



State Medical Board of

Ohio

30 E. Broad St., 3rd Floor
Columbus, Ohio 43215
(614) 466-3934
www.med.ohio.gov

October 11, 2023

Stella Grace Immanuel, M.D.
25231 Roesner Lane
Katy, TX 77494-5537
gwast@aol.com

RE: Case No. 22-CRF-0224

Dear Dr. Immanuel:

Enclosed please find a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on October 11, 2023.

Any party desiring to appeal this order shall file a notice of appeal with the State Medical Board of Ohio, located at 30 E. Broad St., 3rd Floor, Columbus, Ohio 43215, setting forth the order appealed from and stating that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The notice of appeal may, but need not, set forth the specific grounds of the party's appeal beyond the statement that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law.

The notice of appeal shall also be filed by the appellant with the court of common pleas of Franklin County or the court of common pleas in the county in which the place of business of the licensee is located or the county in which the licensee is a resident. If the party appealing is not a resident of and has no place of business in this state, the party shall appeal to the court of common pleas of Franklin County. In filing a notice of appeal with both the Medical Board and the court, the notice that is filed may be either the original notice or a copy of the original notice.

The party filing the appeal shall comply with all requirements of Ohio Revised Code section 119.12 (R.C. 119.12). The notice of appeal shall be filed within fifteen days after the service of the notice of the Medical Board order as provided in section 119.05 of the Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Kim G. Rothermel, M.D.
Secretary

KGR:jl
Enclosures

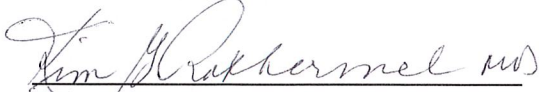
CERTIFIED MAIL NO: 9414 8149 0315 2968 0317 70
RETURN RECEIPT REQUESTED

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry approved by the State Medical Board, meeting in regular session on October 11, 2023, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of Stella Grace Immanuel, M.D., Case No. 22-CRF-0224, as it appears in the Journal of the State Medical Board of Ohio.

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





Kim G. Rothermel, M.D.
Secretary

October 11, 2023

Date

IN THE MATTER OF :
:
: Case No. 22-CRF-0224
:
STELLA GRACE IMMANUEL, M.D. :



RECEIVED:
September 18, 2023

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of

*

Case No. 22-CRF-0224

Stella Grace Immanuel, M.D.,

*

Hearing Examiner Shamansky

Respondent.

*

PROPOSED FINDINGS AND PROPOSED ORDER

Basis for Hearing

Notice of Opportunity for Hearing ("Notice"): By letter dated December 14, 2022, the State Medical Board of Ohio ("Board") notified Stella Grace Immanuel, M.D., that it intended to determine whether to refuse to grant or register or issue the license for which she had a pending application or to take other disciplinary action. In the Notice, the Board alleged that Dr. Immanuel submitted an Application for a Certificate to Practice Medicine and Surgery on or about March 14, 2022, which remained pending at the time of the Notice.

The Board alleged that it sent a First Set of Interrogatories on July 29, 2022 ("July Interrogatories") to Dr. Immanuel at her credential mailing address of record with the Board, and received delivery confirmation that the Interrogatories were delivered on August 3, 2022. When the Board did not receive any responses to the July Interrogatories by the requested response date of August 29, 2022, a Board staff member sent Dr. Immanuel a message at her email address of record on September 7, 2022, reminding her of the interrogatories, but the Board still did not receive a reply. The Board further alleged that it sent the First Set of Interrogatories to Dr. Immanuel again on or about September 13, 2022, ("September Interrogatories") asking that she respond by October 13, 2022, and received delivery confirmation that the Interrogatories were delivered on September 16, 2022, but that it once again received no response from Dr. Immanuel. It alleged that when the Board did not receive any response to the September Interrogatories by the requested date of October 13, 2022, a Board staff member again sent Dr. Immanuel an email on October 20, 2022, reminding her of the interrogatories. The Board alleged that, as of the date of the Notice, it had received no response to the July Interrogatories or the September Interrogatories from Dr. Immanuel.

The Board alleged that Dr. Immanuel's conduct with respect to the Interrogatories constitutes "[f]ailure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories," as that clause is used in Ohio Revised Code Section ("R.C.") 4731.22(B)(34). The Board advised Dr. Immanuel of her right to a hearing in this matter if she requested one in writing within 30 days of the mailing of the Notice. (Exhibit 1.A)

No Request for Hearing: On December 15, 2022, the Board mailed its Notice by certified mail, return receipt requested, to Dr. Immanuel at her address of record, 25231 Roesner Lane, Katy, Texas 77494-5537. (Ex. 1) In a sworn affidavit dated October 28, 2022, the Board's Deputy Director of Licensure verified that this was Dr. Immanuel's address of record on file with the Board as of that date.¹ (Exhibit 2)

Due to a tracking error by the U.S. Postal Service, the delivery of the Notice sent by certified mail could not be confirmed. Therefore, in accordance with R.C. 119.07, the Board caused a legal notice to be published in the *HCN Examiner*, a newspaper of general circulation in the area of Dr. Immanuel's last known address of record. The legal notice was published on March 15, 2023; March 22, 2023; and March 29, 2023. The Notice was deemed to have been served upon Dr. Immanuel on March 29, 2023, the last date that the legal notice was posted in the *HCN Examiner*.

On April 25, 2023, a copy of the Affidavit of Publication was mailed to Dr. Immanuel's last known address of record. Pursuant to R.C. 119.07, Dr. Immanuel had thirty days from the final date of publication in which to submit a written request for a hearing. The thirtieth and final day upon which Dr. Immanuel could submit a written hearing request was Friday, April 28, 2023.

