

State Medical Board of Ohio

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Executive Director

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March 11, 2009

Larson Frederick Langschwager, M.D.
15698 Kesselwood Trail
Marshall, MI 49068

RE: Case No. 08-CRF-026

Dear Doctor Langschwager:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Gretchen L. Petrucci, 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 11, 2009, 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 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 3936 3066 4296
RETURN RECEIPT REQUESTED

Cc: Douglas E. Graff, Esq.
CERTIFIED MAIL NO. 91 7108 2133 3936 3066 4302
RETURN RECEIPT REQUESTED

Mailed 3-12-09



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 March 11, 2009, 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 Larson Frederick Langschwager, M.D., Case No. 08-CRF-026, 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, M.D.
Secretary

March 11, 2009

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

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CASE NO. 08-CRF-026

LARSON FREDERICK
LANGSCHWAGER, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on March 11, 2009.

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 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 FOR AN OHIO CERTIFICATE:** The application of Larson Frederick Langschwager, M.D., for a certificate to practice medicine and surgery in Ohio is GRANTED, provided that he otherwise meets all statutory and regulatory requirements.
- B. **REPRIMAND:** Dr. Langschwager is REPRIMANDED.
- C. **PROBATION:** The certificate of Dr. Langschwager to practice medicine and surgery in the Ohio shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least six months:
 - 1. **Obey the Law:** Dr. Langschwager shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which he is practicing.
 - 2. **Professional Ethics Course or Courses:** Before the end of the first year of probation, or as otherwise approved by the Board, Dr. Langschwager shall provide acceptable documentation of successful completion of a course or courses dealing with professional ethics and including physician/patient boundary issues.

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. Langschwager submits the documentation of successful completion of the course or courses dealing with professional ethics (including physician/patient boundary issues), he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

3. **Termination of Probation:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Langschwager's certificate will be fully restored.

D. REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER

1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Langschwager shall provide a copy of this Order to all employers or entities with which he is under contract to provide health-care services (including but not limited to third-party payors), or is receiving training, and the chief of staff at each hospital or health-care center where he has privileges or appointments.

In the event that Dr. Langschwager provides any health-care services or health-care direction or medical oversight to any emergency medical services organization or emergency medical services provider, Dr. Langschwager shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

2. **Required Reporting to Other Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Langschwager shall provide a copy of this Order to the proper licensing authority of any State or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate.

Dr. Langschwager further shall provide a copy of this Order at the time of application to the proper licensing authority of any State or

jurisdiction in which he applies for any professional license or reinstatement/restoration of any professional license. This requirement shall continue until Dr. Langschwager receives from the Board written notification of the successful completion of the probation.

3. **Required Documentation of the Reporting Required by Paragraph D:** Dr. Langschwager shall provide the Board with one of the following documents as proof of each required notification within 30 days of the date of each such notification: (1) the return receipt of certified mail within 30 days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

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

(SEAL)

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

March 11, 2009
Date

2009 FEB 12 P 1:12

**REPORT AND RECOMMENDATION
IN THE MATTER OF LARSON FREDERICK LANGSCHWAGER, M.D.
CASE NO. 08-CRF-026**

The Matter of Larson Frederick Langschwager, M.D., was heard by Gretchen L. Petrucci, Hearing Examiner for the State Medical Board of Ohio, on December 11, 2008.

INTRODUCTION

Basis for Hearing

By letter dated March 12, 2008, the State Medical Board of Ohio [Board] notified Larson Frederick Langschwager, M.D., that it had proposed to take disciplinary action against him or deny his application for a certificate to practice medicine and surgery in Ohio. The Board based its proposed action on the allegations that disciplinary action had been taken against Dr. Langschwager's medical license in the State of Michigan, and that the underlying facts included that he had engaged in sexual relations with a patient. The Board further alleged that the Michigan action constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery * * * for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as set forth in Section 4731.22(B)(22), Ohio Revised Code. Accordingly, the Board advised Dr. Langschwager of his right to request a hearing in this matter. (State's Exhibit 1 at 1)

On March 14, 2008, Dr. Langschwager requested a hearing. (State's Exhibit 1 at 6)

Appearances at the Hearing

Richard Cordray, Attorney General, by Karen A. Unver, Assistant Attorney General, on behalf of the State of Ohio.

Douglas E. Graff, Esq., on behalf of Dr. Langschwager.

EVIDENCE EXAMINED

Testimony Heard

Larson Frederick Langschwager, M.D.

Exhibits Examined

State's Exhibits 1: Procedural exhibits.

State's Exhibit 2: September 2007 letter to the Board, with certified copies of the Consent Order and Stipulation, and First Superseding Administrative Complaint in the *Matter of Larson Frederick Langschwager, M.D.*, Complaint No. 43-05-99565, before the Michigan Department of Community Health, Bureau of Health Professions, Board of Medicine, Disciplinary Subcommittee.

State's Exhibit 3: Certified copy of the April 2007 application of Larson Frederick Langschwager, M.D., and related documents. [Redacted in part to obscure a social security number.]

Respondent's Exhibit A: December 2008 letter to the Board from Mark A. Walker, M.D.

Respondent's Exhibit B: March 2008 letter to Dr. Langschwager from the Michigan Department of Community Health, Bureau of Health Professions.

