

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

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CASE NO. 20-CRF-0101

TED W. GRACE, M.D.

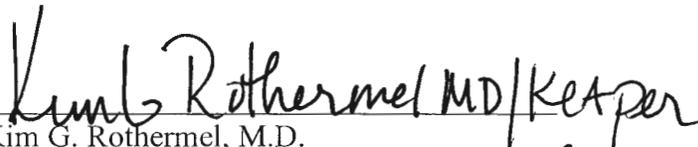
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ENTRY OF ORDER

On April 2, 2021, Ted W. Grace, M.D., executed a Surrender of his license to practice 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, it is hereby ORDERED that Certificate No. 35.039747 authorizing Ted W. Grace, M.D., to practice 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 14th day of April 2021, and the original thereof shall be kept with said Journal.


Kim G. Rothermel, M.D.
Secretary

MD/keeper authorization

(SEAL)

April 14, 2021

Date

STATE OF OHIO
THE STATE MEDICAL BOARD
PERMANENT SURRENDER OF CERTIFICATE
TO PRACTICE MEDICINE AND SURGERY
CASE NO. 20-CRF-0101

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, Ted W. Grace, M.D., 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, Ted W. Grace, M.D., do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice medicine and surgery, License #35.039747, to the State Medical Board of Ohio [Board], thereby relinquishing all rights to practice medicine and surgery in Ohio.

I understand that as a result of the surrender herein I will no longer permitted to practice 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 medicine and surgery License #35.039747 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 of Certificate to Practice 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 medicine and surgery, License #35.039747, 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 medicine and surgery.

I, Ted W. Grace, M.D., 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, Ted W. Grace, M.D., 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. 20-CRF-0101, pursuant to Sections 4731.22(B)(5) and 4731.22(B)(20), Ohio Revised Code, to wit: Section 4731.224, Ohio Revised Code, contained in

the July 8, 2020 Notice of Opportunity issued to me by the Board, and admit to the legal and factual allegations set forth therein.

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. Further, I specifically acknowledge that the electronic transmission of a scanned or photostatic copy of any executed signature to this Permanent Surrender of Certificate, upon being received by the Board, shall be deemed to have the full legal force and effect as the original.


TED W. GRACE, M.D.

4/2/21
DATE


KIM G. ROTHERMEL, M.D.
Secretary *Per authorization*

4/14/21
DATE


JOHN R. IRWIN, M.D., ESQ.
Attorney for Dr. Grace

4/5/21
DATE


BRUCE R. SAFERIN, D.P.M.
Supervising Member *Per authorization*

4/14/21
DATE


KYLE C. WILCOX
Assistant Attorney General

4-7-2021
DATE



July 8, 2020

Case number: 20-CRF-

0181

Ted W. Grace, M.D., M.P.H.
374 East Grand Avenue
Mail Code 6740
Carbondale, IL 62901

Dear Doctor Grace:

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

- (1) On or about March 13, 2020, you were deposed by special outside counsel for the State Medical Board of Ohio related to the Board's investigation concerning Dr. Richard Strauss and the failure of physicians to report Dr. Strauss to the Board as required. Previously, in or about April 2018, Ohio State University [OSU] retained Perkins Coie LLP to conduct an independent factual investigation of sexual misconduct allegations OSU had received about Dr. Strauss related to his employment from September 1978 through March 1998. The "Report of the Independent Investigation: Sexual Abuse Committed by Dr. Richard Strass" issued on May 15, 2019, determined both that Dr. Strauss "abused at least 177 male student-patients he was charged with treating as a University physician" and that OSU personnel "had knowledge of Strauss' sexually abusive treatment of male student-patients as early as 1979."

