



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-5127 • (614) 466-3934 • Website: www.med.ohio.gov

March 9, 2005

Roy Merle Hutchinson, M.D.
15044 Bentwood Trail
Petersburg, MI 49270

Dear Doctor Hutchinson:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Sharon W. Murphy, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on March 9, 2005, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

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 "Lance A. Talmage, M.D.", is written over the printed name.

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

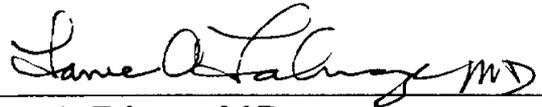
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RETURN RECEIPT REQUESTED

Mailed 3-11-05

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 March 9, 2005, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the Matter of Roy Merle Hutchinson, 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 of Ohio and in its behalf.



Lance A. Talmage, M.D.
Secretary

(SEAL)

March 9, 2005
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

ROY MERLE HUTCHINSON, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on March 9, 2005.

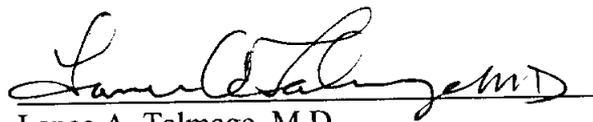
Upon the Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board 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:

The application of Roy Merle Hutchinson, 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 the mailing of notification of approval by the Board.

(SEAL)



Lance A. Talmage, M.D.
Secretary

March 9, 2005

Date

2005 JAN 28 P 12: 54

**REPORT AND RECOMMENDATION
IN THE MATTER OF ROY MERLE HUTCHINSON, M.D.**

The Matter of Roy Merle Hutchinson, M.D., was heard by Sharon W. Murphy, Esq., Hearing Examiner for the State Medical Board of Ohio, on November 30, 2004.

INTRODUCTION

I. Basis for Hearing

A. By letter dated March 10, 2004, the State Medical Board of Ohio [Board] notified Roy Merle Hutchinson, M.D., that it had proposed to take disciplinary action against or to deny his application for a certificate to practice medicine and surgery in Ohio. The Board based its proposed action on allegations that, among other things, Dr. Hutchinson had provided false information in an application for licensure in Ohio, had failed to cooperate in an investigation by the Board, and had engaged in sexual conduct with a patient. The Board further alleged that Dr. Hutchinson's conduct constitutes:

- “a failure to furnish satisfactory proof of good moral character as required by Sections 4731.29 and 4731.08, Ohio Revised Code”;
- “‘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”;
- “‘[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”; and
- “‘[f]ailure to cooperate in an investigation conducted by the board under division (F) of this section, including * * * failure to answer truthfully a question presented by the board at a deposition or in written interrogatories,’ as those clauses are used in Section 4731.22(B)(35), Ohio Revised Code.”

Accordingly, the Board advised Dr. Hutchinson of his right to request a hearing in this matter. (State's Exhibit 1A).

- B. On March 29, 2004, Michael M. Sellers, Esq., submitted a written hearing request on behalf of Dr. Hutchinson. (State's Exhibit 1B).

II. Appearances

- A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Kyle C. Wilcox, Assistant Attorney General.
- B. On behalf of the Respondent: Dr. Hutchinson, having been apprised of his right to attend the hearing or to be represented by counsel, did not appear in person or by representative. Instead, Dr. Hutchinson presented his defense in writing.

EVIDENCE EXAMINED

I. Testimony Heard

David P. Katko

II. Exhibits Examined

A. Presented by the State

1. State's Exhibits 1A through 1U: Procedural exhibits.
2. State's Exhibit 2: Certified copies of documents regarding Dr. Hutchinson maintained by the Board.
3. State's Exhibit 3: Copy of a February 6, 2004, Affidavit of Gail Beebe, Investigator for the Iowa Board of Medical Examiners [Iowa Board].
4. State's Exhibit 4: Certified copies of Dr. Hutchinson's medical records for Patient 1 as maintained by the Iowa Board. (Note: This exhibit is sealed to protect patient confidentiality).
5. State's Exhibit 5: Certified copies of Dr. Hutchinson's personal medical records as maintained by the Iowa Board. (Note: This exhibit is sealed to protect patient confidentiality).
6. State's Exhibit 6: Copy of Dr. Hutchinson's answers to Board Interrogatories.
7. State's Exhibit 7: Certified copies of documents regarding Dr. Hutchinson maintained by the Office of Professional Medical Conduct, New York State Department of Health.