SUMMARY OF THE EVIDENCE

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

Background

1. Larson Frederick Langschwager, M.D., is an obstetrician/gynecologist. He graduated in 1994 from the University of Michigan in Ann Arbor, Michigan, with a bachelor's degree in science. Between 1994 and 1995, he completed a post-baccalaureate, premedical program at Duquesne University in Pittsburgh, Pennsylvania. In 1999, Dr. Langschwager earned a medical degree from the Medical College of Pennsylvania/Hahnemann School of Medicine in Philadelphia, Pennsylvania. Dr. Langschwager completed a four-year residency program in obstetrics and gynecology [OB/GYN] at Hurley Medical Center/Michigan State University in 2003. He was the Chief Resident during his final year of residency. (Hearing Transcript [Tr.] at 19-21; State's Exhibit [State's Ex.] 3 at 4, 9, 38-39, 50, 51, 58-69, 71-74)
2. Between 2003 and 2005, Dr. Langschwager worked as a hospital-employed physician at the North Ottawa Community Hospital in Grand Haven, Michigan. In 2006, Dr. Langschwager held a locum tenens position at Midwest OB-GYN in Lansing, Michigan for roughly nine months. Then, he took a position at Michigan State University as a physician and professor. He held that position for several months under provisional privileges, but resigned when he was not able to obtain the necessary credentials/privileges from the university's "Health Team." In February 2008, Dr. Langschwager joined a four-physician medical practice in Marshall, Michigan, which is where he currently practices. (St. Ex. 3 at 10-12, 13-14, 42, 44; Tr. at 22, 25-29, 43-45, 76-78; Respondent's Exhibit [Resp. Ex.] A)

3. Dr. Langschwager has an active medical license in Michigan. He successfully completed the written American Board of Obstetrics and Gynecology [ABOG] examination in August 2005, and is awaiting the results of this matter in order to proceed to the oral ABOG examination. (St. Ex. 3 at 34, 40; Tr. at 16, 19, 49, 52, 79, 81-82)

Dr. Langschwager's Testimony about Patient J.R.¹

4. After completing his residency in 2003, Dr. Langschwager joined an OB/GYN practice in Grand Haven, Michigan. He stated that, when he had joined the practice, several physicians had left or were just leaving, and it became a two-physician medical practice. He further explained that the other physician was close to retiring and was not in the office much. (Tr. at 22-23; St. Ex. 3 at 10)
5. Dr. Langschwager testified that Patient J.R. was referred to him for some ongoing medical concerns. He stated that they were in the same social circle, and that she had returned to his office from "time to time." Dr. Langschwager stated that, in 2005 (roughly six to nine months after she had become his patient), he had told Patient J.R. that he would be attending a bachelor party and that, when he had gone to a bar after that party, she had shown up. He explained that he had been drinking alcohol, and that they had had sexual relations that evening. (Tr. at 34-36, 43)

Dr. Langschwager stated that, approximately three weeks later, he had brought Patient J.R. to a "tailgate" party prior to a college football game, she had attended the football game with his friend, and then he had partied with her at the post-game "tailgate" party. (Tr. at 37-38)

Less than two weeks later, Dr. Langschwager met Patient J.R. for lunch and then returned to her residence, at which time they kissed. (Tr. at 39-40)

6. Dr. Langschwager acknowledged that he had communicated with Patient J.R. via e-mail on a number of occasions, which had started after her third visit to his office. (Tr. at 35, 38, 40, 76, 78)

Disciplinary Action taken against Dr. Langschwager's Michigan Medical License

7. In 2005, the Michigan Department of Community Health, Bureau of Health Professions, Board of Medicine, Disciplinary Subcommittee [Michigan Board] began an investigation of Dr. Langschwager. On March 16, 2006, an administrative complaint was filed against him. (St. Ex. 2 at 10; St. Ex. 3 at 10)
8. On January 4, 2007, a superseding administrative complaint was filed with the Michigan Board, which replaced the March 2006 complaint in its entirety. The Michigan Board

¹Some documentation refers to the involved patient as "J.R.", but Dr. Langschwager's recitation of the event and the parties' references to the patient during the hearing refer to her as "J.T." (St. Ex. 2 at 7-10; St. Ex. 3 at 10-11; Tr. at 56-59, 61) It is not clear why different initials were used, but the distinction is immaterial. It should be emphasized that only one patient was involved in the incident.

charged Dr. Langschwager with violating Section 16221(a) of the Michigan Public Health Code. The superseding administrative complaint alleges, among other things, the following:

- “Patient J.R. * * * was first treated by Respondent at his office on March 1, 2004, for chronic pelvic pain.”
- “J.R. treated with Respondent for various gynecological ailments until September 26, 2005, when she notified his office she was seeking a new physician.”
- “During the course of the doctor-patient relationship, J.R. and Respondent engaged in sexual intercourse twice during the evening or early morning hours of August 20-21, 2005.”
- “On September 10, 2005, Respondent took J.R. to a University of Michigan football game, where he bought her food, drinks, and clothing.”
- “J.R. and Respondent met for a lunch date on September 21, 2005. While at her home after lunch, Respondent kissed and fondled J.R. and asked her to have sex with him * * *.”
- “In a series of e-mails J.R. and Respondent wrote while the doctor-patient relationship was ongoing, Respondent confessed having ‘feelings for’ and a ‘crush’ on J.R. He also declared that he was ‘jealous’ of other men seeing and talking to J.R.”
- “[On] September 14, 2005, J.R. asked Respondent if she should get a new doctor and if so, if he would give her a referral, because she needed to make an appointment. In response, Respondent wrote, ‘...I am certainly okay with seeing you professionally as long as you are okay with it. Its [sic] ethically okay to treat family and friends.’ Respondent also asked her diagnostic questions * * *.”
- “That same date, September 14, 2005, Respondent called in a Diflucan prescription for J.R. * * *.”

