

State Medical Board of Ohio

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Richard A. Whitehouse, Esq.
Executive Director

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February 13, 2008

Ujwala Pagedar, M.D.
326 Amherst Bend
Dayton, OH 45440

Dear Doctor Pagedar:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Gretchen L. Petrucci, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on February 13, 2008, including motions modifying the Conclusions of Law, and approving and confirming the Findings of Fact of the Hearing Examiner, and adopting an amended Order.

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

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of an original Notice of Appeal with the State Medical Board of Ohio and a copy of the Notice of Appeal 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, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Lance A. Talmage MD
Lance A. Talmage, M.D. *RW*
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3931 8317 9285
RETURN RECEIPT REQUESTED

Cc: Douglas E. Graff, Esq.
CERTIFIED MAIL NO. 91 7108 2133 3931 8317 9292
RETURN RECEIPT REQUESTED

Mailed 3-4-08

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on February 13, 2008, including motions modifying the Conclusions of Law, approving and confirming the Findings of Fact of the Hearing Examiner, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Ujwala Pagedar, 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.

(SEAL)

Lance A. Talmage, MD
Lance A. Talmage, M.D. RW
Secretary

February 13, 2008
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

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UJWALA PAGEDAR, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on February 13, 2008.

Upon the Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification, approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

- A. **APPLICATION GRANTED:** The application for a certificate of Ujwala Pagedar, M.D., to practice medicine and surgery in Ohio is granted, provided that she otherwise meets all statutory and regulatory requirements.
- B. **PERMANENT REVOCATION, STAYED; SUSPENSION:** Upon issuance, the certificate of Dr. Pagedar to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED. Such revocation is STAYED, and Dr. Pagedar's certificate shall be SUSPENDED for an indefinite period of time, but not less than six months from the effective date of this Order.
- C. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Pagedar's certificate to practice medicine and surgery until all of the following conditions have been met:
 1. **Application for Reinstatement or Restoration:** Dr. Pagedar shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.

2. **Obey the Law:** Dr. Pagedar shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which she is practicing.
3. **Professional Ethics Course(s):** At the time she submits her application for reinstatement or restoration, Dr. Pagedar shall provide acceptable documentation of successful completion of a course or courses dealing with professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Pagedar submits the documentation of successful completion of the course or courses dealing with professional ethics, she shall also submit to the Board a written report describing the course(s), setting forth what she learned from the course(s), and identifying with specificity how she will apply what she has learned to her practice of medicine in the future.

4. **Personal Ethics Course(s):** At the time she submits her application for reinstatement or restoration, Dr. Pagedar shall provide acceptable documentation of successful completion of a course or courses dealing with personal ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Pagedar submits the documentation of successful completion of the course or courses dealing with personal ethics, she shall also submit to the Board a written report describing the course(s), setting forth what she learned from the course(s), and identifying with specificity how she will apply what she has learned to her practice of medicine in the future.

5. **Evidence of Fitness To Resume Practice:** In the event that Dr. Pagedar has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to applying for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222 of the Revised Code to require Dr. Pagedar to pass an oral or written examination, or both, to determine Dr. Pagedar's then-present fitness to resume practice.

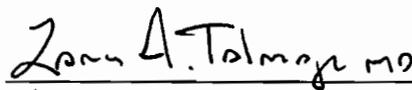
- D. **PROBATION:** Upon reinstatement or restoration, Dr. Pagedar's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least two years:

1. **Obey the Law:** Dr. Pagedar shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which she is practicing.
 2. **Declarations of Compliance:** Dr. Pagedar shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which Dr. Pagedar's certificate is restored or reinstated. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
 3. **Personal Appearances:** Dr. Pagedar shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which Dr. Pagedar's certificate is restored or reinstated, or as otherwise directed by the Board. Subsequent personal appearances must occur every six months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
 4. **Absence from Ohio:** Dr. Pagedar shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed.
 5. **Noncompliance Will Not Reduce Probationary Period:** In the event Dr. Pagedar is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.
- E. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Pagedar's certificate will be fully restored.
- F. **REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Pagedar shall provide a copy of this Order to all employers or entities with which she is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where she has privileges or appointments. Further, Dr. Pagedar shall provide a copy of this Order to all employers or entities with which she contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where she applies for or obtains privileges or

appointments. This requirement shall continue until Dr. Pagedar receives from the Board written notification of her successful completion of probation.

- G. **REQUIRED REPORTING TO OTHER STATE LICENSING AUTHORITIES:** Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Pagedar shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which she currently holds any professional license. Dr. Pagedar shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which she applies for any professional license or reinstatement or restoration of any professional license. Further, Dr. Pagedar shall provide this Board with a copy of the return receipt as proof of notification within 30 days of receiving that return receipt, unless otherwise determined by the Board. This requirement shall continue until Dr. Pagedar receives from the Board written notification of her successful completion of probation.
- H. **VIOLATION OF THE TERMS OF THIS ORDER:** If Dr. Pagedar violates the terms of this Order in any respect, the Board, after giving her notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of her certificate.
- I. **EFFECTIVE DATE:** This Order shall become effective immediately upon the mailing of the notification of approval by the Board.

(SEAL)



Lance A. Talmage, M.D. *rw*
Secretary

February 13, 2008
Date

REPORT AND RECOMMENDATION
IN THE MATTER OF UJWALA PAGEDAR, M.D.

2008 JAN 17 P 4: 38

The Matter of Ujwala Pagedar, M.D., was heard by Gretchen L. Petrucci, Hearing Examiner for the State Medical Board of Ohio, on December 14, 2007.

INTRODUCTION

I. Basis for Hearing

By letter dated August 9, 2007, the State Medical Board of Ohio [Board] notified Ujwala Pagedar, M.D., that it had proposed to deny her application for a certificate to practice medicine and surgery in Ohio, or take disciplinary action. The Board's proposed action was based on an allegation that Dr. Pagedar failed to timely update her answers to two application questions related to a prior disciplinary action taken by her residency program. Additionally, the Board alleged that Dr. Pagedar falsely answered two questions on her Federation Credentials Verification Service application regarding probation and negative reports. The Board alleged that Dr. Pagedar's acts, conduct, and/or omissions 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 set forth in Section 4731.22(B)(5), Ohio Revised Code. Finally, the Board notified Dr. Pagedar of her right to request a hearing. (State's Exhibit 1A)

On August 16, 2007, Dr. Pagedar's counsel requested a hearing. (State's Exhibit 1B)

II. Appearances at the Hearing

On behalf of the State of Ohio: Marc Dann, Attorney General, by Karen A. Unver, Assistant Attorney General.

On behalf of the Respondent: Douglas E. Graff, Esq.

EVIDENCE EXAMINED

I. Testimony Heard

Ujwala Pagedar, M.D.
Kay Rieve
Nicole Lloyd
Virginia C. Wood, M.D.
Roberto J. Colón, M.D.
Terez R. Metry, M.D.

II. Exhibits Examined

A. State's Exhibits

State's Exhibits 1A through 1N: Procedural Exhibits. [Redacted in part to obscure information unrelated to this matter.]

State's Exhibit 2: Dr. Pagedar's October 2006 application for a certificate and the Board staff's review sheets. [Redacted in part to obscure a social security number.]

State's Exhibit 3: Dr. Pagedar's October 2006 Federation Credentials Verification Service Physician Information Profile and cover letter. [Redacted in part to obscure a social security number.]

State's Exhibit 4: June 22, 2007, affidavit of Nicole Lloyd.