8. State's Exhibit 8: Copy of a September 12, 1994, Letter of Warning issued to Dr. Hutchinson by the Iowa Board.
9. State's Exhibit 9: Copy of a May 13, 1987, Interview Summary, as redacted, of an interview of Barbara Hutchinson conducted by the Iowa Board.
10. State's Exhibit 10: Certified copies of a December 11, 2002, Findings, Order and Journal Entry, and a September 11, 2002, Notice of Opportunity for Hearing, both issued by the Board to Dr. Hutchinson.

B. Presented by the Respondent

Respondent's Exhibit A: Copy of a document entitled, "Background Facts and Sworn Statement by Roy Merle Hutchinson, M.D."

Note: To protect patient confidentiality, Patient 1's name was redacted from a number of the exhibits by the Hearing Examiner post-hearing. Moreover, pages of some exhibits were numbered by the Hearing Examiner post-hearing.

PROCEDURAL MATTERS

Upon motion by the State, the hearing record in this matter was reopened on January 7, 2005, to admit additional documents. These documents were admitted as State's Exhibit 1U and State's Exhibit 10. The hearing record closed again upon admission of the exhibits.

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.

General Background

1. In 1957, Roy Merle Hutchinson, M.D., received a medical degree from the University of Iowa College of Medicine. The following year Dr. Hutchinson completed a rotating internship at Ogden Regional Medical Center in Ogden, Utah. (State's Exhibit [St. Ex.] 2 at 17-18, 30, 32).
2. Records maintained by the Iowa Board of Medical Examiners [Iowa Board] reveal that Dr. Hutchinson had treated Patient 1 from December 8, 1976, through May 29, 1986. According to Dr. Hutchinson's medical records for Patient 1, Patient 1 was born in

June 1967 and was nine years old at the time Dr. Hutchinson started treating her. (St. Ex. 3; St. Ex. 4 at 9-14)

In addition, Dr. Hutchinson's medical records for Patient 1 reveal that, from early 1984 through August 1986, Dr. Hutchinson had been prescribing or administering to Patient 1 schedule II, III and IV controlled substances. These controlled substances included oral and injectable Demerol (meperidine), injectable Talwin, and oral Tylenol with Codeine #4. As late as 1985 and 1986, Dr. Hutchinson continued to provide other treatment to Patient 1, including taking a PAP smear and treating urinary tract problems. (St. Ex. 3; St. Ex. 4 at 3-8, 14).

3. Dr. Hutchinson admitted in sworn responses to interrogatories presented to him by the Board that he had engaged in sexual contact with Patient 1 starting in December 1984. In December 1984, Patient 1 was seventeen years old and Dr. Hutchinson, born November 7, 1929, was 55 years old. (St. Ex. 2 at 70; St. Ex. 4 at 9, 11, 13, St. Ex. 6 at 4).
4. Medical records for Dr. Hutchinson from a September 1986 hospitalization reveal that Dr. Hutchinson had reported that,

He recently left his wife of thirty-eight years for a nineteen-year-old woman with whom he had been having an affair since she was fourteen years old. After two years of marriage, he began having multiple affairs and admitted to hundreds of sexual encounters during his marriage.

(St. Ex. 5 at 5) The medical records make other references to the nineteen-year-old woman whom Dr. Hutchinson identified as Patient 1. Moreover, in the medical record it is noted that Dr. Hutchinson identified himself as a sexual addict. (St. Ex. 5 at 7, 9, 17, 22, 23, 64).

5. Pursuant to an investigation of Dr. Hutchinson by the Iowa Board, an Iowa Board Investigator interviewed Dr. Hutchinson on October 1, 1987. At that time, Dr. Hutchinson advised that Patient 1 was then his wife. Dr. Hutchinson also admitted "that he had had hundreds of affairs, but denied that any affairs [had] occurred with patients." (St. Ex. 3).
6. The Iowa Board Investigator interviewed Dr. Hutchinson's former wife, Barbara Hutchinson, on October 13, 1987. Barbara Hutchinson advised that Dr. Hutchinson had told her that "he had started having an affair with [Patient 1] when she was 14 and [that] there have been hundreds of other affairs." (St. Ex. 9).
7. On September 12, 1994, the Iowa Board issued to Dr. Hutchinson a Letter of Warning. The letter stated, in part, as follows:

Recently, the [Iowa Board] reviewed its inquiry into certain areas of your medical practice. The Board has determined that your conduct has been highly unprofessional as well as unethical.