(St. Ex. 2 at 8-10)

9. Dr. Langschwager did not contest the allegations of the administrative complaint, but did not admit their truthfulness either.² He did, however, enter into a stipulation with the Michigan Board, agreeing that the Michigan Board could “treat the allegations as true for resolution of the complaint and [could] enter an order treating the allegations as true.” The Michigan stipulation expressly noted that several factors influenced the decision to enter into the

²Dr. Langschwager testified at the hearing in this matter that the allegations of the superseding administrative complaint were basically true, although he had not admitted that previously. (Tr. at 34, 58)

stipulation: (a) Dr. Langschwager had undergone therapy relative to the issues that had caused his behavior; (b) he was evaluated and found not to be predatory; (c) his behavior was found to not follow a pattern of exploitation; (d) Dr. Langschwager successfully completed 31 hours of CME related to sexual misconduct and boundary issues; and (e) the Michigan Board “conferee” believed that Dr. Langschwager is truly remorseful for his actions. (St. Ex. 2 at 5, 6)

Dr. Langschwager and the Michigan Board also agreed that a violation of Section 16221(a) of the Public Health Code of Michigan had occurred, and Dr. Langschwager should be placed on probation for a minimum of one year. Moreover, they agreed that, during the probationary period, he should among other things: (a) obtain/continue counseling (and that therapist shall submit quarterly reports to the Board regarding Dr. Langschwager’s progress and ability to practice in a safe and competent manner); (b) complete 7 hours in continuing medical education [CME] in professional sexual misconduct and 24 hours of CME in professional boundary problems; and (c) have a female chaperone present during all examinations and consultations. (St. Ex. 2 at 2-6)

10. On January 17, 2007, the Michigan Board issued a Consent Order, placing Dr. Langschwager on probation for one year and imposing the stipulated, probationary terms as listed above. (St. Ex. 2 at 1-3)
11. Effective January 17, 2008, the Michigan Board discharged Dr. Langschwager from probation. Dr. Langschwager noted that he had completed six months of counseling with a psychologist to fulfill that probationary requirement. He explained that he had sought out a CME course on boundary issues prior to the Michigan Board’s requirement. He stated that he had obtained the CME via an online “precursor,” followed by a three-day conference entitled “Professional Boundaries,” sponsored by the University of Alabama Medical School. In addition, he stated that he had complied easily with the chaperone requirement because he has always had a policy to have a female chaperone with him while meeting with patients at the office. (Tr. at 31-32, 45, 56-57, 68-70, 73-74; Resp. Ex. B)

Dr. Langschwager’s Ohio Certificate Application

12. On April 9, 2007, Dr. Langschwager filed with the Board an application for a certificate to practice medicine and surgery in Ohio. The Ohio application was filed after the Michigan Consent Order was issued and while Dr. Langschwager was under probation with the Michigan Board. Dr. Langschwager explained that, after he had resigned from the position with Michigan State University in 2006, he had begun looking at “a lot of different options.” An opportunity in Fremont, Ohio, was available, and the personnel there had showed some interest in him. As a result, he applied for an Ohio certificate. (Tr. at 46; St. Ex. 3)

13. In the application, he disclosed the Michigan incident, his loss of employment, and the Michigan Board investigation/action. Dr. Langschwager provided a written explanation of the events. (St. Ex. 3 at 5-6, 10-11) Among other things, Dr. Langschwager stated:

Grand Haven is a small community, and it often turned out that I would see patients that were in my same social circle (i.e. wives of friends, my own P.A. for obstetrical care, etc.) I was referred a patient (“JT” hereafter) from a primary care doctor for evaluation of cervical dysplasia. It soon became apparent that that we had many mutual friends in the community * * *. The office staff would often joke about her, as she was often very forward, and would decline appointments with the other physician in the office if I was unavailable. * * * At one visit, she asked for my e-mail address and we began to correspond. I had considered her to be a friend.

However, in August of 2005 I attended a bachelor party in Grand Rapids. I had told JT where we would be, and she ended up showing up. We were both intoxicated, and I am embarrassed to admit that there was some physical contact between her and me that night. Afterwards, she attributed this to an unfortunate mistake made between two friends after a night of drinking, and I agreed. I never did see her in the office again after this incident, but we continued to correspond via e-mail. At her request, I set her up with a single friend of mine from college at a football game that September. I’m not sure whether the setup didn’t work out, or whether she wasn’t getting what she wanted from me, but soon after that I know she filed a complaint with the [Michigan] Board. * * *

In November, I was notified that I was under investigation. JT would continue to attempt to correspond with me via e-mail, at times expressing regret. * * *

At this same time, I was in the process of leaving Grand Haven to take a locums job in Lansing, Michigan. My reasons for leaving Grand Haven were entirely unrelated to this incident * * *.

No lawsuits have resulted from this incident, and in fact I have never been sued. I have since completed 27 credits of CME in professional boundary issues and am currently engaged in counseling. I feel that I am now much more educated in recognizing potential conflicts of interest where friendships with patients are concerned, and I am also much better equipped to deal with seductive patients.

Even though it was a one-time, mutual and consensual event that occurred completely outside of any clinical context, I do realize that I made a serious ethical mistake that night and that I should have been the one to know better. The implications of this mistake have been far-reaching, both with respect to my career *and* to my personal life, yet my sincere intention is to learn from this experience and become a better physician (as well as a better husband and

father) in the process. I need only an opportunity to prove my worth, and in this regard, I can assure you that I am extremely motivated.

