

**CONSENT AGREEMENT
BETWEEN
JOHN THOMAS HIBLER, D.O.,
AND
THE STATE MEDICAL BOARD OF OHIO**

This Consent Agreement is entered into by and between John Thomas Hibler, D.O., [Dr. Hibler], and the State Medical Board of Ohio [Board], a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

Dr. Hibler enters into this Consent Agreement being fully informed of his rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

BASIS FOR ACTION

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

- A. The Board is empowered by Section 4731.22(B), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for a violation of Section 4731.22(B)(5), Ohio Revised Code, for “[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.” Further, the Board is empowered by Section 4731.222, Ohio Revised Code, to impose terms and conditions for an applicant who for more than two years has not been engaged in the practice of medicine, osteopathic medicine, podiatric medicine and surgery, or a limited branch of medicine as an active practitioner, or as a participant in a program of graduate medical education, including additional training and testing and/or restricting or limiting the extent, scope, or type of practice of the applicant.
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Section 4731.22(B)(5) and Section 4731.222, Ohio Revised Code, as set forth in Paragraphs E through H below, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Consent Agreement.

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- C. Dr. Hibler has applied for a certificate to practice osteopathic medicine and surgery in the State of Ohio, which remains pending.
- D. Dr. Hibler states that he is not currently licensed to practice in any other state or jurisdiction.
- E. Dr. Hibler admits that on or about December 8, 2010, the Board issued an Order, whereby his then pending application for a license to practice osteopathic medicine and surgery was denied based upon violations of Section 4731.22(B)(5) and Section 4731.22(B)(20), Ohio Revised Code. Dr. Hibler acknowledges that the Board based its Order on their determination that he made false, fraudulent, deceptive, or misleading statements on his applications for licensure in the States of Ohio and Michigan concerning various misdemeanor convictions, and furthermore, that his conduct and/or omissions supported a conclusion by the Board that he failed to furnish satisfactory proof of good moral character at that time.
- F. Dr. Hibler states that on or about February 14, 2011, he caused a subsequent application for a license to practice osteopathic medicine and surgery to be submitted to the Board, and that said application remains pending. Dr. Hibler states that he has provided truthful, accurate and complete answers to all questions posed in said application, and reports that he has fully cooperated with the Board's investigation of said application. Further, Dr. Hibler admits that he has not actively trained or practiced osteopathic medicine and surgery since in or about June 2009.
- G. Dr. Hibler acknowledges that following his Board Order, on or about January 6, 2012, he undertook and successfully completed an individualized medical ethics course with Donna F. Homenko, Ph.D., in Medina, Ohio. Dr. Hibler states that said course, which has been reviewed and deemed acceptable by the Secretary and Supervising Member, concentrated on the following areas: introduction to professional ethics, including incorporating ethical principles of autonomy, non-maleficence, and justice; value development; the physician-patient relationship; and an overview of legal constructs involving licensure issues. Dr. Hibler further states, and the Board acknowledges, that he has provided a written report to the Board stating what he learned from the course and how he will apply what he has learned in his future practice of osteopathic medicine. Dr. Hibler affirms that the program objectives were fully met; that the quality of the education process was satisfactory and appropriate; that the course was presented objectively and without promotional or commercial bias; and that he learned a number of lessons at said course, including but not limited to that physicians are held to the highest moral and ethical standards because of the role they play in the wellbeing of patients, and likewise, it is a physician's responsibility to keep up to date regarding ethical guidelines to remain compliant and act as a source of knowledge for peers.

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Further, Dr. Hibler acknowledges that on or about February 3 - 4, 2012, he undertook and successfully completed an intensive medical ethics, boundaries and professionalism course with Theodore V. Parran, M.D., at Case Western Reserve University School of Medicine in Cleveland, Ohio, which has also been reviewed and deemed acceptable by the Secretary and Supervising Member. Dr. Hibler states, and the Board acknowledges, that he has provided a written report to the Board stating what he learned from the course and how he will apply what he has learned in his future practice of osteopathic medicine. Dr. Hibler affirms that the program objectives were fully met; that the quality of the education process was satisfactory and appropriate; that the course was presented objectively and without promotional or commercial bias; and that he learned a number of lessons at said course, including but not limited to a greater understanding about the mistakes he made in conjunction with his prior license applications, as well as their medical, legal, moral and ethical implications. Dr. Hibler further admits that documentation, whether it involves licensure issues or patient record keeping, is of paramount importance and requires vigilant self-auditing.

- H. Dr. Hibler states that he has entered into an osteopathic graduate medical education [OGME] resident staff agreement with O'Bleness Memorial Hospital in Athens, Ohio. Dr. Hibler acknowledges that beginning on July 1, 2012, he is scheduled to begin OGME training as a level 2 in the field of dermatology. Dr. Hibler acknowledges that this residency program is approved by the American Osteopathic Association [AOA], and shall be three years in duration, contingent upon his satisfactory academic and professional performance as a resident.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Dr. Hibler shall be GRANTED a certificate to practice osteopathic medicine and surgery in the State of Ohio, provided he otherwise meets all statutory and regulatory requirements, and upon receipt of all necessary and appropriate documentation. Further, Dr. Hibler knowingly and voluntarily agrees with the Board that said certificate to practice osteopathic medicine and surgery shall be subject to the following PROBATIONARY terms, conditions and limitations:

Limitation of Certificate

1. Dr. Hibler's certificate to practice osteopathic medicine and surgery in the state of Ohio shall be strictly limited to participation in a post-graduate training program accredited by the AOA. Dr. Hibler shall not engage in any other employment as a physician.