The list of allegations pending against you for which there is supporting evidence in investigative materials includes, but is not limited to: sexual abuse and misconduct; over prescribing of narcotic medications; neuro-psychiatric problems that have not been appropriately addressed; and a deficiency in personal and professional communication skills. **You are warned that any further indication of unprofessional and/or unethical conduct on your part could result in the initiation of a disciplinary action against you.**

(St. Ex. 8) (Emphasis in original).

8. In February 2002, Dr. Hutchinson submitted to the Board an Application for Certificate – Medicine or Osteopathic Medicine [2002 Application]. (St. Ex. 2 at 2). In that application, Dr. Hutchinson answered, “No,” to the following questions:
 10. Have you ever been requested to appear before any board, bureau, department, agency, or other body, including those in Ohio, concerning allegations against you?
 11. Have you ever been notified of any investigation concerning you by any board, bureau, department, agency, or other body, including those in Ohio, with respect to a professional license?
 12. Have you ever been notified of any charges, allegations, or complaints filed against you with any board, bureau, department, agency, or other body, including those in Ohio, with respect to a professional license?

(St. Ex. 2 at 8).

9. During the application process, the Board sent Dr. Hutchinson a set of interrogatories. Dr. Hutchinson did not return completed interrogatories to the Board. (St. Ex. 6 at 1). Instead, by letter dated May 30, 2002, Dr. Hutchinson advised the Board that, at the time he submitted his application, he had had an opportunity to work in an emergency room in Ohio. By May 2002, however, that opportunity was no longer available. Therefore, Dr. Hutchinson requested to withdraw his application for Ohio licensure. (St. Ex. 2 at 38).
10. On September 11, 2002, the Board issued to Dr. Hutchinson a Notice of Opportunity for Hearing [2002 Notice], alleging that he had violated Sections 4731.22(A), 4731.22(B)(5), 4731.22(B)(35), and 4731.08, Ohio Revised Code. More specifically, the Board alleged that Dr. Hutchinson had committed fraud, misrepresentation, or deception in the application process; provided false, fraudulent, deceptive, or misleading statements in the course of applying for an Ohio license; failed to cooperate in a Board investigation; and failed to furnish satisfactory proof of good moral character in connection with his application for licensure. As bases for these allegations, the Board alleged that

Dr. Hutchinson had failed to answer the 2002 Interrogatories; that he had falsely answered no to three questions on his 2002 License Application when he should have responded affirmatively because, in fact, he had been informed of five investigations of his Iowa medical license by the Iowa Board; that he had appeared before the Iowa Board; and that he had received a letter of warning from the Iowa Board. (St. Ex. 10 at 7-10).

Dr. Hutchinson was served with a copy of the 2002 Notice, but did not request a hearing. Accordingly, on December 11, 2002, the Board entered an Order [2002 Board Order] denying Dr. Hutchinson's application for an Ohio medical license for the reasons outlined in the 2002 Notice. (St. Ex. 10 at 1-6).