State's Exhibit 5: February 6, 2006, letter from Roberto J. Colón, M.D., to Dr. Pagedar, without enclosure.

State's Exhibit 6: October 6, 2006, letter from Dr. Colón to Dr. Pagedar, without enclosure.

State's Exhibit 7: June 12, 2007, letter from Virginia C. Wood, M.D., to the Board.

State's Exhibit 8: June 14, 2007, affidavit of Dr. Wood.

State's Exhibit 9: June 20, 2007, affidavit of Dr. Colón.

State's Exhibit 10: April 11, 2007, letter from the Board to Dr. Pagedar.

State's Exhibit 11: April 16, 2007, letter from Dr. Pagedar to the Board.

State's Exhibit 12: April 28, 2007, letter from Dr. Pagedar to the Board, with enclosures.

State's Exhibit 13: June 10, 2007, letter from Dr. Pagedar to the Board.

State's Exhibit 14: June 24, 2007, letter from Dr. Pagedar to the Board, with enclosures.

B. Respondent's Exhibits

Respondent's Exhibit A: Dr. Pagedar's current curriculum vitae.

Respondent's Exhibit B: Dr. Pagedar's December 13, 2007, motion for telephone testimony of a witness.

Respondent's Exhibit C: September 27, 2007, letter from the American Board of Internal Medicine regarding Dr. Pagedar's eligibility for the certification examination, with enclosures.

Respondent's Exhibit D: May 22, 2007, letter from Dr. Colón to Dr. Pagedar.

Respondent's Exhibits E, F and G: Evaluations of Dr. Pagedar throughout her three-year residency.

Respondent's Exhibit I: Various letters and correspondence between Dr. Pagedar and the Federation of State Medical Boards in February and March 2007. [Redacted in part to obscure a social security number and a bank account number.]

Respondent's Exhibit K: October 6, 2006, letter from Dr. Colón to Dr. Pagedar, without enclosure.

Respondent's Exhibit L: Documents regarding Dr. Pagedar's performance during her three-year residency. [Redacted in part to obscure the names of other residents.]

Respondent's Exhibit M: July 6, 2007, letter of recommendation from David M. Ellison, M.D.

Respondent's Exhibit N: Three e-mails from Dr. Pagedar to Dr. Wood, dated August 14, 2007, April 15, 2007, and October 3, 2006.

*Respondent's Exhibits H and J were not admitted into the record.

SUMMARY OF THE EVIDENCE

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

Dr. Pagedar's Background

1. Ujwala Pagedar, M.D., was born in India in 1976. She completed medical school at Gandhi Medical College in Bhopal, India, in 1999. After Dr. Pagedar completed a one-year, compulsory internship at the Hamidia Hospital in Bhopal in March 2000, she obtained her medical school degree. For the next several months, she took computer classes and was a homemaker in India. (State's Exhibit [St. Ex.] 2 at 7, 13-14, 23, 41, 45, 47, 53-63; Respondent's Exhibit [Resp. Ex.] A at 1; Hearing Transcript [Tr.] at 216-217)
2. Dr. Pagedar moved to the United States in December 2000. For two years, Dr. Pagedar was a student. For four months in 2003, she was an observer and an extern at the Longevity Center

of West Michigan and West Michigan Cardiology Clinic, respectively. (St. Ex. 2 at 14-15, 45-46; Tr. at 218)

3. Also during her first years in the United States, Dr. Pagedar successfully took the United States Medical Licensing Examination as follows:

<u>Step</u>	<u>Date of Exam</u>	<u>Attempt</u>	<u>Score (75=Min. Passing Score)</u>
Step I	11/10/01	1 st	83
Step II	7/29/02	1 st	83
Step III	10/20/03	1 st	80

(St. Ex. 2 at 10, 27-29, 36, 70)

4. In July 2004, she entered the three-year internal medicine residency program at Wright State University [WSU]. She completed the residency program in July 2007. (St. Ex. 2 at 9, 16, 31-33, 42, 46, 67-68; Resp. Ex. A; Resp. Ex. L at 9; Tr. at 85, 216, 219, 236)
5. Dr. Pagedar holds no medical licenses. She held an Ohio training certificate, which has expired. (St. Ex. 2 at 12; Tr. at 219, 276)

Dr. Pagedar's October 2006 Ohio Certificate Application Form

6. Dr. Pagedar applied for an Ohio certificate in October 2006. She completed the application form on October 14, 2006. It was filed with the Board on October 18, 2006. (St. Ex. 6; Tr. at 16, 219)
7. Dr. Pagedar answered "No" to questions two and four in the Additional Information Section of the Ohio certificate application.¹ Those questions asked:

2. Have you ever been warned, censured, disciplined, had admissions monitored, had privileges limited, had privileges suspended or terminated, been put on probation, or been requested to withdraw from or resign privileges at any hospital, nursing home, clinic, health maintenance organization, or other similar institution in which you have trained, been a staff member, or held privileges, for reasons other than failure to maintain records on a timely basis, or failure to attend staff or section meetings?

* * *

4. Have you ever resigned from, withdrawn from, or have you ever been warned by, censured by, disciplined by, been put on probation by, been

¹For ease of reference, question two and four in the Additional Information Section of the Ohio certificate application shall be simply referred to as "question two" and "question four" throughout the remainder of this Report and Recommendation.

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

(St. Ex. 2 at 17) Moreover, Dr. Pagedar completed the affidavit page of the Ohio application, in which she certified that the information in the application was true, agreed to notify the Board in writing of any changes to the answers given, and acknowledged that failure to truthfully and completely answer the application questions could lead to denial, revocation, or other disciplinary sanction. (St. Ex. 2 at 24)

8. In October 2006, the Licensure Department of the Board notified Dr. Pagedar that certain information was missing from her application: the dates she took the United States Medical Licensing Examination, the entire postgraduate training section, and the FCVS materials.

By letter filed on November 1, 2006, Dr. Pagedar responded and provided several documents to the Board, including three letters from her residency program in which it had offered her residency positions for three years. (St. Ex. 2 at 9-10, 25-33)

Dr. Pagedar's Federation Credential Verification Service Application

9. As part of the Ohio certificate application process for physicians, applicants must complete a second application provided by the Federation of State Medical Boards [FSMB]. Essentially, the physician retains the FSMB to verify his/her medical credentials for the Board in order to obtain licensure in Ohio. That application is called the Federation Credential Verification Service [FCVS] application. The FCVS application also includes an affidavit stating that the information the applicant has provided is true and correct. (Tr. at 44; St. Ex. 2 at 38; St. Ex. 3 at 1)

After the verification process is completed, a report is provided to the Board, which becomes part of the applicant's Ohio certificate application. (Tr. at 11-12, 37-39)

10. Dr. Pagedar started and completed an FCVS application on October 12, 2006. In the postgraduate medical education section of the FCVS form, Dr. Pagedar indicated that, during her residency program at WSU, there was no probation and were no negative reports. Moreover, Dr. Pagedar completed the affidavit page of the FCVS application, in which she certified that the information in the application was true and agreed to notify FCVS in writing of any changes to the answers given. (St. Ex. 2 at 50; St. Ex. 3 at 2-7; Tr. at 53, 64, 73-74, 79-80, 226, 242, 262, 276)

In late October or early November 2006, Dr. Pagedar was asked to supplement her FCVS application to explain her activities between medical school and her residency program. In late November 2006, Dr. Pagedar submitted additional information for the FCVS application regarding her activities between medical school and her residency program. (St. Ex. 2 at 45; Tr. at 61-62, 77)

11. As part of the verification service, the FSMB asked the WSU residency program to identify Dr. Pagedar's participation in the residency and any associated unusual circumstances. Virginia C. Wood, M.D., the internal medicine residency program director at WSU, completed the verification form regarding Dr. Pagedar on January 17, 2007. In her response, Dr. Wood stated that Dr. Pagedar had been placed on probation and instructors had filed negative reports.² (St. Ex. 2 at 4, 67; Tr. at 27-28, 47-48, 126)

Also, Dr. Wood stated the following on the form to explain the unusual circumstances:

Dr. Pagedar * * * was placed on probation in September, 2006 due to reports of recurring episodes of unprofessional behavior, placing her personal needs ahead of those of her patients and colleagues[,] and not assuming responsibility for her errors or omissions. Probation continues to date, with no additional reports of unprofessional behavior.

