 and Rule 4731-6-16.

* * * * *

A denial of licensure is required because Dr. Tripathy has not met the examination requirements. A permanent denial is warranted due to Dr. Tripathy's repeated falsehoods in licensure applications and other documents.

PROPOSED ORDER

It is hereby ORDERED that:

The application of Anil Kumar Tripathy, M.D., for a certificate to practice medicine and surgery in Ohio is PERMANENTLY DENIED.

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



Patricia A. Davidson
Hearing Examiner



State Medical Board of Ohio

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

October 13, 2004

Anil Kumar Tripathy, M.D.
109 Travers Blvd.
Amherst, NY 14228

Dear Doctor Tripathy:

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

- (1) On or about October 2, 2002, you submitted an Application for Certificate – Medicine or Osteopathic Medicine [License Application] to the Board. The Board received required materials from the Federation Credentials Verification Service on or about April 13, 2004. Your License Application is currently pending. By signing the License Application, you certified that the information provided therein was true.
- (2) You answered “No” in response to question number 4 in the “Additional Information” section of your License Application, which asks:

Have you ever resigned from, withdrawn from, or have you ever been warned by, censured by, disciplined by, been put on probation by, been requested to withdraw from, dismissed from, been refused renewal of contract by, or expelled from, a medical school, clinical clerkship, externship, preceptorship, residency, or graduate medical education program?

In fact, you were:

- placed on probation on or about April 21, 1995, at the Hurley Medical Center Internal Medicine Residency Program located in Flint, Michigan [Hurley residency];
- continued on probationary status on or about October 11, 1995, at the Hurley residency;

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- terminated in 1996 from the Hurley residency for failure to meet the residency's competency standards;
- denied six months of credit toward completion of your residency at the State University of New York Anesthesia Residency Program located in Syracuse, New York [SUNY residency];
- refused renewal of your residency contract at the SUNY Residency on or about May 7, 1997, due to insufficient performance on a variety of academic criteria;
- placed on probation on or about June 8, 1999, at the Texas Tech University Health Sciences Center Anesthesia Residency Program located in Lubbock, Texas [Texas Tech residency]; and
- refused renewal of your residency contract on or about March 30, 2000, at the Texas Tech residency due to unsatisfactory performance.

(3) You answered "No" to the questions on your Federation Credentials Verification Service [FCVS] application which asked whether there were any unusual circumstances associated with any of your postgraduate medical education, specifically:

- did you take a leave(s) of absence or break(s) from your medical education;
- were you ever placed on probation;
- were you ever disciplined or placed under investigation;
- were any negative reports ever filed by instructors; and
- were any limitations or special requirements imposed on you because of academic incompetence, disciplinary problems or any other reason?

In fact, you were:

- placed on probation on or about April 21, 1995, at your Hurley residency;
- asked to repeat your first year of training at the Hurley residency;
- placed on medical leave on or about February 1, 1996, during the Hurley residency;
- terminated from the Hurley residency for failure to meet the residency's competency standards;
- denied nine months of credit toward completion of the Hurley residency based on unsatisfactory performance;

- denied six months of credit toward completion of the SUNY residency based on unsatisfactory performance;
 - refused renewal of your residency contract at the SUNY residency;
 - placed on probation on or about June 8, 1999, at the Texas Tech residency;
 - given unsatisfactory ratings on Clinical Competence Committee Reports [Competence Reports] as part of the American Board of Anesthesiology [ABA] Record of Training Report in July 1999 for honesty and ethics, and reliability; conscientiousness and responsibility; acquired character skills; intraoperative management; and overall clinical competence during the Texas Tech residency;
 - given unsatisfactory ratings on Competence Reports as part of the ABA Record of Training Report in January 2000 for reliability, conscientiousness and responsibility; learning from experience; and overall clinical competence during their Texas Tech residency;
 - advised of concerns that you misrepresented the circumstances regarding your removal of a C-collar from a patient by falsely stating that an anesthesia attending physician had approved removal of the collar during the Texas Tech residency; and
 - advised of an unsatisfactory resident evaluation in or about January 1998 during the Texas Tech residency.
- (4) On or about June 30, 1997, you caused to be submitted an Application for Resident Training to the Texas Tech residency in which you answered “No” in response to questions which ask, respectively, whether any of the following had ever been, or are currently in the process of being investigated, denied, revoked, suspended, reduced, limited, placed on probation, not renewed, or voluntarily relinquished [sic] including the following areas: other institution affiliation (e.g., medical school, HMO, etc.) and other type of professional sanction.

In fact, you were:

- placed on probation on or about April 21, 1995, at the Hurley residency;
- terminated from the Hurley residency for failure to meet the residency’s competency standards;
- denied nine months of credit toward completion of the Hurley residency based on unsatisfactory performance;
- denied six months of credit toward completion of the SUNY residency based on unsatisfactory performance; and

- refused renewal of your residency contract at the SUNY residency.
- (5) On or about October 4, 1998, you completed a Postgraduate Training Registration for the Board of Medical Examiners for the State of Arizona [Arizona training application] in which you answered “No” in response to questions 2, 3 and 4, which ask, respectively, whether:
- any actions, restrictions, limitations (including probation or academic probation) had been taken while you were participating in any type of training program or by any health care provider;
 - you had ever been counseled regarding your performance or behavior in any training program or by any health care provider; and
 - you had ever taken a leave of absence (other than for pregnancy) during medical school, training, or any other practice?