11. In August 2003, the New York State Board for Professional Medical Conduct revoked Dr. Hutchinson's New York medical license. The basis for this action was the Ohio Board's 2002 Board Order. (St. Ex. 7).
12. On or about November 10, 2003, Dr. Hutchinson submitted an "Application for Certificate – Medicine or Osteopathic Medicine" [2003 License Application] to the Board. By signing the 2003 License Application, Dr. Hutchinson certified that the information provided therein was true. (St. Ex. 2 at 91).
13. As part of the 2003 License Application process, Dr. Hutchinson submitted sworn responses to the Board's 2002 Interrogatories. In those responses, Dr. Hutchinson stated that his medical treatment of Patient 1 had "covered the years 1977-1983," and that his first sexual contact with Patient 1 had occurred in December 1984. As noted earlier, in December 1984, Patient 1 was seventeen years old and Dr. Hutchinson was 55 years old. (St. Ex. 2 at 70; St. Ex. 4 at 9, 11, 13, St. Ex. 6 at 3, 4).
14. In his 2003 Application, Dr. Hutchinson advised in question number 11 that he had surrendered a state license. In an attached written explanation of that answer, Dr. Hutchinson stated that he had "surrendered [his] New York expired medical license which had expired in 1988 due to a disciplinary process that was commenced in the State of New York based solely upon the Ohio denial of the [his] application for an Ohio medical license." (St. Ex. 2 at 56, 59).
15. David P. Katko testified at hearing on behalf of the State. Mr. Katko testified that he is an Enforcement Attorney for the Board. As part of his position with the Board, Mr. Katko investigates complaints against licensees that have been forwarded to him by the Secretary and Supervising Member of the Board. Mr. Katko further testified that he had investigated a complaint against Dr. Hutchinson. Finally, Mr. Katko identified documents he had received from the Iowa Board during the course of the Board's investigation of this matter. (Hearing Transcript [Tr.] at 14-54).
16. Dr. Hutchinson submitted what he called a "sworn statement," although the statement is not notarized and there is no other indication of a swearing. (Respondent's Exhibit [Resp.

Ex.] A at 3). In that document, Dr. Hutchinson lists a number of reasons why he believes that Board should grant his application for licensure. These reasons include the following:

- Dr. Hutchinson did not request a hearing in response to the 2002 Notice because a position which he had been offered in Ohio was no longer available. Dr. Hutchinson further believed that he would be able to withdraw his 2002 License Application, and had “no idea that boards of medical examiners can refuse to accept a withdrawal of an application specifically for the purpose of bringing about discipline that can result in National Data Bank entries * * *.” (Resp. Ex. A at 4).
- Dr. Hutchinson had not been aware of the documents regarding him maintained by the Iowa Board at the time he completed his 2002 License Application. Moreover, the Iowa Board had never filed any formal action against him. Therefore, he did not intentionally provide incorrect answers in his 2002 License Application. (Resp. Ex. A at 5).
- The remarks regarding his sexuality and his sexual relationship with Patient 1 which Dr. Hutchinson made during his 1986 hospitalization had been made while Dr. Hutchinson was heavily medicated and suffering from severe depression. Moreover, Dr. Hutchinson stated that he had not had a clear recollection of statements he had made during that hospitalization. (Resp. Ex. A at 5).

17. The medical records of Dr. Hutchinson's 1986 hospitalization reveal that the only medications he was taking during the day were Verapamil, Persantine, Tylenol or Ascriptin, Mylanta, and Lotrisone cream; none of these medications would be expected to affect his cognition. He also took Restoril, a benzodiazepine, which could have some affect on his cognition, but he took that medication only at bedtime. (St. Ex. 5 at 46-55).

FINDINGS OF FACT

1. On or about November 10, 2003, Roy Merle Hutchinson, M.D., submitted to the Board an “Application for Certificate – Medicine or Osteopathic Medicine” [2003 License Application]. By signing the 2003 License Application, Dr. Hutchinson certified that the information provided therein was true.
2. On September 11, 2002, the Board issued to Dr. Hutchinson a Notice of Opportunity for Hearing [2002 Notice], alleging that he had violated Sections 4731.22(A), 4731.22(B)(5), 4731.22(B)(35), and 4731.08, Ohio Revised Code. More specifically, the Board alleged that Dr. Hutchinson had committed fraud, misrepresentation, or deception in the application process; provided false, fraudulent, deceptive, or misleading statements in the course of applying for an Ohio license; failed to cooperate in a Board investigation; and failed to furnish satisfactory proof of good moral character in connection with his application for licensure. As bases for these allegations, the Board alleged that

Dr. Hutchinson had failed failure to answer Interrogatories presented to him by the Board in 2002; that he had falsely answered, "No," to three questions on his 2002 License Application when he should have responded affirmatively because, in fact, he had been informed of five investigations of his Iowa medical license by the Iowa Board of Medical Examiners [Iowa Board]; that he had appeared before the Iowa Board; and that he had received a letter of warning from the Iowa Board.