(St. Ex. 2 at 4, 67)

12. Because of a discrepancy between Dr. Pagedar's residency dates as reported by Dr. Pagedar and WSU, the FSMB asked Dr. Pagedar to re-report her residency dates. In February 2007, Dr. Pagedar provided that updated information regarding her residency dates. Ms. Nicole Lloyd, a program coordinator of student records at FSMB, testified that, at that same time, Dr. Pagedar again completed the unusual circumstances questions and reported that there was no probation and were no negative reports. Dr. Pagedar testified, however, that she did not answer the unusual circumstances questions a second time. Rather, she stated that she only had provided her residency dates, via a memorandum from the residency program to FCVS. (St. Ex. 2 at 5, 68; Tr. at 49, 56, 66, 69-70, 75, 78, 227, 236, 243, 250, 263; Resp. Ex. I at 7; Resp. Ex. L at 10)
13. The FSMB provided its verification report to the Board in March 2007. Among other things, the report identified the discrepancies between Dr. Pagedar's answers to the unusual circumstances questions and WSU's answers to those same questions. (St. Ex. 2 at 34-70; Tr. at 15-18, 30, 59-70; St. Ex. 3)

Board's Inquiry

14. After receiving the FCVS report, the Board staff reviewed the identified discrepancies between Dr. Pagedar's answers to the unusual circumstances questions and WSU's answers to those same questions. On April 11, 2007, the Board's Secretary notified Dr. Pagedar that there was a "substantial question of [a] violation of Section 4731.22, Ohio Revised Code," and that further investigation would take place. (Tr. at 16, 20; St. Ex. 10)

²Dr. Wood also indicated that Dr. Pagedar had taken a leave of absence or break from her residency training, which was something that Dr. Pagedar had not reported when she filled out the FCVS application. This discrepancy is *not* an issue in this proceeding.

15. Dr. Pagedar testified that, when she had read the Board's April 2007 letter, she had thought the "substantial question" referred to the fact that she was on probation at WSU and had not reported such in her documentation. (Tr. at 278-279) More specifically, she testified:

Once I received the letter from the Board, it was like a wake-up call for me. I realized what a serious blunder I had committed.

I went to Dr. Wood and asked about whether this probation is internal or it's supposed to be a reportable thing. She said that I should perform my duty and report it to the State Medical Board. Then I went back and checked my records and realized that I didn't have the copy of the formal probation letter and requested her to provide me the same.

In the meantime, I had to go and participate in the national [American College of Physicians] meeting as a poster finalist.³ So I wrote the initial letter to the Board saying that I'm in the process of compiling all the information that's required and I'm going to mail them soon with the probation letter and the affirmative explanations, which I did later in April.

(Tr. at 232-233; see also Tr. at 108-109, 124, 151-152, 266-267; Resp. Ex. N at 2)

16. Dr. Pagedar responded to the Board on April 16, 2007, stating:

I received the letter from [the] State Medical Board of Ohio * * * I reviewed the 4731.22 and 4731.29 codes online and revisited my application in its entirety. I realized that I am supposed to notify the State Medical Board of Ohio of any updates to the application since the original filing.

The only change that I have noticed since filing the original licensure application would include the placement of probation status on me by Wright State University Internal Medicine Curriculum Committee.

With recent knowledge of my responsibilities in furnishing updates related to Addendum page 4 (point number 4 – probation during residency) to [the] State Medical Board of Ohio, I am hereby in the process of obtaining * * * supporting documentation * * *.

I would like to apologize for any inconvenience it may have caused the State Medical Board of Ohio and for my oversight and delay in this important matter.

(St. Ex. 11)

³Dr. Pagedar explained that the American College of Physicians meeting is a national meeting at which physicians from across the country present their posters, research, and contributions. She described it as a "great honor" to be a finalist. Dr. Pagedar presented, as a clinical vignette poster finalist, an abstract on rheumatoid pachymeningitis. (Tr. at 246; Resp. Ex. L at 1)

Dr. Pagedar's Performance during her Residency, July 2004 through July 2007⁴

17. As noted earlier, Dr. Pagedar entered the WSU internal medicine residency program in July 2007. As part of the program, the residents are supervised and evaluated. At WSU, the Internal Medicine Evaluation and Promotion Committee reviews the residents' performance, reviews evaluations, gathers feedback, and considers promotions. Roberto J. Colón, M.D., is chair of that committee, and Dr. Wood is a member of the committee. (Tr. at 86-87, 89, 114-115, 168; St. Ex. 9)
18. Drs. Wood and Colón testified that the committee discussed concerns regarding Dr. Pagedar on several occasions. A summary of the concerns and actions taken is as follows:
 - During Dr. Pagedar's first year of residency, concerns related to sharing responsibilities for tasks and patient care was discussed. Dr. Wood also explained that the concerns were expressly brought to Dr. Pagedar's attention at that time and the residency chose to "continue moving forward and observing how things went." Dr. Pagedar recalled the concerns being raised in a different manner, but acknowledged that the concerns were discussed. (Tr. at 90-91, 257-259)
 - During Dr. Pagedar's second year, there were concerns about interactions with team members and responsibility for her orders. Drs. Pagedar and Wood testified that Dr. Wood personally spoke with Dr. Pagedar about these concerns in February 2006. (Tr. at 91-95, 167, 260; St. Ex. 5)
 - During Dr. Pagedar's third year of residency, there were concerns that she had not taken full responsibility for patients, had not been available to her intern at times and left work early, and had not been as attentive to her duties as she should have been. The committee placed Dr. Pagedar on probation. (Tr. at 101-103, 133, 169-170; St. Ex. 8)
19. Dr. Wood further testified that there were various negative reports regarding Dr. Pagedar, most of which were verbal. Dr. Wood testified that Dr. Pagedar was informed of those negative reports and Dr. Wood testified that she personally warned Dr. Pagedar. (Tr. at 135, 149-150, 153, 159)

On the written evaluations, Dr. Pagedar was rated unsatisfactory on more than one occasion. First, on June 28, 2006, Dr. Pagedar was given a negative resident evaluation that rated her unsatisfactory in the area of "Practicing Evidence-based Medicine." She responded to that evaluation on the following day with a written explanation of the full background. In late September or early October 2006, Dr. Pagedar was informed by Dr. Wood about the basis for Dr. Wood's subsequent negative resident evaluation (dated October 2, 2006) that rated her as

⁴Typically, a resident's program would end in the month of June, but Dr. Pagedar had a one-month leave of absence and, therefore, her residency training was extended by one month. (St. Ex. 2 at 4, 67; St. Ex. 7; Tr. 122, 126)

unsatisfactory in the areas of “Patient Care,” “Medical Knowledge,” “Practice-based Learning Environment,” “Professionalism,” “Practicing Evidence-based Medicine,” and “Resident’s Overall Clinical Competence in Internal Medicine on Rotation.”