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Dr. Hibler shall not request termination of the above limitation of his certificate unless and until such time that Dr. Hibler shall demonstrate to the satisfaction of the Board that he is capable of independently practicing osteopathic medicine and surgery according to acceptable and prevailing standards of care. Such demonstration shall include, but shall not be limited to, written documentation acceptable to the Board verifying that Dr. Hibler has successfully completed an accredited post-graduate training program in conformance with the requirements set forth in this Consent Agreement.

General Probationary Terms

2. Dr. Hibler shall obey all federal, state, and local laws, and all rules governing the practice of osteopathic medicine in Ohio.
3. Dr. Hibler shall submit semi-annual declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first declaration must be received in the Board's offices on the first day of the sixth month following the month in which this Consent Agreement becomes effective, or as otherwise requested by the Board. Subsequent declarations must be received in the Board's offices on or before the first day of every sixth month.
4. Dr. Hibler shall appear in person for an interview before the full Board or its designated representative during the sixth month following the effective date of this Consent Agreement. 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.
5. In the event Dr. Hibler is found by the Secretary of the Board to have failed to comply with any provision of this Consent Agreement, 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 Consent Agreement.

Monitoring Physician

6. Before engaging in any post-graduate training program or medical practice, Dr. Hibler shall submit to the Board in writing the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary and Supervising Member will give preference to a physician who practices in the same locale as Dr. Hibler and who is engaged in the same or similar practice specialty.

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The monitoring physician shall monitor Dr. Hibler and his medical practice, and shall review Dr. Hibler's patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Hibler and his medical practice, and on the review of Dr. Hibler's patient charts. Dr. Hibler shall ensure that the reports are forwarded to the Board on a semi-annual basis and are received in the Board's offices no later than the due date for Dr. Hibler's semi-annual declaration.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Hibler must immediately so notify the Board in writing. In addition, Dr. Hibler shall make arrangements acceptable to the Board for another monitoring physician within thirty days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Hibler shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

Dr. Hibler expressly understands and agrees that no physician who has any familial relationship with Dr. Hibler will be permitted by the Board to serve as his monitoring physician. This prohibition specifically includes any family member who may also serve as the director of and/or be similarly affiliated with Dr. Hibler's residency program.

While Dr. Hibler participates in a residency program accredited by the AOA, the Board shall accept a semi-annual statement from the director of Dr. Hibler's residency program (provided that such director has no familial relationship with Dr. Hibler), or alternatively, from an attending physician (provided that such physician has no familial relationship with Dr. Hibler), specifically designated by the residency director as the person having responsibility to directly oversee Dr. Hibler's clinical rotations, addressing Dr. Hibler's performance (clinical and otherwise) in the residency program, as well as his progress and status, if timely submitted, as satisfaction of the requirements of this paragraph. Should Dr. Hibler desire to utilize this option in lieu of having a monitoring physician while he participates in a residency program, Dr. Hibler shall so notify the Board by providing a writing, signed by both himself and his residency director, and, if applicable, by the attending physician specifically designated by the residency director as the person having responsibility to directly oversee Dr. Hibler's clinical rotations, to the Board before participating in the residency program. Further, should Dr. Hibler cease participation in an accredited residency or desire to practice outside his residency, or should his residency director or the designated attending physician become unable or unwilling to serve, Dr. Hibler

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must immediately so notify the Board in writing and within thirty days make arrangements for a monitoring physician, as discussed above.

All residency director or attending physician reports required under this paragraph must be received in the Board's offices no later than the due date for Dr. Hibler's semi-annual declaration. It is Dr. Hibler's responsibility to ensure that reports are timely submitted.

The Board expressly reserves the right to disapprove any person proposed to serve as Dr. Hibler's designated monitoring physician, or to withdraw approval of any person previously approved to serve as Dr. Hibler's designated monitoring physician, including any monitoring physician affiliated with Dr. Hibler's residency program, in the event that the Secretary and Supervising Member of the Board determine that any such monitoring physician has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

Releases

7. Upon demand by the Board or its designated representative, Dr. Hibler shall provide authorization, through appropriate written consent forms, for disclosure of any and all employment records, evaluative reports, summaries, and records maintained by any and all parties with whom Dr. Hibler provides health care services while this Consent Agreement is effective, including but not limited to, all records maintain by Dr. Hibler's residency program other than those exempt from disclosure by peer review. Failure to provide such authorization, or revocation of such authorization, shall constitute a violation of this Consent Agreement.

Required Reporting by Licensee

8. Within thirty days of the effective date of this Consent Agreement, Dr. Hibler shall provide a copy of this Consent Agreement 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 where he has privileges or appointments. Further, Dr. Hibler shall promptly provide a copy of this Consent Agreement to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments. In the event that Dr. Hibler provides any health care services or health care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within thirty days of the effective date of this Consent Agreement, Dr. Hibler shall provide a copy of this Consent Agreement to the Ohio Department of Public Safety, Division of Emergency Medical Services. Further, Dr.