(St. Ex. 3 at 10-11, emphasis in original)

Dr. Langschwager's Understanding of the Boundaries in the Physician/Patient Relationship

14. Dr. Langschwager admitted that he had understood that physicians should not engage in romantic relationships with patients. (Tr. at 54)
15. Dr. Langschwager answered the following series of questions at the hearing regarding his understanding of the physician/patient boundary at the time of the affair and what he has since learned:

Q. At the time you had sexual relationships with her, what was your understanding about what a physician and a patient can do?

A. I knew that that was not appropriate at that time. I – I probably didn't grasp the full repercussions or – or the seriousness of it. I didn't necessarily plan on that happening that night. But I was – I think at that point in – in my career, I – I probably wasn't – didn't have a real good idea of – of patient boundaries, and – and obviously made – made some mistakes.

Q. Why did you tell her you were going out to the bar?

A. I think that maybe at some level I was hoping she would be there. I – Maybe at some level I – I had hoped that we would end up together that night. I think mainly I was trying to impress my friends and – that were going to be there. And, obviously, it's not an appropriate thing to do.

Q. Since that time, have you learned more about what's appropriate in the physician-patient relationship?

A. I think one of the biggest things that I've got, and this is, you know, from talking with – in counseling but also from the education, I think I was a bit naive about boundaries at that point. I have since really gotten a much better grasp of, you know, the – say boundaries – but that line between being a patient and – and seeing people socially is – is pretty concrete.

And – And you see things around you where it's not always the case, but ultimately that's probably something that you should know for yourself and sense for yourself.

Q. What is the appropriate boundary with a patient?

A. That once they're a patient, they're always a patient, and you're – they're your client, and they pay you to do – expect you to do a specific job for them, and anything that goes beyond that is inappropriate.

Q. What else have you learned?

A. I think professionally, I am obviously a lot better educated now at – at kind of identifying situations where this would be an issue. I think I can more readily recognize red flags.

And – And, importantly, I think I'm in a situation now where, you know, there's – there's oversight. I have my partners that I can go to about something, you know, I have staff that can recognize that sort of thing. And – And in and of myself I'm just much better at deflecting things and – and just better at dealing with – with the situation before it even starts.

(Tr. at 40-43; see also Tr. at 54-55, 63-64, 71-72)

16. Dr. Langschwager also admitted that it is now clear to him that it was not just the romantic encounter that was inappropriate, but everything that led up to it, including the e-mail communications. (Tr. at 75)

17. Furthermore, Dr. Langschwager acknowledged that having a personal relationship with a patient can damage the patient and impact the patient's ability to trust other physicians. (Tr. at 62-63)

Dr. Langschwager's Disclosures to Potential Employers

18. Dr. Langschwager testified that he had been open and honest with potential employers after the Michigan Board investigation began because he wanted "to be upright and forthright about it and let the – let the chips fall where they – where they may." (Tr. at 29, 46, St. Ex. 3 at 15-16 and Resp. Ex. A) In particular he stated:

Q. Did you talk to your new employer [at Michigan State University] about it?

A. I did. I didn't want to get in a situation where they were going to hire me and have anything like that that they weren't aware of, obviously. So before I accepted the position, I met with Dr. Sauer, we went out to dinner, and I basically told him what the situation was and what might be occurring, and was very candid with him about it.

(Tr. at 26)

Others' Observations of Dr. Langschwager

19. Michel E. Payne, the President/CEO of the North Ottawa Community Health System, which includes the North Ottawa Community Hospital, wrote a letter in October 2005 regarding Dr. Langschwager. The State did not have the opportunity to examine Mr. Payne. He stated:

Dr. Langschwager is dedicated to the practice of obstetrics and gynecology. He is hardworking and has a very strong work ethic, as evidenced during the many hours he spent in our Family Birthing Unit.

Dr. Langschwager's departure was mutually agreed upon and very amicable, as a result of his two-year contract expiring.

(St. Ex. 3 at 12)

20. In October 2006, Harold J. Sauer, M.D., wrote a letter of support for Dr. Langschwager to the Michigan Board. Dr. Sauer was an Associate Professor and Acting Chair of the Department of Obstetrics, Gynecology and Reproductive Biology in the College of Human Medicine at the Michigan State University. He also was a former Michigan Board Member and Chair. The State did not have the opportunity to examine Dr. Sauer. He stated:

I have known Dr. Langschwager since the beginning of 2006 when he joined a local Lansing obstetrics and gynecology practice in a locum tenens role. In that practice he was well respected by patients and professional colleagues alike. He had covered a practice where two of three physicians were out on short-term disability, but when they returned there was insufficient patient volume to keep him in that group.

When we began discussing his potential hire, he asked to meet with me about some concerns. We met for over two hours, and he outlined the issues raised by an Administrative Complaint from the Michigan Board of Medicine, which alleged sexual boundary violations with a patient of his. He was insightful and genuinely remorseful when he met with me.

* * * I discussed these issues further with Dean Rappley [dean of Michigan State University's College of Human Medicine], who asked to meet with him to address the issues in the administrative complaint personally. She was convinced of his remorse, sincerity, and his ability to practice top-notch medicine, and gave the go-ahead to hire him * * *.