Dr. Hutchinson was served with a copy of the 2002 Notice, but did not request a hearing. Accordingly, on December 11, 2002, the Board entered an Order [2002 Board Order] denying Dr. Hutchinson's application for an Ohio medical license for the reasons outlined in the 2002 Notice.

3. As part of the 2003 License Application process, Dr. Hutchinson submitted sworn responses to the Board's 2002 Interrogatories. In those responses, Dr. Hutchinson stated that he had treated Patient 1 and that his medical treatment of Patient 1 had "covered the years 1977-1983." In fact, from early 1984 through August 1986, Dr. Hutchinson had been prescribing or administering to Patient 1 schedule II, III and IV controlled substances. These controlled substances included oral and injectable Demerol (meperidine), injectable Talwin, and oral Tylenol with Codeine #4. As late as 1985 and 1986, Dr. Hutchinson continued to provide other treatment to Patient 1, including taking a PAP smear and treating urinary tract problems.
4. In his sworn responses to the Board's 2002 Interrogatories, Dr. Hutchinson admitted that he had engaged in sexual conduct with Patient 1 and that his first sexual contact with Patient 1 had occurred in December 1984. In December 1984, Patient 1 was seventeen years old and Dr. Hutchinson was 55 years old. However, medical records from Dr. Hutchinson's 1986 hospitalization reflect that, in 1986, Dr. Hutchinson had admitted at that time that he had begun having an affair with Patient 1 when she was only fourteen years old.
5. Dr. Hutchinson stated in a written explanation to his positive answer to question number 11 on his November 2003 License Application that he had "surrendered [his] New York expired medical license which had expired in 1988 due to a disciplinary process that was commenced in the State of New York[.]" In fact, in or about August 2003, the New York State Board for Professional Medical Conduct revoked Dr. Hutchinson's New York medical license.

CONCLUSIONS OF LAW

1. The conduct of Roy Merle Hutchinson, M.D., as set forth in Findings of Fact 2 through 5, constitutes a failure to furnish satisfactory proof of good moral character as required by Sections 4731.29 and 4731.08, Ohio Revised Code.

2. The conduct of Dr. Hutchinson, as set forth in Findings of Fact 2, 3, and 5, 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 Section 4731.22(A), Ohio Revised Code.
3. The conduct of Dr. Hutchinson, as set forth in Findings of Fact 2, 3, and 5, constitutes “[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.
4. The conduct of Dr. Hutchinson, as set forth in Findings of Fact 2, 3, and 5, constitutes a “[f]ailure to cooperate in an investigation conducted by the board under division (F) of this section, including * * * failure to answer truthfully a question presented by the board at a deposition or in written interrogatories,” as those clauses are used in Section 4731.22(B)(35), Ohio Revised Code.

PROPOSED ORDER

It is hereby ORDERED that:

The application of Roy Merle Hutchinson, 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 the mailing of notification of approval by the Board.


Sharon W. Murphy, Esq.
Hearing Examiner



State Medical Board of Ohio

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EXCERPT FROM THE DRAFT MINUTES OF MARCH 9, 2005

REPORTS AND RECOMMENDATIONS

Dr. Davidson announced that the Board would now consider the findings and orders appearing on the Board's agenda. She asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Roy Merle Hutchinson, M.D.; Russell J. Raus, D.P.M.; Veena V. Sengupta, M.D.; and Evan Laythe Sykes, D.O. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Davidson	- aye

Dr. Davidson 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. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Davidson	- aye

Dr. Davidson 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. Davidson 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.

ROY MERLE HUTCHINSON, M.D.

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DR. KUMAR MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF ROY MERLE HUTCHINSON, M.D. DR. BUCHAN SECONDED THE MOTION.

.....

A vote was taken on Dr. Kumar's motion to approve and confirm:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye

The motion carried.