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Hibler shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty 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 Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

9. Within thirty days of the effective date of this Consent Agreement, Dr. Hibler shall provide a copy of this Consent Agreement 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. Hibler further agrees to provide a copy of this Consent Agreement at time of application to the proper licensing authority of any state in which he applies for any professional license or for reinstatement of any professional license. Further, Dr. Hibler shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty 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 Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.
10. Dr. Hibler shall notify the Board in writing of any change of principal practice address or residence address within thirty days of such change.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Hibler appears to have violated or breached any term or condition of this Consent Agreement, the Board reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

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If the Secretary and Supervising Member of the Board determine that there is clear and convincing evidence that Dr. Hibler has violated any term, condition or limitation of this Consent Agreement, Dr. Hibler agrees that the violation, as alleged, also constitutes clear and convincing evidence that his continued practice presents a danger of immediate and serious harm to the public for purposes of initiating a summary suspension pursuant to Section 4731.22(G), Ohio Revised Code.

DURATION/MODIFICATION OF TERMS

Dr. Hibler shall not request termination of this Consent Agreement for a minimum of four years. In addition, Dr. Hibler shall not request modification to the probationary terms, limitations, and conditions contained herein for at least one year, except that Dr. Hibler may make such request with the mutual approval and joint recommendation of the Secretary and Supervising Member. Otherwise, the above-described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

In the event that the Board initiates future formal proceedings against Dr. Hibler, including but not limited to issuance of a Notice of Opportunity for Hearing, this Consent Agreement shall continue in full force and effect until such time that it is superseded by ratification by the Board of a subsequent Consent Agreement or issuance by the Board of a final Board Order.

In the event that any term, limitation, or condition contained in this Consent Agreement is determined to be invalid by a court of competent jurisdiction, Dr. Hibler and the Board agree that all other terms, limitations, and conditions contained in this Consent Agreement shall be unaffected.

ACKNOWLEDGMENTS/LIABILITY RELEASE

Dr. Hibler acknowledges that he has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

Dr. Hibler hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. Dr. Hibler acknowledges that his social security number will be used if this information is so reported and agrees to provide his social security number to the Board for such purposes.

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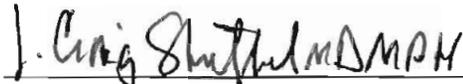
EFFECTIVE DATE

It is expressly understood that this Consent Agreement is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.



JOHN THOMAS HIBLER, D.O.

April 2nd, 2012
DATE



J. CRAIG STRAFFORD, M.D., M.P.H.
Secretary

11 April 2012
DATE



LANCE A. TALMAGE, M.D.
Supervising Member (Acting)

4-11-12
DATE



DANIEL S. ZINSMASER, ESQ.
Enforcement Attorney

4/3/2012
DATE

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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

December 8, 2010

John Thomas Hibler, D.O.
3096 Maple Creek Drive
Zanesville, OH 43701

RE: Case No. 10-CRF-038

Dear Doctor Hibler:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Danielle R. Blue, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on December 8, 2010, 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 must be commenced by the filing of a Notice of Appeal with the State Medical Board and the Franklin County Court of Common Pleas. The Notice of Appeal must set forth the Order appealed from and state that the State Medical Board's Order is not supported by reliable, probative, and substantive evidence and is not in accordance with law. The Notice of Appeal may, but is not required to, set forth the specific grounds of the appeal. 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, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3936 3071 7176
RETURN RECEIPT REQUESTED

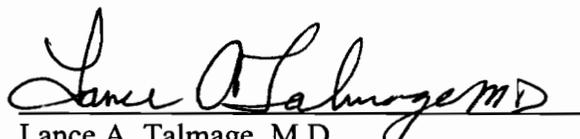
Cc: Robert B. Graziano, Esq.
CERTIFIED MAIL NO. 91 7108 2133 3936 3071 7183
RETURN RECEIPT REQUESTED

Mailed 12-9-10

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Danielle R. Blue, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on December 8, 2010, 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 John Thomas Hibler, D.O., Case No. 10-CRF-038, as it appears in the Journal of the State Medical Board of Ohio.

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


Lance A. Talmage, M.D.
Secretary

(SEAL)

December 8, 2010
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

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*

CASE NO. 10-CRF-038

JOHN THOMAS HIBLER, D.O.

*

ENTRY OF ORDER

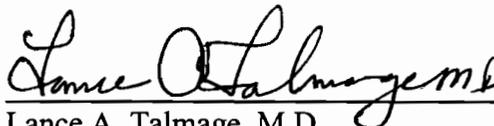
This matter came on for consideration before the State Medical Board of Ohio on December 8, 2010.

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

It is hereby ORDERED that:

The application of John Thomas Hibler, D.O., for a certificate to practice allopathic medicine and surgery in Ohio is DENIED.

