

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

CASE NO. 15-CRF-054

PAUL W. WILSON, D.O.

*

ENTRY OF ORDER

On April 5, 2016, Paul W. Wilson, D.O., executed a Surrender/Retirement of his license to practice osteopathic medicine and surgery in Ohio with consent to permanent revocation, which document is attached hereto and fully incorporated herein.

Wherefore, upon ratification by the Board of the surrender/retirement, it is hereby ORDERED that Certificate No. 34.002939 authorizing Paul W. Wilson, D.O., to practice osteopathic medicine and surgery in the State of Ohio be permanently REVOKED.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 13th day of April 2016, and the original thereof shall be kept with said Journal.



Kim G. Rothermel, M.D.
Secretary

(SEAL)

April 13, 2016

Date

**STATE OF OHIO
THE STATE MEDICAL BOARD
PERMANENT RETIREMENT OF CERTIFICATE
TO PRACTICE OSTEOPATHIC MEDICINE AND SURGERY
CASE NO. 15CRF-054**

Do not sign this agreement without reading it. An individual who permanently surrenders a certificate issued by the Board is forever thereafter ineligible to hold a certificate to practice or to apply to the Board for reinstatement of the certificate or issuance of any new certificate. You are permitted to be accompanied, represented and advised by an attorney, at your own expense, before deciding to sign this voluntary agreement.

I, Paul W. Wilson, D.O., am aware of my rights to representation by counsel, the right of being formally charged and having a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein.

I, Paul W. Wilson, D.O., do hereby voluntarily, knowingly, and intelligently surrender/retire my certificate to practice osteopathic medicine and surgery, License #34.002939, to the State Medical Board of Ohio [Board], thereby relinquishing all rights to practice osteopathic medicine and surgery in Ohio.

I understand that as a result of the surrender/retirement herein I am no longer permitted to practice osteopathic medicine and surgery in any form or manner in the State of Ohio.

I agree that I shall be ineligible for, and shall not apply for, reinstatement or restoration of certificate to practice osteopathic medicine and surgery License #34.002939 or issuance of any other certificate pursuant to the authority of the State Medical Board of Ohio, on or after the date of signing this Permanent Surrender/Retirement of Certificate to Practice Osteopathic Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

I hereby authorize the State Medical Board of Ohio to enter upon its Journal an Order permanently revoking my certificate to practice osteopathic medicine and surgery, License #34.002939, with said revocation taking effect thirty days from the effective date of the Permanent Retirement, and in conjunction with which I expressly waive the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board Members vote to revoke said certificate, and further expressly and forever waive all rights as set forth in Chapter 119., Ohio Revised Code, including but not limited to my right to counsel, right to a hearing, right to present evidence, right to cross-examine witnesses, and right to appeal the Order of the Board revoking my certificate to practice osteopathic medicine and surgery.

I, Paul W. Wilson, D.O., hereby release the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This document 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. I, Paul W. Wilson, D.O., acknowledge that my social security number will be used if this information is so reported and agree to provide my social security number to the Board for such purposes.

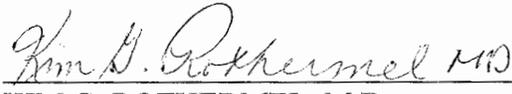
I stipulate and agree that I am taking the action described herein in lieu of further formal disciplinary proceedings in Case No. 15CRF-054, pursuant to Sections 4731.22(B)(2); (B)(6); and (B)(20) Ohio Revised Code, as set forth in the Notice of Opportunity for Hearing issued by the Board on May 13, 2015, a copy of which is attached hereto as Exhibit A and fully incorporated herein. I admit to the allegations contained in the May 13, 2015, Notice of Opportunity for Hearing.

EFFECTIVE DATE

It is expressly understood that this Permanent Surrender of Certificate 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.



PAUL W. WILSON, D.O.



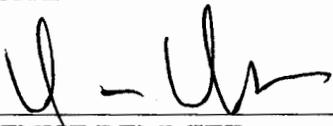
KIM G. ROTHERMEL, M.D.
Secretary

4-5-2016

DATE

4-13-16

DATE



DENISE DEMMITT
Attorney for Dr. Wilson



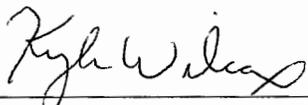
BRUCE R. SAFERIN, D.P.M.
Supervising Member

4-5-2016

DATE

4-13-16

DATE



KYLE C. WILCOX
Assistant Attorney General

4-5-2016

DATE

State Medical Board of Ohio

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

(614) 466-3934

med.ohio.gov

May 13, 2015

Case number: 15-CRF-054

Paul W. Wilson, D.O.
6046 Wood Drive
Waterville, Ohio 43566

Dear Doctor Wilson:

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) In the routine course of your practice, you undertook the treatment of Patients 1 to 14, as identified on the attached confidential Patient Key. (The Patient Key is to be withheld from public disclosure.) As demonstrated in your patient records, in the course of your treatment to Patients 1 to 14, you failed to maintain adequate records, failed to document appropriate treatment plans, failed to document reviewing prior medical records, failed to make or document making appropriate referrals, and/or failed to utilize appropriate diagnostic testing.

Examples of such conduct include, but are not limited to, the following:

- (a) You treated Patient 1 in or about July 2009 through at least in or about 2013, for diagnoses including chronic pain from lumbar degenerative disc disease, low back pain, bilateral shoulder and bilateral knee pathology. In your treatment of Patient 1, you failed to maintain adequate records, failed to document an appropriate treatment plan for the patient, and failed to obtain appropriate diagnostic testing for co-morbid conditions or the subjective complaints or the rare objective findings of the lumbar spine or bilateral shoulders. Further, you failed to obtain appropriate diagnostic or objective findings of the bilateral knee pathology and therefore failed to confirm a diagnosis. You failed to document the reasoning for the selection of pain medications. Further, you recorded in the patient record

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a repetitive use of the same blood pressure reading in multiple office visits, and failed to make appropriate referrals for conditions including an allergy, congestive heart failure, diabetes, asthma and/or depression.

- (b) You treated Patient 2 from in or about April 2011 to at least in or about 2013, for the diagnosis of chronic pain syndrome. In your treatment of Patient 2, you failed to document an appropriate treatment plan; failed to document OARRS reports; failed to obtain urine drug screens consistently, despite prescribing multiple controlled medications and drug seeking behavior; failed to document reviewing prior medical records; recorded an inconsistent medical history; and failed to appropriately refer and/or to document referrals.
- (c) You treated Patient 3 from in or about April 2010 to at least in or about 2013, for diagnoses including chronic pain, diabetes, bilateral knee degenerative joint disease, left rotator cuff tear and tendonitis, left toe amputation, peripheral artery disease, sciatica, Reflex Sympathetic Dystrophy Syndrome [RSD] and hyperlipidemia. In your treatment of Patient 3, you failed to maintain adequate records, failed to appropriately document laboratory or diagnostic findings, failed to develop and/or document an appropriate treatment plan, failed to document OARRS reports or urine drug screens, failed to document reviewing prior medical records and failed to provide appropriate objective evidence of treating diagnoses of rotator cuff pathology, bilateral knee degenerative joint disease, lumbar degenerative disc disease, sciatica, RSD or left leg and foot chronic pain. Further, your recording of the history and physical exams for Patient 3 were minimal, often identical, and without detail or a care plan. Further, you failed to obtain appropriate laboratory and/or diagnostic testing for co-morbid conditions. You documented only two blood pressure readings, one of which was either an error or constituted a medical emergency, but no mention was made in the patient note. You failed to refer and/or failed to document referring Patient 3 to a vascular specialist and a cardiologist. Despite prescribing a blood thinner to Patient 3, you failed to document prothrombin time/international normalized ratios or dosage changes. Further, you over prescribed statins; you failed to follow standard diabetic protocols including regular laboratory testing, foot exams, and/or neuropathy/retinopathy/nephropathy screening; you failed to order cardiac diagnostics; and you failed to investigate Gastroesophageal Reflux Disease [GERD] symptoms.
- (d) You treated Patient 4 from in or about January 2010 to at least in or about 2013, for diagnoses including chronic pain secondary to Crohn's disease, chronic pancreatitis and Chronic Obstructive Pulmonary Disease [COPD]. In your treatment of Patient 4, you failed to maintain adequate records,

failed to document an appropriate treatment plan, failed to document urine drug screens, failed to document reviewing prior medical records, and failed to appropriately refer and/or failed to document referrals. Further, you failed to adhere to the medication contract by prescribing multiple refills of controlled substances for many instances of alleged stolen medications or requests for more medication. You prescribed excessive amounts of controlled medication without justification and with no change in objective findings, despite the patient exhibiting drug-seeking behavior. You failed to periodically reassess the effectiveness of the treatment and/or document any improvement in patient functioning or quality of life for Patient 4. Further, your history and physical exams for Patient 4 were minimal, often identical, without detail and lacking a care plan.

- (e) You treated Patient 5 from in or about October 2009 to at least in or about 2013, for diagnoses including disc herniation, lumbar degenerative disease, Ehlers-Danlos Syndrome, thoracic outlet syndrome and severe psychiatric disorders. You failed to document appropriate diagnostic evidence of the above-mentioned diagnoses, failed to maintain adequate records, failed to document an appropriate treatment plan, failed to document OARRS reports, failed to document urine drug screens other than handwritten results, failed to document reviewing prior medical records, and failed to document referrals or attempts at referrals. Your records of history and exams were often identical and repetitive. Although you noted that Patient 5 was potentially homicidal, as well as paranoid and obsessive, you failed to refer and/or document referring Patient 5 to a psychiatrist.
- (f) You treated Patient 6 from in or about February 2010 to at least in or about 2013, for diagnoses including low back pain, bulging discs, a limp, multiple joint pain and hyperparathyroidism. You failed to maintain adequate records, failed to document an appropriate treatment plan, failed to document urine drug screens, failed to document reviewing prior medical records and failed to document referrals or attempts at referrals. Your notes in the patient record were often identical and repetitive. You failed to provide a rationale for the prescribing of multiple opioid analgesics. You diagnosed Patient 5 with anxiety and prescribed Xanax, but failed to evaluate and/or document an assessment of anxiety. Further, you failed to properly diagnose hypothyroidism with laboratory tests or diagnostics, failed to document an appropriate medical rationale for the prescribing of Vitamin D 50,000 units twice per week for at least four months without follow up laboratory testing and failed to obtain an appropriate referral to an endocrinologist.

- (g) You treated Patient 7 from in or about February 2010 to at least in or about 2013, for diagnoses including sciatica, arthritis in spine, anxiety, menopause and asthma. You failed to maintain adequate records, failed to document an appropriate treatment plan, failed to document urine drug screens, failed to document reviewing prior medical records and failed to document referrals. You prescribed controlled medications with multiple and early refills, however, you failed to provide objective findings. You failed to provide a rationale for the prescribing of opioid analgesics. Further, despite failing to evaluate and document an assessment of anxiety or providing objective findings, you diagnosed the patient with anxiety on the first visit and prescribed Xanax and Vicoprofen with multiple refills. You failed to appropriately document blood pressure readings, failed to order appropriate laboratory testing, failed to refer the patient for evaluation of dysfunctional uterine bleeding and failed to provide an appropriate reason for chronic prescribing of prednisone. You failed to indicate an appropriate treatment plan for the diagnoses of hypertension with hypokalemia history, asthma, COPD, tobacco abuse or dysfunctional uterine bleeding.
- (h) You treated Patient 8 from in or about August 2010 to at least in or about 2013, for diagnoses including paraplegia. You failed to maintain adequate records, failed to document an appropriate treatment plan, failed to document urine drug screens, failed to document reviewing prior medical records, failed to document appropriate referrals, and failed to obtain diagnostic testing for co-morbid conditions. Despite failing to provide objective findings, you prescribed controlled medications with multiple and early refills. Despite your documentation that the patient was wheelchair bound, you recorded in multiple office notes that the patient had an antalgic gait. Despite evidence demonstrating prescriptions from other physicians to Patient 8, you continued to prescribe controlled medications. You failed to provide an appropriate rationale for the prescribing of multiple opioid analgesics. You diagnosed the patient with anxiety and prescribed Xanax, Norco and Percocet with multiple refills, but failed to evaluate and document an assessment of anxiety. Despite evidence that the patient failed to comply with the medication contract, you continued to prescribe controlled medications for approximately 18 months. You repetitively documented an identical blood pressure reading in multiple office visits; failed to obtain adequate laboratory testing; failed to counsel and educate for obesity, diabetes, hypertension and tobacco use; failed to develop an appropriate treatment plan for the high blood pressure readings; and failed to document a urinalysis to support the diagnosis of a urinary tract infection and the subsequent treatment.

- (i) You treated Patient 9 from in or about August 2010 to at least in or about 2013, for diagnoses including chronic pain from bilateral knee pathology, lumbar degenerative disease and bilateral hip degenerative disease. You failed to maintain adequate records, failed to document an appropriate treatment plan, failed to document reviewing prior medical records and failed to document referrals. You prescribed controlled medications with multiple and early refills, however you failed to provide objective findings. Despite evidence that Patient 9 exhibited drug-seeking behavior, you continued to prescribe multiple controlled medications with increasing doses without objective data or a clinical rationale. Further, you failed to evaluate and/or document an assessment of anxiety, however, you prescribed large doses of Xanax without a clinical rationale.
- (j) You treated Patient 10 from in or about July 2009 to at least in or about 2013, for diagnoses including chronic pain due to lumbar degenerative disc disease, sciatica, lumbar disc herniation, headaches and neck pain. You also treated Patient 10 for GERD, bronchitis, facial pain, right serious otitis, hyperlipidemia, depression, tobacco abuse, oral ulceration and weight gain. You failed to maintain adequate records, failed to document an appropriate treatment plan, failed to document urine drug screens, failed to document reviewing prior medical records, and failed to document referrals. You prescribed controlled medications with multiple and early refills, however, you failed to provide objective findings.
- (k) You treated Patient 11 from in or about January 2010 to at least in or about 2013, for diagnoses including chronic pain from left rotator cuff tear, and back injury. You failed to maintain adequate records, failed to document an appropriate treatment plan, failed to document urine drug screens, failed to document reviewing prior medical records and failed to document appropriate referrals. Further, you prescribed controlled medications with multiple and early refills, however you failed to provide objective findings and/or justification. You diagnosed the patient with insomnia, however, you failed to provide a rationale for the prescribing of multiple opioid analgesics, and failed to evaluate and/or document an assessment of insomnia. For insomnia, you prescribed Valium, Oxycodone and oxycontin with some early refills despite identical objective findings, conflicting diagnoses and rare urine drug screens.
- (l) You treated Patient 12 from in or about February 2009 to at least in or about 2013, for diagnoses including chronic pain from cervical and lumbar degenerative disc disease, knee pain, morbid obesity and diffuse arthritis. You failed to maintain adequate records, failed to document an appropriate treatment plan, failed to document regular urine drug screens, failed to document reviewing prior medical records and failed to document

appropriate referrals. You recorded conflicting weights for the patient in the majority of the notes. You failed to document supportive objective data for changing the patient from Percocet to oxycodone. You documented a concern for prostate cancer, however, you failed to perform a prostate exam and failed to order and/or document ordering appropriate diagnostic studies.

- (m) You treated Patient 13 from in or about November 2009 to at least in or about 2013, for diagnoses including chronic pain from lumbar degenerative disc disease, sciatica, fibromyalgia, rheumatoid arthritis, spinal stenosis, disc herniation and headaches. You failed to maintain adequate records, failed to document an appropriate treatment plan, failed to document regular urine drug screens, failed to document reviewing prior medical records and failed to document appropriate referrals. You prescribed multiple controlled medications in increasing amounts with multiple early refills without supporting objective data or a clinical rationale.
 - (n) You treated Patient 14 from in or about July 2009 to at least in or about 2013, for diagnoses including chronic pain from degenerative disc disease, lupus, degenerative arthritis and low back pain. You failed to maintain adequate records, failed to document an appropriate treatment plan, failed to document reviewing prior medical records and failed to document appropriate referrals. You prescribed multiple controlled medications in increasing amounts with multiple early refills without supporting objective data or a clinical rationale. Despite having clear documentation of abuse/misuse of controlled substances, you failed to refer the patient to an addiction specialist. Additionally, you continued to prescribe oxycodone and multiple other controlled medications without documenting a medical justification.
- (2) On or about February 4, 1997, the Board issued an Entry of Order that reprimanded you based upon your failure to report on your license renewal application that you had been found guilty of Disorderly Conduct, a fourth degree misdemeanor.

On or about December 23, 1997, the Board issued an Entry of Order that suspended your certificate to practice osteopathic medicine for an indefinite period of time based on your violation of Section 4731.22(B)(19), Ohio Revised Code. On or about June 10, 1998, you entered into a Consent Agreement with the Board [June 1998 Consent Agreement] which reinstated your certificate to practice osteopathic medicine, subject to certain probationary terms, conditions and limitation, for not less than seven years. On or about April 14, 1999, you entered into a Modification of the June 1998 Consent Agreement with the Board,

which incorporated a Reprimand and extended the June 1998 Consent Agreement for not less than 10 years based upon your plea of guilty to one misdemeanor count of Medicaid Fraud.

On or about July 9, 2008, the Board granted your request for release from the terms of the June 1998 Consent Agreement.

Your acts, conduct, and/or omissions as alleged in paragraphs (1)(a) through (1)(n), individually and/or collectively, constitute “[a] departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established,” as that clause is used in Section 4731.22(B)(6), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1)(a) through (1)(n) above, individually and/or collectively, constitute “[f]ailure to maintain minimal standards applicable to the selection or administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease,” as those clauses are used in Section 4731.22(B)(2), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1)(a) through (1)(n) 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: Utilizing Prescription Drugs for the Treatment of Intractable Pain, Rule 4731-21-02, Ohio Administrative Code. Pursuant to Rule 4731-21-05, Ohio Administrative Code, a violation of Rule 4731-21-02, Ohio Administrative Code, also violates Sections 4731.22(B)(2) and (B)(6), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1)(a) through (1)(n) 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: General Provisions, Rule 4731-11-02(D), Ohio Administrative Code. Pursuant to Rule 4731-11-02(F), Ohio Administrative Code, a violation of Rule 4731-11-02(D), Ohio Administrative Code, also violates Sections 4731.22(B)(2) and (B)(6), Ohio Revised Code.