20. As to the imposition of probation, Dr. Wood personally informed Dr. Pagedar at the end of September 2006 or in the beginning of October 2006 that she was placed on probation. Dr. Colón spoke with Dr. Pagedar on October 30, 2006 and informed her of the specific concerns that lead to the probation. Later, a written notice was provided to Dr. Pagedar. (Tr. at 102-103, 130, 105, 148-149, 170-173; St. Ex. 8) The written notice and its attachment stated:

Some concerns were raised about your current performance in the realm of professionalism. Because of the severity of our concerns in this critical area of your performance, we are recommending you be placed in **Probation** status.

* * *

- 1) Serious concerns about your professionalism have been raised. During your ward month in September, you were noted to have left duties early on a team post call day without obtaining assistance for your intern who seemed to be struggling. When your attending spoke to you regarding this matter, you did not seem to grasp the seriousness of this matter.
- 2) We would like you to demonstrate more empathy for your patients, especially those with issues related to death and dying. During your ward month in September, a patient for whom you had been caring passed away. Upon learning of his death, you seemed more concerned with who was responsible for the dictation of the report than the patient or the family’s condition.
- 3) It has also been noted that your medical knowledge continues to have some significant deficits. We encourage you to continue reading to improve your fund of knowledge which will in turn improve your clinical skills.

(St. Ex. 12 at 3-5, emphasis in the original)

21. Dr. Wood explained that, although the written notice to Dr. Pagedar stated that the committee was *recommending* that she be placed on probation, the committee had decided to place Dr. Pagedar on probation and had actually placed her on probation on September 26, 2006. Dr. Colón testified, however, that the committee had made a probation recommendation and it was Dr. Wood who actually had placed Dr. Pagedar on probation because Dr. Wood is the “only one with authority to alter a resident’s training.” (Tr. at 115, 118, 127, 170, 182-183)

Dr. Pagedar learned of the probation at the end of September or in early October 2006, and testified that she had had the impression that the probation was not in effect and had hoped that she “would not be placed on probation.” Dr. Pagedar stated that she had hoped that Dr. Wood and/or Dr. Colón would re-evaluate the probation and that, maybe, the probation would not happen. Also, on October 3, 2006, Dr. Pagedar sent an e-mail to Drs. Wood and Colón explaining her side of one of the events that had prompted the probation. However, Dr. Pagedar acknowledged in the e-mail that she had understood that her explanation would not change the outcome. She testified that she “really knew” that she was on probation in January 2007, but she also knew, prior to January 2007, that the probation was coming.⁵ (Tr. at 219-222, 244-245, 251-255, 265-266, 276; Resp. Ex. N at 3)

22. Dr. Pagedar did not appeal the probationary status. She remained on probation for eight months because, as Dr. Wood explained, “we were still concerned that she was getting by but perhaps not ready to take full responsibility yet for everything she should be doing.” However, by May 2007, there were no more serious incidents reported and Dr. Pagedar’s behavior had improved. Therefore, the committee lifted her probation, effective May 22, 2007. (Tr. at 105-106, 109, 120-121, 143, 175, 179; St. Ex. 7; Resp. Ex. D)

Other Information Regarding Dr. Pagedar’s Performance during Her Residency

23. Dr. Pagedar presented all of the written evaluations she had received during her residency. Specific numerical ratings were given in a variety of areas, although occasionally a rater was not able to provide a rating. The evaluations rated Dr. Pagedar’s performance as satisfactory or superior, except for the two evaluations discussed earlier in which various areas were rated as unsatisfactory. (Resp. Exs. E-G)

She also presented her scores on the 2006 Internal Medicine In-Training Examination, ratings she received from medical students that “rotated with her,” her “no show” rate in the clinic during her second year of residency, and the average number of patients seen during her first year of residency. (Resp. Ex. L at 2-8)

Dr. Pagedar’s Additional Testimony

24. With respect to the Ohio application form, Dr. Pagedar noted that she had begun filling out the Ohio licensure application a few months prior to filing it with the Board in October 2006. Dr. Pagedar denied that she had been prompted to complete her Ohio application when she was informed in late September or early October 2006 about the probation. Dr. Pagedar acknowledged that, at the time she had signed her Ohio application form in mid-October 2006,

⁵Drs. Wood and Colón have different impressions as to when Dr. Pagedar understood that the probation was in effect. Dr. Wood stated that, at the end of September, she had informed Dr. Pagedar that it was decided to put her on probation. Also, Dr. Wood noted that Dr. Pagedar had not ever questioned whether she had actually been placed on probation. Dr. Colón testified that he made it clear, during an October 30, 2006, telephone conversation with Dr. Pagedar, that she would be placed on probation and she responded that she would “do whatever it took to get off probation.” It was Dr. Colón’s belief that Dr. Pagedar understood that she was on probation from, at least, November 2006 to May 22, 2007. (Tr. at 146, 172-173, 180, 193-194, 202-203)

- she should have answered “Yes” to questions two and four. She also agreed at the hearing that she had withheld information on her Ohio application form, stating “I agree now that it was my fault and I lied. I should have told the Board.” However, she also testified that, at that time, she was not trying intentionally to hide information or provide misleading information. (Tr. at 219-220, 222, 226, 252-255, 265-266, 275-276; Resp. Ex. N at 3)
25. With respect to the FCVS application form, Dr. Pagedar did not fully acknowledge her error at the hearing. Dr. Pagedar admitted that she had answered the probation and negative report questions incorrectly in October 2006 answers. Even so, Dr. Pagedar testified that, at the time she completed the FCVS application, she did not have a clear understanding of the meaning of the term “negative reports” and she had thought she did not have to report anything because “all of the monthly feedback evaluation that I had rated me on an overall level as satisfactory.” However, Dr. Pagedar also admitted that, when she completed the FCVS application, her performance had been rated “unsatisfactory” in one category during her second year of residency. She explained that her overall performance by that rater had been found to be “satisfactory” and, therefore, she did not consider that evaluation to be a negative report. Yet, later in her testimony, Dr. Pagedar acknowledged that she had been rated by a different physician as “unsatisfactory” in her performance in September 2006. Dr. Pagedar testified that that evaluation was negative, that she had that report prior to completing her FCVS application in October 2006, and that she did not mention it on the FCVS application form. In the end, Dr. Pagedar acknowledged that it was wrong of her to not affirmatively answer the negative reports question on the FCVS application. Additionally, she acknowledged that she should have updated the FCVS application and she did not do so. (Tr. at 264, 268-269, 272-274, 277; Resp. Ex. F at 23-25; Resp. Ex. G at 5-6)
26. Dr. Pagedar also explained the circumstances surrounding the supplemental information she provided in February 2007 to her FVCS application. Dr. Pagedar testified that FSMB had asked her to verify her residency program dates and she then asked the residency office to prepare a verification of those dates. Dr. Pagedar noted that she was present when a residency program representative wrote a memorandum about Dr. Pagedar’s residency dates. Dr. Pagedar saw that the memorandum stated that she was a third-year resident “in good standing” with the WSU School of Medicine. Dr. Pagedar testified that she knew that she was not “in good standing” at that time and, nevertheless, she sent that memorandum to FCVS. (Tr. at 235-236, 243, 250, 277-278)

Character References

27. Terez R. Metry, M.D., testified in support of Dr. Pagedar. Dr. Metry is a board-certified, internal medicine physician with an office in Dayton, Ohio. She is also a member of the faculty at WSU. Dr. Pagedar worked in Dr. Metry’s office from approximately August 2006 to July 2007. Dr. Metry wrote a letter of recommendation for Dr. Pagedar in January 2007. (Tr. at 210-211, 214; St. Ex. 12 at 9)

Dr. Metry explained that she did not immediately learn of Dr. Pagedar's probation at the time it occurred, but Dr. Pagedar did inform her about that status later on. Regarding Dr. Pagedar's abilities as a physician, the following exchange took place:

Q. Do you have an opinion as to [Dr. Pagedar's] abilities as a resident?

A. I think she's fairly competent. I've had no problems with her medical skills. She's pretty thorough when she [worked] with me, has good judgment.

