

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio 43226-0315

June 25, 1986

Richard S. Wagner, M.D.
415 Market Street
Warren, PA. 16365

Dear Doctor Wagner:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of John H. Buchan, D.P.M., Hearing Member, State Medical Board of Ohio; a certified copy of the Motion by the State Medical Board, meeting in regular session on June 11, 1986, approving and confirming said Report and Recommendation as the Findings and Order of the State Medical Board.

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

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

THE STATE MEDICAL BOARD OF OHIO

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

HGC:em

Enclosures

CERTIFIED MAIL NO. P 569 365 707
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STATE OF OHIO
THE STATE MEDICAL BOARD

REPORT AND RECOMMENDATION
IN THE MATTER OF RICHARD S. WAGNER, M.D.

The matter of the application for medical licensure of Richard S. Wagner, M.D., came before me, John H. Buchan, D.P.M., Hearing Officer for the State Medical Board of Ohio, on October 18, 1985.

INTRODUCTION AND SUMMARY OF EVIDENCE

1. Dr. Wagner submitted an application for licensure to practice medicine or surgery in the State of Ohio on or about February 12, 1985. (State's Exhibit #6)
2. The State Medical Board of Ohio notified Dr. Wagner by letter of August 14, 1985, (State's Exhibit #1) that it proposed to deny his application for licensure on the basis of the following allegations:
 - A. That in response to question number 6 of Section 5 of his application, "Have you ever been denied or dismissed from hospital staff privileges?" Dr. Wagner responded "no." (State's Exhibit #6) In fact, on or about November 21, 1983, his medical staff privileges at Warren General Hospital, Warren, Pennsylvania, were summarily suspended. Further, on or about April 30, 1985 his medical staff appointment and privileges were permanently revoked.
 - B. That Dr. Wagner's act, conduct and/or omission as alleged in regard to question number 6 of Section 5 of his application constitutes a violation of Revised Code Section 4731.22(A). Section 4731.22(A) permits the State Medical Board to refuse to register a person who has committed fraud, misrepresentation or deception in applying for or securing a license issued by the board.
 - C. That Dr. Wagner's act, conduct and/or omission constitutes a failure to furnish satisfactory proof of good moral character as required by Sections 4731.08 and 4731.29(A), Ohio Revised Code.
3. Dr. Wagner requested a hearing on the Board's proposed action by letter of September 7, 1985. (State's Exhibit #2)
4. The Medical Board acknowledged receipt of Dr. Wagner's hearing request by letter of September 18, 1985, and scheduled and continued his hearing pursuant to Section 119.09, Ohio Revised Code. (State's Exhibit #3)

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5. The Medical Board notified Dr. Wagner by letter of September 20, 1985, that a hearing regarding his request for licensure was scheduled for October 2, 1985. (State's Exhibit #4)
6. Dr. Wagner was not present for the October 2, 1985 hearing. The State's case was presented by Assistant Attorney General Christopher M. Culley. The State moved for a continuance on Dr. Wagner's behalf due to the possibility he might not have received notice of the hearing in a timely manner. A continuance was granted and the Board notified Dr. Wagner that a hearing on the matter was rescheduled for October 18, 1985. (State's Exhibit #5)
7. Dr. Wagner did not appear personally at the October 18, 1985 hearing, was not represented by counsel, and did not submit written arguments or contentions.
8. In addition to those identified above, the following exhibits were identified and admitted on behalf of the State:
 - A. State's Exhibit #6, Dr. Wagner's application for Ohio medical licensure, reflecting his response that he had not been denied or dismissed from hospital privileges.
 - B. State's Exhibit #7, a sworn affidavit from Mr. Alton Schadt, Executive Director of Warren General Hospital, Warren, Pennsylvania, indicating that Dr. Wagner's staff privileges had been summarily suspended on November 21, 1983, and had been permanently revoked on April 30, 1985.

FINDINGS OF FACT

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Richard S. Wagner, M.D., the licensure applicant and petitioner in this matter, responded "no" to Question 6 of Section 5 of his application, "Have you ever been denied or dismissed from hospital staff privileges?"

This fact is established by State's Exhibit #6.

2. Dr. Wagner's medical staff privileges at Warren General Hospital, Warren, Pennsylvania, had been summarily suspended prior to his application, and were permanently revoked subsequent to the date of his application.