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



Lance A. Talmage, M.D.
Secretary

(SEAL)

December 8, 2010
Date

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BEFORE THE STATE MEDICAL BOARD OF OHIO

| | | |
|----------------------------------|---|------------------------------|
| In the Matter of | * | |
| John Thomas Hibler, D.O., | * | Case No. 10-CRF-038 |
| Respondent. | * | Hearing Examiner Blue |

REPORT AND RECOMMENDATION

Basis for Hearing:

By letter dated April 14, 2010, the State Medical Board of Ohio[Board] notified John Thomas Hibler, D.O., that it proposed to deny his September 2009 Ohio License Application to practice osteopathic medicine and surgery in Ohio or to take disciplinary action. The Board based its proposed action on allegations that Dr. Hibler had provided false, fraudulent, deceptive or misleading statements on his 2008 Michigan Educational Application, his 2008 Ohio Training Application, and his 2009 Ohio License Application in violation of Ohio Revised Code Section [R.C.] 4731.22(B)(5). Further, the Board alleged that Dr. Hibler had failed to furnish satisfactory proof of good moral character as required under R.C. 4731.29 and R.C. 4731.08. Accordingly, the Board advised Dr. Hibler of his right to request a hearing in this matter. By letter filed on April 20, 2010, Dr. Hibler requested a hearing. (State's Exhibit [St. Ex.] 1)

Appearances:

Richard Cordray, Attorney General, and Karen Unver, Assistant Attorney General, for the State of Ohio. Robert B. Graziano, Esq., for Dr. Hibler.

Hearing Date: September 28, 2010

SUMMARY OF THE EVIDENCE

All evidence admitted in this matter, even if not specifically mentioned, was thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

Background Information

1. John Thomas Hibler, D.O., was born in California in 1979. He obtained his doctor of osteopathic medicine degree in June 2008 from the Ohio University College of Osteopathic Medicine. Upon graduation, he completed a one-year traditional rotating internship at Kalamazoo Center for Medical Studies in Kalamazoo, Michigan. (St. Ex. 2 at 3; Respondent's Exhibit [Resp. Ex.] A; Hearing Transcript [Tr.] at 42)

2008 Michigan Application and 2008 Ohio Training Application

2. In 2000, Dr. Hibler was convicted of two misdemeanors in the Franklin County Municipal Court in Columbus, Ohio. Dr. Hibler was convicted of “Prohibition Under 21” for “posses[ing] beer” and later in the year, he was convicted of “Furnish to Underage Person” for “unlawfully furnish[ing] beer, * * *, to a person under the age of 21.” (St. Exs. 5 and 6)
3. On March 10, 2008, Dr. Hibler submitted an Application for Educational Limited and Controlled Substance License [2008 Michigan Application] to the Michigan Department of Community Health, Board of Osteopathic Medicine and Surgery. By signing the 2008 Michigan Application, Dr. Hibler certified that the information provided therein was true. (St. Ex. 4)
4. In the 2008 Michigan Application, Dr. Hibler answered “No” to Question 3 of that Application:

Have you ever been convicted of a misdemeanor involving the illegal delivery, possession, or use of alcohol or a controlled substance (including motor vehicle violations)?

(St. Ex. 4)
5. On July 29, 2008, Dr. Hibler submitted to the Board an Application for Training Certificate [2008 Ohio Training Application]. By signing the 2008 Ohio Training Application, Dr. Hibler certified that the information provided therein was true. (St. Ex. 2)
6. In the 2008 Ohio Training Application, Dr. Hibler answered “No” to Question 15 of that Application:

Have you ever pled guilty to, been found guilty of a violation of any law, or been granted intervention or treatment in lieu of conviction regardless of the legal jurisdiction in which the act was committed, other than a minor traffic violation? If yes, submit copies of all relevant documentation, such as police reports, *certified* court records and any institutional correspondence and orders. ***Photocopies will not be accepted.***

(St. Ex. 2; Emphasis in original)
7. In January 2009, Dr. Hibler testified he was contacted by Jan Sussex, a Board Investigator, and was informed by Ms. Sussex “[t]hat I had omitted those things on the - -

on the application, and those needed [to be] clarified. Those needed to be, you know, corrected.” (Tr. at 26-27)

8. In response, Dr. Hibler sent a letter dated January 25, 2009, to the Board explaining his omissions:

I am writing in regards to the complaint about my application for training license in Ohio. I had initially submitted the application in July/August 2008. Because there was an extreme urgency in getting my application and all associated costs and paperwork completed, I admit that I rushed through the paperwork, and made an honest mistake. On question 15 of page 2 of my application, I should have marked “yes.” * * * Below is a description of the items, including description of the situation, sentences, and proceedings.

Case #1369 Franklin County Municipal Court

On January 13, 2000 I was charged with “prohibition under 21.” I was at Sloopy’s Bar and Grill and someone handed me one beer and unfortunately, I accepted it. A police officer shortly thereafter asked to see my license and I showed him promptly which indicated I was under the legal drinking age. I was not arrested, just ticketed and told to show up at court on January 20, 2000. I did, and plead guilty and was found guilty to the charge. In lieu of being sentenced to 30 days in jail and a \$500 fine plus court costs, I attended and completed an underage drinking program at Maryhaven of Columbus. * * *

Case#30981-00 Franklin County Municipal Court

On November 29th, 2000, I was charged with “liquor prohibitions.” My friends had rented a banquet hall in celebration for several of our birthdays. During that evening, I was approached by a police officer and he asked me to provide my license. I did, and he recognized I was of legal drinking age. He also asked several others in the vicinity to provide their identification cards, and everyone did. To my disappointment, there was an underage gentleman who had taken a beer from our table and was consuming it. * * * The officer told me that I had poured the cup, and wrote the ticket for which I had to show up in court on December 8, 2000. Once again, I was not arrested, nor have I ever been. I followed these orders, plead guilty, was found guilty, and charged \$245.00. I paid the fine that day.

