

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

September 11, 1987

Otis A. Latimer, M.D.
1201 S. Gramercy Place
Los Angeles, CA 90010

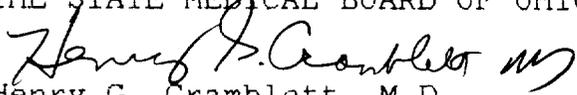
Dear Doctor Latimer

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, State Medical Board; a certified copy of the Motions by the State Medical Board, meeting in regular session on August 12 and September 9, 1987, approving the Findings of Fact and Conclusions of the Examiner, modifying the Examiner's proposed Order, and adopting the modified Report and Recommendation as the Findings and Order of the State Medical Board.

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

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

THE STATE MEDICAL BOARD OF OHIO


Henry G. Cramblett, M.D.
Secretary

HGC:em
Enclosures

CERTIFIED MAIL NO. P 026 072 781
RETURN RECEIPT REQUESTED

cc: Errol J. Gordon, Esq.

CERTIFIED MAIL NO. P 026 072 782
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Mailed 9/21/87

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *
 *
OTIS S. LATIMER *

ENTRY OF ORDER

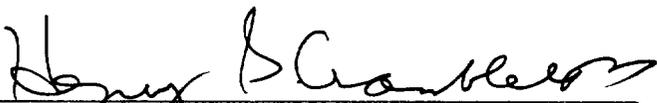
This matter came on for consideration before the State Medical Board of Ohio the 9th day of September, 1987.

Upon the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, State Medical Board, in this matter designated pursuant to R.C. 119.09, a true copy of which is attached hereto and incorporated herein, and upon their 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 for the 9th day of September, 1987.

It is hereby ORDERED:

1. That Otis S. Latimer, M.D., shall be and is hereby REPRIMANDED for his intentional misrepresentations of fact on his application for licensure by examination in Ohio.
2. Further, Otis S. Latimer, M.D., shall be ineligible to sit for the Ohio FLEX examination prior to the examination given in June, 1988.

(SEAL)


Henry G. Gramblett, M.D.
Secretary

9/11/87
Date

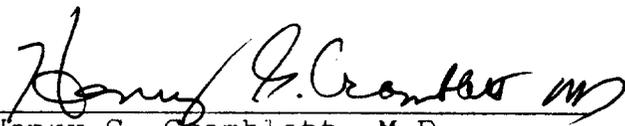
STATE MEDICAL BOARD OF OHIO

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, State Medical Board of Ohio; and attached copy of excerpts of Minutes of the State Medical Board, meeting in regular session on August 12 and September 9, 1987, including Motions adopting the Findings and Conclusions of Wanita J. Sage, Esq., and adopting a modified Order, constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Otis S. Latimer, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board and in its behalf.

(SEAL)


Henry G. Cramblett, M.D.
Secretary

9/11/87

Date

STATE OF OHIO
THE STATE MEDICAL BOARD

REPORT AND RECOMMENDATION
IN THE MATTER OF OTIS S. LATIMER, M.D.

The Matter of Otis S. Latimer, M.D., came on for hearing before me, Wanita J. Sage, Esq., Hearing Examiner for the State Medical Board of Ohio, on June 4, 1987.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Mode of Conduct

- A. During the course of this hearing, rules of evidence were relaxed and both the State and the Applicant were given great latitude in demonstrating the relevancy and materiality of testimony and exhibits offered, as well as in attempting to discredit testimony and evidence presented by the opposing party.

II. Basis for Hearing

- A. By letter of December 4, 1986 (State's Exhibit #1), the State Medical Board notified Otis Latimer, M.D., that it proposed to deny his application for a certificate to practice medicine or surgery. The Board's proposal was based on Dr. Latimer's failure to mention his participation in a residency program at Martin Luther King/Drew Medical Center, Los Angeles, California, from July to October, 1985, on his application. Dr. Latimer failed to mention this program in Section 3 of his application which required him to list all postgraduate training in the United States. Also, in response to Question 6, Section 5, "Have you ever withdrawn from, or been suspended, dismissed or expelled from a medical school or a postgraduate training program", Dr. Latimer responded "No". Dr. Latimer further failed to list this program in Section 6 which required him to "List ALL activities from medical school graduation to the present time." For the time period in question, Dr. Latimer stated that he had been on "medical leave secondary to accident".