* * *

Q. Do you have an opinion as to her ability to provide patient care, empathy, and services?

* * *

A. I did not witness anything that would suggest otherwise. I mean, she seemed to be pretty caring. She connected fairly well with my patients. I was really not aware that there [were] any problems. I would never [have] thought. I mean, it was a surprise to me that this was an issue that was being brought up.

Q. Does she have a good base of knowledge to be able to handle the patient care that she did under your –

A. Absolutely, yes.

Q. And did you see her able to deal with patient care concerns as they arose timely and responsibly?

A. Well, she was only in my office once a week. So I mean, she wasn't – it wasn't like she was being asked to take care of people on an ongoing basis, really. But, yes, when she was in the office, she was doing very well.

Q. Would you believe that she would be a competent addition to medical care in Ohio if she was licensed?

A. I think so, yes.

(Tr. at 211-213)

28. Dr. Pagedar also presented letters of support/recommendation from eight other physicians. The state did not have an opportunity to cross-examine the authors. The authors described Dr. Pagedar as a pleasant, hard-working, knowledgeable, and conscientious worker.

Additionally, several letters indicated that Dr. Pagedar was punctual and worked especially well with the patients. (St. Ex. 12 at 10-16; Resp. Ex. M)

FINDINGS OF FACT

1. Ujwala Pagedar, M.D., entered the Wright State University School of Medicine Internal Medicine Residency Program [residency program] in July 2004 and completed it in July 2007. On June 28, 2006, Dr. Pagedar was given a negative resident evaluation that rated her unsatisfactory in the area of “Practicing Evidence-based Medicine.” In late September or early October 2006, Dr. Pagedar was informed about the basis for a subsequent negative resident evaluation (dated October 2, 2006) that rated her as unsatisfactory in the areas of “Patient Care,” “Medical Knowledge,” “Practice-based Learning Environment,” “Professionalism,” “Practicing Evidence-based Medicine,” and “Resident’s Overall Clinical Competence in Internal Medicine on Rotation.”

By October 11, 2006, Dr. Pagedar was placed on probation and verbally notified by the residency program director about her probationary status. Further, on October 30, 2006, Dr. Pagedar was verbally notified about specific concerns relating to her probationary status in the residency program, with such notification being memorialized in a letter that Dr. Pagedar subsequently signed.

2. On October 12, 2006, Dr. Pagedar submitted to the Federation Credentials Verification Service an application [FCVS application]. By signing that application, Dr. Pagedar certified that the information provided therein was true.

In the “Postgraduate Medical Education” section of her FCVS application submitted in October 2006, Dr. Pagedar answered “No” to the following questions:

Were you ever placed on probation?

Were any negative reports ever filed against you?

3. On October 18, 2006, Dr. Pagedar filed with the Board an application for an Ohio certificate [Ohio application]. Dr. Pagedar’s application remains pending with the Board.

By signing the Ohio application, Dr. Pagedar certified that the information provided therein was true. She also certified that she would immediately notify the Board in writing of any changes to the answers to any of the questions contained in the Additional Information section of the Ohio application, if such change occurred at any time prior to a license to practice medicine being granted by the Board.

In the Additional Information section of her Ohio application, Dr. Pagedar answered “No” to questions two and four, which asked the following:

2. Have you ever been warned, censured, disciplined, had admissions monitored, had privileges limited, had privileges suspended or terminated, been put on probation, or been requested to withdraw from or resign privileges at any hospital, nursing home, clinic, health maintenance organization, or other similar institution in which you have trained, been a staff member, or held privileges, for reasons other than failure to maintain records on a timely basis, or failure to attend staff or section meetings?
 4. 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 a contract by, or expelled from, a medical school, clinical clerkship, externship, preceptorship, residency, or graduate medical education program?
4. Dr. Pagedar failed to timely notify the Board to update her Ohio application as required.⁶ Dr. Pagedar received a letter from the Board dated April 11, 2007, advising her that there was a substantial question about a violation of Section 4731.22, Ohio Revised Code, regarding her Ohio application. Subsequent to the receipt of that letter, Dr. Pagedar sent to the Board a letter dated April 16, 2007, indicating that, due to her obligation to update her Ohio application, she was notifying the Board that she had been placed on probation on October 30, 2006. Dr. Pagedar provided further information about her probation in a letter filed with the Board on May 1, 2007.
5. In February 2007, after having been contacted by FCVS to verify her dates of attendance at the residency program (because she had reported dates different from those reported by the residency program director), Dr. Pagedar caused to be submitted to FCVS a document reporting dates of attendance that were consistent with those dates reported by the residency program director.

Dr. Pagedar did not complete or submit a new FCVS application page in February 2007. Dr. Pagedar did not, for a second time, answer “No” to the probation and negative report questions in the “Postgraduate Medical Education” section of the FCVS application in February 2007.

⁶Please note that there is *no* allegation that, at the Dr. Pagedar completed and filed the Ohio application, she made a false, fraudulent, deceptive or misleading statement. Rather, the allegation is that Dr. Pagedar made a false, fraudulent, deceptive or misleading statement to the Board because she failed to timely notify the Board of changes in the information she had provided in her Ohio application as required.

CONCLUSIONS OF LAW

1. Dr. Pagedar's acts, conduct, and/or omissions, as set forth in Findings of Fact 2 through 4, individually and/or collectively constitute "a false, fraudulent, deceptive, or misleading statement" because it was "a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived," as set forth in Section 4731.22(B)(5), Ohio Revised Code.
2. Dr. Pagedar's acts, conduct, and/or omissions, as set forth in Findings of Fact 2 through 4, 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 set forth in Section 4731.22(B)(5), Ohio Revised Code.
3. The evidence establishes that Dr. Pagedar failed to inform the Board about the residency probation until after the Board had informed her that there was a substantial question about a violation of Section 4731.22, Ohio Revised Code. The surrounding circumstances support a conclusion that Dr. Pagedar intended to mislead or deceive the Board in delaying the information about the residency probation.
4. The evidence establishes that Dr. Pagedar failed to disclose her residency probation and negative reports in response to the direct questions on the FCVS application, and the surrounding circumstances support a conclusion that Dr. Pagedar intended to mislead or deceive the FCVS and the Board when she falsely answered those FCVS questions.
5. As set forth in Finding of Fact 5, Dr. Pagedar provided additional information to FCVS in February 2007, but she did not complete or submit a new FCVS application page in February 2007. She did not for a second time answer "No" to the probation and negative report questions in the "Postgraduate Medical Education" section of her FCVS application in February 2007. Nevertheless, because the Board did not previously have before it all of the information that was presented during the hearing, the Board was substantially justified in pursuing those allegations.