Further, your acts, conduct, and/or omissions that occurred on or after November 30, 2011, as alleged in paragraphs (1)(b), (1)(c) and (1)(e) 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: Standards and Procedures for Review of "Ohio Automated Rx Reporting System" (OARRS), Rule 4731-11-11, Ohio Administrative 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.

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,



Kim G. Rothermel, M.D.
Secretary

KGR/MAP/pev
Enclosures

CERTIFIED MAIL #91 7199 9991 7034 8383 0088
RETURN RECEIPT REQUESTED

**IN THE MATTER OF
PAUL WESLEY WILSON, DO**

15-CRF-054

**MAY 13, 2015, NOTICE OF
OPPORTUNITY FOR HEARING -
PATIENT KEY**

**SEALED TO
PROTECT PATIENT
CONFIDENTIALITY AND
MAINTAINED IN CASE
RECORD FILE.**

**MODIFICATION OF THE JUNE 10, 1998
CONSENT AGREEMENT BETWEEN
PAUL W. WILSON, D.O., AND
THE STATE MEDICAL BOARD OF OHIO**

This Modification of Consent Agreement is entered into by and between PAUL W. WILSON, D.O. and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

PAUL W. WILSON, D.O., voluntarily enters into this Modification of 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.

This Modification of Consent Agreement is a modification of the Consent Agreement entered into by and between THE STATE MEDICAL BOARD OF OHIO and PAUL W. WILSON, D.O., which was effective June 10, 1998, and which is attached hereto as Modification of Consent Agreement Exhibit A and fully incorporated herein by reference.

The AGREED CONDITIONS, MONITORING OF REHABILITATION AND TREATMENT, and all other terms and conditions of the June 10, 1998 Consent Agreement remain in full force and effect except as expressly modified by the terms of this Agreement.

BASIS FOR ACTION

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

- A. THE STATE MEDICAL BOARD OF OHIO 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 any of the enumerated violations.
- B. THE STATE MEDICAL BOARD OF OHIO enters into this Modification of Consent Agreement in lieu of further formal proceedings based upon the violations of Section 4731.22, Ohio Revised Code set forth in the Notice of Opportunity for Hearing issued by the BOARD on December 9, 1998, attached hereto as Modification of Consent Agreement Exhibit B and incorporated herein by this reference. The BOARD expressly reserves the right to institute additional formal proceedings based upon any other violations of Chapter 4731. of the Ohio Revised Code whether occurring before or after the effective date of this Modification of Agreement.

- C. PAUL W. WILSON, D.O. is licensed to practice osteopathic medicine and surgery in the State of Ohio.
- D. PAUL W. WILSON, D.O. ADMITS the factual and legal allegations set forth in the Notice of Opportunity for Hearing issued by the BOARD on December 9, 1998, attached hereto as Modification of Consent Agreement Exhibit B and incorporated herein by reference.

AGREED CONDITIONS

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any further formal proceedings at this time, PAUL W. WILSON, D.O., knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following additional terms, conditions and limitations:

1. PAUL W. WILSON, D.O. is hereby REPRIMANDED for the conduct set forth in paragraph D above.
2. The DURATION/MODIFICATION OF TERMS of the June 10, 1998 Consent Agreement is hereby modified to state that agreement shall remain in force for a minimum of ten (10) years prior to any request for termination of said Consent Agreement. Otherwise, the above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of the parties.

ACKNOWLEDGMENTS/LIABILITY RELEASE

DOCTOR WILSON acknowledges that he has had an opportunity to ask questions concerning the terms of this Modification of 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 Modification of Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

DOCTOR WILSON hereby releases the STATE MEDICAL BOARD OF OHIO, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This Modification of 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.

EFFECTIVE DATE

It is expressly understood that this Modification of 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.



PAUL W. WILSON, D.O.

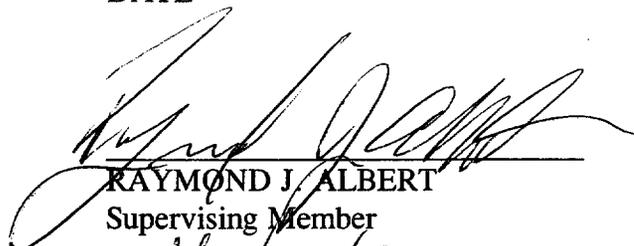
March 17, 1999
DATE

*letter enclosed for
consideration
Pinto*



ANAND G. GARG, M.D.
Secretary

4/14/99
DATE



RAYMOND J. ALBERT
Supervising Member

4/14/99
DATE



REBECCA J. ALBERS
Assistant Attorney General

4/14/99
DATE



State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/466-3934 • Website: www.state.oh.us/med/

December 9, 1998

Paul W. Wilson, D.O.
5221 Glennbrook Drive
Vienna, WV 26105

Dear Doctor Wilson:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice osteopathic medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- (1) On or about September 29, 1998, in the Franklin County Municipal Court, Columbus, Ohio, you plead guilty to one misdemeanor count of Medicaid fraud in violation of Section 2913.40, Ohio Revised Code.

The acts underlying your plea of guilty occurred in the course of your practice on or about November 14, 1997, when you made or caused to be made a false and misleading statements or representations in a claim submitted to the Ohio Department of Human Services, Medicaid Division, for use in obtaining reimbursement from the State of Ohio Medical Assistance ("Medicaid") Program.

Your acts, conduct, and/or omissions underlying your guilty plea, as alleged in paragraph (1) above, individually and/or collectively, constitute "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, your acts, conduct, and/or omissions underlying your guilty plea, as alleged in paragraph (1) above, individually and/or collectively, constitute "[t]he obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice," as that clause is used in Section 4731.22(B)(8), Ohio Revised Code.

Further your guilty plea, as alleged in paragraph (1) above, individually and/or collectively, constitutes "[a] plea of guilty to, or a judicial finding of guilt of, a

Mailed 12/10/98

Paul W. Wilson, D.O.

Page 2

misdeemeanor committed in the course of practice," as that clause is used in Section 4731.22(B)(11), Ohio Revised Code to wit: Section 2913.40(B), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice osteopathic medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Anand G. Garg, M.D.
Secretary

AGG/bjs
Enclosures

CERTIFIED MAIL # Z 233 895 018
RETURN RECEIPT REQUESTED

cc: 400 E. State Street
Athens, OH 45701
CERTIFIED MAIL # Z 233 895 019
RETURN RECEIPT REQUESTED

**CONSENT AGREEMENT
BETWEEN
PAUL WESLEY WILSON, D.O.
AND
THE STATE MEDICAL BOARD OF OHIO**

This CONSENT AGREEMENT is entered into by and between PAUL WESLEY WILSON, D.O., and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

PAUL WESLEY WILSON, D.O., 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 STATE MEDICAL BOARD OF OHIO is empowered by Sections 4731.22(B)(6), (12), and (19), 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] departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;” “[c]ommission of an act that constitutes a misdemeanor in this state regardless of the jurisdiction in which the act was committed, if the act was committed in the course of practice,” to wit: Section 4731.43, Ohio Revised Code, Practicing Osteopathy Without a Certificate; and “[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills.”
- B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon the violations of Sections 4731.22(B)(6), (12), and (19), Ohio Revised Code, as set forth in Paragraphs C, D, E, F, and G 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 Agreement.

- C. PAUL WESLEY WILSON, D.O., is licensed to practice osteopathic medicine and surgery in the State of Ohio. DOCTOR WILSON ADMITS that his certificate to practice osteopathic medicine and surgery in the State of Ohio was suspended for an indefinite period of time by Order of the State Medical Board of Ohio on December 3, 1997. The December 3, 1997 Order was based upon DOCTOR WILSON's violation of Section 4731.22(B)(19), Ohio Revised Code. A copy of the December 3, 1997 Findings and Order is attached hereto and incorporated herein.
- D. PAUL WESLEY WILSON, D.O., ADMITS that in or about May 1997, prior to any formal proceedings by the Board related to impairment of his ability to practice for psychiatric reasons, DOCTOR WILSON instituted an Internet medical service entitled "Doctor on-line", that became "Doctor Refill" in October 1997, as identified in attached Exhibit A. DOCTOR WILSON ADMITS that his Internet medical service offered telephone consultations and treatment for previously diagnosed and/or chronic medical conditions to patients anywhere in the United States, Canada, and the United Kingdom.

DOCTOR WILSON further ADMITS that from October 1997 through December 1, 1997, he treated approximately seventeen patients through his Internet practice for diagnoses that included depression, anxiety, hypothyroidism, diabetes mellitus, prostatitis, male pattern baldness, hormone imbalance, and spasmodic scoliosis. DOCTOR WILSON further ADMITS that the majority of the patients that he treated resided outside the State of Ohio, and that he is licensed to practice osteopathic medicine and surgery solely in the State of Ohio.

- E. DOCTOR WILSON STATES that on December 1, 1997, he ceased his Internet practice after he was advised that it was a violation of law.

DOCTOR WILSON further STATES that he cooperated with the Board in its investigation of this matter by meeting with an investigator for the Board and voluntarily releasing information and documentation concerning his Internet practice to the Board.

- F. DOCTOR WILSON STATES and the STATE MEDICAL BOARD OF OHIO ACKNOWLEDGES that DOCTOR WILSON has complied with the reinstatement conditions as set forth in Paragraphs 2.a. through 2.f. of the December 3, 1997 Order of the State Medical Board of Ohio, including the requirements that he obtain an informed psychiatric assessment of his needs from a psychiatrist approved by the Board; that he commence appropriate treatment as determined by the psychiatric assessment, and that he provide

documentation of continuing psychiatric counseling at intervals as deemed appropriate by the Board approved treating psychiatrist.

DOCTOR WILSON ADMITS however, that during a period of time in March 1998, he independently stopped taking his Depakote, the medication that is prescribed for his admitted Bipolar Disorder. DOCTOR WILSON STATES that he resumed taking his medication in April 1998, and that he has continued to take his medication as ordered since that time.

- G. DOCTOR WILSON STATES and the STATE MEDICAL BOARD OF OHIO ACKNOWLEDGES that Robert E. Sams, M.D., who is DOCTOR WILSON's current Board approved treating psychiatrist, and who has been DOCTOR WILSON's treating psychiatrist since May 1997, has submitted documentation stating that DOCTOR WILSON's condition appears to be in good control at this time as evidenced by his euthymic mood and the absence of manic symptoms for one year. Dr. Sams' April 1998 correspondence to the Board supports DOCTOR WILSON's return to practice with conditions for treatment, monitoring, and supervision, including compliance with scheduled appointments, taking his medication as prescribed; submitting to random drug screens, and supervision of his practice.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, and in substitution for the terms of the December 3, 1997 Order, the certificate of PAUL WESLEY WILSON, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be reinstated, and DOCTOR WILSON knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following PROBATIONARY terms, conditions and limitations:

1. DOCTOR WILSON shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio;
2. DOCTOR WILSON shall submit quarterly declarations under penalty of BOARD disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this CONSENT AGREEMENT. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which the consent agreement becomes effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the Board's offices on the first day of the fourth month following. Subsequent quarterly declarations must be

received in the BOARD's offices on or before the first day of every third month;

3. DOCTOR WILSON shall appear in person for quarterly interviews before the BOARD or its designated representative, or as otherwise directed 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. (Example: The first quarterly appearance is scheduled for February, but based upon the doctor's serious personal illness he is permitted to delay appearance until April. The next appearance will still be scheduled for May, three months after the appearance as originally scheduled.) Although the BOARD will normally give DOCTOR WILSON written notification of scheduled appearances, it is DOCTOR WILSON's responsibility to know when personal appearances will occur. If he does not receive written notification from the BOARD by the end of the month in which the appearance should have occurred, DOCTOR WILSON shall immediately submit to the BOARD a written request to be notified of his next scheduled appearance;

4. In the event that DOCTOR WILSON should leave Ohio for three (3) continuous months, or reside or practice outside the State, DOCTOR WILSON must notify the BOARD in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under the CONSENT AGREEMENT, unless otherwise determined by motion of the BOARD in instances where the BOARD can be assured that probationary monitoring is otherwise being performed;
5. In the event DOCTOR WILSON 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 the CONSENT AGREEMENT;

MONITORING OF REHABILITATION AND TREATMENT

Drug Associated Restrictions

6. DOCTOR WILSON shall not prescribe, administer, dispense, order, write orders for, give verbal orders for, or possess (except as allowed under Paragraph 7 below) any controlled substances as defined by state or federal law, and shall be ineligible to reapply for or to hold registration with the

United States Drug Enforcement Administration, without prior Board approval;

Sobriety

7. DOCTOR WILSON shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of DOCTOR WILSON's history;
8. DOCTOR WILSON shall abstain completely from the use of alcohol;

Drug and Alcohol Screens/Supervising Physician

9. DOCTOR WILSON shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the BOARD. DOCTOR WILSON shall ensure that all screening reports are forwarded directly to the BOARD on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board;

Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR WILSON shall submit to the BOARD for its prior approval the name of a supervising physician to whom DOCTOR WILSON shall submit the required urine specimens. The supervising physician shall ensure that the urine specimens are obtained on a random basis, that the giving of the specimen is witnessed by a reliable person, and that appropriate control over the specimen is maintained. In addition, the supervising physician shall immediately inform the BOARD of any positive screening results;

DOCTOR WILSON shall ensure that the supervising physician provides quarterly reports to the BOARD, on forms approved or provided by the BOARD, verifying whether all urine screens have been conducted in compliance with this CONSENT AGREEMENT, whether all urine screenings have been negative, and whether the supervising physician remains willing and able to continue in his responsibilities;

In the event that the designated supervising physician becomes unable or unwilling to so serve, DOCTOR WILSON must immediately notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable. DOCTOR WILSON shall further ensure that the previously designated supervising physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefore;

All screening reports and supervising physician reports required under this paragraph must be received in the BOARD's offices no later than the due date for DOCTOR WILSON's quarterly declaration. It is DOCTOR WILSON's responsibility to ensure that reports are timely submitted;

10. The BOARD retains the right to require, and DOCTOR WILSON agrees to submit, blood or urine specimens for analysis at DOCTOR WILSON's expense upon the BOARD's request and without prior notice. DOCTOR WILSON's refusal to submit a blood or urine specimen upon request of the BOARD shall result in a minimum of one year of actual license suspension;

Approval of Employment/Practice Plan

11. Prior to commencement of practice in Ohio, DOCTOR WILSON shall submit to the BOARD and receive its approval for a plan of practice in Ohio, which unless otherwise determined by the Board, shall be limited to a supervised structured environment in which DOCTOR WILSON's activities will be directly supervised and overseen by another physician approved by the BOARD.

Monitoring Physician

12. Prior to commencement of practice in Ohio, DOCTOR WILSON shall submit for the BOARD's prior approval the name of a monitoring physician, who shall review DOCTOR WILSON's patient charts and shall submit a written report of such review to the BOARD on a quarterly basis. Such chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the BOARD. It shall be DOCTOR WILSON's responsibility to ensure that the monitoring physician's quarterly reports are submitted to the BOARD on a timely basis;

Further, the monitoring physician shall otherwise monitor DOCTOR WILSON and provide the BOARD with quarterly reports on the doctor's progress and status. DOCTOR WILSON shall ensure that such reports are forwarded to the BOARD on a quarterly basis. In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, DOCTOR WILSON must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD for another monitoring physician as soon as practicable. DOCTOR WILSON shall further ensure that the previously designated monitoring physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefore;

All monitoring physician reports required under this paragraph must be received in the BOARD's offices no later than the due date for DOCTOR WILSON's quarterly declaration. It is DOCTOR WILSON's responsibility to ensure that reports are timely submitted;

Psychiatric Treatment

13. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR WILSON shall submit to the BOARD for its prior approval the name and qualifications of a psychiatrist of his choice. The psychiatrist shall have previously conducted a psychiatric assessment of DOCTOR WILSON, and shall have reviewed copies of DOCTOR WILSON's psychiatric treatment records, the December 1997 Board Order and all of the incorporated documents, and a copy of this Consent Agreement prior to formulating a psychiatric treatment and medication plan for DOCTOR WILSON. Upon approval by the BOARD, DOCTOR WILSON shall undergo and continue psychiatric treatment weekly or as otherwise directed by the BOARD, and shall submit to blood testing on a weekly basis or as otherwise directed by the BOARD, for levels of any medication that is prescribed for his Bipolar Disorder. DOCTOR WILSON's psychiatric treatment shall be conducted in person and may not be conducted by telephone or other electronic means. The specimen for the medication levels must be obtained by or under the direction and supervision of DOCTOR WILSON's treating psychiatrist or another physician approved in advance by the BOARD. The approved psychiatrist shall provide the BOARD with a copy of DOCTOR WILSON's initial psychiatric treatment and medication plan, and shall immediately notify the BOARD of any changes to the plan. The approved psychiatrist shall also provide the BOARD with quarterly reports on DOCTOR WILSON's status and compliance with his treatment and medication plan. DOCTOR WILSON shall ensure that all psychiatric reports are forwarded by his treating psychiatrist to the BOARD at the times designated in this Consent Agreement, or as otherwise directed by the BOARD. It is DOCTOR WILSON's responsibility to ensure that quarterly reports are received in the BOARD's offices no later than the due date for DOCTOR WILSON's quarterly declaration;

Releases

14. DOCTOR WILSON shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment provider to the BOARD, to treating and monitoring physicians, and to others

DOCTOR WILSON shall comply with his psychiatric medication plan as prescribed and/or prescribed by his Board approved treating psychiatrist;
Paul Wilson 6/9/98

involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations;

Required Reporting by Licensee

15. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR WILSON shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he is under contract to provide physician services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, DOCTOR WILSON shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he contracts to provide physician services, or applies for or receives training, and the chief of staff at each hospital where he applies for or obtains privileges or appointments;
16. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR WILSON shall provide a copy of this CONSENT AGREEMENT by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds a license to practice. DOCTOR WILSON further agrees to provide a copy of this CONSENT AGREEMENT by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for licensure or reinstatement of licensure. Further, DOCTOR WILSON shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.