Having had numerous conversations with Dr. Langschwager since his hiring, I am convinced he is aware of the serious implications of his actions and how they are affecting his professional career. * * * [H]e was asked to have an evaluation with a specific independent psychiatrist in the Detroit metropolitan area, and that occurred on September 22nd of this year. Dr. Langschwager has

shared that report with me, and in that report I find nothing of substance that goes against what he told me or that was not revealed to me in the process of his hiring to our department.

It was always the intent of Dr. Langschwager to be open with this potentially controversial series of issues. Again, I believe that Dr. Langschwager is sincere in his desire to practice medicine to the highest standards, that he is genuinely remorseful for what he has done, and that this can never be repeated. * * *

(St. Ex. 3 at 15-17)

21. In a letter prepared on December 10, 2008, Dr. Langschwager's senior partner, Mark A. Walker, M.D., wrote to the Board. The State did not have the opportunity to examine Dr. Walker. He wrote:

My partners and I were made aware of his issue with the Board of Medicine in Michigan from the moment he came to interview. * * * We were impressed with him and brought him back for a second interview. In the interim, we called and spoke with numerous references he provided. These included a former practice associate and several physicians in the Lansing, MI area that he had worked with. * * * He has shown genuine remorse for what had happened. * * * In the end, we felt we could trust him and that we would not be jeopardizing our patient's safety by having him in our practice. * * * We set guidelines about what he could and could not do. He has a female chaperone in the room whenever he performs an exam. He knows that if there is a single complaint regarding inappropriate behavior he will be dismissed. It has gone well. There have been no complaints about him and his patients enjoy his care very much. We are pleased to have him in our practice and would rehire him without reservation.

* * * And after working with him for 10 months, I am certain he realizes how shortsighted his actions were and that he will, in no way, ever allow that to happen again. I urge the Ohio Board not to place any unnecessary hardship on him as limiting his ability to become board certified would be extremely detrimental to his career.

(Resp. Ex. A; see also Tr. at 44)

Other information

22. Dr. Langschwager testified that he does not intend to work in Ohio, and he did not have any pending employment opportunities in Ohio in December 2008. Furthermore, he stated that he is happy in his current medical practice, and a position in Ohio would not be convenient to where he resides. (Tr. at 51)

23. Dr. Langschwager testified that he wishes to obtain board certification from the ABOG. He explained that he has passed the written examination and he has six years from the passage of the written examination (in August 2005) to pass the oral examination. He also stated did not pass the oral examination on a prior attempt. Thus, at this time, he can apply as late as April 2010 to take the oral examination. However, Dr. Langschwager noted that he is not able to take the oral examination if he has a medical license that is restricted in some manner and, thus, the outcome of this proceeding could impact his ability to obtain board certification. He explained further, stating, "I know that if I miss my [six-year] window, my chances of passing both the written and oral again are – are statistically very small." (Tr. at 49-50, 52, 82)

FINDINGS OF FACT

1. On April 9, 2007, Larson Frederick Langschwager, M.D., submitted an application for a certificate to practice medicine and surgery in Ohio. That application remains pending.
2. On January 17, 2007, the State of Michigan, Department of Community Health, Bureau of Health Professions, Board of Medicine, Disciplinary Subcommittee entered a Consent Order and Stipulation, wherein disciplinary action was taken against Dr. Langschwager's Michigan medical license. The facts underlying such disciplinary action included that he had engaged in sexual relations with a patient.

CONCLUSION OF LAW

The Michigan Consent Order and Stipulation, as set forth in Finding of Fact 2, constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery * * * for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as set forth in Section 4731.22(B)(22), Ohio Revised Code.

* * * * *

First and foremost, this matter involves an application for licensure in Ohio. At this time, it does not appear that Dr. Langschwager desires the Ohio certificate for which he applied in 2007. He testified that he only had considered practicing medicine in Ohio in 2007 because he had "cast a wide net" in his employment search. He also stated that he is happy in his current employment in Michigan and is not looking to practice in Ohio. In addition, Dr. Langschwager testified that, when he sought to withdraw his Ohio application, he was told he could not do so. Thus, the application remains pending and, thus, the initial question is whether a certificate should be issued. The Hearing Examiner finds that the application should be granted, provided that Dr. Langschwager otherwise meets all statutory and regulatory requirements.

The Board is authorized to take disciplinary action against the Ohio certificate because of the Michigan action and, given the serious nature of the underlying incident, some discipline is appropriate. The Hearing Examiner is convinced that a reprimand and further education during a six-month probationary period are appropriate, given the totality of the circumstances and the following factors in particular:

- Dr. Langschwager provided a full disclosure to the Board on his certificate application at the time of his initial submission.
- Dr. Langschwager was frank and honest at the hearing.
- Dr. Langschwager is sincerely remorseful of his actions.
- It is unlikely that such another such incident will occur.
- The Michigan Board addressed Dr. Langschwager's improper behavior, and required rehabilitative/remedial measures.
- Dr. Langschwager fulfilled the requirements of the Michigan Board, and was discharged from probation more than a year ago.
- Dr. Langschwager has learned a great deal from the incident and the disciplinary action taken by the Michigan Board; however, further education related to physician/patient boundary issues is reasonable.

The Hearing Examiner finds that further education dealing with professional ethics and including physician/patient boundary issues is an appropriate requirement, even though Dr. Langschwager attended educational courses for fulfillment of the Michigan Board's requirements. That prior course work was completed in late 2006/early 2007. Updated information and/or a "refresher" would benefit Dr. Langschwager as he continues the practice of medicine.