In your March 13, 2020 deposition for the Board, you testified under oath that:

- During or about August 1992 through in or about 2007 you served as the Director of Student Health Services at Ohio State University.
- As the Director of Student Health Services, you were responsible for overseeing all employees at the Student Health Center, including the physicians who provided medical care to patients. Dr. Richard Strauss was one of the physicians who treated patients at the Student Health Center during your tenure as Director.
- You admitted that although you did not know the specific name of the physician, prior to assuming your position as Director you had heard that a physician at OSU had been "touching athletes" and that this rumor was so widespread throughout the

Mailed 7-09-2020

college health community that it “went clear across the country” to reach you in California.

- You became aware of at least three separate complaints against Dr. Strauss involving different male students who were seen for medical appointments with Dr. Strauss at the Student Health Center while you were Director:
 - In or about January 1995, you became aware of a January 3, 1995 complaint in which a male OSU student alleged that Dr. Strauss had performed an inappropriately long and invasive exam of his genital area. You did not report these events to the State Medical Board.
 - In or about January 1995, you became aware of a second complaint against Dr. Strauss on January 6, 1995, in which a male OSU student alleged that Dr. Strass had inappropriately and/or excessively examined his testicles and anus and that the student had felt Dr. Strauss press his erect penis against the student’s leg during the examination. You subsequently met with the student, his relationship partner, Dr. Strauss, and Dr. Louise Douce who was a non-physician OSU faculty member. You admitted that after receiving the second complaint you gave Dr. Strauss a “verbal warning.” You also testified that the Student Health Center implemented a special consent form used exclusively for male patients being treated by Dr. Strauss regarding the option of a chaperone. You did not report these events to the State Medical Board.
 - Despite being aware of the prior complaint having been made three days prior to the complaint of the second student, you directed a letter to the second student on or about January 26, 1995, in which you falsely stated:

“I want to assure you that we had never received a complaint about Dr. Strauss before, although we have had several positive comments.”
 - Approximately one year later, in or about January 1996, you became aware of a third complaint against Dr. Strauss on January 5, 1996, in which a male student had exited the examination room screaming words to the effect that Dr. Strauss was “crazy” and “a pervert.” You testified that the student’s chart had been ripped up and thrown on the floor, and lab work had been splattered on the wall. After discussing the incident with Dr. Strauss, you suspended him from seeing patients at the Student Health Center. You did not report these events to the State Medical Board.
- Although you verbally warned Dr. Strauss in 1995 concerning his conduct, you admitted in your deposition testimony that you did not notify the State Medical Board of Ohio of the allegations against Dr. Strauss. You initially testified that you did not report this to the Medical Board because you had believed such reporting was not triggered unless you “acted in some capacity to restrict his practice” at Student Health Services. However, upon further questioning you also admitted that when

you subsequently did suspend Dr. Strauss' clinical privileges at Student Health Services in 1996, you failed to report it to the Medical Board.

Your acts, conduct, and/or omissions as alleged in paragraph (1) 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: Section 4731.224, Ohio Revised Code, as in effect at that time.

Further, your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "[s]oliciting patients or publishing a false, fraudulent, deceptive, or misleading statement," as used in Section 4731.22(B)(5), Ohio Revised Code, as in effect at that time.

Furthermore, for any violations that occurred on or after September 29, 2015, the board may impose a civil penalty in an amount that shall not exceed twenty thousand dollars, pursuant to Section 4731.225, Ohio Revised Code. The civil penalty may be in addition to any other action the board may take under section 4731.22, Ohio Revised Code.

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

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 grant or register or renew or reinstate your certificate or license to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or 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 license or certificate to practice and the board shall not accept an application for reinstatement of the license or certificate or for issuance of a new license or certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Kim G. Rothermel, M.D.
Secretary

KGR/RJM/jb
Enclosures

CERTIFIED MAIL # 91 7199 9991 7039 7802 6552
RETURN RECEIPT REQUESTED

cc: Ms. Shari Rhode, Rhode Law Office
1405 West Main Street, P.O. Box 99
Carbondale, IL 62901

CERTIFIED MAIL # 91 7199 9991 7039 7802 6545
RETURN RECEIPT REQUESTED