FAILURE TO COMPLY

17. Any violation of Paragraph 7 or Paragraph 8 of this Agreement shall constitute grounds to revoke or permanently revoke DOCTOR WILSON's certificate. DOCTOR WILSON agrees that the minimum discipline for such a violation shall include actual license suspension. This paragraph does not limit the BOARD's authority to suspend, revoke or permanently revoke DOCTOR WILSON's certificate based on other violations of this Consent Agreement.
18. DOCTOR WILSON AGREES that if any declaration or report required by this agreement is not received in the BOARD'S offices on or before its due date, DOCTOR WILSON shall cease practicing beginning the day next following receipt from the BOARD of notice of non-receipt, either by writing, by telephone, or by personal contact until the declaration or report is received in the BOARD offices. Any practice during this time period

shall be considered unlicensed practice in violation of Section 4731.43 of the Revised Code.

19. DOCTOR WILSON AGREES that if, without prior permission from the BOARD, he fails to submit to random screenings for drugs and alcohol at least as frequently as required by Paragraph 9 of this CONSENT AGREEMENT, he shall cease practicing immediately upon receipt from the BOARD of notice of the violation and shall refrain from practicing for thirty (30) days for the first instance of a single missed screen. Practice during this time period shall be considered unlicensed practice in violation of Section 4731.43 of the Revised Code.

If, in the discretion of the Secretary and Supervising Member of the BOARD, DOCTOR WILSON 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 Agreement.

If the Secretary and Supervising Member of the BOARD determine that there is clear and convincing evidence that DOCTOR WILSON has violated any term, condition or limitation of this CONSENT AGREEMENT, DOCTOR WILSON 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(D), Ohio Revised Code.

DURATION/MODIFICATION OF TERMS

This CONSENT AGREEMENT shall remain in force for a minimum of seven (7) years prior to any request for termination of said CONSENT AGREEMENT. Otherwise, the above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

ACKNOWLEDGMENTS/LIABILITY RELEASE

DOCTOR WILSON 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.

DOCTOR WILSON hereby releases THE STATE MEDICAL BOARD OF OHIO, 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.

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 that it shall become effective upon the last date of signature below.



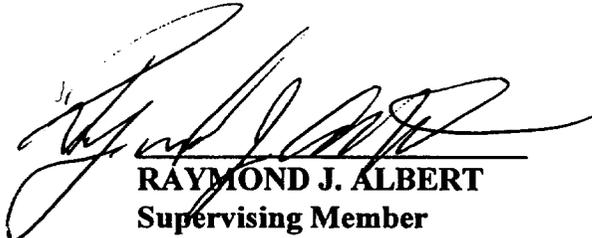
PAUL W. WILSON, D.O.



ANAND G. GARG, M.D.
Secretary

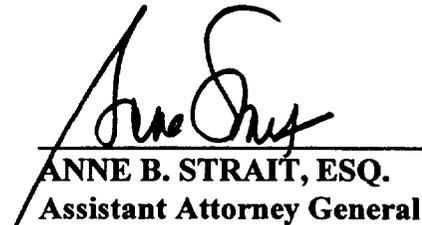
6-5-98
DATE

06/10/98
DATE



RAYMOND J. ALBERT
Supervising Member

6/10/98
DATE



ANNE B. STRAIT, ESQ.
Assistant Attorney General

6/10/98
DATE

the protection afforded to the Appellant pursuant to the Constitution of the State of Ohio and the Constitution of the United States including, without limitation, the due process protection thereof.

Respectfully submitted,
GRAFF & ASSOCIATES, L.P.A.

By Douglas E. Graff
Douglas E. Graff (0013222)
604 East Rich Street, Suite 2100
Columbus, Ohio 43215
(614) 228-5800
Attorney for Appellant

the protection afforded to the Appellant pursuant to the Constitution of the State of Ohio and
the Constitution of the United States including, without limitation, the due process protection
thereof.

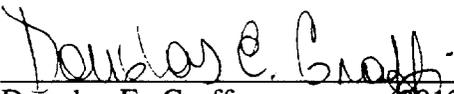
Respectfully submitted,
GRAFF & ASSOCIATES, L.P.A.

By Douglas E. Graff
Douglas E. Graff (0013222)
604 East Rich Street, Suite 2100
Columbus, Ohio 43215
(614) 228-5800
Attorney for Appellant

11:55

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Notice of Appeal Pursuant to O.R.C. § 119.12 was personally delivered to the State Medical Board of Ohio, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0315, this 19th day of December, 1997.



Douglas E. Graff (0913222)
604 East Rich Street, Suite 2100
Columbus, Ohio 43215
(614) 228-5800
Attorney for Appellant



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614)466-3934

December 3, 1997

Paul W. Wilson, D.O.
1710 Washington Blvd.
Belpre, OH 45714

Dear Doctor Wilson:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Suzanne E. Kelly, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on December 3, 1997, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order.

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

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

THE STATE MEDICAL BOARD OF OHIO

Anand G. Garg, M.D.
Secretary

AGG:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. Z 395 591 690
RETURN RECEIPT REQUESTED

Mailed 12/23/97

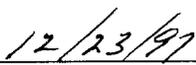
CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Suzanne E. Kelly, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on December 3, 1997, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the Matter of Paul W. Wilson, D.O., 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.


Anand G. Garg, M.D.
Secretary

(SEAL)


Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

PAUL W. WILSON, D.O.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on December 3, 1997.

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

1. It is hereby ORDERED that the certificate of Paul Wesley Wilson to practice osteopathic medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time.
2. The State Medical Board of Ohio shall not consider REINSTATEMENT of Dr. Wilson's certificate to practice unless and until all of the following minimum requirements are fulfilled:
 - a. Dr. Wilson shall submit an application for reinstatement with appropriate fees.
 - b. Within sixty (60) days of the effective date of this Order, or as otherwise approved by the Board, Dr. Wilson shall commence appropriate treatment, as determined by an informed assessment of Dr. Wilson's current needs. Such assessment and treatment shall be by a psychiatrist approved in advance by the Board. Prior to the initial assessment, Dr. Wilson shall provide the approved psychiatrist with copies of the Board's Findings of Fact including any documents incorporated by reference, Conclusions of Law, and Order in this Matter, and the Board may provide any other documentation from the hearing record which it may deem appropriate or helpful to that provider. Within ten (10) days after the completion of the initial assessment, Dr. Wilson shall cause a written report to be submitted to the Board from the approved provider, which report shall include:

- i. A detailed plan of recommended treatment based upon the provider's informed assessment of Dr. Wilson's current needs; and
 - ii. Any reports upon which the treatment recommendation is based, including reports of physical examination and psychological or other testing.
- c. Dr. Wilson shall provide documentation acceptable to the Board of continuing psychiatric counseling at intervals as deemed appropriate by the treating psychiatrist approved by the Board.
 - d. Dr. Wilson shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment providers to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations.
 - e. In the event that Dr. Wilson has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Wilson's fitness to resume practice.
 - f. For the duration of the period of suspension, Dr. Wilson shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of reinstatement. The first quarterly declaration must be received in the Board's offices on the first day of the third month following effective date of this Order, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the Board's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
 - g. Dr. Wilson shall submit for the Board's prior approval the name of a monitoring physician, who shall review Dr. Wilson's patient charts and shall submit a written report of such review to the Board on a quarterly basis as described in paragraph 3h. The chart review may be done on a random basis, with the number of charts reviewed to be determined by the Board.
 - h. Prior to commencement of practice in Ohio, Dr. Wilson shall submit to the Board and receive its approval for a plan of practice in Ohio which, unless otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Wilson's activities will be directly supervised and overseen by another physician approved by the Board.

3. Upon reinstatement, the certificate of Dr. Wilson, D.O., to practice osteopathic medicine and surgery shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five (5) years:
 - a. Dr. Wilson shall not request modification of the terms, conditions, or limitations of probation for at least one year after imposition of these probationary terms, conditions, and limitations.
 - b. Dr. Wilson shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
 - c. Dr. Wilson shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of probation. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which the probation becomes effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the Board's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
 - d. Dr. Wilson shall appear in person for interviews before the full Board or its designated representative within three months of the effective date of this order and at three month intervals thereafter, 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. Although the Board will normally give him written notification of scheduled appearances, it is Dr. Wilson's responsibility to know when personal appearances will occur. If he does not receive written notification from the Board by the end of the month in which the appearance should have occurred, Dr. Wilson shall immediately submit to the Board a written request to be notified of his next scheduled appearance.

- e. Dr. Wilson shall continue psychiatric treatment with a psychiatrist approved by the Board under paragraph 2b of this Order, at such intervals as are deemed appropriate by the treating psychiatrist but not less than once per week. The sessions shall be in person and may not be conducted by telephone or other electronic means.

Dr. Wilson shall continue in psychiatric treatment until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require quarterly reports from the approved treating psychiatrist. Dr. Wilson shall ensure that psychiatric reports are forwarded by his treating psychiatrist to the Board on a quarterly basis, or as otherwise directed by the Board. It is Dr. Wilson's responsibility to ensure that the

quarterly reports are received in the Board's offices no later than the due date for Dr. Wilson's quarterly declaration.

- f. Dr. Wilson shall follow the instructions of the treating psychiatrist to take appropriate medication as prescribed in appropriate dosages while under the care of the psychiatrist.
- g. Dr. Wilson shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment providers to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations.
- h. All monitoring physician reports required under paragraph 2g must be received in the Board's offices no later than the due date for Dr. Wilson's quarterly declaration. It is Dr. Wilson's responsibility to ensure that the reports are timely submitted.

In the event that the approved monitoring physician becomes unable or unwilling to serve, Dr. Wilson shall immediately notify the Board in writing and shall make arrangements for another monitoring physician as soon as practicable. Dr. Wilson shall refrain from practicing until such supervision is in place, unless otherwise determined by the Board. Dr. Wilson 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 therefor.

- i. Dr. Wilson shall not prescribe, administer, dispense, order, write orders for, give verbal orders for, or possess (except as prescribed for his use by another so authorized by law) any controlled substances, and shall be ineligible to reapply for or to hold registration with the United States Drug Enforcement Administration, without prior Board approval.
- j. In the event that Dr. Wilson should leave Ohio for three (3) consecutive months, or reside or practice outside the State, Dr. Wilson must notify the State Medical Board in writing of the dates of departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary period, unless otherwise determined by motion of the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.
- k. Dr. Wilson shall refrain from self-treating and from treating any family member, except in the event of life-threatening emergency.
- l. Dr. Wilson shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of Dr. Wilson's medical history.

- m. Dr. Wilson shall abstain completely from the use of alcohol.
- n. Dr. Wilson shall submit to random urine screenings for drugs and alcohol on a bi-monthly basis, or as otherwise directed by the Board. Dr. Wilson shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board.

Within thirty (30) days of reinstatement of his certificate to practice osteopathic medicine in Ohio, Dr. Wilson shall submit to the Board for its prior approval the name of a supervising physician to whom Dr. Wilson shall submit the required urine specimens. The supervising physician shall ensure that the urine specimens are obtained on a random basis, that the giving of the specimen is witnessed by a reliable person, and that appropriate control over the specimen is maintained. In addition, the supervising physician shall immediately inform the Board of any positive screening results.

Dr. Wilson shall ensure that the supervising physician provides quarterly reports to the Board, on forms approved or provided by the Board, verifying whether all urine screens have been conducted in compliance with this Order, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his responsibilities.

In the event that the designated supervising physician becomes unable or unwilling to so serve, Dr. Wilson must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable.

Dr. Wilson shall further ensure that the previously designated supervising physician also notifies the Board directly of the inability to continue to serve and the reasons therefor.

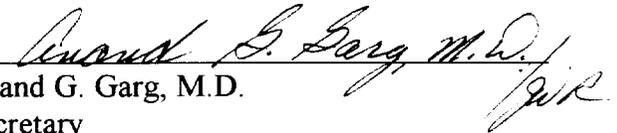
All screening reports and supervising physician reports required under this paragraph must be received in the Board's offices no later than the due date for Dr. Wilson's quarterly declaration. It is Dr. Wilson's responsibility to ensure that reports are timely submitted.

- o. Within thirty (30) days of reinstatement, Dr. Wilson shall provide a copy of this Order to all employers or entities with which he is under contract to provide physician services or is receiving training, and the Chief of Staff at each hospital where Dr. Wilson has privileges or appointments. Further, Dr. Wilson shall provide a copy of this Order to all employers or entities with which he contracts to provide physician services, or applies for or receives training, and the Chief of Staff at each hospital where Dr. Wilson applies for or obtains privileges or appointments.

- p. If Dr. Wilson violates probation in any respect, the Board, after giving Dr. Wilson notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of Dr. Wilson's certificate.
- q. Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Wilson's certificate will be fully restored.

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

(SEAL)


Anand G. Garg, M.D.
Secretary

12/23/97
Date

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**REPORT AND RECOMMENDATION
IN THE MATTER OF PAUL WESLEY WILSON, D.O.**

The Matter of Paul Wesley Wilson, D.O., came on for hearing before Suzanne E. Kelly, Esq., Hearing Examiner for the State Medical Board of Ohio, on September 8 and 9, 1997.

INTRODUCTION

I. Basis for Hearing

A. By letter dated July 9, 1997 (State's Exhibit 1), the State Medical Board of Ohio [Board] notified Paul Wesley Wilson, D.O., that it intended to determine whether to discipline his certificate to practice medicine and surgery for one or more of the following reasons:

1. On or about May 14, 1997, [Dr. Wilson was] sent a letter from the State Medical Board of Ohio ordering [him] to submit to an examination because the Board had determined that it had reason to believe that [he] might be in violation of Section 4731.22(B)(19), Ohio Revised Code, to wit: 'Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills.'

The order for examination under Section 4731.22(B)(19), Ohio Revised Code, was based upon acts and/or conduct that occurred during the period of February 1995, through January 1997, as set forth in the attached examination letter which was incorporated into the [Notice of Opportunity for Hearing].

2. Subsequently, the Board received notification that [Dr. Wilson] had been hospitalized at Southeast Psychiatric Hospital in Athens, Ohio from April 29, 1997, through May 12, 1997... [Dr. Wilson's] diagnosis at Southeast Psychiatric Hospital was Bipolar Disorder, Manic, Severe with Psychotic Features, and marijuana abuse....
3. On or about June 7, and June 21, 1997, [Dr. Wilson was] examined by Howard Sokolov, M.D., as ordered by the Board....The conclusions of Dr. Sokolov's evaluation are that [Dr. Wilson] suffers from Bipolar Disorder, in partial remission. In addition, [Dr. Wilson] continues to

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demonstrate emotional instability and lability, denies [his] illness, defends [his] actions and prior thoughts during [his] recent acute illness episode, and demonstrates significant impaired personal judgment.

Further, Dr. Sokolov assessed [Dr. Wilson's] ability to practice according to acceptable and prevailing standards of care as marginal at this time. Dr. Sokolov also opined that it is mandatory that [Dr. Wilson] receive treatment by a psychiatrist who can monitor whether or not [Dr. Wilson] remains able to practice medicine in a safe and effective manner.

The Board alleged that Dr. Wilson's conduct constituted the "inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills," as that clause is used in Section 4731.22(B)(19), Ohio Revised Code."

The Board further advised Dr. Wilson that he was entitled to a hearing on these matters. (State's Exhibit 1)

- B. On July 15, 1997, Dr. Wilson submitted a written request for a hearing. (State's Exhibit 2)

II. Appearances

- A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by Anne B. Strait, Assistant Attorney General.
- B. On behalf of the Respondent: Dr. Wilson was apprised of his right to be represented by counsel; nevertheless he appeared on his own behalf.

EVIDENCE EXAMINED

I. Testimony Heard

- A. Presented by the State
1. Howard H. Sokolov, M.D.
 2. Paul Wesley Wilson, D.O., as if upon cross-examination

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B. Presented by Respondent

1. Jennie Foertech
2. Renee Wilson
3. Bishop Madison Edge
4. Jane Wilson
5. Hattie Lane
6. Helen Perry
7. Paul Wesley Wilson, D.O.

II. Exhibits Examined

In addition to State's Exhibits 1 and 2 noted above, the following exhibits were identified and admitted into evidence.

A. Presented by the State

1. State's Exhibit 3: Copy of July 15, 1997, letter to Dr. Wilson from the Board advising that a hearing had been scheduled for July 11, 1997, but further advising that the hearing had been postponed pursuant to Section 119.09, Ohio Revised Code.
2. State's Exhibit 4: Copy of July 18, 1997, letter to Dr. Wilson from the Board scheduling a teleconference for July 24, 1997.
3. State's Exhibit 5: Copy of August 5, 1997, Entry scheduling document exchanges and hearing dates. (2 pp.)
4. State's Exhibit 6: Copy of August 20, 1997, letter to the Board from Dr. Wilson.
5. State's Exhibit 7: Copy of August 29, 1997, State's list of witnesses and exhibits. (2 pp.)
6. State's Exhibit 8: Copy of September 2, 1997, facsimile transmission to the Board from Dr. Wilson. (3 pp.)
- *7. State's Exhibit 9: Copy of July 2, 1997, letter to the Board from Howard H. Sokolov, M.D. (10 pp.)