(St. Ex. 2 at 13; Tr. at 29)

9. Dr. Hibler testified how he felt after being contacted by the Board Investigator about his omissions:

That was not a good feeling, because, number one, it brought back those things that had happened so long ago that not necessarily I preferred to forget, but I just forgot them.

The fact that I knew I had to complete my application more thoroughly during my very hectic internship, I had no problem doing because I knew that I had made a mistake, an honest mistake. And I followed through and provided her with all the information that was required.

(Tr. at 77-78)

10. Dr. Hibler further explained why he answered “No” on both his 2008 Michigan Application and 2008 Ohio Training Application:

- “I can’t believe personally that I would have forgotten something like that, but it happened so long ago, it was just out of my mind. Again, I apologize.” (Tr. at 22)
- “Again, those events were so long ago, they were – they were extremely brief. I wouldn’t say they were demons, but I -- I prefer just - - didn’t prefer, they just had gone out of my mind. Those were things that I just didn’t want to hang onto.” (Tr. at 50-51)
- Dr. Hibler denied that he intended to defraud, deceive, or misrepresent anything to the Board. In fact, Dr. Hibler pointed out that he answered “no” consistently in both his 2008 Michigan Application and 2008 Ohio Training Application and therefore, which proves that he forgot. (Tr. at 51, 53)

2009 Ohio License Application

11. On September 10, 2009, Dr. Hibler was convicted of “Driving While Impaired” in Queens, New York, on September 9, 2009. He testified that the incident occurred after he had dinner and drinks with a group of doctors to discuss his research from a trip to Africa as a Tele-dermatology Medical Liaison for ClickHealth & Click Diagnostics. He testified that he was pulled over by a police officer and ordered to take a breathalyzer and field sobriety test. He stated he was arrested at the scene and spent the night in jail. Dr. Hibler testified that he plead guilty to Driving While Impaired the next morning and was sentenced to a 90-day license suspension, a \$500 fine, and was ordered to undergo a driver assessment program. (St. Exs. 7 and 8; Tr. at 57-58, 79-80, 90-92)

12. On or about September 15, 2009, Dr. Hibler submitted to the Board an Application for Physician Licensure [2009 Ohio License Application]. By signing the 2009 Ohio License Application, Dr. Hibler certified that the information provided therein was true. (St. Ex. 2; Tr. at 30)

13. In the 2009 Ohio License Application, Dr. Hibler answered “Yes” to Question 15 of that Application:

15. Have you ever pled guilty to, been found guilty of a violation of any law, or been granted intervention or treatment in lieu of conviction regardless of the legal jurisdiction in which the act was committed, other than a minor traffic violation? If yes, submit copies of all relevant documentation, such as police reports, *certified* court records and any institutional correspondence and orders. *Photocopies will not be accepted.*

(St. Ex. 2 at 19; Emphasis in original)

14. In regard to question 15, Dr. Hibler submitted a letter dated September 15, 2009, explaining his previous omissions from the 2008 Ohio Training Application:

I am currently applying for my full osteopathic medical license here [in] Ohio. I spoke with the Board today about previous issues with my training certificate I had as an intern, and informed me that the court documents that I have already submitted should be satisfactory, and if any other paperwork is needed you will contact me. As for the items marked yes on the Addendum, explanation is as follows:

#12 & 13-At the time I applied for an Ohio temporary training certificate (for a single dermatology rotation in Cleveland), I mistakenly marked “no” to question #15. I received a letter from the Ohio Board stating the answer was “yes” and I resolved the issue with correcting the form, and supplying the Board with the necessary documents.

#15-As stated above, I have (“yes”) been found guilty of violation of law. I have previously supplied all the paperwork, records, and official court documents. The Board today stated that if any other paperwork is needed, they will contact me.

(St. Ex. 2 at 22; Tr. at 31)

15. At hearing, Dr. Hibler admitted that he did not provide all of the information concerning his convictions when he prepared the September 15, 2009 letter that accompanied his 2009 License Application. Dr. Hibler admitted that he failed to include his September

10, 2009, conviction for “Driving While Impaired” that occurred six days earlier. (St. Exs. 7 and 8; Tr. at 31)

16. Dr. Hibler explained why he failed to disclose the New York conviction:

- “That’s because, as you can see from the questioning on the Addendum to Application, it says, “Regardless of jurisdiction . . .” And, again, I apologize because I realize that I was wrong, but I did not – the nomenclature and the terminology was just confusing to me. Jurisdiction I just thought was an Ohio deal.” (Tr. at 32)
- “The reason was because the terminology of jurisdiction was unclear to me. You know, I just thought that it had to deal with Ohio. As soon as I realized that, you know, that should involve all other states, I - - I think it was Mr. Zinsmaster, I proceeded to give him all the necessary paperwork.” (Tr. at 59)

17. Dr. Hibler stated that he did not contact the Board staff to get clarification of the term “jurisdiction” before he answered question 15. He further added that “there is nothing in the application that says if there’s any unclarity, please contact the Board.” He did concede that he looks up any unclear medical terms if they are confusing because “they are interesting things to me. This is my area of passion.” (Tr. at 79-80, 83)

18. As a result of the New York conviction, Dr. Hibler attended a Board-Ordered Evaluation at Shepherd Hill. Richard M. Whitney, M.D., Medical Director of Addiction Services at Shepherd Hill, testified that he “did not detect or discover sufficient information to conclude that he had a diagnosis of alcohol or drug abuse or dependence.” Dr. Hibler further cooperated with the Board and answered Interrogatories. (St. Ex. 10; Tr. at 101, 106, 109)