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These actions and omissions of Dr. Latimer were alleged to constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the Board", as that clause is used in Section 4731.22(A), Ohio Revised Code. These acts were further alleged to demonstrate a failure to furnish satisfactory proof of good moral character as required by Section 4731.08, Ohio Revised Code, for a certificate to be issued.

- B. By letter received by the State Medical Board on December 19, 1986, Errol J. Gordon, Esq., requested a hearing on behalf of Dr. Latimer (State's Exhibit #2).

III. Appearance of Counsel

- A. On behalf of the State of Ohio: Anthony J. Celebrezze, Attorney General, by Cheryl J. Nester, Assistant Attorney General.
- B. On behalf of the Applicant: Errol J. Gordon, Esq.

IV. Testimony Heard

- A. Presented by the State
1. Penny McKenzie, Chief of Licensure, State Medical Board
 2. Otis S. Latimer, M.D., as on cross-examination
- B. Presented by the Applicant
1. Otis S. Latimer, M.D.

V. Exhibits Examined

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

- A. Presented by the State

- 69:5d 52 MAR 28. 1. State's Exhibit #3: December 19, 1986, letter to Errol J. Gordon, Esq., asking the identity of the client for whom he requested a hearing.
2. State's Exhibit #4: December 29, 1986, letter to the State Medical Board from Errol J. Gordon, Esq., identifying his client as Otis S. Latimer, M.D.

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3. State's Exhibit #5: January 5, 1987, letter to Attorney Gordon from the State Medical Board advising that a hearing date initially set for January 12, 1987, was postponed pursuant to Section 119.09, Ohio Revised Code.
4. State's Exhibit #6: May 15, 1987, letter to Attorney Gordon from the State Medical Board scheduling the hearing for June 4, 1987.
5. State's Exhibit #7: August 29, 1986, request from Dr. Latimer for an application for the December 1986 FLEX exam.
6. State's Exhibit #8: Dr. Latimer's September 18, 1986, Application for Medical Licensure.
7. State's Exhibit #9: October 6, 1986, letter to Dr. Latimer from the State Medical Board requesting additional information concerning the statement on his application that from June 1985 to present he was on "medical leave secondary to accident".
8. State's Exhibit #10: Dr. Latimer's October 29, 1986, response to the inquiry concerning his medical leave.
9. State's Exhibit #11: November 21, 1986, response from Dr. Daniel J. Wooten, M.D., Professor and Chairman, Anesthesiology Residency Program, Martin Luther King/Drew Medical Center, Los Angeles, to the State Medical Board's inquiry concerning Dr. Latimer.

B. Presented by the Respondent

1. Respondent's Exhibit A: October 6, 1986, letter to Dr. Latimer from the State Medical Board asking for additional information needed to complete the processing of his application for examination.

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FINDINGS OF FACT

OTIS S. LATIMER
M.D.
1983

Otis S. Latimer, M.D., completed his medical degree at Wayne State University, Detroit, Michigan, in June, 1983. From July, 1983, to May, 1985, Dr. Latimer was a resident in internal medicine at Mount Carmel Mercy Hospital, Detroit, Michigan.

These facts are established by State's Exhibit #8.

2. From July, 1985, to October, 1985, Dr. Latimer was a resident in the anesthesiology program at Martin Luther King, Jr./Drew Medical Center, Los Angeles, California. This program had a three month window during which a resident could withdraw without prejudice. Dr. Latimer withdrew at the end of the three month period.

These facts are established by State's Exhibit #11 and by the testimony of Dr. Latimer (Tr. at 26-27).

3. Dr. Latimer failed to mention this residency program at Martin Luther King, Jr./Drew Medical Center on his September, 1986, Ohio application for medical licensure. In Section 3 of his application, which requires applicants to list all postgraduate training in the United States, Dr. Latimer listed only his residency at Mount Carmel Mercy Hospital, Detroit, Michigan. Dr. Latimer responded, "No" to Question 6, Section 5, of this application which asked "Have you ever withdrawn from, or been suspended, dismissed or expelled from a medical school or postgraduate training program?" In Section 6 of his application, which requires an applicant to "List ALL activities from medical school graduation to the present time....", Dr. Latimer stated that from June, 1985, to the present he had been on "medical leave secondary to accident".

These facts are established by State's Exhibit #8.