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8. State's Exhibit 10: Copy of May 14, 1997, letter to Dr. Wilson from the Board ordering Dr. Wilson to submit to an examination pursuant to Section 4731.22(B)(19), Ohio Revised Code. (5 pp.)
9. State's Exhibit 11: Copy of January 28, 1997, letter to Dr. Wilson from the Board enclosing certified copies of the Entry of Order; the Report and Recommendation of Sharon W. Murphy; and an excerpt of the draft minutes of the Board's January 8, 1997, meeting. (14 pp.)
10. State's Exhibit 12: Copy of September 11, 1996, Notice of Opportunity for Hearing to Dr. Wilson from the Board. (18 pp.)
11. State's Exhibit 13: Copy of consent for disclosure of medical records. (5 pp.)
- *12. State's Exhibit 14: Copy of medical records of Dr. Wilson from Southeast Psychiatric Hospital. (120 pp.)
- *13. State's Exhibit 15: Copy of medical records for Dr. Wilson from Worthington Center, Inc. (8 pp.)
14. State's Exhibit 16: Copy of Garrettsville Police Department Incident Report of March 10, 1997. (8 pp.)
15. State's Exhibit 17: Copy of April 16, 1997, police report from the Cortland City Police Department. (12 pp.)
16. State's Exhibit 18: Copy of April 28, 1997, Vienna, West Virginia, police incident/offense report form. (13 pp.)
17. State's Exhibit 19: Copy of 1996 letters from Dr. Wilson to various governmental agencies and patients. (16 pp.)
18. State's Exhibit 20: Copy of Youngstown Vindicator articles. (3 pp.)
19. State's Exhibit 21: Copy of May 8, 1989, letter to the Board from Dr. Wilson regarding Conrad Stevens. (7 pp.)
20. State's Exhibit 22: Copies of: April 24, 1995, letter to Vicky Taylor; May 3, 1995, letter to Sandy Galadye; and Ohio Bureau of Employment Services request for reconsideration form. (4 pp.)

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21. State's Exhibit 23: Copies of letters written to the Board from Dr. Wilson in 1996. (10 pp.)
 22. State's Exhibit 24: Copies of letters written to the Board from Dr. Wilson in 1997. (20 pp.)
 23. State's Exhibit 25: Copies of Subpoena and attached documentation from St. Joseph's Hospital, Youngstown, Ohio, regarding Dr. Wilson. (13 pp.)
 24. State's Exhibit 26: Copies of January 9, 1997, letters to Board members from Dr. Wilson. (5 pp.)
 25. State's Exhibit 27: Copy of excerpts from the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV), Fourth Edition, 1994, Bipolar Disorder and diagnostic criteria. (19 pp.)

B. Presented by the Respondent

1. Respondent's Exhibit A: Copy of August 22, 1997, article from the Record Courier, "Ex-Garrettsville Doctor regrets harassment calls, Wilson found guilty of 1 charge."
2. Respondent's Exhibit B: Copy of Internet Web Site of Ray Tomes. (3 pp.)
3. Respondent's Exhibit C: Copy of e-mail correspondence between Dr. Wilson and Ray Tomes.
4. Respondent's Exhibit D: Copy of e-mail correspondence between Dr. Wilson and Ray Tomes.
5. Respondent's Exhibit E: Copy of e-mail correspondence regarding the "equation to solve everything." (4 pp.)
6. Respondent's Exhibit F: Copy of Article by Paul W. Wilson, "The Creation Equation, Cosmic Recycling Theory, The Big Bang Versus an Eternally Habitable Universe." (8 pp.)
7. Respondent Exhibit G: Copy of "2,000 Year old News," a newsletter.

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8. Respondent's Exhibit H: Copy of August 25, 1997, letter to Dr. Wilson from Celia Zeigler, Riverview Associates, Inc., regarding appointment with Dr. Carrick.
 9. Respondent's Exhibit I: Polaroid photograph of suit worn by Dr. Wilson to Dr. Sam's office for first appointment.
 10. Respondent's Exhibit J: Copy of 1996 Physicians Desk Reference [PDR] excerpt on Effexor and Paxil. (9 pp.)
 - *11. Respondent's Exhibit K: Copy of August 12, 1997, letter regarding Dr. Wilson from Robert E. Sams, M.D., Worthington Center, Inc. (2 pp.)
 12. Respondent's Exhibit L: Not admitted.
- C. Post Hearing Admissions to the Record
1. State's Exhibit 28: Copy of Curriculum Vitae of Howard H. Sokolov, M.D. (7 pp.)
 2. State's Exhibit 29: Copy of September 12, 1997, Notice of Submission of Additional Exhibits.
 3. Respondent's Exhibit M: Copy of September 6, 1997, letter to the Board from Isidro A. Amigo, D.O., F.A.C.O.S. (2 pp.)

SUMMARY OF THE EVIDENCE

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

Paul Wesley Wilson, D.O.

1. Paul Wesley Wilson, D.O., attended the University of Iowa where he earned a bachelor's degree in physics. Dr. Wilson earned his Doctor of Osteopathy degree from the College of Osteopathic Medicine in Des Moines, Iowa. Dr. Wilson completed a one year rotating internship in family practice at St. Elizabeth's Hospital in Youngstown, Ohio. When his contract was not renewed, Dr. Wilson began an obstetrics internship at the same hospital. Dr. Wilson left after six

months due to the onset of severe migraine headaches. Dr. Wilson did not testify to specific dates. (State's Exhibit[St. Ex.] 9; Transcript [Tr.] 270-271)

After his training, Dr. Wilson began practicing osteopathic medicine. In 1981, Dr. Wilson opened his private practice in Garrettsville, Ohio. Between 1981 and 1989, Dr. Wilson maintained his practice in Garrettsville and opened a satellite office in Warren, Ohio, until he began to transition to Belpre, Ohio, in April 1996. Dr. Wilson permanently closed both offices in northern Ohio in August 1997. (St. Ex. 24; Tr. 61-62) He is currently in solo practice with offices in Belpre and Coolville, Ohio. (Tr. 58-59)

Howard H. Sokolov, M.D.

1. Howard H. Sokolov, M.D., graduated from Columbia University in 1961 with a Bachelor's Degree. He completed his medical degree through the State University of New York, Downstate Medical Center, in 1965. After a rotating internship at the Cincinnati General Hospital, Dr. Sokolov completed a three year general psychiatry residency at the University of Cincinnati. He has completed additional post-graduate training in psychoanalysis. Dr. Sokolov is board certified in psychiatry and forensic psychiatry. (St. Ex. 28)
2. Dr. Sokolov worked as a psychiatrist in the United States Army for two years. He then served for ten years on the faculty of the University of Cincinnati's Department of Psychiatry. From 1981 through 1983, Dr. Sokolov served as Commissioner of Mental Health and Forensic Services for the State of Ohio. In 1983, he became the Director of Netcare Forensic Psychiatry Center, outpatient forensic psychiatric center. From 1989 through 1994, Dr. Sokolov served first as associate medical director and then in 1990 to the end of his tenure, became medical director of Harding Hospital. Currently, Dr. Sokolov works part-time at the Adult Diagnostic and Treatment Services division of Harding Hospital and full-time at the State of Ohio Department of Mental Health. Dr. Sokolov does forensic consultations on complicated cases and reviews clinical policies and procedures for forensic issues. He sees patients for diagnostic as well as treatment issues. (St. Ex. 28; Tr. 14-17)

Dr. Wilson's History

1. On June 7 and 21, 1997, for a total of five hours, Dr. Sokolov examined Dr. Wilson pursuant to an order by the Board. Dr. Sokolov reviewed State's Exhibits 10 through 26 prior to his evaluation of Dr. Wilson. (St. Ex. 9; Tr. 18-20) Dr. Sokolov performed a traditional psychiatric evaluation which included an extensive history and mental status examinations. (St. Ex. 9; Tr. 23)

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2. Dr. Sokolov reported that Dr. Wilson, from age two through eleven, lived in Nicaragua with his family members who were Baptist Missionaries. Dr. Wilson's family then moved to Iowa. Due to a debilitating physical illness, Dr. Wilson missed six months of school. Despite self-esteem and shyness problems, Dr. Wilson did well academically and socially in high school. (St. Ex. 9; Tr. 24-25)
3. Dr. Wilson isolated himself during college where he studied physics and premed courses. After graduation, Dr. Wilson entered osteopathic school. During his last two years at osteopathic school, Dr. Wilson maintained a relationship with a female classmate. Learning of the end of this relationship precipitated Dr. Wilson's first major depression. Dr. Wilson did not seek assistance until required by his attending physician. Dr. Wilson participated in psychotherapy without medication. (St. Ex. 9; Tr. 24-25)
4. Dr. Wilson's depression continued through his first year of a family practice residency at St. Elizabeth's Hospital in Youngstown, Ohio. Although others suggested that he needed help, Dr. Wilson refused to seek assistance for fear the administration would reject him from the internship program. Dr. Wilson's contract was not renewed the following year. Dr. Wilson found an obstetrics residency and felt support from the staff. After six months, Dr. Wilson left the residency because he experienced migraine headaches. Dr. Wilson refused to seek help, because he felt he would be accused of drug seeking. (St. Ex. 9; Tr. 25-27)
5. In approximately 1979, Dr. Wilson began working at the emergency room at St. Joseph Riverside Hospital [St. Joseph]. Dr. Wilson did not specify in what city St. Joseph was located. St. Joseph helped him establish a practice in Cortland, Ohio. After a short time, Dr. Wilson left that practice and started his private practice in Garrettsville, Ohio. He maintained privileges at St. Joseph. From 1981 through 1989. Dr. Wilson married, had four children and built his practice. (St. Ex. 9; Tr. 26-28)
6. Beginning in November 1992, Dr. Wilson began to fall behind in completing his hospital charts at St. Joseph Riverside Hospital. Over the next seventeen months, Dr. Wilson lost his privileges at St. Joseph due to his failure to complete his charts in a timely manner on three occasions. (St. Ex. 25)

In 1994, after a trip to Canada, Dr. Wilson realized he was depressed. His stressors included billing concerns, expansion of his practice, and office staff problems. Dr. Wilson consulted Dr. Wilterdink, his neighbor, who prescribed

the antidepressant, Effexor. Dr. Sokolov testified that, when asked, Dr. Wilson denied a tendency towards depression. (St. Ex. 9; Tr. 26-28, 64-68)

7. In 1995, Dr. Wilson began to have serious difficulties. One of Dr. Wilson's patients was admitted through the emergency room of St. Joseph on January 18, 1995. Dr. Wilson failed to see that patient until January 21, 1995. Dr. Wilson explained to the Department of Medicine Medical Committee of St. Joseph that he did not see the patient because, even though he had other patients in the hospital at the time, he forgot about this patient. At hearing, Dr. Wilson further explained that when the hospital called at 4:00AM and told him the patient had been admitted to the hospital, Dr. Wilson went back to sleep and forgot the patient. Subsequent to this incident, St. Joseph required Dr. Wilson to be supervised. After initially cooperating with St. Joseph's restrictions, on March 29, 1995, Dr. Wilson became hostile with one of the supervising physicians. (St. Exs. 9 & 25; Tr. 62-64, 68) "[Dr. Wilson] first mentioned that Dr. T. Wilson should get a psychiatric consultation on himself. Then he mentioned that all members of the Medical Committee should have a psychiatric assessment instead of him." (St. Ex. 25, at 13). On March 31, 1995, Dr. Wilson resigned his hospital privileges. (St. Exs. 9 & 25; Tr. 62-64, 72-73)
8. In March 1995, Dr. Wilson's troubles began to escalate. Dr. Wilson's office staff accused Dr. Wilson of a myriad of charges. On March 8, 1995, Vicky Taylor and Natalie Prasky quit. Dr. Wilson began written correspondence with these two individuals and accused them of spreading rumors and entering his office. Dr. Wilson also corresponded with Sandy Galadye, another former employee. Dr. Wilson wrote,

If Tricia [Ms. Galadye's daughter] hadn't worked for me she would have never gotten another job. And I am sure Dr. Peng would probably get rid of her if I told him Tricia didn't do my Warren office billing for months, she hid the billing in the drawer and I found it after I fired her. You are just a typical low life cleaning lady, and you and Tricia will always live in a trailer, and you will always bad mouth the people who are intelligent and educated and provides low lifes like you with a wage. That is okay, I understand, your type just has no respect for anyone, you just bad mouth your superior because that is all you know how to do. You wouldn't know how to go to college, read a book or even type a letter. And for your information I am on staff at two hospitals in Warren. As for that other one, ask her why her pants got all wet... I am filing my income tax late and am filing a W-4 on you, which means you will owe the IRS and the State some money, the taxes I didn't take out on you. (St. Ex. 22)
9. In August 1995, Dr. Wilson had a physical confrontation with his wife at Cedar Point. A Cedar Point employee saw Dr. Wilson grab his wife by the wrist, shake

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her "violently," grab her purse, and throw it against a fence. The employee notified the Cedar Point police department. A police officer came to the scene and interviewed Mrs. Wilson, who admitted that Dr. Wilson had grabbed her purse and thrown it against the fence. She denied, however, that he had grabbed her wrist or shook her. Mrs. Wilson further related that Dr. Wilson had been "under a great deal of stress." Mrs. Wilson also accused the police at Cedar Point of aggravating Dr. Wilson. (St. Ex. 11; Tr. 159-62)

The Cedar Point officer reported that when he attempted to discuss the situation with Dr. Wilson, he became irate, belligerent and shouted obscenities. When advised that he would be arrested for disorderly conduct, Dr. Wilson continued to shout obscenities. The officer arrested Dr. Wilson and charged him with Disorderly Conduct and Resisting Arrest. (St. Ex. 11) On November 17, 1995, the Sandusky Municipal Court found Dr. Wilson guilty of Disorderly Conduct and sentenced him to pay a fine and court costs. The charge of resisting arrest was dismissed. Dr. Wilson did not disclose this conviction on his medical license renewal form. (St. Exs. 9, 11, 12, 23; Tr. 30-32)

10. In March 1996, the Drug Enforcement Administration [DEA] raided Dr. Wilson's office. Although Dr. Wilson voluntarily surrendered his DEA license, he subsequently argued in many letters that he was forced to surrender his DEA license under intimidation and the advice of an inexperienced attorney. In letters to the DEA, Pharmacy Board, Mahoning County Drug Task Force, State of Ohio Medical Board and a local newspaper, Dr. Wilson alleged that governmental agencies conspired against him based on the allegations of disgruntled employees. In a July 14, 1996, letter to the Board, Dr. Wilson wrote, "If it weren't for [Agent George Pavlich,] the Mahoning County Drug Task Force would have shot and buried me, and then urinated on my grave and Vicky Taylor and Natalie Prasky would have cried for joy." (St. Ex. 23 at 6) Dr. Wilson and his patients also corresponded with the DEA. Dr. Wilson provided information regarding the reputation of former employees, Sallie Budd, Vicky Taylor, and Natalie Prasky. Dr. Wilson railed against DEA agent, Orlando DiLullo. Dr. Wilson accused Agent DiLullo of sexually harassing his office staff, believing disgruntled employees, and violating his constitutional rights. (St. Ex. 19) The DEA investigation is still open, however, and no charges have been filed. (St. Exs. 9, 23-24; Tr. 28-29)
11. In April 1996, Dr. Wilson posted a notice to his patients that he had voluntarily surrendered his DEA license. The notice stated:

NOTICE: (4/26/92) DR. WILSON VOLUNTARILY SURRENDERED HIS NARCOTICS LICENSE TO THE DEA (DRUG ENFORCEMENT ADMINISTRATION, CLEVELAND, OH. OFFICE) THIS IS NOT AN

ADMISSION OF ANY WRONG DOING ANY PATIENT TAKING NARCOTICS
MAY HAVE HIS RECORDS TRANSFERRED TO ANOTHER PHYSICIAN BY
CALLING ORLANDO DiLULLO AT ...IF THE RECORDS ARE NOT HERE,
180 PATIENT CHARTS WERE SEIZED. DR. WILSON DID NOT LOSE HIS
LICENSE TO PRACTICE. (St. Ex. 19)

Dr. Wilson also provided information to his patients on how to contact the DEA on his behalf. Dr. Wilson gave the following instruction to his patients who sought another physician:

The press has slandered me, everything is a lie. When you call to find another doctor for your painful medical condition, don't mention my name as the press has slandered me and they will be prejudiced against me. Just tell them what your problem is and try to get an appointment, when you see the doctor don't try to influence him, and then just be patient when he realizes you are sincere he will try to take care of you. Thank you for your support and may God bless you, you know that I am a sincere honest person. (St. Ex. 19)

12. On January 8, 1997, Dr. Wilson appeared before the Board regarding the allegation that he omitted the November 1995 conviction for disorderly conduct from his renewal application. During the presentation of the Assistant Attorney General, Dr. Wilson interrupted him. A Board member questioned Dr. Wilson's attitude. After Board deliberations, Dr. Wilson received a reprimand. Following his discipline, Dr. Wilson wrote letters to the Board members who voted in favor of a reprimand on his license. Dr. Wilson stated,

Thank you for your vote 1/8/96. In my opinion the younger the board member the less mercy they, show toward their fellow professional. Perhaps they don't realize that many people in the present justice system are falsely accused and then falsely convicted and sentenced, the most famous in this country "The trial of the century" (not OJ Simpson, which would be the opposite end of the spectrum, but the "Charles Lingberg [sic] Trial," the falsely accused was given the death sentence, and to this day his widow still says that on the night of the kidnapping he was at home with her. Post humorously [sic] they have now proven his innocents[sic]. This makes me think twice about the death sentence. This makes one think about other laws in this country. Should we legalize euthanasia and at the same time prosecute physicians who treat people with legitimate severe pain. To encourage death over the treatment of pain? No one in any society would agree that such a concept would be moral. (St. Ex. 26)

13. Sometime in March 1997, Dr. Wilson decided to close his offices in Garrettsville and Warren, Ohio and move to Belpre, Ohio. Although Dr. Wilson faced financial pressures from opening a new practice, when he sold an office building,

he purchased a new corvette that cost between \$40,000.00 and \$50,000.00. (St. Ex. 9; Tr. 30-31, 276-277)

14. Dr. Wilson had increasingly serious conflicts with law enforcement officers. Dr. Wilson's anger at his former office staff motivated him to begin making harassing telephone calls to their homes. (St. Ex. 9) On March 10, 1997, Michael Prasky and his daughter reported to the Garrettsville, Ohio, Police Department that Dr. Wilson had made harassing telephone calls to the Prasky residence. On March 15, 1997, Natalie Prasky reported that Dr. Wilson had called her and made threatening remarks. The police charged Dr. Wilson with four counts of telephone harassment. (St. Ex. 16)