PROPOSED ORDER

It is hereby ORDERED, that:

- A. **APPLICATION FOR AN OHIO CERTIFICATE:** The application of Larson Frederick Langschwager, M.D., for a certificate to practice medicine and surgery in Ohio is GRANTED, provided that he otherwise meets all statutory and regulatory requirements.
- B. **REPRIMAND:** Dr. Langschwager is REPRIMANDED.
- C. **PROBATION:** The certificate of Dr. Langschwager to practice medicine and surgery in the Ohio shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least six months:
 1. **Obey the Law:** Dr. Langschwager shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which he is practicing.

2. **Professional Ethics Course or Courses:** Before the end of the first year of probation, or as otherwise approved by the Board, Dr. Langschwager shall provide acceptable documentation of successful completion of a course or courses dealing with professional ethics and including physician/patient boundary issues. 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. Langschwager submits the documentation of successful completion of the course or courses dealing with professional ethics (including physician/patient boundary issues), he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

3. **Termination of Probation:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Langschwager's certificate will be fully restored.

D. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER**

1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Langschwager shall provide a copy of this Order to all employers or entities with which he is under contract to provide health-care services (including but not limited to third-party payors), or is receiving training, and the chief of staff at each hospital or health-care center where he has privileges or appointments.

In the event that Dr. Langschwager provides any health-care services or health-care direction or medical oversight to any emergency medical services organization or emergency medical services provider, Dr. Langschwager shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

2. **Required Reporting to Other Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Langschwager shall provide a copy of this Order to the proper licensing authority of any State or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate.

Dr. Langschwager further shall provide a copy of this Order at the time of application to the proper licensing authority of any State or jurisdiction in which he applies for any professional license or reinstatement/restoration of any professional license. This requirement shall continue until Dr. Langschwager receives from the Board written notification of the successful completion of the probation.

3. **Required Documentation of the Reporting Required by Paragraph D:**
Dr. Langschwager shall provide the Board with one of the following documents as proof of each required notification within 30 days of the date of each such notification: (1) the return receipt of certified mail within 30 days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

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

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



Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

EXCERPT FROM THE DRAFT MINUTES OF MARCH 11, 2009

REPORTS AND RECOMMENDATIONS

Dr. Madia announced that the Board would now consider the Reports and Recommendations and the Proposed Findings And Proposed Order appearing on its agenda.

Dr. Madia asked whether each member of the Board had received, read and considered the hearing record; the Findings of Fact, Conclusions of Law and Proposed Orders, and any objections filed in the matters of Joshua Forest Brockman, M.T.; Marjorie Rasilini Ebenezer, M.D.; Gregory Gene Johnson, M.D.; Gerald William Lane, D.O.; Larson Frederick Langschwager, M.D.; Jay Weldon Martin, M.D.; and the Request for Reconsideration in the Matter of Glenn A. Bollard, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Suppan	- aye
	Dr. Varyani	- aye
	Mr. Jacobson	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

Dr. Egner advised that she served as Acting Secretary in the case of Dr. Johnson, and would therefore abstain from participating in that case.

Dr. Madia 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. Suppan	- aye
	Dr. Varyani	- aye
	Mr. Jacobson	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye

Dr. Mahajan - aye
Dr. Steinbergh - aye
Dr. Madia - aye

Dr. Madia 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. They may, however, participate in the matters of Dr. Bakhshandeh and Dr. Higgs, 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.

.....

LARSON FREDERICK LANGSCHWAGER, M.D.

.....

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF LARSON FREDERICK LANGSCHWAGER, M.D. DR. EGNER SECONDED THE MOTION.

.....

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

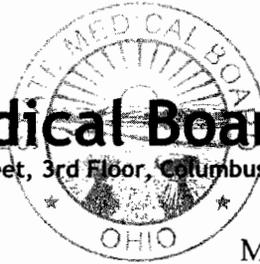
VOTE: Mr. Albert - abstain
Dr. Egner - aye
Dr. Suppan - aye
Dr. Varyani - aye
Mr. Jacobson - aye
Dr. Amato - aye
Dr. Stephens - aye
Dr. Mahajan - aye
Dr. Steinbergh - aye
Dr. Madia - aye

The motion carried.

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director



March 12, 2008

(614) 466-3934
med.ohio.gov

Case number: 08-CRF-026

Larson Frederick Langschwager, M.D.
P.O. Box 1066
Okemos, MI 48805

Dear Doctor Langschwager:

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 April 9, 2007, you caused to be submitted to the Board an Application for Physician Licensure. That application remains pending.
- (2) On or about January 17, 2007, the State of Michigan, Department of Community Health, Bureau of Health Professions, Board of Medicine, Disciplinary Subcommittee, entered a Consent Order and Stipulation [Michigan Consent Order], wherein disciplinary action was taken against your Michigan medical license. The facts underlying such disciplinary action include that you engaged in sexual relations with a patient. Copies of the Michigan Consent Order and Stipulation and First Superseding Administrative Complaint are attached hereto and incorporated herein.

The Michigan Consent Order, as alleged in paragraph (2) above, constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4731.22(B)(22), 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.

Mailed 3.13.08

Larson Frederick Langschwager, M.D.