Testimony and Letters in Support of Dr. Hibler

19. Dr. Hibler submitted several letters of recommendation that were written on his behalf to various residency programs. (Resp. Exs. D-I)

20. Scott Jenkinson, D.O., Associate Professor of Pathology at Ohio University College of Osteopathic Medicine, testified that Dr. Hibler was one of his students. He described Dr. Hibler’s as “very likeable and ambitious and effective young man.” He testified that Dr. Hibler’s professional character was “outstanding.” He also agreed that Dr. Hibler was smart and “savvy.” Dr. Jenkinson admitted he was not aware of the Board’s allegations against Dr. Hibler and had not spoken to Dr. Hibler since 2008. (Resp. Ex. D; Tr. at 122-123, 127)

21. David C. Semler, M.D., a Dermatologist at Southwest Michigan Dermatology and a clinical faculty member at Michigan State University College of Human Medicine, testified that Dr. Hibler was one of his medical students who had spent two to four weeks in his office for “clinical exposure to dermatology.” Dr. Semler, who confirmed he was aware of the Board’s allegations, stated that he had “no questions regarding [Dr. Hibler’s] moral character.” He further testified that Dr. Hibler “seemed to be very honest, very caring, very intelligent.” Dr. Semler also testified that “Dr. Hibler’s performance was the best I have witnessed during my eleven years serving as a clinical faculty member.” (Resp. Ex. F; Tr. at 134-136, 140)

Additional Testimony from Dr. Hibler

22. Dr. Hibler received many awards and honors during medical school and his rotating internship, which are set forth in more detail in his curriculum vitae. (Resp. Ex. A)
23. From June 2009 through August 2009, Dr. Hibler worked as a Tele-dermatology Medical Liaison for ClickHealth & Click Diagnostics in Kenya and Uganda, Africa. Dr. Hibler explained his work in Africa:

That was a very exciting project that’s put on through the University of Penn coordinated through MIT, a company called ClickHealth and Click Diagnostics and Google actually.

I spent my own money getting over to Africa. I was given a dollar stipend per day, which was enough for a lunch, and I paid for my room and board myself.

My duties were to develop a teledermatology network in eastern Africa, and that was in Kenya and Uganda. Mind you, this was all on my desire to further dermatology access in places that were extremely underserved, which would be the places outside of the capital, Kampala and Nairobi, Uganda and Kenya respectively.

It was a very exciting project. I traveled through the most far reaches of the bush where they do not have any access to dermatologic care, but they do have a mobile network. So what we would do - - we would supply the local health workers with a picture phone, and we would take photos of the skin disease in the local areas, and then we would send them as a photo message to the capital where the referring physician in the capital would see the picture, make a diagnosis, make a recommendation for treatment, and then send that information back to the very rural parts.

(Resp. Ex. A; Tr. at 46-47)

24. In September 2009, Dr. Hibler volunteered as a Pediatric Dermatology Counselor at Camp Horizons. (Resp. Ex. A; Tr. at 46)
25. In October 2009, Dr. Hibler completed a rotation at the Kirksville College of Osteopathic Medicine in Missouri. (Tr. at 94)
26. Beginning in October 2009 to the present, Dr. Hibler has been employed at Dermatology of Southeastern Ohio as an Office Manager. From December 2009 through March 2010, Dr. Hibler also worked as a Patient Flow Facilitator at Genesis Healthcare System. (Resp. Ex. A; Tr. at 16)
27. Dr. Hibler testified that he wants to stay in Ohio for his residency and has applied for a dermatology residency in Columbus. (Tr. at 17)

FINDINGS OF FACT

1. On March 10, 2008, Dr. Hibler submitted an Application for Educational Limited and Controlled Substance License [2008 Michigan Application] to the Board. By signing the Application, Dr. Hibler certified that the information provided therein was true.
2. In the 2008 Michigan Application, Dr. Hibler answered “No” to question 3, which asked: “Have you ever been convicted of a misdemeanor involving the illegal delivery, possession, or use of alcohol or a controlled substance (including motor vehicle violations)?”

In fact, Dr. Hibler had been convicted of two misdemeanors, “Prohibition Under 21” in January 2000 and “Liquor Prohibitions” in December 2000, by the Franklin County Municipal Court in Columbus, Ohio.

3. On July 29, 2008, Dr. Hibler submitted to the Board an Application for Training Certificate [2008 Ohio Training Application]. By signing the Application, Dr. Hibler certified that the information provided therein was true.
4. In the “Additional Information” Section of the 2008 Ohio Training Application, Dr. Hibler answered “No” to question 15, which asked: “Have you ever pled guilty to, been found guilty of a violation of any law, or been granted intervention or treatment in lieu of conviction regardless of the legal jurisdiction in which the act was committed, other than a minor traffic violation? If yes, submit copies of all relevant documentation, such as police reports, *certified* court records and any institutional correspondence and orders. ***Photocopies will not be accepted.***” (Emphasis in original)

In fact, Dr. Hibler was convicted of two misdemeanors, “Prohibition Under 21” in January 2000 and “Liquor Prohibitions” in December 2000, by the Franklin County Municipal Court in Columbus, Ohio.