When Dr. Wilson failed to appear in court to answer the telephone harassment charges filed by the Praskys, the Cortland Police Department attempted to serve a bench warrant for his arrest on April 5, 1997. The warrant contained information that Dr. Wilson had made threats against any officer coming on his property. Dr. Wilson refused to cooperate with officers. The officers placed Dr. Wilson under arrest. Dr. Wilson then reported to officers that he was having severe chest pains. After the police transported Dr. Wilson to the hospital, the Garrettsville Police reported that Dr. Wilson had been released by accident. When the Cortland Police returned to Dr. Wilson's residence, he had fled. (St. Ex. 17)

At the Board hearing, Dr. Wilson explained that he lied about the chest pains because he "didn't want to go where they were taking me." (Tr. 87) Dr. Wilson described how he left the hospital and testified that the police released him so that his hospital bill would not be the responsibility of the state. However, Dr. Wilson also related that he removed his own IV and left. (Tr. 87-88)

At the Board hearing, Dr. Wilson testified that he contacted the Praskys because he was highly irritable, "manic," and on 60 mg of Paxil. Dr. Wilson revealed that he pleaded to one count of telephone harassment and apologized publicly for his actions. The court sentenced Dr. Wilson to a \$500.00 fine, court costs and 180 days in jail. The Court suspended the jail time provided that Dr. Wilson not contact the victims or have any additional charges for two years. The other counts were dismissed. (St. Ex. 16; Res. Ex. A; Tr. 83-86, 257)

- 15 On April 8, 1997, Dr. Wilson appeared at the Cortland Police Department and demanded the return of his 7-1/2 inch folding back lock schrade knife confiscated on April 5, 1997. Police officers told Dr. Wilson that the knife could not be released to him immediately. Dr. Wilson became angry and then tried to push his way into the police department offices. Dr. Wilson began yelling

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obscenities. An officer advised him to leave. Officers followed Dr. Wilson to his car. After Dr. Wilson entered his vehicle, he lowered the passenger window, and told the police officer standing next to the car, "If you touch my car, I will kill you." Police officers placed Dr. Wilson under arrest. (St. Ex. 17)

Upon Dr. Wilson's return to the police station, the officers informed him that he would be patted down for weapons. Dr. Wilson reacted by ripping off his shirt and then trying to take off his pants. Dr. Wilson complained of chest pains, but refused emergency squad transportation. Dr. Wilson then regained control of himself. The Cortland Police charged Dr. Wilson with Aggravated Menacing. (St. Ex. 17)

Dr. Wilson testified that he was irritable that day. He admitted that he threatened to kill the police officer, but that "I had no gun or anything. I just did not want him touching my car. He had no reason to." Dr. Wilson testified that he paid a \$500.00 fine and is on probation for a year. (Tr. 89) Dr. Wilson explained that he had a temper when he took Paxil. (Tr. 90)

- 16 On April 28, 1997, a Vienna, West Virginia, police officer stopped Dr. Wilson as he was driving at 2:49AM, for failure to dim his headlights. Dr. Wilson did not have proof of registration or insurance for his vehicle and the temporary tag had expired. The police officer then noticed a furtive movement by Dr. Wilson and asked for permission to search the car. The officer found several marijuana cigarette butts in the ashtray, in a cupholder on the console, and under the driver's seat. The police officers then patted Dr. Wilson down and found a small baggy of marijuana. Dr. Wilson was charged with traffic violations and possession of more than 15 grams of marijuana. (St. Ex. 18) These charges have not yet been resolved. Dr. Wilson told Dr. Sokolov that he used marijuana because traditional medications for migraines were too expensive. (St. Ex. 9; Tr. 31-32)

Dr. Wilson attributed the traffic stop to his make of car [Corvette] and the late hour. Dr. Wilson admitted that he used marijuana to treat his migraine headaches after he lost his DEA license. Previously he had used samples of Darvocet. Dr. Wilson explained that he did not go to a physician because "it was an inconvenience." Dr. Wilson elaborated that he feared another physician would think he had a drug problem. Dr. Wilson testified that he also used the marijuana to treat his anxiety and to sleep. He characterized his use of marijuana as two to three times per week, prior to his arrest. Dr. Wilson testified that he has not used marijuana since his arrest. He uses Duract for his headaches, per his own prescription. (Tr. 92-97, 279-281)

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17. Dr. Wilson took Effexor, an anti-depressant, continuously from 1994 to January 1997. After Dr. Wilterdink retired, Dr. Wilson received prescriptions from a psychiatrist, Dr. Cavanaugh. Eventually, Dr. Cavanaugh refused prescribe for Dr. Wilson because of his frequent cancellations. Dr. Wilson then received a one year prescription for Effexor from another psychiatrist, Dr. Wu. While in Belpre, Ohio, beginning his new practice, Dr. Wilson discontinued Effexor and started himself on Paxil, an antidepressant. Dr. Wilson changed antidepressants because he felt the Effexor was causing stomach problems. Dr. Wilson chose Paxil based on the recommendation of a friend of his wife. From January 1997 through April 1997, without consultation from a psychiatrist, Dr. Wilson increased the dosage to 60 mg. per day. Dr. Wilson explained he decided to increase the dosage because he felt tired. Dr. Wilson discounted the fact that at the time he felt tired, he was maintaining practices in both-Cortland and Belpre, Ohio, and driving between the two cities on a regular basis. Dr. Wilson admitted that he believed the antidepressant would decrease his actual physical symptoms of exhaustion. (St. Exs. 9, 13, 14; Tr. 263-264, 271-273, 276)

18. Dr. Wilson explained that in March 1996 he purchased the 1996 Corvette because he had sold his office building, "and I had \$85,000.00 in my pocket. And I had gone through a lot of...stress and ...trouble, and buying a new car was my way of rewarding myself." Dr. Wilson defended his decision because he had other cash reserves. Dr. Wilson testified that he gambled in Canada and Nevada. He had traveled to Nevada for a Continuing Medical Education Seminar. He lost approximately \$1,500.00 in Canada and won \$1,200.00 in Nevada, for a net loss of \$300.00. At the time of his gambling trip, Dr. Wilson's family was moving from Cortland to Belpre, Ohio. (Tr. 252-254, 277-278)

19. Renee Wilson, Dr. Wilson's wife, became very concerned with Dr. Wilson's erratic behavior and spending. Under the pretense of an appointment for herself, Mrs. Wilson requested that Dr. Wilson see Tony Byler, M.D., a psychiatrist. Dr. Wilson became distressed when Dr. Byler's staff inquired about his medical insurance but did proceed with the appointment. Dr. Byler recorded that Dr. Wilson described in detail how he was going to set up an answering service which would be advertised in Hustler Magazine. Dr. Wilson believed that he could make large amounts of money on this business venture. Dr. Byler noted in his mental status examination that Dr. Wilson was dressed very casually for a physician visiting another physician. Dr. Byler also found that Dr. Wilson's affect was "restricted, low and eye contact was poor." Dr. Byler noted that Dr. Wilson had hit his wife in the arm that day. As an explanation, Dr. Wilson stated that he had not had much sleep. Dr. Byler described Dr. Wilson's interpersonal interaction as "odd." Dr. Byler related how

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Dr. Wilson tried to illustrate various theories about pyramids, religion, and Einstein's theory of relativity. Dr. Wilson testified that he had explained his gambling theories to Dr. Byler and was being sarcastic. He also described to Dr. Byler the contents of his book which focused on the origin of the universe. (St. Ex. 13; Res. Ex. F; Tr. 98-99, 259-260)

20. Dr. Byler's impression was that Dr. Wilson had Psychosis, NOS; and Depressive Disorder, NOS. Dr. Byler planned to rule out Bipolar Disorder, or a substance abuse problem. Dr. Byler tried to get Dr. Wilson to the local hospital by ruse, but was unsuccessful. When Dr. Wilson was told that he would be transported to the hospital by force, he cooperated. (St. Exs 9, 13, 27; Tr. 32-33)
21. Dr. Wilson entered the Southeast Psychiatric Hospital in Athens, Ohio, on April 29, 1997. Over the course of his admission, Dr. Wilson exhibited significant lability of affect. Mark McGhee, M.D., discontinued Paxil, and tried other medications. Dr. McGhee noted that Dr. Wilson had grandiose and bizarre delusions involving preoccupation with gambling theories, pyramids, and proof of Einstein's theories. On May 4, 1997, Dr. Wilson kicked doors and took a shower while dressed. On May 12, 1997, Dr. McGhee reported that over several days, Dr. Wilson stopped voicing delusions, having racing thoughts, and expressing irritation. Dr. McGhee's final diagnosis was Bipolar Disorder, Manic, Severe with Psychotic features and Marijuana Abuse. Dr. McGhee discharged Dr. Wilson with a prescription of Depakote. Dr. McGhee described Dr. Wilson's recovery as fragile, and expressed concerns about medication compliance. Dr. Wilson agreed to take a leave of absence of thirty days from work. (St. Exs. 14, 24, 27)
22. On his release, Dr. Wilson informed the Board by letter that he had a manic episode for which he was hospitalized. Dr. Wilson agreed to stop practicing until he communicated with the Board. (St. Ex. 24 at 3-4) Later that same day, Dr. Wilson wrote another letter to the Board in which he stated that he would not stop practicing osteopathic medicine until the Board ordered him to stop. (St. Ex. 24 at 5-6) Dr. Wilson attached a critique of Dr. Byler's discharge summary. Dr. Wilson disagreed with the diagnosis of bipolar. Dr. Wilson testified that he never would have become manic if he had not been on high doses of Paxil. (St. Ex. 24 at 6-10; Tr. 101-102) At hearing, Dr. Wilson discounted his treatment at Southeast Psychiatric Hospital. He testified that he felt betrayed by his wife, but decided to act like he had forgiven her so that he could leave the hospital. (Tr. 99-101)
23. On May 14, 1997, Dr. Wilson saw Robert E. Sams, M.D., a psychiatrist, in Parkersburg, West Virginia. Dr. Wilson would not release his medical records

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to Dr. Sams because "I felt that the medical records were mislabeling me....I wanted him to do an independent examination without any medical history." (Tr. 266) Dr. Sams found Dr. Wilson's initial appearance to be "rather bizarre. He appears to be clean, yet disheveled. Eye contact is staring without blinking." Dr. Wilson submitted a photograph of the suit he wore to this appointment. However, Dr. Sams' report indicates that the clothing was appropriate, but not its condition. When Dr. Wilson obtained this record prior to hearing, he objected strenuously to this characterization and indicated that he would be changing psychiatrists. (St. Ex. 15; Res. Exs. I & K; Board Exhibit 1; Tr. 107-109, 261, 266-268)

Dr. Sams saw Dr. Wilson approximately every two weeks until August 12, 1997. Dr. Sams noted that Dr. Wilson had stopped complying with his medication shortly after his first psychiatric evaluation by Dr. Sokolov on June 7, 1997. Dr. Wilson testified that he experienced dizzy spells and gynecomastia, and he stopped the medication on his own. (St. Ex. 9; Res. Ex. K; Tr. 102-103) Dr. Sam's August 12, 1997, evaluation of Dr. Wilson concluded that the diagnosis of Bipolar Disorder was erroneous because Dr. Wilson had no recurrence of manic symptoms, his delusional material had dissipated entirely, and he lacked previous history of Bipolar Disorder. (Res. Exs. J & K) Dr. Sams cautioned that the Board should consider Dr. Wilson's history of self-prescribing and marijuana use. (Res. Ex. K) Dr. Sams did not appear at hearing. Accordingly, the State's Assistant Attorney General did not have the opportunity to cross-examine Dr. Sams regarding his conclusions. (Tr. 295)

Dr. Wilson testified that Dr. Sams recommended treatment once a week. Dr. Wilson ascribed Dr. Sams' recommendation to an interest in cash payments for treatment. Dr. Wilson discounted the value of his sessions with Dr. Sams by recounting the content of his sessions. Dr. Wilson testified that he told Dr. Sams that everything was fine and that he had reconciled with his wife. (Tr. 105-106) Dr. Wilson testified that he planned to see another psychiatrist in Athens, Ohio, on September 10, 1997. Dr. Wilson decided to switch psychiatrists because he felt that Dr. Sams was not honest with him and was inaccurate in his reports. (Res. Ex. H; Tr. 107-109, 261)

24. In a report of his June 7 and 21, 1997, evaluations of Dr. Wilson, Dr. Sokolov described Dr. Wilson as exhibiting emotional lability, defensiveness regarding recent delusions, denial of emotional illness, and impaired judgment in terms of personal decision making. Given Dr. Wilson's history of recurrent depression and his recently diagnosed Bipolar Disorder, Manic, with psychotic features, Dr. Sokolov's opinion was that Dr. Wilson's condition would be best diagnosed as Bipolar Disorder, in partial remission. Dr. Sokolov added that Dr. Wilson's self-

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administered use of Paxil or marijuana may have contributed to his psychiatric deterioration in April 1997. Therefore, the diagnosis of a Bipolar II disorder should be considered. (St. Exs. 9 & 27)

Dr. Sokolov testified that Dr. Wilson had reported taking increased dosages of Paxil without supervision from another physician. Dr. Sokolov opined that there "could certainly be a contribution to making someone who might have been already distressed and switching over to a more manic or euphoric state. I don't think that [Paxil toxicity] is the diagnosis that best fits, but certainly one should not be self-medicating and risking the possibility of that happening." (Tr. 55)

Dr. Sokolov assessed Dr. Wilson's ability to continue to practice medicine according to acceptable and prevailing standards of care as marginal. Dr. Sokolov explained that bipolar disorder affects an individual's judgment. If the individual is in the manic phase, he could be overly optimistic. If the individual is depressed, the individual could be overly pessimistic. Further, Dr. Sokolov testified that bipolar disorder affects energy and concentration levels which can influence the diagnosis and treatment of patients. (St. Ex. 9 & 27; Tr. 38-40, 47-48, 50-51) Dr. Sokolov pointed to the potential stressors in Dr. Wilson's life that could easily lead to deepening depression or another manic episode:

absence of psychiatric medication from his system, stresses in the practice of medicine, potential loss of support from his office worker, further marital stress, adverse outcomes of pending misdemeanor offenses of telephone harassment and marijuana possession, further self-medication or substance use, or adverse outcomes from the DEA/Pharmacy Board investigations or the outcome of the Board's inquiry. (St. Ex. 9; Tr. 38-40, 47-48, 50-51)

Dr. Sokolov also expressed concern about Dr. Wilson's personal judgment. Dr. Sokolov gave examples of Dr. Wilson's faulty judgment, including:

his continuing denial of emotional illness, his need to justify his previously labeled delusional ideas, his justifications of self-medication and substance abuse, his defensiveness in regard to his actions with the police, his placing blame on his wife and siblings for his hospitalization, his threats of suit toward Dr. Byler, his plan to give all his assets to his wife in a divorce action, his intention to consider divorce in the midst of his current turmoil, his over-emotional reliance on a new office worker, his plan to begin a telephone sex business, his unusual presentation at the interviews with [Dr. Sokolov], his discontinuation of Depakote, and his intention to terminate his psychiatric treatment. (St. Ex. 9; Tr. 39-51)

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Dr. Sokolov recommended that Dr. Wilson should be mandated to attend weekly psychiatric treatment sessions. The psychiatrist should report to the Board his evaluation as to Dr. Wilson's attendance, general level of functioning, and ability to practice medicine safely and effectively. Dr. Wilson should follow the instructions of the psychiatrist to take appropriate medication including mood stabilizing, antidepressant or antipsychotic medication as prescribed in appropriate dosages. Further, Dr. Wilson should be prohibited from self medication or substance use. Dr. Sokolov recommended that this treatment continue for at least two years. (St. Exs. 9 & 27; Tr. 44-46, 54-55)

25. Dr. Wilson testified that Dr. Sokolov's summary of his history was "pretty accurate." Dr. Wilson disagreed that wearing his lab coat to the appointment was strange and denied that he had ever been psychotic. (Tr. 74-75, 252) Dr. Wilson explained some of the stressors in his life, including the disgruntled employees and the DEA raid on his office. Dr. Wilson testified that he originally wanted his DEA license back so that he could obtain hospital privileges and a job in the state prison system. Dr. Wilson does not currently hold a DEA license. (Tr. 78-82, 252-255)

Dr. Wilson testified that he would "continue going to a psychiatrist to fulfill the requirements of the Medical Board. (Tr. 109, 255) However, he and his wife do not feel that he needs ongoing psychiatric treatment. Dr. Wilson does not have a personal physician. (Tr. 109-111) Dr. Wilson agreed to obtain a personal physician if ordered by the Board. (Tr. 280-281, 288)

Dr. Wilson testified that the Physician's Desk Reference [PDR] lists activation of mania/hypomania as a general precaution. Specifically, the PDR states,

During premarketing testing, hypomania or mania occurred in approximately 1.0% of Paxil treated unipolar patients compared to 1.1% of active control and 0.3% of placebo-treated unipolar patients. In a subset of patients classified as bipolar, the rate of manic episodes was 2.2% for Paxil and 11.6% for the combined active control groups. As with all antidepressants, Paxil should be used cautiously in patients with a history of mania. (Res. Ex. J)

Currently, Dr. Wilson is not taking any medication for depression. Dr. Wilson testified that his methods of coping with stress are driving his car and doing things with his kids. (Tr. 279) To eliminate office staff problems, Dr. Wilson uses a billing company to issue bills for his services. (Tr. 286-287) Dr. Wilson described his support group as friends on the internet, parents, pastor, wife and children. (Res. Ex. B-E; Tr. 291-292)

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26. Renee Wilson, Dr. Wilson's wife, received her bachelor of science degree in chemistry from Bowling Green State University. She also holds a medical technologist degree. Currently, Mrs. Wilson works at Dr. Wilson's office as the office manager. (Tr. 154)

Mrs. Wilson described the disarray left by several former workers who filed records incorrectly, misspelled patient names, and commingled records from different patients. Mrs. Wilson explained that she spoke with Natalie Prasky and Vicki Taylor, when they complained about Dr. Wilson yelling at them. Eventually, these individuals quit. Mrs. Wilson described the workers as vindictive. (Tr. 155-158) Mrs. Wilson testified that office staff remained a problem even after Ms. Prasky and Ms. Taylor quit. (Tr. 162-163)