This fact is established by State's Exhibit #7.

CONCLUSIONS

1. Dr. Wagner's act, conduct and/or omission in regard to question number 6, Section 5 of his licensure application constitutes "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board," establishing grounds for the board to refuse Dr. Wagner's request for licensure, pursuant to Section 4731.22(A), Ohio Revised Code.
2. Dr. Wagner's perpetration of fraud, misrepresentation and deception in applying for Ohio licensure constitutes a failure to furnish proof of good moral character, as required by Sections 4731.08 and 4731.29(A), Ohio Revised Code.

PROPOSED ORDER

It is hereby ORDERED that Dr. Richard S. Wagner's application for licensure to practice medicine or surgery in the State of Ohio be denied.


John H. Buchan, D.P.M.
Hearing Member
State Medical Board of Ohio

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EXCERPT FROM THE MINUTES OF JUNE 11, 1986

REPORT AND RECOMMENDATION IN THE MATTER OF RICHARD S. WAGNER, M.D.

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

ROLL CALL:	Dr. Cramblett	- aye
	Dr. Lancione	- aye
	Dr. Buchan	- aye
	Dr. Lovshin	- aye
	Ms. Rolfes	- aye
	Dr. Rothman	- aye
	Dr. O'Day	- aye
	Dr. Stephens	- aye
	Mr. Johnston	- aye
	Dr. Rauch	- aye

.....

DR. LANCIONE MOVED TO APPROVE AND CONFIRM DR. BUCHAN'S FINDINGS OF FACT, CONCLUSIONS AND PROPOSED ORDER IN THE MATTER OF RICHARD S. WAGNER, M.D. DR. STEPHENS SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Lancione	- aye
	Dr. Buchan	- abstain
	Dr. Lovshin	- aye
	Ms. Rolfes	- aye
	Dr. Rothman	- aye
	Dr. O'Day	- aye
	Dr. Stephens	- aye
	Mr. Johnston	- abstain

The motion carried.

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

August 14, 1985

Richard S. Wagner, M.D.
415 Market Street
Warren, PA 16365

Dear Doctor Wagner:

In accordance with Chapter 119., Ohio Revised Code, and under the authority of Sections 4731.08, 4731.09, 4731.22, and 4731.29, Ohio Revised Code, the State Medical Board hereby proposes to refuse to register or otherwise grant you a certificate to practice medicine or surgery in Ohio for one or more of the following reasons:

1. On or about February 12, 1985 you filed an application for a license to practice medicine and surgery with the State Medical Board of Ohio.
 - a. To question number 6 of Section 5, "Have you ever been denied or dismissed from hospital staff privileges", you responded "No". In fact, on or about November 21, 1983 your physician's medical staff privileges at Warren General Hospital, Warren, Pennsylvania were summarily suspended. Further, on or about April 30, 1985 your medical staff appointment and privileges were permanently revoked.

Your acts, conduct, and/or omissions as alleged in paragraph 1 constitutes a violation of Section 4731.22(A), to wit: the state medical board may refuse to grant a certificate to a person found by the board to have committed fraud in passing the examination, or to have committed fraud, misrepresentation or deception in applying for or securing any license or certificate issued by the board.

Further, said act, conduct and/or omission constitutes a failure to furnish satisfactory proof of good moral character as required by Sections 4731.08 and 4731.29(A), Ohio Revised Code.

In accordance with Chapter 119., Ohio Revised Code, you are hereby advised that you have a right to a hearing in this matter. If you wish to request such a hearing, that request must be made in writing within thirty (30) days of the time of mailing of this notice.

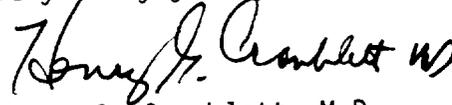
August 14, 1985

You are further advised that you are entitled to appear at such hearing in person or by your attorney, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event there is no request for such hearing made within thirty (30) days of the time of mailing of this notice, the State Medical Board of Ohio may, in your absence and upon consideration of this matter, determine whether or not to refuse to grant you a certificate to practice medicine and surgery in the State of Ohio.

Copies of the appropriate statutes are enclosed for your reference.

Very truly yours,



Henry G. Cramblett, M.D.
Secretary

HGC:jmb

Enclosures:

CERTIFIED MAIL #P 569 363 261
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