State Medical Board of Ohio

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March 10, 2004

Roy Merle Hutchinson, M.D.
15044 Bentwood Trail
Petersburg, MI 49270

Dear Doctor Hutchinson:

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 November 10, 2003, you submitted an "Application for Certificate – Medicine or Osteopathic Medicine" [2003 License Application] to the Board. Your License Application is currently pending. By signing the 2003 License Application, you certified that the information provided therein was true.
- (2) On or about September 11, 2002, the Board issued to you a Notice of Opportunity for Hearing [2002 Notice], alleging that you had violated Sections 4731.22(A), 4731.22(B)(5) and (B)(35), and 4731.08, Ohio Revised Code, for, respectively, committing fraud, misrepresentation, or deception in the application process; providing false, fraudulent, deceptive, or misleading statements in the course of applying for an Ohio license; failing to cooperate in a Board investigation; and failing to furnish satisfactory proof of good moral character in connection with the "Application for Certificate – Medicine or Osteopathic Medicine" you filed with the Board in or about 2002 [2002 License Application]. Your conduct underlying these allegations included that you failed to answer interrogatories submitted to you by the Board in 2002 [2002 Interrogatories] and that you falsely answered no to three questions on your 2002 License Application when you should have responded affirmatively because, in fact, you had been informed of five investigations of your Iowa medical license by the State of Iowa Board of Medical Examiners [Iowa Board], you had appeared before the Iowa Board, and you had received a letter of warning from the Iowa Board. A copy of the 2002 Notice is attached hereto and incorporated herein.

Thereafter, on or about December 11, 2002, the Board entered an Order [2002 Board Order] denying your application for an Ohio medical license for the reasons outlined in the 2002 Notice. A copy of the 2002 Board Order is attached hereto and incorporated herein.

Mailed 3-11-04

- (3) As part of your 2003 License Application, you provided sworn responses to the 2002 Interrogatories to the Board in which you stated that your medical treatment of Patient 1 (as identified on the attached Patient Key - Key confidential to be withheld from public disclosure) "covered the years 1977-1983." In fact, you continued to prescribe and/or administer schedule II, III and IV controlled substances to Patient 1, including Demerol, injectable meperidine, Tylenol w/ Codeine #4 and injectable Talwin, from in or about 1984 to in or about August 1986, and you also provided other treatment including taking a PAP smear from Patient 1 in or about 1985.
- (4) You stated in sworn responses to interrogatories to the Board that you first had sexual contact with Patient 1 in December 1984; Patient 1 was approximately seventeen years old and you were approximately 56 years of age in December 1984. However, your patient records reflect that, in 1986, you admitted that you began having an affair with Patient 1 when she was fourteen years old.
- (5) You stated in a written explanation to your positive answer to question number 11 on your 2003 License Application that you "surrendered [your] New York expired medical license which had expired in 1988 due to a disciplinary process that was commenced in the State of New York[.]" In fact, in or about August 2003, the New York State Board for Professional Medical Conduct revoked your New York medical license.

Your acts, conduct, and/or omissions as alleged in paragraphs (2) through (5) 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 acts, conduct, and/or omissions as alleged in paragraphs (2), (3) and (5) 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 paragraphs (2), (3) and (5) 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 paragraphs (2) and (3) above, individually and/or collectively, constitute a "[f]ailure to cooperate in an investigation conducted by the board under division (F) of this section, including ... failure to answer truthfully a question presented by the board at a deposition or in written interrogatories," as those clauses are used in Section 4731.22(B)(35), 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 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 5140 2290
RETURN RECEIPT REQUESTED

cc: Michael M. Sellers, Esq.
One Corporate Place
1501 - 42nd Street, Suite 380
West Des Moines, Iowa, 50266-1005

CERTIFIED MAIL # 7000 0600 0024 5140 1170
RETURN RECEIPT REQUESTED



State Medical Board of Ohio

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

December 11, 2002

Roy Merle Hutchinson, M.D.
15044 Bentwood Trail
Petersburg, MI 49270

Dear Doctor Hutchinson:

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 December 11, 2002.

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 of the Ohio Revised Code.

Very truly yours,

Anand G. Garg, M.D.
Secretary

AGG:jam
Enclosures

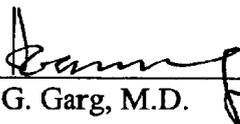
CERTIFIED MAIL RECEIPT NO. 7000 0600 0024 5151 0773
RETURN RECEIPT REQUESTED

Mailed 12/12/02

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 December 11, 2002, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of Roy Merle Hutchinson, 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.



Anand G. Garg, M.D.
Secretary

(SEAL)

December 11, 2002
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

ROY MERLE HUTCHINSON, M.D.