Page 2

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/KHM/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3934 3685 0114
RETURN RECEIPT REQUESTED

cc: Hanz Wasserburger, Esq.
604 East Rich Street, Suite 2100
Columbus, Ohio 43215

CERTIFIED MAIL #91 7108 2133 3934 3685 0121
RETURN RECEIPT REQUESTED

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH PROFESSIONS
BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE

In the Matter of

LARSON FREDERICK LANGSCHWAGER, M.D.
_____ /

Complaint No. 43-05-99565
CONSENT ORDER AND
STIPULATION

CONSENT ORDER

A superseding administrative complaint was filed with the Disciplinary Subcommittee of the Board of Medicine on January 4, 2007, charging Larson Frederick Langschwager (Respondent) with having violated section 16221(a) of the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq.*

The parties have stipulated that the Disciplinary Subcommittee may enter this consent order. The Disciplinary Subcommittee has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding complaint. Therefore, the Disciplinary Subcommittee finds that the allegations of fact contained in the complaint are true and that Respondent has violated section 16221(a) of the Public Health Code.

Accordingly, for this violation, IT IS ORDERED:

STATE OF MICHIGAN-INGHAM COUNTY
We certify that the foregoing is a true
copy of the original on file in the office
of the Department of Community Health
Bureau of Health Professions

Respondent is placed on PROBATION for a minimum period of twelve months and until Respondent's therapist reports to the Department that Respondent has successfully resolved the issues that led to his conduct at issue in this matter, commencing on the effective date of this

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order. Reduction of the probationary period shall occur only while Respondent is employed as a medical doctor. Respondent shall be automatically discharged from probation at the end of the probationary period provided Respondent has complied with the terms of this order. The terms and conditions of the probation, which Respondent must complete within the period of probation, are as follows:

- A. COUNSELING. Respondent shall obtain/continue treatment on a regular basis with a therapist, psychologist, or psychiatrist licensed by the State of Michigan. Respondent shall remain in treatment throughout the probation period or until he is satisfactorily discharged Respondent from treatment, whichever occurs first. Respondent's therapist shall submit quarterly reports to the Department addressing Respondent's progress and ability to practice in a safe and competent manner.
- B. COMPLIANCE WITH THE PUBLIC HEALTH CODE. Respondent shall comply with all applicable provisions of the Public Health Code and rules promulgated under the Public Health Code.
- C. RESIDENCY AND PRACTICE OUTSIDE MICHIGAN. Periods of residency and practice outside Michigan shall not reduce the probationary period of this order. Respondent shall report any change of residency or practice outside Michigan to the Department within fifteen days after the change occurs. Compliance with this provision does not satisfy the requirements of section 16192(1) and 16171(f) of the Public Health Code regarding Respondent's duty to report name or mailing address changes to the Department.
- D. CONTINUING EDUCATION CREDITS. Respondent has successfully completed 7 hours of continuing education credits in Professional Sexual Misconduct and 24 hours of continuing education credits in Professional Boundary Problems. Therefore, Respondent has satisfied his continuing education requirement for the purposes of this consent order. These credit hours shall not count toward the number of credit hours required for license renewal.
- E. FEMALE CHAPERONE. Respondent shall have a female chaperone present during all exams and consultations.

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Any violation of the Public Health Code by Respondent during the period of probation shall be deemed a violation of probation and constitute grounds for further disciplinary action.

Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.

This order shall not be modified for any cause whatsoever.

Respondent shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation, and the failure to comply within the time limitations provided will constitute a violation of this order.

This order shall be effective on the date signed by the Chairperson of the Disciplinary Subcommittee or the Disciplinary Subcommittee's authorized representative, as set forth below.

Signed on 1/17, 2007.

MICHIGAN BOARD OF MEDICINE

By Mark K. Fisher
Chairperson, Disciplinary Subcommittee

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STIPULATION

The parties stipulate as follows:

Respondent does not contest the allegations of fact and law in the complaint.

Respondent understands that, by pleading no contest, he does not admit the truth of the allegations but agrees that the Disciplinary Subcommittee may treat the allegations as true for resolution of the complaint and may enter an order treating the allegations as true.

Respondent understands and intends that, by signing this stipulation, he is waiving the right under the Public Health Code, rules promulgated under the Public Health Code, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq*, to require the Department to prove the charges set forth in the complaint by presentation of evidence and legal authority, and to present a defense to the charges before the Disciplinary Subcommittee or its authorized representative. Should the Disciplinary Subcommittee reject the proposed consent order, the parties reserve the right to proceed to hearing.

The Disciplinary Subcommittee may enter the above consent order, which Board conferee George Shade, M.D. supports. The Board conferee or an Assistant Attorney General in the Licensing & Regulation Division are free to discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

By entering into this agreement, the Department agrees it will not bring another action against Respondent arising out of the factual allegations that form the basis of the present administrative complaint.

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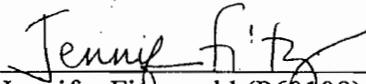
STATE OF MICHIGAN-INGHAM COUNTY
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Bureau of Health Professions

The Board conferee and the parties considered the following factors in reaching this agreement:

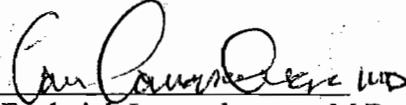
- A. Respondent has undergone therapy related to the issues that caused his behavior;
- B. Respondent was evaluated by Dr. Gerald Shiener, M.D., who opined Respondent is not predatory and that his behavior in this matter did not follow a pattern of exploitation;
- C. Respondent has successfully completed 31 hours of CE in sexual misconduct and boundary issues;
- D. Dr. Shade believes Respondent is truly remorseful for his actions.

By signing this stipulation, the parties confirm that they have read, understand and agree with the terms of the consent order.