4. On or about October 6, 1986, Dr. Latimer was sent two separate communications by the State Medical Board. One of these communications consisted of a form letter requesting additional information necessary to complete the processing of his credentials for the exam. This form letter, among other things, specifically stated that his resume was not fully accountable for the time period from 6/85 to present, and instructed him to account for all time, working and non-working, by month and year in all countries, giving complete addresses and activities. The other communication consisted of a letter from Angela Albert, Examination Assistant, asking Dr. Latimer to provide details with regard to the statement on his application that from June 1985 to present he was on "medical leave secondary to accident". On or about October 29, 1986, Dr. Latimer responded to these inquiries with the following statement:

"I was injured on the job in May of 1985, at which time I had to go to surgery. My next move was to Los Angeles, Ca. where I had to undergo a second operation. During my recovery I did not want to remain idle. Therefore I volunteered my time to community work.

(The above is an account of the time from 6/85 to present)"

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These facts are established by State's Exhibits #9 and #10 and by Respondent's Exhibit A.

CONCLUSIONS

In capital letters, Section 6 of the Ohio Application for Medical Licensure instructs the applicant to: "ACCOUNT FOR ALL TIME, WORKING AND NON-WORKING, BY MONTH AND YEAR IN ALL COUNTRIES." These instructions were reiterated, with specific reference to the time period from 6/85 to present, on the October 6, 1986, request for additional information sent to Dr. Latimer (Respondent's Exhibit A). Dr. Latimer responded to this request for additional information by providing information concerning volunteer work done during the time period in question, but with no reference to the three-month residency orientation at Martin Luther King/Drew Medical Center in which he participated and for which he received compensation (Tr. at 27) during this time period.

Dr. Latimer explained that he omitted the information concerning this three-month residency in listing his postgraduate training in Section 3 of the application because he believed that he had never entered the actual residency training, having withdrawn at the end of the three-month orientation period. For this same reason, he explained, he did not list this program as a withdrawal from a postgraduate training program on Question 6, Section 5. While this explanation is plausible, it does not satisfactorily explain his failure to list this activity in Section 6 of the application. Dr. Latimer was asked at least twice to account for all of his activities during the time period in question. It must be concluded that his omission of information concerning this residency orientation program was intentional.

There is no evidence indicating the existence of unfavorable information with regard to Dr. Latimer's three-month participation in this program. Dr. Latimer's testimony suggests that he may have omitted this information because he believed it would slow down the processing of his application (Tr. at 37). Regardless of his motivation, Dr. Latimer's intentional omission of this information cannot be condoned. The disclosure of such information, which is material to the Board's statutory duty to assure the qualifications and credentials of applicants for Ohio licensure, may not be left to the discretion of the applicant.

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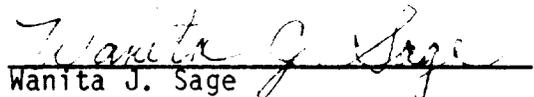
Accordingly, I find that the acts, conduct, and omissions, as set forth in Findings of Fact #1 through #4, above, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the Board", as that clause is used in Section 4731.22(A), Ohio Revised Code. However, since it would appear from the evidence presented in this matter that Dr. Latimer was not attempting to conceal unfavorable information, and that his actions and omissions are more indicative of poor judgment than of moral turpitude, I find that his conduct does not demonstrate a failure to furnish satisfactory proof of the good moral character required by Section 4731.08, Ohio Revised Code, for a certificate to be issued. Nevertheless, Dr. Latimer must realize that his violation of Section 4731.22(A) constitutes grounds for refusal to grant him a certificate to practice medicine in Ohio.

It should be noted that Dr. Latimer's actions and omissions have resulted in his being unable to sit for both the December 1986 and June 1987 FLEX examinations in Ohio.

PROPOSED ORDER

It is hereby ORDERED that:

1. Otis S. Latimer, M.D., shall be and is hereby reprimanded for his intentional misrepresentations of fact on his application for licensure by examination in Ohio.
2. Further, Dr. Latimer shall be ineligible to sit for the Ohio FLEX examination prior the examination given in June, 1988.


Wanita J. Sage
Attorney Hearing Examiner

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JUN 25 1988

EXCERPT FROM THE MINUTES OF AUGUST 12, 1987

REPORTS AND RECOMMENDATIONS

Ms. Thompson, Mr. Culley, Mr. Costantini, and Ms. Nester left the meeting at this time.