*

FINDINGS, ORDER AND JOURNAL ENTRY

By letter dated September 11, 2002, notice was given to Roy Merle Hutchinson, M.D., that the State Medical Board proposed to deny his application for a certificate to practice medicine and surgery; and that he was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of said notice. In accordance with Section 119.07, Ohio Revised Code, said notice was sent via certified mail, return receipt requested, on September 12, 2002, to the address of record of Dr. Hutchinson, that being 15044 Bentwood Trail, Petersburg, MI 49270. A second mailing of the notice was sent via certified mail, return receipt requested, on October 16, 2002.

A signed certified mail receipt was returned to the Medical Board from that second mailing documenting proper service of the notice. However, no hearing request has been received from Dr. Hutchinson and more than thirty (30) days have now elapsed since the mailing of that notice.

WHEREFORE, for the reasons outlined in the Notice of Opportunity for Hearing, which is attached hereto and incorporated herein, it is hereby ORDERED that Dr. Hutchinson's application for a certificate to practice medicine and surgery in the State of Ohio be DENIED.

This Order shall become effective IMMEDIATELY.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 11th day of December 2002, and the original thereof shall be kept with said Journal.

(SEAL)



Anand G. Garg, M.D.
Secretary

December 11, 2002

Date

AFFIDAVIT

I, Penny Grubb, being duly cautioned and sworn, do hereby depose and say:

- 1) That I am employed by the State Medical Board of Ohio (hereinafter, "The Board")
- 2) That I serve the Board in the position of Chief, Licensure;
- 3) That in such position I am the responsible custodian of all licensure records maintained by the Board pursuant to Chapter 4731., Ohio Revised Code;
- 4) That I have this day carefully examined the licensing records of the Board pertaining to Roy Merle Hutchinson, M.D.
- 5) That based on such examination, I have found the last known address of record of Roy Merle Hutchinson, M.D. to be:

15044 Bentwood Trail
Petersburg, Michigan 49270

- 6) Further, Affiant Sayeth Naught.



Penny Grubb, Chief
Licensure

Sworn to and signed before me, Angela D. Fields, Notary
Public, this 20th day of November, 2002.



ANGELA D. FIELDS
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 5/11/06



Notary Public

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0024 5146 2324

CITE-2ND MLC

Postage	\$.83	Postmark Here 16
Certified Fee	2.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 4.88	

Recipient's Name (Please Print Clearly) (To be completed by mailer)
 Roy Merle Hutchinson, MD
 Street, Apt. No., or PO Box No.
 15044 BENTWOOD TRAIL
 City, State, ZIP+4
 PETERSBURG, MI 49270

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits. *JAM*

1. Article Addressed to:
 Roy Merle Hutchinson, MD
 15044 BENTWOOD TRAIL
 PETERSBURG, MI 49270

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) *Denise M. Woodley Hutchinson* B. Date of Delivery *10-2-02*

C. Signature *Denise M. Woodley Hutchinson* Agent Addressee

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label)
 7000 0600 0024 5146 2324 CITE-2ND MLC

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0024 5151 6010

CITE-HUTCHINSON

Postage	\$.83	SEP 18 2002
Certified Fee	2.78	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 4.88	

Recipient's Name *JAM*
 Paul Coval, Esq.
 Street, Apt. No., or Vorys, Sater, Seymour and Pease
 52 East Gay Street
 City, State, ZIP+4
 Columbus, OH 43216-1008

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Paul Coval, Esq.
 Vorys, Sater, Seymour and Pease
 52 East Gay Street
 Columbus, OH 43216-1008

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature *S. Coval* Agent Addressee

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

SEP 16 2002 *JAM*

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label)
 CITE-HUTCHINSON 7000 0600 0024 5151 6010

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

State Medical Board Of Ohio
77 S. High St. 17th Floor
Columbus, OH 43215

CERTIFIED MAIL



7000 0600 0024 5151 5990



- MOVED, LEFT NO ADDRESS
- NOT DELIVERABLE TO ADDRESSEE
- UNDELIVERABLE TO ADDRESSEE
- ATTEMPTED DELIVERY
- UNDELIVERABLE TO ADDRESSEE
- REFUSED
- NO SUCH PERSON OR BUSINESS
- DO NOT RESIDE IN THIS ENVELOPE
- INSUFFICIENT ADDRESS
- NO MAIL RECEIPT
- BOX CLOSED NO ORDER