AGREED TO BY:


Jennifer Fitzgerald (P60109)
Assistant Attorney General
Attorney for Complainant
Dated: 1-11-07

AGREED TO BY:


Larson Frederick Langschwager, M.D.
Respondent
Dated: 1/4/07

Bradford W. Springer (P67201)
Attorney for Respondent
Dated: _____

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STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH PROFESSIONS
BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE

STATE OF MICHIGAN-INGHAM COUNTY
We certify that the foregoing is a true
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Bureau of Health Professions

In the Matter of

LARSON FREDERICK LANGSCHWAGER, M.D.
_____ /

Complaint No. 43-05-99565

FIRST SUPERSEDING ADMINISTRATIVE COMPLAINT

Attorney General Michael A. Cox, through Assistant Attorney General Jennifer Fitzgerald, on behalf of the Department of Community Health, Bureau of Health Professions (Complainant), files this Complaint against Larson Frederick Langschwager, M.D., (Respondent), alleging upon information and belief as follows:

1. The Board of Medicine, an administrative agency established by the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 *et seq*, is empowered to discipline licensees under the Code through its Disciplinary Subcommittee (DSC).

2. At all times relevant to this Complaint, Respondent was licensed by this Board and practiced obstetrics/gynecology in Grand Haven, Michigan.

3. Section 16221(a) of the Code provides the DSC with authority to take disciplinary action against Respondent for a violation of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to, or supervision of employees or other

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individuals, whether or not injury results, or any conduct, practice, or condition which impairs, or may impair, his ability to safely and skillfully practice medicine.

4. Section 16226 of the Code authorizes the DSC to impose sanctions against a person licensed by the Board if, after opportunity for a hearing, the DSC determines that a licensee violated one or more of the subdivisions contained in section 16221 of the Code.

5. Patient J.R. (initials used to protect patient confidentiality), date of birth April 11, 1978, was first treated by Respondent at his office on March 1, 2004, for chronic pelvic pain.

6. J.R. was referred to Respondent by her primary care physician and did not have a professional or personal relationship with Respondent before March 1, 2004.

7. J.R. treated with Respondent for various gynecological ailments until September 26, 2005, when she notified his office she was seeking a new physician.

8. During the course of the doctor-patient relationship, J.R. and Respondent engaged in sexual intercourse twice during the evening or early morning hours of August 20-21, 2005.

9. In an e-mail dated September 9, 2005, J.R. mentioned that she needed to see a doctor because her allergies were bothering her. In response, Respondent wrote, "You got one...all day tomorrow."

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10. On September 10, 2005, Respondent took J.R. to a University of Michigan football game, where he bought her food, drinks, and clothing.

11. J.R. and Respondent met for a lunch date on September 21, 2005. While at her home after lunch, Respondent kissed and fondled J.R. and asked her to have sex with him. When she refused, he ejaculated on himself.

12. In a series of e-mails J.R. and Respondent wrote while the doctor-patient relationship was ongoing, Respondent confessed having "feelings for" and a "crush" on J.R. He also declared that he was "jealous" of other men seeing and talking to her.

13. In an e-mail dated September 14, 2005, Respondent admitted having intercourse with J.R., and divulged that he had wanted to sleep with her since he met her because she was "pretty."

14. That same date, September 14, 2005, J.R. asked Respondent if she should get a new doctor and if so, if he would give her a referral, because she needed to make an appointment. In response, Respondent wrote, "...I am certainly okay with seeing you professionally as long as you are okay with it. Its [sic] ethically okay to treat family and friends." Respondent also asked her diagnostic questions, including whether she had a yeast infection.

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15. That same date, September 14, 2005, Respondent called in a Diflucan prescription for J.R for treatment of a yeast infection. This is recorded in the patient notes Respondent kept for J.R.

16. In a December 24, 2005 e-mail to J.R., Respondent admitted he knew "that sort of social interaction outside of the office" was "frowned upon" but that he "had no idea it would potentially constitute a violation of the Public Health Code."

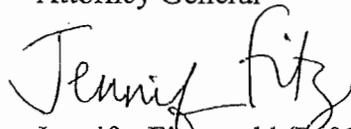
COUNT I

20. Respondent's conduct as described above constitutes a violation of general duty, in violation of section 16221(a) of the Code.

The Administrative Complaint previously filed against Respondent on March 16, 2006, is hereby WITHDRAWN and replaced in full by this First Superseding Administrative Complaint.

Respectfully submitted,

Michael A. Cox
Attorney General



Jennifer Fitzgerald (P60109)
Assistant Attorney General
Licensing & Regulation Division
P.O. Box 30754
Lansing, Michigan 48909

(517) 373-1146 STATE OF MICHIGAN-INGHAM COUNTY

We certify that the foregoing is a true copy of the original on file in the office of the Department of Community Health Bureau of Health Professions

Dated: January 4, 2007

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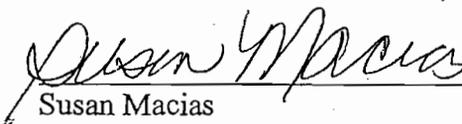
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PROOF OF SERVICE

The undersigned certifies that on the date indicated above a copy of the foregoing document(s) was served upon Bradford W. Springer, Attorney for Respondent, by mailing the same enclosed in an envelope bearing first class postage fully prepaid and plainly addressed as follows:

Bradford W. Springer
Scholten Fant
100 N. Third St.
P.O. Box 454
Grand Haven, MI 49417


Susan Macias

jf.jfhealth06.langschwager p ac

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