Dr. Stephens asked if each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of Otis S. Latimer, M.D., Jeffrey T. Martin, M.D., Ferdinand J. Niehaus, Jr., M.D., Allen R. Evans, M.D., and David Fishman, M.D. A roll call was taken:

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

REPORT AND RECOMMENDATION IN THE MATTER OF OTIS S. LATIMER, M.D.

Dr. Stephens asked if there were any questions concerning the proposed findings of fact in the above matter. There were none.

Dr. Stephens asked if there were any questions concerning the proposed conclusions in the above matter. There were none.

DR. BUCHAN MOVED TO APPROVE AND CONFIRM MS. SAGE'S FINDINGS OF FACT AND CONCLUSIONS IN THE MATTER OF OTIS S. LATIMER, M.D. DR. ROTHMAN SECONDED THE MOTION. A roll call vote was taken:

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

The motion carried.

Dr. Stephens asked if there were any questions concerning the proposed order in the above matter. There were none.

At this time a copy of a modified order was presented to the Board for review.

DR. ROTHMAN MOVED THAT MS. SAGE'S PROPOSED ORDER IN THE MATTER OF OTIS S. LATIMER, M.D., BE MODIFIED TO READ AS FOLLOWS:

IT IS HEREBY ORDERED:

1. THAT THE APPLICATION OF OTIS S. LATIMER, M.D. FOR OHIO LICENSURE BE DENIED.
2. FURTHER, THAT OTIS S. LATIMER, M.D. SHALL BE INELIGIBLE TO SIT FOR THE OHIO FLEX EXAMINATION OR TO OTHERWISE OBTAIN OHIO LICENSURE PRIOR TO JUNE, 1988.

DR. RAUCH SECONDED THE MOTION. A roll call vote was taken:

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

The motion carried.

EXCERPT FROM THE MINUTES OF SEPTEMBER 9, 1987

REPORT AND RECOMMENDATION IN THE MATTER OF OTIS S. LATIMER, M.D.

Dr. Stephens advised that the Board considered the above-captioned matter at its meeting of August 12, 1987. At that time it moved to modify the Proposed Order, but neglected to subsequently approve and confirm the Modified Order.

DR. BUCHAN MOVED TO APPROVE AND CONFIRM THE PROPOSED ORDER AS MODIFIED IN THE MATTER OF OTIS S. LATIMER, M.D. DR. O'DAY SECONDED THE MOTION. A roll call vote was taken:

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

The motion carried.

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

December 4, 1986

Otis S. Latimer, M.D.
1201 South Gramercy Place
Los Angeles, California 90019

Dear Doctor Latimer:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio proposes to deny your application for a certificate to practice medicine or surgery for one or more of the following reasons:

1. On your application for licensure, in Section 3 you were required to list all postgraduate training in the United States. You listed only your residency at Mt. Carmel Mercy Hospital, Detroit, Michigan, from July, 1983 to May, 1985. You failed to list your residency at Martin Luther King/Drew Medical Center in Los Angeles, California from July, 1985 to October, 1985.
2. On your application for licensure, Section 5, Question 6 asks "Have you ever withdrawn from, or been suspended, dismissed or expelled from a medical school or postgraduate training program" to which you responded "No." In fact, you withdrew from the postgraduate training program at Martin Luther King/Drew Medical Center.
3. On your application for licensure, in Section 6 you are required to "list ALL activities from medical school graduation to the present time." You stated that from June, 1985 to the present, you have been on "medical leave secondary to accident." In fact, in July, 1985, you undertook a residency at Martin Luther King/Drew Medical Center, which residency you pursued for approximately three months.

The acts and omissions as alleged in Paragraphs 1 through 3, above, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board" as that clause is used in Section 4731.22(A) of the Revised Code.

Further, such acts as alleged in Paragraphs 1 through 3 above, individually and/or collectively, demonstrate a failure to furnish satisfactory proof of good moral character as required by Section 4731.08 of the Revised Code.

December 4, 1986

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 that request must be made within thirty (30) days of the time of mailing of this notice.

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

In the event that there is no request for such hearing made within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, take final action on this proposed denial.

Copies of the applicable sections are enclosed for your information.

Very truly yours,

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

HGC/nwg

Enclosure

CERTIFIED MAIL NO. P 569 365 672

RETURN RECEIPT REQUESTED