* * * * *

Although there is disparate testimony regarding the start date of the probation, Dr. Pagedar was informed of the imposition of probation during her residency program, and knew of the probation in late September or early October 2006, prior to completing the Ohio and FCVS application forms. The credible evidence also establishes that, prior to completing the FCVS application form, Dr. Pagedar was very aware of the two negative reports that had been written in her evaluations.

Until April 2007, Dr. Pagedar failed to mention the probation and the negative reports even though she had sent supplemental information on multiple occasions to the Board and FCVS. Thus, her actions and omissions were deceptive.

Dr. Pagedar did eventually acknowledge the probation and did provide various documents and information to the Board, but not until she was “caught.” While Dr. Pagedar regrets the lies, it appeared to the Hearing Examiner that Dr. Pagedar is still reluctant to take responsibility for or acknowledge incorrect actions on her part, which is a criticism that was raised during her residency program. Truthfulness and responsibility are important attributes of physicians, and Dr. Pagedar does not yet seem to fully grasp and/or accept them.

PROPOSED ORDER

It is hereby ORDERED that:

- A. **APPLICATION GRANTED:** The application for a certificate of Ujwala Pagedar, M.D., to practice medicine and surgery in Ohio is granted, provided that she otherwise meets all statutory and regulatory requirements.
- B. **PERMANENT REVOCATION, STAYED; SUSPENSION:** Upon issuance, the certificate of Dr. Pagedar to practice osteopathic medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED. Such revocation is STAYED, and Dr. Pagedar’s certificate shall be SUSPENDED for an indefinite period of time, but not less than one year from the effective date of this Order.
- C. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Pagedar’s certificate to practice medicine and surgery until all of the following conditions have been met:
 1. **Application for Reinstatement or Restoration:** Dr. Pagedar shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
 2. **Obey the Law:** Dr. Pagedar shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which she is practicing.
 3. **Professional Ethics Course(s):** At the time she submits her application for reinstatement or restoration, Dr. Pagedar shall provide acceptable documentation of successful completion of a course or courses dealing with professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Pagedar submits the documentation of successful completion of the course or courses dealing with professional ethics, she shall also submit to the Board a written report describing the course(s), setting forth what she learned from the course(s), and identifying with specificity how she will apply what she has learned to her practice of medicine in the future.

4. **Personal Ethics Course(s)**: At the time she submits her application for reinstatement or restoration, Dr. Pagedar shall provide acceptable documentation of successful completion of a course or courses dealing with personal ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Pagedar submits the documentation of successful completion of the course or courses dealing with personal ethics, she shall also submit to the Board a written report describing the course(s), setting forth what she learned from the course(s), and identifying with specificity how she will apply what she has learned to her practice of medicine in the future.

5. **Evidence of Fitness To Resume Practice**: In the event that Dr. Pagedar has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to applying for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222 of the Revised Code to require Dr. Pagedar to pass an oral or written examination, or both, to determine Dr. Pagedar's then-present fitness to resume practice.

D. **PROBATION**: Upon reinstatement or restoration, Dr. Pagedar's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least two years:

1. **Obey the Law**: Dr. Pagedar shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which she is practicing.
2. **Declarations of Compliance**: Dr. Pagedar shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which Dr. Pagedar's certificate is restored or reinstated. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. **Personal Appearances**: Dr. Pagedar shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which Dr. Pagedar's certificate is restored or reinstated, or as otherwise directed by the

Board. Subsequent personal appearances must occur every six months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

4. **Absence from Ohio**: Dr. Pagedar shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed.
 5. **Noncompliance Will Not Reduce Probationary Period**: In the event Dr. Pagedar is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.
- E. **TERMINATION OF PROBATION**: Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Pagedar's certificate will be fully restored.
- F. **REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS**: Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Pagedar shall provide a copy of this Order to all employers or entities with which she is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where she has privileges or appointments. Further, Dr. Pagedar shall provide a copy of this Order to all employers or entities with which she contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where she applies for or obtains privileges or appointments. This requirement shall continue until Dr. Pagedar receives from the Board written notification of her successful completion of probation.
- G. **REQUIRED REPORTING TO OTHER STATE LICENSING AUTHORITIES**: Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Pagedar shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which she currently holds any professional license. Dr. Pagedar shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which she applies for any professional license or reinstatement or restoration of any professional license. Further, Dr. Pagedar shall provide this Board with a copy of the return receipt as proof of notification within 30 days of receiving that return receipt, unless otherwise determined by the Board. This requirement shall continue until Dr. Pagedar receives from the Board written notification of her successful completion of probation.
- H. **VIOLATION OF THE TERMS OF THIS ORDER**: If Dr. Pagedar violates the terms of this Order in any respect, the Board, after giving her notice and the opportunity to be heard,

may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of her certificate.

- I. **EFFECTIVE DATE:** This Order shall become effective immediately upon the mailing of the notification of approval by the Board.



Gretchen L. Petrucci
Hearing Examiner


State Medical Board of Ohio
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EXCERPT FROM THE DRAFT MINUTES OF FEBRUARY 13, 2008

REPORTS AND RECOMMENDATIONS

Dr. Varyani announced that the Board would now consider the Reports and Recommendations appearing on its agenda. He asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings of fact, conclusions of law, and orders, and any objections filed in the matters of: Marc Andre Leduc, M.D.; Ujwala Pagedar, M.D.; Carsten Schroeder, M.D.; and Stefan Semchyshyn, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Kumar	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

Dr. Varyani 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. Kumar	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

Dr. Varyani 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. Varyani further advised that they may participate in the discussion and vote in the matter of Carsten Schroeder, M.D., and in the Findings, Order and Journal Entry in the matter of Naeem Al-Khaliq Chaudhry, M.D., as those cases are not disciplinary in nature and concern only the doctors' qualifications for licensure. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

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

.....

Dr. Madia advised that he must recuse himself from the matter of Ujwala Pagedar, M.D. He at this time left the meeting.

UJWALA PAGEDAR, M.D.

Dr. Varyani directed the Board's attention to the matter of Ujwala Pagedar, M.D. He advised that no objections were filed to Hearing Examiner Petrucci's Report and Recommendation.

Dr. Varyani continued that a request to address the Board has been timely filed on behalf of Dr. Pagedar. Five minutes would be allowed for that address.

Mr. Graff stated that they haven't filed objections, but they do have concerns about the Proposed Order that he would like to raise. He stated that Dr. Pagedar didn't timely notify the Board of a probation in her residency program. They had offered the Board a one-year suspension when this matter began, and they believe that that is not inappropriate. However, during the interim, it has taken more than sixteen months since Dr. Pagedar's application was filed and more than ten months since she received a letter from the Board asking for information. She has provided all the information used in the hearing about that probation. Mr. Graff stated that they believe that this matter could have been settled more quickly. He further indicated that they also believe that, while the proposed one-year suspension is not unreasonable, Dr. Pagedar should be credited for at least part of the time that she's been out of practice. It has been ten months since she received the April 2007 letter from the Board, and Dr. Pagedar provided the Board all of the information concerning that probation. Mr. Graff stated that, if the Board looks at the record, because of the way Dr. Pagedar's program director filled out the form for the American Board of Internal Medicine, Dr. Pagedar was not credited with the third year of her residency. She may have to have that redone, and that is up on appeal. Mr. Graff stated that Dr. Pagedar understands what she did wrong, and she would like to address the Board.