Mrs. Wilson testified that from 1994 to 1996, Dr. Wilson worked at two offices and was on call for two hospitals. In 1995, Mrs. Wilson testified that Dr. Wilson had suffered from a rectal fissure for the previous three years because he was afraid to have surgery. The stress of the work and the physical pain culminated in the incident at Cedar Point. (Tr. 159-162)

Mrs. Wilson described the distress caused by the office staff problems, the 1996 DEA raid, the records request from the Attorney General's Medicaid Fraud division, and the interactions with the police. Mrs. Wilson testified that she was confused by Dr. Wilson's behavior because he had not been an agitated person until he began taking the Effexor and Paxil. (Tr. 164-171, 184-193, 198-200) In the spring of 1996, the confusion caused by Dr. Wilson's behavior escalated when Mrs. Wilson found marijuana in his pocket, discovered that he was gambling, and saw the new corvette. (Tr. 167, 178-181)

Mrs. Wilson testified that Dr. Wilson's admission to the Southeast Psychiatric Hospital occurred because she was desperate for Dr. Wilson to obtain help. Mrs. Wilson explained that she thought a brief hospital stay for rest would alleviate Dr. Wilson's stress. She had no idea that he would be admitted for two weeks. (Tr. 171-177)

Mrs. Wilson testified that Dr. Wilson was not a good patient and consistently treated himself. Dr. Wilson put off his rectal fissure surgery for three years. He did not establish a formal relationship with Dr. Wilterdink or a family physician. Dr. Wilson provides medical services for his family. (Tr. 202-205)

27. Several individuals testified on behalf of Dr. Wilson. Madison L. Edge is the pastor of the Church of the Living God in Warren, Ohio. Bishop Edge has suffered from back pain since college. For approximately 12 to 14 years, Bishop Edge frequently saw Dr. Wilson for his back pain. Bishop Edge testified that he

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did notice that Dr. Wilson was depressed upon occasion, but never saw any manic outbursts, mood swings, or yelling. (Tr. 212-218) Dr. Wilson treated Bishop Edge's back pain with epidural injections and Demerol. Bishop Edge is currently seeing another physician who has continued the same treatments. (Tr. 220-222)

Dr. Wilson's current office staff consists of Jane Wilson, an unrelated individual, and his wife. Jane Wilson testified that her husband suffers from manic depression and that Dr. Wilson acts nothing like him. Further, Jane Wilson testified that Dr. Wilson behaves professionally in the office. (Tr. 223-230)

Hattie Lane was a patient of Dr. Wilson. From September 1996 to April 1997, Ms. Lane worked for Dr. Wilson in his southern Ohio office as a receptionist. Ms. Lane testified that she had a cousin who suffered from manic depression. She never saw Dr. Wilson exhibit symptoms similar to her cousin. (Tr. 234-237, 241-242) Ms. Lane testified that she knew about the book Dr. Wilson was writing. She faxed a copy of the book to individuals at Harvard University. Ms. Lane testified that she did not consider Dr. Wilson strange for writing the book or its subject matter unusual. (Res. Ex. F; Tr. 236-238)

Jennie Foertch, R.N., worked with Dr. Wilson at his office in Garrettsville, Ohio. Ms. Foertch testified that Dr. Wilson's office staff was incompetent when she joined the office in March 1996. Ms. Foertch described the DEA raid on the office. Ms. Foertch testified that Dr. Wilson acted appropriately at all times and never had an outburst or a "manic phase" that she witnessed. Ms. Foertch currently works at the Cleveland Clinic in the cardiothoracic unit. (Tr. 118-153)

Helen M. Perry, RN, served as office nurse for Dr. Wilson from December 1996 to May 1997. Ms. Perry testified that Dr. Wilson did not exhibit any symptoms of mood swings, irritability, temper flares, or manic behavior. (Tr. 243-251).

FINDINGS OF LAW

1. Dr. Wilson was hospitalized at Southeast Psychiatric Hospital in Athens, Ohio from April 29, 1997, through May 12, 1997. Dr. Wilson's diagnosis at Southeast Psychiatric Hospital was Bipolar Disorder, Manic, Severe with Psychotic Features, and marijuana abuse.
2. On June 7 and June 21, 1997, Howard Sokolov, M.D., examined Dr. Wilson as ordered by the Board. Dr. Sokolov concluded that Dr. Wilson suffers from Bipolar Disorder, in partial remission. In addition, Dr. Wilson continues to

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demonstrate emotional instability and lability, deny his illness, defend his actions and prior thoughts during his recent acute illness episode, and demonstrate significant impaired personal judgment.

3. Dr. Sokolov assessed Dr. Wilson's ability to practice according to acceptable and prevailing standards of care as marginal. Dr. Sokolov also opined that it is mandatory that Dr. Wilson receive treatment by a psychiatrist who can monitor whether Dr. Wilson will remain able to practice medicine in a safe and effective manner.
4. Between February 1995 and January 1997, Dr. Wilson engaged in conduct that reflected his bipolar disorder. Dr. Wilson impulsively resigned his privileges at St. Joseph due to a disagreement over discipline. Dr. Wilson wrote abusive letters to former employees, engaged in disorderly conduct at Cedar Point, wrote letters describing a conspiracy against him by government agencies, and made harassing telephone calls to a former employee. During his appearance before the Board at the January 1997 meeting, Dr. Wilson interrupted the presentation by an Assistant Attorney General. Following the meeting, Dr. Wilson wrote letters to the Board members who voted in favor of a reprimand. In the letter, he compared his case to that of Bruno Hauptmann who was convicted for the kidnapping of Charles Lindbergh's son.
5. Dr. Wilson alleged that his self administration of Paxil between January and April 1996 caused his manic episode. This does not explain his behavior prior to and after this period of time.

CONCLUSIONS OF LAW

Dr. Wilson's acts, conduct, and/or omissions, as set forth in Findings of Fact 1-4 constitute inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills, as that clause is used in Section 4731.22(B)(19), Ohio Revised Code.

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Dr. Wilson cooperated fully and appeared calm throughout the administrative hearing. Although he frequently testified to his willingness to fulfill any conditions the Board would impose for his continued practice, Dr. Wilson failed to recognize that he could benefit from psychiatric treatment. Further, Dr. Wilson continued to stress the importance of his excessive self-administration of Paxil, and to defend some of his behavior as unrelated to the diagnosis of bipolar disorder. Dr. Wilson's reluctance to

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accept professional help for his mental health problems is of great concern. A period of suspension will allow Dr. Wilson an opportunity to establish an effective treatment plan before returning to practice.

PROPOSED ORDER

1. It is hereby ORDERED that the certificate of Paul Wesley Wilson to practice osteopathic medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time.
2. The State Medical Board of Ohio shall not consider REINSTATEMENT of Dr. Wilson's certificate to practice unless and until all of the following minimum requirements are fulfilled:
 - a. Dr. Wilson shall submit an application for reinstatement with appropriate fees.
 - b. Within sixty (60) days of the effective date of this Order, or as otherwise approved by the Board, Dr. Wilson shall commence appropriate treatment, as determined by an informed assessment of Dr. Wilson's current needs. Such assessment and treatment shall be by a psychiatrist approved in advance by the Board. Prior to the initial assessment, Dr. Wilson shall provide the approved psychiatrist with copies of the Board's Findings of Fact including any documents incorporated by reference, Conclusions of Law, and Order in this Matter, and the Board may provide any other documentation from the hearing record which it may deem appropriate or helpful to that provider. Within ten (10) days after the completion of the initial assessment, Dr. Wilson shall cause a written report to be submitted to the Board from the approved provider, which report shall include:
 - i. A detailed plan of recommended treatment based upon the provider's informed assessment of Dr. Wilson's current needs; and
 - ii. Any reports upon which the treatment recommendation is based, including reports of physical examination and psychological or other testing.
 - c. Dr. Wilson shall provide documentation acceptable to the Board of continuing psychiatric counseling at intervals as deemed appropriate by the treating psychiatrist approved by the Board.

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- d. Dr. Wilson shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment providers to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations.
 - e. In the event that Dr. Wilson has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Wilson's fitness to resume practice.
 - f. For the duration of the period of suspension, Dr. Wilson shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution; stating whether there has been compliance with all the conditions of reinstatement. The first quarterly declaration must be received in the Board's offices on the first day of the third month following effective date of this Order, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the Board's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
 - g. Dr. Wilson shall submit for the Board's prior approval the name of a monitoring physician, who shall review Dr. Wilson's patient charts and shall submit a written report of such review to the Board on a quarterly basis as described in paragraph 3h. The chart review may be done on a random basis, with the number of charts reviewed to be determined by the Board.
3. Upon reinstatement, the certificate of Dr. Wilson, D.O., to practice osteopathic medicine and surgery shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least three (3) years:
- a. Dr. Wilson shall not request modification of the terms, conditions, or limitations of probation for at least one year after imposition of these probationary terms, conditions, and limitations.
 - b. Dr. Wilson shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.

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- c. Dr. Wilson shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of probation. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which the probation becomes effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the Board's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
- d. Dr. Wilson shall appear in person for interviews before the full Board or its designated representative within three months of the effective date of this order and at three month intervals thereafter, 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. Although the Board will normally give him written notification of scheduled appearances, it is Dr. Wilson's responsibility to know when personal appearances will occur. If he does not receive written notification from the Board by the end of the month in which the appearance should have occurred, Dr. Wilson shall immediately submit to the Board a written request to be notified of his next scheduled appearance.

- e. Dr. Wilson shall continue psychiatric treatment with a psychiatrist approved by the Board under paragraph 2b of this Order, at such intervals as are deemed appropriate by the treating psychiatrist but not less than once per week. The sessions shall be in person and may not be conducted by telephone or other electronic means.

Dr. Wilson shall continue in psychiatric treatment until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require quarterly reports from the approved treating psychiatrist. Dr. Wilson shall ensure that psychiatric reports are forwarded by his treating psychiatrist to the Board on a quarterly basis, or as otherwise directed by the Board. It is Dr. Wilson's responsibility to ensure that the quarterly reports are received in the Board's offices no later than the due date for Dr. Wilson's quarterly declaration.

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- f. Dr. Wilson shall follow the instructions of the treating psychiatrist to take appropriate medication as prescribed in appropriate dosages while under the care of the psychiatrist.
- g. Dr. Wilson shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment providers to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations.
- h. All monitoring physician reports required under paragraph 2g must be received in the Board's offices no later than the due date for Dr. Wilson's quarterly declaration. It is Dr. Wilson's responsibility to ensure that the reports are timely submitted.

In the event that the approved monitoring physician becomes unable or unwilling to serve, Dr. Wilson shall immediately notify the Board in writing and shall make arrangements for another monitoring physician as soon as practicable. Dr. Wilson shall refrain from practicing until such supervision is in place, unless otherwise determined by the Board. Dr. Wilson 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 therefor.

- i. Dr. Wilson shall not prescribe, administer, dispense, order, write orders for, give verbal orders for, or possess (except as prescribed for his use by another so authorized by law) any controlled substances, and shall be ineligible to reapply for or to hold registration with the United States Drug Enforcement Administration, without prior Board approval.
- j. In the event that Dr. Wilson should leave Ohio for three (3) consecutive months, or reside or practice outside the State, Dr. Wilson must notify the State Medical Board in writing of the dates of departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary period, unless otherwise determined by motion of the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.
- k. Dr. Wilson shall refrain from self-treating and from treating any family member, except in the event of life-threatening emergency.



EXCERPT FROM THE DRAFT MINUTES OF DECEMBER 3 , 1997

REPORTS AND RECOMMENDATIONS

Ms. Noble announced that the Board would now consider the findings and orders appearing on the Board's agenda.

Ms. Noble asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Russell B. Allison, M.D.; Theresa E. Boyd, M.D.; Joseph C. Carver, M.D.; John C. Cheek, M.D.; Katherine A. Humes, M.D.; Muneer Mirza, D.P.M.; Laura Rosenbaum-Bloom, M.D.; Terrance E. Smith, M.D.; and Paul W. Wilson, D.O.

A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Heidt	- aye
	Dr. Egnor	- aye
	Mr. Sinnott	- aye
	Dr. Buchan	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Ms. Noble	- aye

Mr. Sinnott indicated that he did not read the materials in the matter of Joseph C. Carver, M.D., and Paul W. Wilson, D.O., as his firm had earlier represented both physicians.

Ms. Noble 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. Heidt	- aye
	Dr. Egnor	- aye
	Mr. Sinnott	- aye
	Dr. Buchan	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye

Dr. Garg - aye
Dr. Steinbergh - aye
Ms. Noble - aye

In accordance with the provision in Section 4731.22(C)(1), 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.

Ms. Noble stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and orders in the above matters. No objections were voiced by Board members present.

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

.....
Mr. Sinnott left the meeting at this time.

REPORT AND RECOMMENDATION IN THE MATTER OF PAUL WESLEY WILSON, D.O.

Ms. Noble directed the Board's attention to the matter of Paul Wesley Wilson, D.O. She advised that objections to Hearing Examiner Kelly's Report and Recommendation were filed and previously distributed to Board members. A request to address the Board has been timely filed on behalf of Dr. Wilson. Five minutes would be allowed for that address.

Dr. Wilson asked that the Board not adopt the Hearing Examiner's proposed indefinite suspension. He stated that he was admitted to a psychiatric hospital in Athens, Ohio, after a manic episode about eight months ago. Since that time he has been seeing a psychiatrist and has instituted the criteria specified by the letter he got for reinstatement. He has two letters to present to the Board stating that he has recovered from his manic episode and a third letter from a internist who has reviewed Dr. Wilson's charts, and who believes that Dr. Wilson should be allowed to continue to practice with supervision.

Ms. Strait asked whether this was new information not previously presented at hearing.

Dr. Wilson stated that the letters were written following the hearing. One letter is dated November 21.

Ms. Strait stated that the letters would constitute new evidence and the Board must decide whether or not it will admit them into the record.

DR. GARG MOVED TO DENY DR. WILSON'S REQUEST TO SUBMIT ADDITIONAL EVIDENCE. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

VOTE:	Mr. Albert	- abstain
	Dr. Heidt	- nay
	Dr. Egner	- aye
	Dr. Buchan	- aye
	Dr. Stienecker	- nay
	Dr. Agresta	- nay
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

Mr. Bumgarner informed Dr. Wilson that admission of the letters in question has been denied by the Board.

Mrs. Wilson stated that she has been married to Dr. Wilson for 17 years and has known him for 19 years. She begged the Board not to suspend his license, adding that Dr. Wilson is the family's breadwinner. They have undergone two years of torture by the D.E.A. Mrs. Wilson stated that her sister's husband lost his job and died. She expressed concern that Dr. Wilson would kill himself if the Board takes his license away. He's fine now. Eight months ago he had an episode from the pressure he has been under for two years. He is no longer under investigation by the D.E.A., but the D.E.A. totally trashed him in three or four Ohio newspapers. They had to move and start all over again. He is currently seeing ten to fifteen patients per day. Mrs. Wilson again begged the Board not to suspend Dr. Wilson's license, adding that they have been through so much and can't take anymore.

Ms. Noble asked whether the Assistant Attorney General wished to respond.

Ms. Strait stated that the State supports the Hearing Examiner's Proposed Order. She commented that the hearing in this case was very productive, and she feels she came to know Dr. Wilson better through it. She is pleased to see the progress he has made in dealing with his problems. She is also encouraged to see in his objections that he has now acknowledged that he suffers from bipolar disease. He was still struggling with that at the hearing.

Ms. Strait continued that she disagrees with Mrs. Wilson's statements. This case was not just about an incident that occurred eight months ago; it was about a long-term pattern. It is her personal hope that Dr. Wilson can recover and continue to be a practicing and productive physician in the state. Her concern with the suspension period is that a suspension is normally something the Board imposes in cases such as this. To this point, Dr. Wilson's license hasn't been suspended. She is concerned that there is no solid treatment program in place. Undergoing treatment would be the purpose of a suspension period.

Ms. Strait continued that, in terms of a probationary period, given the lengthy history Dr. Wilson's struggle with his illness, she would recommend a five-year probation.

Mr. Sinnott returned to the meeting at this time.

Ms. Strait continued that she would also suggest adding to the probationary terms a requirement that Dr. Wilson not only engage in psychiatric treatment, but also that he refrain from the use of alcohol. The Proposed Order does require that he refrain from the use of drugs, but she believes that alcohol should also be included. She also asked that the Board require that Dr. Wilson undergo random drug screens, given that he has shown the propensity toward self-medicating. There was evidence at the hearing that Dr. Wilson had been charged with marijuana possession in West Virginia.

DR. GARG MOVED TO APPROVE AND CONFIRM MS. KELLY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF PAUL WESLEY WILSON, D.O. DR. STEINBERGH SECONDED THE MOTION.

Dr. Steinbergh stated that, in general, she supports the Proposed Order, but she would like to offer some thoughts. In terms of physicians with bipolar disease, this is very much like an impairment issue because the physician is practicing in an impaired state. Cases such as this have a 40% to 50% chance of relapse. Dr. Steinbergh stated that she would like to amend the Proposed Order to require Dr. Wilson to practice under a practice plan, approved by the Board, in a supervised environment. Dr. Steinbergh stated that she believes that Dr. Wilson needs supervision because of his responses under stress. She doesn't believe that the Board can assume that patient care won't be affected by this.

Dr. Steinbergh added that she also agreed with Ms. Strait that the probationary period should be five years.

DR. STEINBERGH MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF PAUL WESLEY WILSON, D.O., BY INCREASING THE MINIMUM PROBATIONARY PERIOD TO FIVE (5) YEARS, AND ADDING THE FOLLOWING REINSTATEMENT CONDITION:

Prior to commencement of practice in Ohio, Dr. Wilson shall submit to the Board and receive its approval for a plan of practice in Ohio which, unless otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Wilson's activities will be directly supervised and overseen by another physician approved by the Board.

DR. GARG SECONDED THE MOTION.

Dr. Garg referred to the June 1997 report from Dr. Sokolov, which indicates that Dr. Wilson's ability to continue to practice is marginal. Dr. Garg stated that he very much agrees with the initial Proposed Order and with the amendment. He added that he even considered amending the Proposed Order to revoke Dr. Wilson's license.