Roy Merle Hutchinson, M.D.
~~15044 Bentwood Trail~~
~~Petersburg, VA 23126~~

STATE MEDICAL BOARD
SEP 19 2002

STATE MEDICAL BOARD
SEP 19 2002

Refused





State Medical Board of Ohio

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

September 11, 2002

Roy Merle Hutchinson, M.D.
15044 Bentwood Trail
Petersburg, MI 49270

Dear Doctor Hutchinson:

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, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- (1) On or about February 25, 2002, you submitted an "Application for Certificate – Medicine or Osteopathic Medicine" [License Application] to the State Medical Board of Ohio. Your License Application is currently pending.
- (2) In the "Additional Information" Section of you License Application you answered "NO" to the following questions:
 10. Have you ever been requested to appear before any board, bureau, department, agency, or other body, including those in Ohio, concerning allegations against you?
 12. Have you ever been notified of any investigation concerning you by any board, bureau, department, agency, or other body, including those in Ohio, with respect to a professional license?
 13. Have you ever been notified of any charges, allegations, or complaints filed against you with any board, bureau, department, agency, or other body, including those in Ohio, with respect to a professional license?

In fact, you had numerous interactions, in person, over the telephone and through correspondence, with representatives of the Iowa Board from 1980 through 1994 during which you were informed of investigations, complaints and

Mailed 9/12/02
Second Mailing 10/16/02

allegations against you. Those interactions include, but are not limited to, the following:

On or about August 18, 1980, you were called by an Iowa Board investigator regarding your withholding of a five-year-old patient's record due to an unpaid bill. You were subsequently issued a subpoena by the Iowa Board for the above-referenced patient record and you provided that record to the Iowa Board on or about August 26, 1980.

On or about October 5, 1982, you were contacted by an Iowa Board investigator related to your Physician Assistant seeing patients and issuing prescriptions prescribed by you, while you were out of town.

In or about 1984, you submitted an explanation to the Iowa Board related to your prescribing Demerol to your daughter and a friend of your daughters for seizure control. In addition, you appeared before the Iowa Board at its July 1984 meeting.

On or about October 1, 1987, an Iowa Board investigator presented you with, and you signed, a Patient's Waiver permitting the Iowa Board to obtain your medical records.

On or about February 20, 1992, an Iowa Board investigator delivered to you an Order for Examination requiring you to undergo a psychiatric evaluation and you signed a Return of Service reflecting your receipt of the same.

On or about October 1, 1993, the Iowa Board sent you a letter entitled "Investigative Inquiry."

On or about September 12, 1994, you were sent a letter of warning by the Iowa Board of Medical Examiners [Iowa Board], which involved allegations that were supported by evidence that you engaged in sexual abuse and misconduct, over-prescribed narcotic medications, had neuro-psychiatric problems and a deficiency in personal and professional communication skills.

- (3) On or about July 3, 2002, and July 31, 2002, you were served interrogatories through your attorney. To date, you have failed to answer any of the interrogatories served on you.

Your acts, conduct, and/or omissions as alleged in paragraph (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 (2) 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 (2) above, individually and/or collectively, constitute a failure to furnish satisfactory proof of good moral character as required by Section 4731.08, Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (3) 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.

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.

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, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

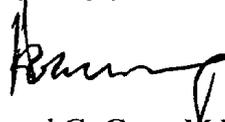
Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, effective March 9, 1999, provides that “[w]hen the board refuses to grant a certificate to an applicant, revokes an individual’s certificate to practice, refuses to register an applicant, or refuses to reinstate 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.

Roy Merle Hutchinson, M.D.

Page 4

Very truly yours,



Anand G. Garg, M.D.

Secretary

AGG/blt
Enclosures

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cc: Paul Coval, Esq.
Vorys, Sater, Seymour and Pease
52 East Gay Street
Columbus, OH 43216-1008

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RETURN RECEIPT REQUESTED

SECOND MAILING:

CERTIFIED MAIL NO. 7000 0600 0024 5146 2324
RETURN RECEIPT REQUESTED