Dr. Pagedar thanked the Board for the opportunity to express her regrets and apologize for the mistake she

made. Dr. Pagedar stated that during the later half of her residency, nothing was going easy for her. She was feeling emotionally overburdened by her work as a resident, her responsibilities as a new mother and her husband working in a different city. On top of that, she lost her mother in July 2006. Dr. Pagedar stated that nothing felt right thereafter. It seemed like her life was on autopilot, and she lost charge of it. Dr. Pagedar added that she does realize that there is nothing to excuse the enormity and seriousness of the mistake that she made. She takes full responsibility for her actions and she deeply regrets her mistake and will continue to do so in the future. She has learned a lesson for life. If given a chance, she would like to start afresh and put her training and education to good use. She shall be more mindful, more truthful and more responsible in the future. Dr. Pagedar again thanked the Board.

Dr. Varyani asked whether the Assistant Attorney General wished to respond.

Mr. Wilcox stated that Karen Unver was the Assistant Attorney General who heard this case, but she is unavailable today, recovering from a surgical procedure. Mr. Wilcox at this time read the following statement, prepared by Ms. Unver:

Dr. Pagedar filed her FCVS application for licensure on October 12, 2006, and she filed her application for licensure with this Board on October 18, 2006. She answered "no" to questions on both applications which asked whether she had ever been placed on probation or had negative reports filed against her.

But the fact of the matter is that she knew she had problems as early as June 29th when she was given a negative resident evaluation during her residency program at Wright State University School of Medicine. And she was orally notified of being placed on probation in the residency program on September 29, 2006. Dr. Pagedar was provided a copy of her probation letter from the residency program. Dr. Pagedar acknowledged at the hearing that she signed the certification portion of the application attesting to truth of her answers to the application questions. She was also aware of her duty to provide updates to the Board or FCVS for any information that changed while her application was pending. But she was not truthful and she did not provide updates.

The Hearing Examiner's Report and Recommendation sums up the facts of this case well:

"Dr. Pagedar did eventually acknowledge the probation and did provide various documents and information to the Board, but not until she was 'caught.'"

It is troubling that Dr. Pagedar seems to show a pattern of failure to accept responsibility for her actions. Dr. Virginia Wood, the Program Director at Wright State University School of Medicine testified that she had a significant conversation with Dr. Pagedar in February 2006. Dr. Wood testified that she told Dr. Pagedar that she saw a pattern of

behavior that concerned her – that Dr. Pagedar always seemed to provide excuses for why something was not her fault or why someone else was responsible. This conversation, which took place at least 8 months before Dr. Pagedar’s current action before the Board, is troubling given the responsibility of a doctor when caring for patients. The question is whether Dr. Pagedar will accept responsibility for her actions in the future – will she only accept responsibility when she is caught? Thank you.

Mr. Wilcox stated that when he reviewed the Report and Recommendation, he discovered something that he feels is important and that he wished to point out to Board members. He referred to Conclusion of Law number 5 of the Report and Recommendation, which states in part:

As set forth in Finding of Fact 5, Dr. Pagedar provided additional information to FCVS in February 2007, but she did not complete or submit a new FCVS application page in February 2007. She did not for a second time answer “No” to the probation and negative report questions in the “Postgraduate Medical Education” section of her FCVS application in February 2007.

Mr. Wilcox stated that the Hearing Examiner made a conclusion that that portion of the citation letter was not supported by evidence at hearing. From the record, he believes that this is contradicted in two separate places. The first place is on page six of the Report and Recommendation, paragraph 12 of the Summary of Evidence, which states in part:

...In February 2007, Dr. Pagedar provided that updated information regarding her residency dates. Ms. Nicole Lloyd, a program coordinator of student records at FSMB, testified that, at that same time, Dr. Pagedar again completed the unusual circumstances questions and reported that there was no probation and were no negative reports. Dr. Pagedar testified, however, that she did not answer the unusual circumstances questions a second time.

Mr. Wilcox stated that the second place is page five of States Exhibit 2, which was submitted at hearing. The form clearly asks whether the applicant had ever taken a leave of absence or break from medical education or placed on probation, whether she was ever disciplined or placed under investigation, or whether any negative reports were filed against her. Dr. Pagedar answered “no” to all of these questions.

Mr. Wilcox stated that he thinks that the final order should reflect, given that the Board has documentation itself, and testimony from the representative from the Federation of State medical Boards, that that portion of the citation letter was also proved.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI’S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF UJWALA PAGEDAR, M.D. MR. BROWNING SECONDED THE MOTION.

Dr. Varyani stated that he would now entertain discussion in the above matter.

Dr. Kumar stated that he would first like to make it clear that the citation was not talking about the submission of fraudulent information on the application. It talked about the fact that Dr. Pagedar did not timely update her application when other things came to light. Dr. Kumar stated that it is also quite clear from the record that Dr. Pagedar should have known that those things existed beforehand and that she should have answered "yes" to those questions.

Dr. Kumar stated that he wanted to point out that he personally knows Dr. Virginia Wood very well, and he understands that the comments that she made are very appropriate. He added that he's sure that Dr. Wood had informed Dr. Pagedar of the problems she was having in the residency. He added, however, that he also must give credit to Dr. Pagedar because she did correct her deficiencies during her residency.

Dr. Kumar stated that, taking into account Dr. Pagedar's presentation today, and the fact that she, virtually, has been suspended for the last ten months or so, he felt it would be prudent to reduce the one-year suspension to three months. That will, essentially give her a year of suspension from the time she graduated from her residency program. Dr. Kumar stated that he felt that that is consistent with what the Board has done in the past.

Dr. Steinbergh asked whether Dr. Kumar's comments were appropriate concerning Conclusion of Law Number 5.

Ms. Pfeiffer indicated that they were, and she suggested that Finding of Fact Number 5 might also need to be amended.

Mr. Wilcox indicated that Finding of Fact number 5 could be amended by removing the word "not" from the second sentence of the second paragraph, and Conclusion of Law number 5 could be amended by removing the word "not" from the second sentence and by deleting the last sentence in the paragraph.

DR. KUMAR MOVED TO AMEND FINDINGS OF FACT NUMBER 5 AND CONCLUSION OF LAW NUMBER 5 OF MS. PETRUCCI'S REPORT AND RECOMMENDATION TO NOTE DR. PAGEDAR'S INCORRECT RESPONSE TO QUESTIONS IN HER F.C.V.S. APPLICATION AND THAT THE CHARGES IN THE CITATION HAVE BEEN PROVED. DR. KUMAR FURTHER MOVED TO REDUCE THE PERIOD OF SUSPENSION IN THE PROPOSED ORDER TO THREE MONTHS FROM THE EFFECTIVE DATE OF THE ORDER. DR. STEINBERGH SECONDED THE MOTION.

Mr. Whitehouse expressed concern that the Board might be creating a precedent if it considers something along the lines of "time served." He stated that the Board is certainly within its rights to say that twelve months' suspension is too much and choose to make it three months; but he suggested that the Board not

say that a year's suspension is appropriate, but because of the time this process has taken, it will be changed to three months. He stated that what happens is, inevitably, the seriousness with which this Board looks at any of these cases is judged by these findings, and you lose it in the context if you start talking about "time served." He added that it creates a bad precedent.