Dr. Egner stated that she agrees with most of the amendment, but added that it is important for the Board to have a definite period of minimum suspension. She stated that the Board really needs to see that Dr. Wilson's mental health has a stable history over a period of time before he's permitted to return to practice. Because of Dr. Wilson's record, behavior and reluctance to even see this as a disease process that needs treatment, the Board needs a longer history to say that he is mentally stable. She personally feels that he should be out of practice for two years and should have to provide the Board with a psychiatric report that says he has been under treatment, what he has done in treatment, and that he is mentally stable to return to practice. Dr. Egner added that she does not mean this to be punitive, but means it to be an assurance of Dr. Wilson's mental stability. She feels very strongly about this. The Board needs that assurance and history. She asked whether Dr. Steinbergh would accept this as a friendly amendment.

Dr. Steinbergh stated that she doesn't agree with that period of suspension. She doesn't think it would be good for Dr. Wilson's mental health to have his license suspended for that long. If Dr. Wilson is under psychiatric care and taking medication, and if his monitoring and psychiatric reports are appropriate, and if his practice plan is appropriate, she feels he should be able to return to practice. Dr. Steinbergh stated that she understands Dr. Egner's concerns, but she doesn't agree.

Dr. Buchan asked Dr. Steinbergh to explain what her motion would do.

Dr. Steinbergh stated that the motion requires Dr. Wilson to present a practice plan to be approved by the Board, which would entail his practicing in a supervised environment. The motion also changes the minimum probationary period from three years to five years. The goal is to see that there is appropriate supervision of Dr. Wilson's practice because of the variable effects of this disease.

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

VOTE:	Mr. Albert	- abstain
	Dr. Heidt	- aye
	Dr. Egner	- nay
	Mr. Sinnott	- abstain
	Dr. Buchan	- nay
	Dr. Stienecker	- nay
	Dr. Agresta	- nay
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion failed.

DR. EGNER MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF PAUL WESLEY WILSON, D.O., BY SUBSTITUTING THE FOLLOWING FOR PARAGRAPH 1:

1. It is hereby ORDERED that the certificate of Paul Wesley Wilson, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be SUSPENDED for a period of at least two (2) years.

Dr. Egner stated that the Board needs assurance that Dr. Wilson's mental stability has been treated and that there is a time period out of practice. Some of Dr. Wilson's behavior has been physical, and borders on violent. This is of concern to her in terms of protecting the public. The Board needs the assurance that Dr. Wilson is following a care plan.

DR. BUCHAN SECONDED THE MOTION.

Dr. Steinbergh asked for comments from Board members who voted "nay" on her motion.

Dr. Garg stated that he believes Dr. Steinbergh's proposed amendment was appropriate. He agrees that the proposed two-year suspension would harm Dr. Wilson. Dr. Garg stated that Dr. Steinbergh's proposed amendment would serve to protect the public.

Dr. Buchan stated that he seconded Dr. Egner's motion for discussion purposes. Dr. Buchan stated that two years is a long period of time. He suggested that a one-year suspension would be more appropriate.

Dr. Buchan continued that he voted against Dr. Steinbergh's motion because he felt that the Proposed Order was lenient. Dr. Wilson's disease is significant and warrants time out to ensure his stability. He added that Dr. Wilson is fortunate to have a license. Revocation could easily have been on the table.

Dr. Steinbergh asked whether, if the Board votes to set a period of suspension, it could also require him to practice in a supervised setting under a practice plan approved by the Board. She stated that the Board has no assurance that Dr. Wilson can practice in an unsupervised situation.

During the previous discussion, Mrs. Wilson repeatedly tried to interrupt the proceedings and was ruled out of order by Ms. Noble. She continued to be disruptive until Ms. Noble warned her that she would be asked to remove herself from the room.

Dr. Heidt stated that this is a case where revocation might be in order. The Board would like to save this physician to allow him to take care of patients, but Dr. Wilson is presenting the Board with a real problem. The Board is not doing this to be punitive. It wants to assure the public that Dr. Wilson can practice good medicine, that he's not a detriment to society. For this reason, he is against placing any minimum time on the suspension. Dr. Heidt stated that he thinks the way the Proposed Order was written, with the addition of Dr. Steinbergh's previously proposed amendment, was more appropriate.

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

VOTE:	Mr. Albert	- abstain
	Dr. Heidt	- nay
	Dr. Egner	- aye
	Mr. Sinnott	- abstain
	Dr. Buchan	- nay
	Dr. Stienecker	- nay
	Dr. Agresta	- nay
	Dr. Garg	- nay
	Dr. Steinbergh	- nay

The motion failed.

Dr. Agresta stated that, in order to comply with the reinstatement terms, Dr. Wilson will be out of practice for some time. The amount of time is variable. The Board doesn't know how long it will take him to comply with the terms. For that reason, the Board shouldn't put a time limit on the suspension. The Board does know that many manic depressive individuals can practice medicine. Does the Board have proof that Dr. Wilson can practice in a monitored situation? If it does, he should be allowed to practice.

Dr. Agresta added that he would hope that Dr. and Mrs. Wilson would understand the Board's responsibilities. The Board doesn't act in a punitive way, but it does what is best for the public and the physician.

Mrs. Wilson disagreed. Ms. Noble again asked Mrs. Wilson to remain quiet.

Dr. Agresta concluded by stating that he can see reasons for everyone's proposed amendments.

Dr. Egner asked why Dr. Agresta feels that it will take Dr. Wilson a fair amount of time to comply with the terms in the Proposed Order. She stated that she doesn't think it will. Dr. Wilson already has letters in hand to say that he has a psychiatrist and is under treatment. She believes that within 30 days he will be able to provide documentation that he has met the requirements, and that will require the Board to let him return to practice.

Dr. Steinbergh stated that if Dr. Wilson is well enough and complies with the requirements, she believes he should be allowed to return to practice. She asked whether the Board thought he should be monitored in practice.

Dr. Egner stated that she thought the Proposed Order requires that he be monitored.

Dr. Steinbergh stated that she wants Dr. Wilson to submit a supervised practice plan for the Board's approval.

Dr. Egner asked whether, in light of Dr. Wilson's history and the behavior he has demonstrated, if he comes back in January with his practice plan, the Board would feel comfortable saying that Dr. Wilson has demonstrated mental stability long enough to return to practice.

DR. GARG MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF PAUL WESLEY WILSON, D.O., BY INCREASING THE MINIMUM PROBATIONARY PERIOD TO FIVE (5) YEARS, AND ADDING THE FOLLOWING REINSTATEMENT CONDITION:

Prior to commencement of practice in Ohio, Dr. Wilson shall submit to the Board and receive its approval for a plan of practice in Ohio which, unless otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Wilson's activities will be directly supervised and overseen by another physician approved by the Board.

HE FURTHER MOVED TO INSERT THE FOLLOWING AS PARAGRAPHS 3m AND 3n, AND RENUMBER THE REMAINING PARAGRAPHS AS NECESSARY:

- m. Dr. Wilson shall abstain completely from the use of alcohol.
- n. Dr. Wilson shall submit to random urine screenings for drugs and alcohol on a bi-monthly basis, or as otherwise directed by the Board. Dr. Wilson shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board.

Within thirty (30) days of reinstatement of his certificate to practice osteopathic medicine in Ohio, Dr. Wilson shall submit to the Board for its prior approval the name of a supervising physician to whom Dr. Wilson shall submit the required urine specimens. The supervising physician shall ensure that the urine specimens are obtained on a random basis, that the giving of the specimen is witnessed by a reliable person, and that appropriate control over the specimen is maintained. In addition, the supervising physician shall immediately inform the Board of any positive screening results.

Dr. Wilson shall ensure that the supervising physician provides quarterly reports to the Board, on forms approved or provided by the Board, verifying whether all urine screens have been conducted in compliance with this Order, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his responsibilities.

In the event that the designated supervising physician becomes unable or unwilling to so serve, Dr. Wilson must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable.

Dr. Wilson shall further ensure that the previously designated supervising physician also notifies the Board directly of the inability to continue to serve and the reasons therefor.

All screening reports and supervising physician reports required under this paragraph must be received in the Board's offices no later than the due date for Dr. Wilson's quarterly declaration. It is Dr. Wilson's responsibility to ensure that reports are timely submitted.

DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

VOTE:	Mr. Albert	- abstain
	Dr. Heidt	- aye
	Dr. Egner	- nay
	Mr. Sinnott	- abstain
	Dr. Buchan	- aye
	Dr. Stienecker	- nay
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

DR. HEIDT MOVED TO APPROVE AND CONFIRM MS. KELLY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF PAUL WESLEY WILSON, D.O. DR. GARG SECONDED THE MOTION. A vote was taken:

VOTE:	Mr. Albert	- abstain
	Dr. Heidt	- aye
	Dr. Egner	- nay
	Mr. Sinnott	- abstain
	Dr. Buchan	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.



STATE MEDICAL BOARD OF OHIO
1710 Washington Blvd., Belpre, OH 45714

July 9, 1997

Paul W. Wilson, D.O.
1710 Washington Blvd.
Belpre, OH 45714

Dear Doctor Wilson:

In accordance with Chapter 119, Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice osteopathic medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- (1) On or about May 14, 1997, you were sent a letter from the State Medical Board of Ohio ordering you to submit to an examination because the Board had determined that it had reason to believe that you might be in violation of Section 4731.22(B)(19), Ohio Revised Code, to wit: "Inability to practice according to acceptable an prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills."

The order for the examination under Section 4731.22(B)(19), Ohio Revised Code, was based upon acts and or conduct that occurred during the period of February 24, 1995, through January 1997, as set forth in the attached examination letter which is incorporated herein.

- (2) Subsequently, the Board received notification that you had been hospitalized at Southeast Psychiatric Hospital in Athens, Ohio, from April 29, 1997, through May 12, 1997, under the care of Mark McGee, M.D. You were initially admitted to the Southeast Psychiatric Hospital under an involuntary status, after you were examined in the office of Tony Byler, M.D., on April 28, 1997, and determined to be in a state of psychosis, but refused to go to the hospital. Your diagnosis at Southeast Psychiatric Hospital was Bipolar Disorder, Manic, Severe with Psychotic Features, and Marijuana Abuse. During your hospitalization, you reported that you had been smoking a marijuana joint three times per day since March 1996.

You were discharged on Depakote 250 mg bid, and were to follow-up with Robert Sams, M.D., in Parkersburg, West Virginia. In addition, Dr. McGee recommended that you abstain from the practice of medicine for a period of thirty days. You agreed to this, and notified the Board of this information in a letter dated May 13, 1997. However, on that same day,

mailed 7/10/97

you wrote a second letter to the Board reporting that you had been discharged, were taking your mood stabilizer as directed by Dr. McGee, and had scheduled a follow-up appointment with an outpatient psychiatrist of your choice. Further, you stated that you had determined that you were able to practice osteopathic medicine and make outpatient decisions.

On May 14, 1997, you met with Robert, Sams, M.D., of the Worthington Center, Inc., in Parkersburg, West Virginia, for an initial intake and outpatient follow-up. Dr. Sams' initial impression was Bipolar Disorder, Manic, Severe with Psychotic Features, and Marijuana Abuse. During the interview, you admitted to using marijuana occasionally because you did not have a DEA license and could not obtain Valium, as had been your habit in the past. You also admitted to being arrested for possession of marijuana, and to having been charged with four counts of telephone harassment against a former employee. At the time of your initial interview, Dr. Sams did not have access to information from your Southeast Psychiatric Hospital patient records because you had verbalized concern regarding confidentiality issues. Dr. Sams recommended that you return in one week for further medication evaluation.

You were subsequently seen by Dr. Sams on May 21, and May 28, 1997. Dr. Sams maintained you on medication, and was monitoring your medication levels and conducting drug screens. On May 28, 1997, Dr. Sams noted that he saw no reason why you could not work. Further, Dr. Sams noted that he had communicated this status to the Board, as had been your desire. It was also noted that you were going to be seen by a Board psychiatrist in the next week. Dr. Sams recommended that you return for an appointment in one week.

On or about June 5, 1997, you wrote a letter to the Board acknowledging that you were scheduled to appear for your Board ordered examination on June 7, 1997. You requested that the Board let you know if you have to continue seeing Dr. Sams for a "weekly chat" as he is a very nice person, but you do not personally think that you need to see a psychiatrist.

- (3) On or about June 7, and June 21, 1997, you were examined by Howard Sokolov, M.D., as ordered by the Board. On June 21, 1997, you reported to Dr. Sokolov that you had discontinued your Depakote the week before, and did not feel that you needed to continue to see Dr. Sams.

The conclusions of Dr. Sokolov's evaluation are that you suffer from Bipolar Disorder, in partial remission. In addition, you continue to demonstrate emotional instability and lability, deny your illness, defend

your actions and prior thoughts during your recent acute illness episode, and demonstrate significant impaired personal judgment.

Further, Dr. Sokolov assessed your ability to practice according to acceptable and prevailing standards of care as marginal at this time. Dr. Sokolov also opined that it is mandatory that you receive treatment by a psychiatrist who can monitor whether or not you remain able to practice medicine in a safe and effective manner.

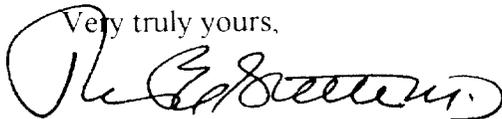
Your acts, conduct, and/or omissions as alleged in paragraphs (1), (2) and (3) above, individually and/or collectively, constitute "(i)nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills," as that clause is used in Section 4731.22(B)(19), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice osteopathic medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,

Thomas E. Gretter, M.D.
Secretary

TEG/dkt

Enclosures



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

January 28, 1997

Paul W. Wilson, D.O.
1710 Washington Blvd.
Belpre, OH 45714

Dear Dr. Wilson:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Sharon W. Murphy, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on January 8, 1997, including motions approving and confirming the Findings of Fact and Conclusions of Law of the Hearing Examiner, and adopting an amended Order.

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

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

THE STATE MEDICAL BOARD OF OHIO

A handwritten signature in black ink, reading "Thomas E. Gretter M.D.", is written over the typed name.

Thomas E. Gretter, M.D.
Secretary

TEG:ll
Enclosures

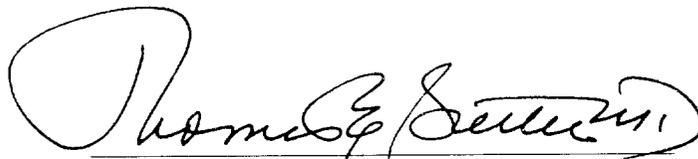
CERTIFIED MAIL RECEIPT NO. P 152 984 460
RETURN RECEIPT REQUESTED

cc: W. Leo Keating, Esq.
170 Monroe Street NW
Warren, Ohio 44483
CERTIFIED MAIL RECEIPT NO. P 152 984 459
RETURN RECEIPT REQUESTED

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on January 8, 1997, including motions approving and confirming the Findings of Fact and Conclusions of Law of the Hearing Examiner, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the Matter of Paul W. Wilson, D.O., 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.



Thomas E. Gretter, M.D.
Secretary

(SEAL)

1/29/97

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

PAUL W. WILSON, D.O.

*

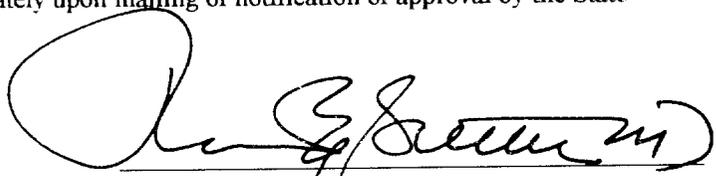
ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on the 8th day of January, 1997.

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

It is hereby ORDERED that Paul W. Wilson, D.O., be and is hereby REPRIMANDED.

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



Thomas E. Gretter, M.D.
Secretary

(SEAL)

1/29/97

Date

**REPORT AND RECOMMENDATION
IN THE MATTER OF PAUL W. WILSON, D.O.**

The Matter of Paul W. Wilson, D.O., was heard by Sharon W. Murphy, Attorney Hearing Examiner for the State Medical Board of Ohio, on October 31, 1996.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated September 11, 1996, the State Medical Board of Ohio [Board] notified Dr. Wilson that it had proposed to take disciplinary action against his certificate to practice osteopathic medicine and surgery for one or more of the following reasons:

On or about July 26, 1996, Dr. Wilson signed an application for renewal of his Ohio certificate to practice osteopathic medicine and surgery. By signing the application, Dr. Wilson certified that the information provided in the application was true and correct in every respect.

In the application, Dr. Wilson answered "No" to the question, "At any time since signing your last application for renewal of your certificate have you: . . . 1.) Been found guilty of, or plead guilty or no contest to, a felony or misdemeanor?"

Nevertheless, on or about November 14, 1995, Dr. Wilson had entered a plea of no contest to the charge of disorderly conduct, a misdemeanor of the fourth degree, and was found guilty by the court.

The Board alleged that Dr. Wilson's conduct constitutes "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code, [and] 'publishing a false, fraudulent, deceptive, or misleading statement,' as that clause is used in Section 4731.22(B)(5), Ohio Revised Code."

In addition, the Board informed Dr. Wilson of his right to request a hearing in this Matter. (State's Exhibit 1).

- B. Dr. Wilson filed a written hearing request on September 24, 1996. (State's Exhibit 2).

II. Appearances

- A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by James M. McGovern, Assistant Attorney General.
- B. On behalf of the Respondent: W. Leo Keating, Esq.

EVIDENCE EXAMINED

I. Testimony Hearing

Presented by the Respondent: Paul W. Wilson, D.O.