5. On September 17, 2009, Dr. Hibler submitted to the Board an Application for Physician Licensure [2009 Ohio License Application]. By signing the 2009 License Application, Dr. Hibler certified that the information provided therein was true.
6. In the “Additional Information” Section of the 2009 Ohio License Application, Dr. Hibler answered “Yes” to question 15, which asked: “Have you ever pled guilty to, been found guilty of a violation of any law, or been granted intervention or treatment in lieu of conviction regardless of the legal jurisdiction in which the act was committed, other than a minor traffic violation? If yes, submit copies of all relevant documentation, such as police reports, *certified* court records and any institutional correspondence and orders. ***Photocopies will not be accepted.***” (Emphasis in original)

However, Dr. Hibler failed to disclose his September 10, 2009, conviction for “Driving While Impaired” that occurred in Queens, New York, on September 9, 2009.

CONCLUSIONS OF LAW

1. Dr. Hibler’s acts, conduct, and/or omissions set forth in Findings of Fact 1-6 individually and/or collectively constitute “[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation 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 R.C. 4731.22(B)(5).
2. Dr. Hibler’s acts, conduct, and/or omissions, as set forth in Finding of Fact 1-6, support a conclusion that he has failed to furnish a satisfactory proof of good moral character as required for licensure set forth in R.C. 4731.29 and 4731.08.

DISCUSSION CONCERNING THE PROPOSED ORDER

Disclosure and honesty are essential to the licensure process. In this case, Dr. Hibler should have disclosed the two misdemeanors in his 2008 Michigan Application and 2008 Ohio Training Application, and should have disclosed his New York DWAI conviction in his 2009 Ohio License Application. Dr. Hibler testified that he did not disclose the two misdemeanors on his training applications because he forgot about both incidents that occurred “so long ago.” He then testified that he failed to disclose the New York conviction because he didn’t understand the

definition of “jurisdiction” and did not believe that other state convictions had to be disclosed on his application. However, the Hearing Examiner does not believe Dr. Hibler’s explanations.

According to the testimony of his character witnesses and upon review of his curriculum vitae, Dr. Hibler is intelligent and savvy; however, he failed to disclose to the Board his two trips to court in 2000 and a DWAI conviction in which he was arrested at the scene, spent the night in jail, and appeared in court the following morning.

In addition, Dr. Hibler’s explanations become even more unbelievable when you consider that he completed his 2009 Ohio License Application six days after he was arrested for DWAI; therefore, the incident was not something he could easily “forget.”

In regard to Dr. Hibler’s lack of understanding of the term “jurisdiction,” Dr. Hibler testified he normally looks up a medical term he does not understand because it is “interesting” to him but in the case of his application to practice osteopathic medicine in Ohio, he did not find it important enough to look up the definition of “jurisdiction.” Moreover, Dr. Hibler did not find it important enough to contact the Board staff to ask for clarification of the term “jurisdiction.”

Finally, Dr. Hibler had prior contact with a Board Investigator about failing to disclose the two misdemeanors in his training applications. As a result of this encounter, one would expect Dr. Hibler would have learned from his “mistake” and go on to disclose everything in his 2009 Ohio License Application to ensure that he would never be questioned by this Board again. However, he did not do so and it is perhaps the most troubling part of this case.

Based on the foregoing, Dr. Hibler has failed to furnish satisfactory proof of good moral character as required for licensure in Ohio.

PROPOSED ORDER

It is hereby ORDERED that:

The application of John Thomas Hibler, D.O., for a certificate to practice osteopathic medicine and surgery in Ohio is DENIED.

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



Danielle R. Blue, Esq.
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
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EXCERPT FROM THE DRAFT MINUTES OF DECEMBER 8, 2010

REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDERS

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

Dr. Amato asked whether each member of the Board had received, read and considered the hearing records; the Findings of Fact, Conclusions of Law, Proposed Orders, and any objections filed in the matters of: Charles H. Cook, M.D.; Tonya Nicole Croak, M.T.; John Thomas Hibler, D.O.; Bertram Royce Russell, Jr., M.D.; and Edward Jose Soler-Valcourt, M.D. A roll call was taken:

| | | |
|------------|----------------|-------|
| ROLL CALL: | Dr. Strafford | - aye |
| | Mr. Hairston | - aye |
| | Dr. Mahajan | - aye |
| | Dr. Steinbergh | - aye |
| | Dr. Amato | - aye |
| | Mr. Albert | - aye |
| | Dr. Madia | - aye |
| | Dr. Talmage | - aye |
| | Dr. Suppan | - aye |
| | Mr. Morris | - aye |
| | Dr. Ramprasad | - aye |

Dr. Amato 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: | Dr. Strafford | - aye |
| | Mr. Hairston | - aye |
| | Dr. Mahajan | - aye |
| | Dr. Steinbergh | - aye |
| | Dr. Amato | - aye |
| | Mr. Albert | - aye |
| | Dr. Madia | - aye |
| | Dr. Talmage | - aye |
| | Dr. Suppan | - aye |
| | Mr. Morris | - aye |
| | Dr. Ramprasad | - aye |

Dr. Amato 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. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member. In addition, Dr. Amato served as Acting Supervising Member in the cases of Charles H. Cook, M.D., and John Thomas Hibler, D.O.; therefore, Dr. Amato cannot vote in those matters. Dr. Amato stated that all Board members may vote on the matter of Edward Jose Soler-Valcourt, M.D., as that case is not disciplinary in nature and only involves the respondent's qualifications for licensure.