In fact, you were:

- placed on medical leave on or about February 1, 1996, at the Hurley residency;
 - placed on probation on or about April 21, 1995, at the Hurley residency;
 - asked to repeat your first year of training at the Hurley residency;
 - terminated from the Hurley residency for failure to meet the residency’s competency standards;
 - refused renewal of the residency contract at the SUNY residency, and
 - advised of an unsatisfactory resident evaluation in or about January 1998 during the Texas Tech residency.
- (6) On or about March 26, 2002, you completed and caused to be submitted an Application for Permanent Iowa Medical License [Iowa application] to the Iowa Board of Medical Examiners [Iowa Board] in which you answered “No” in response to questions 5, 6 and 7, which ask, respectively, whether you had:
- ever been terminated or requested to withdraw from any medical school or training program;
 - ever been requested to repeat a portion of an internship, residency or fellowship program; and
 - ever received a warning, reprimand, or been placed on probation during an internship, residency, or training program?

In fact, you were:

- placed on probation on or about April 21, 1995, at the Hurley residency;
- asked to repeat your first year of training at the Hurley residency;
- terminated from the Hurley residency for failure to meet the residency's competency standards;
- refused renewal of the residency contract at your SUNY residency;
- placed on probation on or about June 8, 1999, at the Texas Tech residency;
- given unsatisfactory ratings on Competence Reports as part of the ABA Record of Training Report in July 1999 for honesty and ethics, and reliability; conscientiousness and responsibility; acquired character skills; intraoperative management; and overall clinical competence during the Texas Tech residency;
- given unsatisfactory ratings on Competence Reports as part of the ABA Record of Training Report in January 2000 for reliability, conscientiousness and responsibility; learning from experience; and overall clinical competence during the Texas Tech residency;
- advised of concerns that you misrepresented the circumstances regarding your removal of a C-collar from a patient by falsely stating that an anesthesia attending physician had approved removal of the collar during the Texas Tech residency; and
- advised of an unsatisfactory resident evaluation in or about January 1998 during the Texas Tech residency.

Further, although the Iowa Board advised you via letter dated April 10, 2002, that information from the Hurley and SUNY residencies "suggests that you should reconsider your responses" to questions 5, 6 and 7, you merely responded by indicating that you received one year ACGME credit for two years worked at the Hurley residency and that you received six months ACGME credit for one year worked at the SUNY residency.

- (7) On or about August 11, 2004, you were served interrogatories via Certified and U.S. Regular Mail. You have failed to timely answer any of the interrogatories served on you.
- (8) Although you have a license issued by another state as required by Section 4731.29, O.R.C., you have not completed an examination sequence acceptable to this Board as required by Rules 4731-6-14 and 4731-6-16, Ohio Administrative Code. You began your examination sequence on June 9, 1992, when you passed

the USMLE Step I examination on your first attempt. Although on February 10, 2001, you passed the USMLE Step II examination on your third attempt, you did not pass the USMLE Step III until your tenth attempt, which was on January 24, 2004. Therefore, you have not passed all three Steps of the USMLE within a seven-year period because the period of eligibility ended in June 1999.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (1) through (6) above, individually and/or collectively, constitute "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (7) above, individually and/or collectively, constitute a "[f]ailure to cooperate in an investigation conducted by the board under division (F) of this section," as that clause is used in Section 4731.22(B)(35), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) through (6) above, individually and/or collectively, constitute a failure to furnish satisfactory proof of good moral character as required by Sections 4731.29 and 4731.08, Ohio Revised Code.

Further, your failure to successfully complete an examination sequence acceptable to this Board as required by Rules 4731-6-14 and 4731-6-16, Ohio Administrative Code, as alleged in paragraph (8) above, constitutes a failure to fulfill the requirements of 4731.29, Ohio Revised Code, and Rule 4731-6-16, Ohio Administrative Code. Pursuant to R.C. 4731.29 and Rule 4731-6-16, O.A.C., an applicant must have passed one of the examinations specified in Paragraph (C) of Rule 4731-6-16, O.A.C. Pursuant to Rule 4731-6-16(C)(6), O.A.C., all three Steps of the USMLE must be passed in accordance with paragraph (C)(3) of Rule 4731-6-14, O.A.C., which states that "[a]ll three steps must have been passed within a seven year period and the performance achieved on each step must have been recognized by the USMLE program as a recommended passing performance."

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 days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant a certificate to an applicant, revokes an individual’s certificate to practice, refuses to register an applicant, or refuses to reinstate an individual’s certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/blt
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5143 8213
RETURN RECEIPT REQUESTED