II. Exhibits Examined

In addition to State's Exhibits 1 and 2, noted above, the following exhibits were admitted into evidence:

A. Presented by the State

1. State's Exhibit 3: September 25, 1996, letter to Dr. Wilson from the Board advising that a hearing had been scheduled for October 8, 1996, but further advising that the hearing had been postponed pursuant to Section 119.09, Ohio Revised Code.
2. State's Exhibit 4: September 30, 1996, letter to Dr. Wilson from the Board scheduling the hearing for October 31, 1996. (2 pp.)
3. State's Exhibit 5: Certified copy of the license renewal application of Paul W. Wilson, D.O., received by the Board on July 29, 1996. (3 pp.)
4. State's Exhibit 6: Certified copies of documents filed in the Sandusky Municipal Court in *State of Ohio v. Paul Wilson*, Case No. 95CRB03496. (6 pp.)
5. State's Exhibit 7: Section 2917.11, Ohio Revised Code, Disorderly Conduct. (2 pp.)

6. State's Exhibit 8A: Copy of Cedar Point Police Report #5558-95, as redacted. (3 pp.) (See Procedural Matters).
7. State's Exhibit 8B: Proffered. (3 pp.) (See Procedural Matters).

B. Presented by the Respondent

1. Respondent's Exhibit A: Notice of Appearance filed by W. Leo Keating, Esq., on behalf of Dr. Wilson.

PROCEDURAL MATTERS

At hearing, counsel for Dr. Wilson objected to the admission of State's Exhibit 8, the Cedar Point police report. Counsel for Dr. Wilson argued that the Board had cited Dr. Wilson for failing to disclose his conviction for disorderly conduct, but had not cited him for the conduct which led to that conviction. Therefore, counsel argued, the underlying conduct is not relevant to this Matter. Moreover, counsel argued that the police report addresses the Dr. Wilson's conduct which led to his being charged with resisting arrest. Counsel for Dr. Wilson argued that the charge of resisting arrest was dismissed by the court; therefore, any information relating to that charge is irrelevant.

The State maintained that the conduct underlying the conviction for disorderly conduct is relevant to demonstrate Dr. Wilson's motivation in concealing the conviction on his renewal application. Moreover, the conduct underlying both charges is intertwined and, therefore, relevant in its entirety.

The Attorney Hearing Examiner overruled Dr. Wilson's objection to those parts of the police report which detail the conduct leading to Dr. Wilson's arrest for disorderly conduct. Nevertheless, the Attorney Hearing Examiner sustained Dr. Wilson's objection to the parts which are relevant only to the charge of resisting arrest.

The Attorney Hearing Examiner agreed to submit a redacted copy of the police report, which has been marked as State's Exhibit 8A. In addition, the Attorney Hearing Examiner agreed to proffer the original, unredacted version of the police report, which has been marked as State's Exhibit 8B. The proffered material will be made available to the Board members at the time this matter is considered by the Board, in the event that the Board votes to overrule the decision of the Attorney Hearing Examiner on this issue. (See Hearing Transcript at 13-18).

SUMMARY OF THE EVIDENCE

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

1. Paul W. Wilson, D.O., testified at hearing that he attended the University of Osteopathic Health Sciences at the University of Iowa, Des Moines, Iowa. Thereafter, he completed one year of a Family Medicine residency and one year of an Obstetrics and Gynecology residency at St. Elizabeth Hospital in Youngstown, Ohio. Dr. Wilson then served as an emergency room physician for eighteen months before beginning a private practice in Garrettsville, Ohio. He maintained the private practice for fifteen years. Dr. Wilson stated that he has recently relocated to Belpre, Ohio. (Hearing Transcript [Tr.] at 20-21).

Dr. Wilson testified that he practices family medicine. He is licensed to practice osteopathic medicine and surgery only in the State of Ohio. (Tr. at 21-22).

2. On August 14, 1995, Dr. Wilson and his family visited the Cedar Point amusement park. A Cedar Point employee saw Dr. Wilson grab his wife by the wrist, shake her "violently," grab her purse, and throw it against a fence. The employee notified the Cedar Point police department. A police officer came to the scene and interviewed Rene Wilson, who admitted that Dr. Wilson had grabbed her purse and thrown it against the fence. She denied, however, that he had grabbed her wrist or shook her. Mrs. Wilson further related that Dr. Wilson had been "under a great deal of stress." (State's Exhibit [St. Ex.] 8A at 2).

The officer reported that when he attempted to discuss the situation with Dr. Wilson, however, Dr. Wilson became irate and belligerent, and shouted obscenities. When advised that he would be arrested for disorderly conduct, Dr. Wilson continued to shout obscenities. The officer arrested Dr. Wilson and charged him with Disorderly Conduct and Resisting Arrest. (Tr. at 23-24; St. Ex. 8A).

On August 15, 1995, Dr. Wilson appeared in the Sandusky Municipal Court and pled not guilty to the charges. On September 18, 1995, a pre-trial conference was held at which counsel for both parties appeared. Thereafter, on November 14, 1995, Dr. Wilson signed a plea agreement whereby he entered a plea of no contest to the charge of disorderly conduct. On November 17, 1995, the court found Dr. Wilson guilty of disorderly conduct and sentenced him to pay a fine of \$145.00 and court costs. The charge of resisting arrest was dismissed. (St. Ex. 6).

3. On or about July 26, 1996, Dr. Wilson signed an application for biennial renewal of his Ohio certificate to practice osteopathic medicine and surgery. In the application, Dr. Wilson certified that the information provided in the application was true and correct in every respect. Nevertheless, in the application, Dr. Wilson answered "No" to the question: "At any time since signing your last application for renewal of your certificate have you: 1.) Been found guilty of, or pled guilty or no contest to, a felony or misdemeanor?" (Tr. at 21; St. Ex. 5).

In addition, Dr. Wilson affirmatively answered the question: "At any time since signing your last application for renewal of your certificate have you: 6.) Surrendered, or consented to limitation upon: . . . State or federal privileges to prescribe controlled substances?" Moreover, Dr. Wilson underlined "federal privileges to prescribe controlled substances," and added "under investigation since 3/29/96." (Tr. at 21-22; St. Ex. 5).

4. At hearing, Dr. Wilson testified that the procedure in the Sandusky Municipal Court was somewhat unusual. After appearing to enter a plea of not guilty on August 15, 1995, Dr. Wilson never again appeared in court. Dr. Wilson did not attend the pre-trial hearing on September 18, 1995. Moreover, he did not appear before the judge when he was found guilty of disorderly conduct and sentenced to the fine and costs. Dr. Wilson explained that this attorney mailed him a copy of the plea agreement. Dr. Wilson signed the plea agreement, and returned it to his attorney with a check written in the amount of \$145.00. Thereafter, Dr. Wilson received some portion of his bond money in the mail. He testified, however, that no official of the court ever informed him that he had, in fact, been found guilty of disorderly conduct. (Tr. at 23-28).

Dr. Wilson further testified that, at the time he completed his renewal application, he believed he may have informed the Board of the conviction at his prior renewal. He further noted that he had been forthright in his answer regarding his federal prescribing privileges, which he considered to be a more serious problem. (Tr. at 31-32).

FINDINGS OF FACT

1. On November, 14, 1995, Paul W. Wilson, D.O., signed a plea agreement entering a plea of no contest to the charge of disorderly conduct, a misdemeanor of the fourth degree, in the Sandusky Municipal Court. On November 17, 1996, the court found Dr. Wilson guilty, and sentenced him to a fine and court costs.

2. On July 26, 1996, Dr. Wilson signed an application for renewal of his Ohio certificate to practice osteopathic medicine and surgery. By signing the application, Dr. Wilson certified that the information provided in the application was true and correct in every respect. Nevertheless, in the renewal application, Dr. Wilson denied ever having entered a plea of no contest to a misdemeanor.

CONCLUSIONS OF LAW

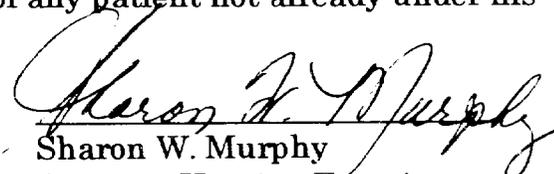
1. The conduct of Paul W. Wilson, D.O., in denying the misdemeanor conviction in his renewal application, constitutes "misrepresentation, or deception in applying for or securing any license or certificate issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code.
2. Dr. Wilson's conduct further constitutes "publishing a false, . . . deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code."
3. In his renewal application, Dr. Wilson disclosed the investigation of his prescribing practices by the United States Drug Enforcement Agency. Dr. Wilson did so regardless of the fact that a reasonable person might believe that such disclosure would result in disciplinary action by the Board. Accordingly, that disclosure outweighs the evidence supporting a conclusion that Dr. Wilson's failure to disclose the criminal conviction was fraudulent.

PROPOSED ORDER

It is hereby ORDERED that:

The certificate of Paul W. Wilson, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be **SUSPENDED** for a period of fifteen (15) days.

This Order shall become effective thirty (30) days from the date of mailing of notification of approval by the State Medical Board of Ohio. In the thirty (30) day interim, Dr. Wilson shall not undertake the care of any patient not already under his care.


Sharon W. Murphy
Attorney Hearing Examiner



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

EXCERPT FROM THE DRAFT MINUTES OF JANUARY 8, 1997

REPORTS AND RECOMMENDATIONS

Ms. Noble announced that the Board would now consider the findings and orders appearing on the Board's agenda.

Ms. Noble asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Daniel A. Breitenbach, M.D.; Jeffrey Chaitoff, M.D.; Myron S. Lee, M.D.; Dennis P. Orr, D.O.; Bruce W. Sherrets; Rajinder Singh, M.D.; Paul W. Wilson, D.O.; and the hearing records and reports of *Goldman* hearings and recommendations on the following: Valerie Shearman Gilreath, D.O.; David H. Brown, D.O.; Tatsuko Morimoto and the All Hawaiian School of Massage; Daniel M. Kavanaugh, D.P.M.; Michael D. Reynolds, M.D.; and Dennis L. Farr, M.D.

A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Bhati	- aye
	Dr. Heidt	- aye
	Dr. Egner	- aye
	Mr. Sinnott	- aye
	Dr. Buchan	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Ms. Noble	- aye

Mr. Sinnott stated that he would recuse himself in the matters of Myron S. Lee, M.D., and Paul W. Wilson, D.O.

Dr. Stienecker stated that he would recuse himself in the matters of Myron S. Lee, M.D. and Michael D. Reynolds, M.D.

Dr. Garg stated that he would recuse himself in the matter of Dennis P. Orr, D.O.

Ms. Noble 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. Bhati	- aye
	Dr. Heidt	- aye
	Dr. Egner	- aye
	Mr. Sinnott	- aye

Dr. Buchan	- aye
Dr. Stienecker	- aye
Dr. Agresta	- aye
Dr. Garg	- aye
Dr. Steinbergh	- aye
Ms. Noble	- aye

In accordance with the provision in Section 4731.22(C)(1), 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 this matter.

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

.....
Mr. Sinnott left the room at this time.

REPORT AND RECOMMENDATION IN THE MATTER OF PAUL W. WILSON, D.O.

Ms. Noble stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and order in the above matter. No objections were voiced by Board members present.

Ms. Noble advised that a request to address the Board has been timely filed on behalf of Dr. Wilson. Dr. Wilson would be allotted approximately five minutes for his address.

Dr. Wilson stated that in this legal maneuvering something has gotten lost, and that is the truth. It is important not to just talk about the truth but to seek it, find it and live it. He did answer "no" to the question in litigation, but what if he told the Board that the misdemeanor of disorderly conduct had nothing to do with medical practice? This action has cost him the loss of his malpractice insurance. He can't pay the \$16,000 the company wants. The new policy is about \$12,000 more than what he paid previously. He only made \$40,000 last year because the Board caused him to be dropped by all the insurance companies because of this litigation because he was on vacation with his family and a guard had to get into his family discussion and actually sexually harassed his wife. He answered "yes" to a much more serious question on the application, and that involved his surrendering his D.E.A., which he did under intimidation by the Drug Enforcement Agency because it had been given outrageous false information by former vengeful employees. Among the allegations published in four major newspapers was an allegation that he used intravenous morphine on a regular basis. He never even bought it. Because of this, he relocated his practice from Warren, Ohio to Belpre, Ohio and is starting all over again. He now accepts only cash patients because he is tired of government agencies and insurance companies that have no respect for physicians. The harassment of the D.E.A. has contributed a great deal to particular changes he has had to go through since they raided his office in March 1996. His wife and children have also suffered great stress

because of newspaper stories. By "great stress" he means mental depression for his wife and harassment for his sons at school. People tend to believe what they read and not what was proven. Stress caused him to sell everything and move.

Ms. Noble asked Dr. Wilson to conclude his statement.

Dr. Wilson asked what was proven. He stated that he committed a misdemeanor while on vacation. He asked the Board to dismiss this case so that he doesn't have to answer "yes" to every licensure questionnaire and have to explain himself. He has suffered enough consequences of the revenge of former employees.

Ms. Noble asked whether the Assistant Attorney General wished to respond.

Mr. McGovern stated that this case centers on Dr. Wilson's misrepresentation on his application and relates to the character of the type of physician the Board wants to practice in Ohio. This pertains to the Medical Practice Act in that sense. The information Dr. Wilson attempted to conceal was a misdemeanor offense arising after the police arrived and tried to settle a domestic dispute which could be characterized as spousal abuse.

Dr. Wilson interrupted and said that there was no spousal abuse.

Ms. Noble informed Dr. Wilson that the Board would not tolerate such outbursts.

Mr. McGovern continued that the information he has given the Board was contained in the records. In his defense at hearing, Dr. Wilson testified that he was unaware of his finding of guilt, but he wrote a check to pay the fine for the finding of guilt for disorderly conduct.

Mr. McGovern urged the Board to consider the Hearing Examiner's Proposed Order imposing a 15-day suspension as the minimum appropriate suspension in this case.

**DR. EGNER MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF PAUL W. WILSON, D.O.
DR. BHATI SECONDED THE MOTION.**

Ms. Noble asked whether there were any questions or comments concerning the proposed findings of fact, conclusions and order in the above matter.

Dr. Steinbergh stated that the record is clear as to what happened. Dr. Wilson failed to reveal the misdemeanor conviction on his 1996 renewal application. She does question why he would do so. Possibly he didn't understand. The bottom line is that, after reviewing this case, she does not feel suspension is appropriate, but feels that a reprimand would be sufficient.

Dr. Heidt stated that the Board does not appreciate outbursts during its meetings. He agreed that this case involved a problem that was not related to his medical practice, but it was related to character in general. He agreed with Dr. Steinbergh that there is no reason to impose a suspension in this case.

DR. HEIDT MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF PAUL W. WILSON, D.O., BY SUBSTITUTING THE FOLLOWING:

It is hereby ORDERED, that Paul W. Wilson, D.O., be and is hereby REPRIMANDED.

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

DR. STEINBERGH SECONDED THE MOTION.

Dr. Stienecker noted that Dr. Wilson stated that he doesn't want to have to answer "yes" on future applications, but under the proposed amendment he will have to do so because it will be a matter of record that an investigation took place and action was taken.

Dr. Bhati stated that he doesn't appreciate Dr. Wilson's outburst, but it does explain his personality and might further explain what happened at Cedar Point. Dr. Wilson needs to control himself. The question is whether he brings this attitude to his practice. Dr. Bhati noted that Dr. Wilson disclosed the D.E.A. problem on his application, but he forgot to disclose the lesser charge. Dr. Wilson's personality appears to be at the bottom of his problems. Dr. Bhati spoke in support of the amendment.

Dr. Garg stated that he would not support the reprimand, but spoke in support of the original Proposed Order.

Dr. Buchan spoke against the amendment, stating that clearly there was misrepresentation or deception as described in the record, and he feels the Proposed Order is appropriate in this case. A 15-day time out is reasonable under the circumstances.

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

VOTE:	Mr. Albert	- abstain
	Dr. Bhati	- aye
	Dr. Heidt	- aye
	Dr. Egner	- aye
	Dr. Buchan	- nay
	Dr. Stienecker	- aye
	Dr. Agresta	- nay

Dr. Garg	- nay
Dr. Steinbergh	- aye

The motion carried.

DR. AGRESTA MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF PAUL W. WILSON, D.O. DR. STIENECKER SECONDED THE MOTION. A vote was taken:

VOTE:	Mr. Albert	- abstain
	Dr. Bhati	- aye
	Dr. Heidt	- aye
	Dr. Egner	- aye
	Dr. Buchan	- nay
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- nay
	Dr. Steinbergh	- aye

The motion carried.

Charles D. Stienecker, M.D.
President
Wapakoneta, Ohio

Nora M. Noble
Vice-President
Newark, Ohio

Thomas E. Gretter, M.D.
Secretary
Cleveland, Ohio

Raymond J. Albert
Supervising Member
Amanda, Ohio

Ronald C. Agresta, M.D.
Board Member
Stuebenville, Ohio

Anant R. Bhati, M.D.
Board Member
Cincinnati, Ohio

David S. Buchan, D.P.M.
Board Member
Westerville, Ohio

Carol L. Egner, M.D.
Board Member
Cincinnati, Ohio

Anand G. Garg, M.D., Ph.D.
Board Member
Boardman, Ohio

Robert S. Heidt, Sr., M.D.
Board Member
Cincinnati, Ohio

Bradley K. Sinnott, Esq.
Board Member
Columbus, Ohio

Anita M. Steinbergh, D.O.
Board Member
Westerville, Ohio

September 11, 1996

Paul W. Wilson, D.O.
1710 Washington Blvd.
Belpre, OH 45714

Dear Dr. Wilson:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice osteopathic medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- 1) On or about July 26, 1996, you signed the application for renewal of your Ohio certificate to practice osteopathic medicine and surgery, certifying that the information was true and correct in every respect. In response to the question, "At any time since signing your last application for renewal of your certificate have you: . . . 1.) Been found guilty of, or plead guilty or no contest to a felony or misdemeanor?" you responded, "No."

In fact, on or about November 14, 1995, you entered into a plea agreement where you plead no contest to the charge of disorderly conduct, a misdemeanor of the fourth degree. Further, you were found guilty by the court of disorderly conduct pursuant to your no contest plea.

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

Further, your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Mailed 9/12/96

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice osteopathic medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink, appearing to read "T. E. Gretter", written in a cursive style.

Thomas E. Gretter, M.D.
Secretary

TEG/bjm

Enclosures

CERTIFIED MAIL # P 152 983 873
RETURN RECEIPT REQUESTED