Dr. Egner stated that she thinks that this is very serious. Dr. Egner stated that she doesn't think that the questions are ambiguous. Dr. Pagedar had negative reports all three years of her residency program. She was placed on probation, and she knew that from being notified both orally and in writing. Dr. Egner stated that Dr. Pagedar was in an institution that, had she had any question about what the answer to those questions should have been when she filled out her application, she had access to her professors in her department and could have asked them how she should answer the question. Dr. Egner stated that she didn't want the Board to know, she didn't want the Federation to know. She stated that she thinks that this was not an omission, but was something that Dr. Pagedar didn't want to be known. Dr. Egner stated that she doesn't think that any changes should be made, except to delete what Mr. Wilcox has asked the Board to delete to make the Report and Recommendation more accurate. Dr. Egner stated that Dr. Pagedar needs to understand the seriousness of this. She added that Dr. Pagedar is starting out on a career and she has made some terrible choices. However, she made those choices, and she's intelligent enough to know that this was fraudulent. Dr. Egner stated that she thinks that Dr. Pagedar would benefit from both of the ethics courses and she needs to have the suspension and probation time, without time taken off.

Dr. Steinbergh stated that she agrees with Dr. Egner, but noted that the Board didn't charge Dr. Pagedar with fraud. It charged her with deceptiveness on her application. There is no question that Dr. Pagedar lied about these facts. Concerning the period of suspension, Dr. Steinbergh stated that the Board has already set a precedent on cases such as this. She stated that there are cases where the Board recognizes that the physician has been out of practice for a period of time. The Board has at times taken that into account. Dr. Steinbergh stated that Dr. Pagedar has indicated her understanding, and she personally doubts that Dr. Pagedar, having come before this Board will ever do anything like that again. The Board does not accept deception. Physicians cannot deceive. One of things this Board does is project ahead. If a physician deceives the Board, how is the Board to believe that the physician won't be deceptive in patient care? Dr. Steinbergh stated that physicians are responsible for the lives of their patients. Every word physicians put on patient charts and every piece of information a physician gives to a patient has to be honest, regardless of the outcome. Dr. Steinbergh stated that when the Board sees deception early in a young physician's career, it is very concerned.

Dr. Steinbergh stated that the Proposed Order does require a professional ethics course and a personal ethics course, which will reinforce those issues that concern the Board. She added that Dr. Pagedar has her academic degree, and no one can take that from her. But in order to practice medicine, Dr. Steinbergh believes that Dr. Pagedar has a certain responsibility to her license. She's in trouble because she lied. She cannot do that. Physicians must be intellectually honest and always, when it comes to patient care, be honest.

Dr. Steinbergh expressed concern with suspending Dr. Pagedar's license for a year at this stage of her career. She suggested a compromise of six months.

Dr. Kumar stated that there is no question about the fact that Dr. Pagedar misled and misrepresented herself. The thing that drives him to reduce the suspension is the fact that the Board really did not charge Dr. Pagedar for falsifying her initial application. The citation essentially charged her with not updating the information in a timely manner. Dr. Kumar stated that he would agree with a compromise of six months. He added that he would point out that four or five years ago, the Board had a similar kind of situation to the extent that the resident had to go back to do another six months or a year of residency and the Board suspended that individual's license for a lot less than a year. He stated that he was trying to be consistent.

Dr. Varyani stated that he is from Dr. Egner's camp. He asked whether Dr. Egner agreed with Dr. Kumar's statement, or whether she had different feelings.

Dr. Egner stated that she doesn't know if she agrees, but she will go along with the amendment.

DR. KUMAR AGREED TO CHANGE THE PERIOD OF SUSPENSION TIME IN HIS MOTION TO SIX MONTHS. DR. STEINBERGH, AS SECOND, ALSO AGREED.

Mr. Browning asked when the suspension period begins.

Dr. Steinbergh stated that it begins immediately upon mailing of the Order.

Dr. Robbins commented that he agrees with what has been said by Dr. Egner, Dr. Steinbergh and Dr. Kumar. He added that he came to the meeting not willing to compromise; but after hearing Dr. Pagedar's statement today, he will go along with the amendment.

A vote was taken on Dr. Kumar's motion to amend:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

DR. KUMAR MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF UJWALA PAGEDAR, M.D. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127



Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

August 9, 2007

Ujwala Pagedar, M.D.
326 Amherst Bend
Dayton, OH 45440

Dear Doctor Pagedar:

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 18, 2006, you caused to be submitted to the Board an Application for Physician Licensure [Application]. By signing the Application, you certified that the information provided therein was true. You also certified that you would "immediately notify the [Board] in writing of any changes to the answers to any of the questions contained in the "Additional Information" section of the application if such change occurs at any time prior to a license to practice medicine or osteopathic medicine being granted to [you] by the [Board]."
- (2) In the "Additional Information" section of your Application you answered "NO" to questions numbered 2 and 4 which, respectively, ask the following:

Have you ever been warned, censured, disciplined, had admissions monitored, had privileges limited, had privileges suspended or terminated, been put on probation, or been requested to withdraw from or resign privileges at any hospital, nursing home, clinic, health maintenance organization, or other similar institution in which you have trained, been a staff member, or held privileges, for reasons other than failure to maintain records on a timely basis, or failure to attend staff or section meetings?

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 a contract by, or expelled from, a medical school, clinical clerkship, externship, preceptorship, residency, or graduate medical education program?

Although you were notified on or about October 30, 2006, that you had been placed on probationary status at the Wright State University School of Medicine Internal Residency Program [Residency Program], you failed to timely notify the Board to

Mailed 8-9-07

update your application as required. You received a letter from the Board dated April 11, 2007, advising you that there was a substantial question about a violation of Section 4731.22, Ohio Revised Code, regarding your Application. Subsequent to receipt of that letter, you sent to the Board a letter dated April 16, 2007, indicating that, due to your obligation to update your Application, you were notifying the Board that you had been placed on probation on October 30, 2006.

Further, on or about October 12, 2006, you caused to be submitted to the Federation Credentials Verification Service [FCVS] an Application for Physician Licensure [FCVS Application]. By signing the Application, you certified that the information provided therein was true. On or about February 5, 2007, after having been contacted by FCVS to verify your dates of attendance at the Residency Program since you reported dates different from those reported by the Residency Program, you completed and caused to be submitted to the FCVS a new application page reporting dates of attendance that were consistent with those dates reported by the Residency Program.

In the "Postgraduate Medical Education" section of your FCVS Application for both the October 2006 and February 2007 submissions, you answered "NO" to the following questions:

Were you ever placed on probation?

Were any negative reports ever filed against you?

In fact, on or about September 26, 2006, the Wright State University Internal Medicine Evaluation and Promotion Committee [Evaluation Committee] placed you on probation and, on or about September 27, 2006, you were verbally notified about your probationary status by the Residency Program Director. Further, on or about October 30, 2007, you were notified about the specific concerns relating to your probationary status in the Residency Program via a conference call with the Chair of the Evaluation Committee, with said notification being memorialized in a letter that you subsequently signed.

Further, on or about June 29, 2006, you were given a negative resident evaluation that rated you as unsatisfactory in the area of "Practicing Evidence-based medicine." In addition, on or about September 29, 2006, you were informed about the basis of a subsequent negative resident evaluation that ultimately rated you as unsatisfactory in the areas of "Patient Care," "Medical Knowledge," "Practice-Based Learning Environment," "Professionalism," "Practicing Evidence-based Medicine," and "Resident's Overall Clinical Competence in Internal Medicine on Rotation."

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (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

Ujwala Pagedar, M.D.

Page 3

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.

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.

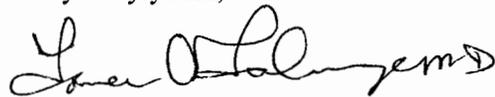
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at 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/DPK/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3931 8317 6536
RETURN RECEIPT REQUESTED