Dr. Amato reminded all parties that no oral motions may be made during these proceedings.

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

.....

JOHN THOMAS HIBLER, D.O.

.....

Dr. Steinbergh moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of John Thomas Hibler, D.O. Dr. Madia seconded the motion.

.....

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

| | | |
|------------|----------------|-----------|
| ROLL CALL: | Dr. Strafford | - aye |
| | Mr. Hairston | - aye |
| | Dr. Mahajan | - aye |
| | Dr. Steinbergh | - aye |
| | Dr. Amato | - abstain |
| | Mr. Albert | - abstain |
| | Dr. Madia | - aye |
| | Dr. Talmage | - abstain |
| | Dr. Suppan | - aye |
| | Mr. Morris | - aye |
| | Dr. Ramprasad | - 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

April 14, 2010

Case number: 10-CRF-038

John Thomas Hibler, D.O.
3096 Maple Creek Dr.
Zanesville, Ohio 43701

Dear Doctor Hibler:

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 osteopathic medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about March 10, 2008, you caused to be submitted to the Michigan Department of Community Health, Board of Osteopathic Medicine and Surgery, an Application for Educational Limited and Controlled Substance Licenses [2008 Michigan Educational Application]. By signing the 2008 Michigan Educational Application, you certified that the statements in the application were true and correct, and that you had not withheld information that might affect the decision to be made on that application. In the 2008 Michigan Educational Application, you answered "No" to question three, which asks the following:

Have you ever been convicted of a misdemeanor involving the illegal delivery, possession, or use of alcohol or a controlled substance (including motor vehicle violations)?

In fact, on or about January 20, 2000, in the Franklin County Municipal Court, Ohio, you pled guilty to, and were found guilty of, Prohibitions; Persons Under Twenty-One Years, in violation of Section 2325.632, Columbus City Code. You were ordered by the Court to pay a \$500.00 fine plus costs, and directed to complete Maryhaven's Underage Drinking Program.

Further, on or about December 8, 2000, in the Franklin County Municipal Court, Ohio, you pled guilty to, and were found guilty of, Furnishing [Alcohol] to

Mailed 4-15-10

Underage Person, in violation of Section 4301.69(A), Ohio Revised Code. You were ordered by the Court to pay a \$200.00 fine plus costs.

- (2) On or about July 29, 2008, you caused to be submitted to the Board an Application for Training Certificate [2008 Ohio Training Application]. By signing the 2008 Ohio Training Application, you certified under oath that the information provided therein was strictly true. In the Additional Information section of your 2008 Ohio Training Application, you answered “NO” to question fifteen, which asks, in part, the following:

Have you ever pled guilty to, been found guilty of a violation of any law, or been granted intervention or treatment in lieu of conviction regardless of the legal jurisdiction in which the act was committed, other than a minor traffic violation?

In fact, you had been found guilty and/or convicted of Prohibitions; Persons Under Twenty-One Years, as well as Furnishing [Alcohol] to Underage Person, as discussed in paragraph (1) above.

You were notified by the Board about the omission, and were informed it was your responsibility to answer correctly. On or about January 30, 2009, the Board received your corrected application. Your Ohio osteopathic training certificate expired on or about August 31, 2009.

- (3) On or about September 17, 2009, you caused to be submitted to the Board an Application for Physician Licensure [2009 Ohio License Application], which is currently pending. By signing the 2009 Ohio License Application, you certified under oath that the information provided therein was strictly true. Pursuant to several affirmative answers in the Addendum to Application section of your 2009 Ohio License Application, you supplied a letter of explanation to the Board, dated September 15, 2009, wherein you discussed your previous omissions relating to your 2008 Ohio Training Application, that you have “been found guilty of violation of law,” and that you have “previously supplied all the paperwork, records, and official court documents.”

In fact, you failed to disclose that on or about September 10, 2009, in the Criminal Court of the City of New York, County of Queens, New York, you pled guilty to, and were found guilty of, Driving While Ability Impaired [DWAI], in violation of Section 1192.1, New York State Vehicle and Traffic Law. You were ordered by the Court to pay a \$300.00 fine, had your driver’s license suspended for ninety days, and ordered to attend a driver assessment program.

Further, when subsequently asked by Board staff to respond as to why you did not disclose your guilty plea to DWAI in New York, you provided sworn testimony that you “did not think out of state affairs or cases were applicable to other states.” Nevertheless, question fifteen of your 2009 Ohio License Application reads as follows:

Have you ever pled guilty to, been found guilty of a violation of any law, or been granted intervention or treatment in lieu of conviction *regardless of the legal jurisdiction in which the act was committed*, other than a minor traffic violation? (Emphasis added).

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (3) above, individually and/or collectively, constitute “[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board,” as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) through (3) above, individually and/or collectively, constitute “violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board,” as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: a failure to furnish satisfactory proof of good moral character as required by Sections 4731.29 and 4731.08, 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 osteopathic medicine and surgery or to reprimand you or place you on probation.

John Thomas Hibler, D.O.

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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,

A handwritten signature in black ink, appearing to read "Lance A. Talmage, M.D.", written in a cursive style.

Lance A. Talmage, M.D.
Secretary

LAT/DSZ/flb

Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3067 6619
RETURN RECEIPT REQUESTED