The Board's Chief Legal Counsel attested in a sworn affidavit dated May 31, 2023, that, as of the date of the affidavit, the Board had not received a hearing request from Dr. Immanuel. (Exhibit 1)

Request for Proposed Findings and Proposed Order: In a memorandum dated June 27, 2023, the Board's Assistant Legal Counsel requested that a Hearing Examiner review the evidence as provided, and prepare a report of Proposed Findings and Proposed Order. (Exhibit 5)

Evidence Examined:

Exhibit 1: May 31, 2023 Affidavit of Kimberly Anderson, the Board's Chief Legal Counsel, attesting to the Board's service of the December 14, 2022 Notice of Opportunity for Hearing upon Dr. Immanuel and verifying that, as of the date of the Affidavit, the Board had not received a hearing request from Dr. Immanuel.

Exhibit 1.A: Certified copy of the December 14, 2022 Notice of Opportunity for Hearing issued to Dr. Immanuel alleging that her Application for a Certificate to Practice Medicine and Surgery remained pending, and that she had failed to respond to the Board's First Set of Interrogatories which were sent to her on or about July 29, 2022 and September 13, 2022.

Exhibit 1.B: Tracking information from the United States Postal Service, showing that due to a tracking error, delivery of the Notice could not be determined.

¹ Although Ms. Anderson's affidavit does not include the last four numbers of the "zip +4" zip code, the Notice shows that it was sent to her address with the zip code of 77494-5537, as that was the address that Dr. Immanuel used on her application, and Mr. Turek's affidavit includes the additional numbers used after her 5-digit zip code. (Exs. 1, 1.A, 2, 4)

Exhibit 1.C: Letter to Dr. Immanuel dated April 25, 2023, with the Affidavit of Publication of the Notice in the *HCN Examiner*.

Exhibit 2: October 28, 2022 Affidavit of Joseph Turek, the Board's Deputy Director of Licensure, verifying that Dr. Immanuel's address of record as of the date of the Affidavit was 25231 Roesner Lane, Katy, Texas 77494-5537, and that her email address of record was gwast@aol.com.

Exhibit 3: June 27, 2023 Affidavit of Patrick Heagerty, the Board's Enforcement Attorney, attesting to the Board's service of its First Set of Interrogatories² upon Dr. Immanuel and the coordination of the Board's investigation, and attaching the following documents:

Exhibit 3.A-1: Certified copy of the First Set of Interrogatories sent to Stella Grace Immanuel, M.D., on or about July 29, 2022, by certified mail at her address of record, with a request that the Interrogatories be completed and returned to the Board no later than August 29, 2022.

Exhibit 3.A-2: Documentation from the United States Postal Service showing the delivery of the Board's July Interrogatories to Dr. Immanuel on August 3, 2022.

Exhibit 3.B: Mr. Heagerty's email sent to Dr. Immanuel at her email address of record on September 7, 2022, stating that her responses to the July Interrogatories were overdue.

Exhibit 3.C-1: Certified copy of the First Set of Interrogatories sent to Dr. Immanuel again on September 13, 2022, with a request that she provide answers no later than October 13, 2022.

Exhibit 3.C-2: Documentation from the United States Postal Service showing the delivery of the Board's July Interrogatories to Dr. Immanuel on September 16, 2022.

Exhibit 3.D: Mr. Heagerty's email sent to Dr. Immanuel at her email address of record on October 20, 2022, stating that her responses to the September Interrogatories were overdue.

Exhibit 4: Certified copy of the Application for a Certificate to Practice Medicine and Surgery in Ohio, submitted by Stella Grace Immanuel, M.D. on or about March 14, 2022.

Exhibit 5: June 27, 2023 memorandum from Colin De Pew, Assistant Legal Counsel for the Board, attaching the above-referenced exhibits and requesting the preparation of Proposed Findings and a Proposed Order.

² The Affidavit at Exhibit 3 erroneously refers to the Interrogatories sent on July 29, 2022 as the "February Interrogatories" in paragraph 5. Throughout the rest of the exhibits, they are referred to as the July Interrogatories. (Ex. 3)

PROPOSED FINDINGS

1. On or about March 14, 2022, Dr. Immanuel submitted an Application for a Certificate to Practice Medicine and Surgery in Ohio. On the application, Dr. Immanuel answered “Yes” to several questions including the following:

Have you ever been investigated, warned, censured, put on probation, terminated, or disciplined by any employer, hospital, group practice, nursing home, clinic, health maintenance organization, or other similar institution, for any reason?

Has any board, bureau, department, agency or other body, including those in Ohio, in any way limited, restricted, suspended, or revoked any professional license, certificate, or registration granted to you; placed you on probation; or imposed a fine, censure, or reprimand against you?

Have you ever, for any reason, been denied licensure or relicensure, application for licensure or relicensure, or the privilege of taking an examination, in any state (including Ohio), territory, province, or country?

Have you, in any jurisdiction, ever been arrested for violation of any law, police regulation, or ordinance; been summoned into court as a defendant, or had any lawsuit filed against you (other than a malpractice suit)?

As the application requested, Dr. Immanuel uploaded files that she attached to her application, to explain the questions that she answered in the affirmative.

In response to the question about arrests or summonses for any violation of the law, Dr. Immanuel provided a copy of a letter that she submitted to the Texas Medical Board dated August 1, 2019, in which she offered the following explanation:

I had an investigation from Medicaid in 2001 when a disgruntled employee called. My clinic was investigated and 42 counts of what I call billing errors found. It was allowing an LPN to do vision and hearing and read PPD. At that time the state required an RN to read them. A rule which was removed later. These 42 counts amounted to less than \$800 which I’m sure you see from the arrest record. I was asked to turn myself in and released on my own recognizant [*sic*] and continue to practice medicine. I was never charged with any wrong doing. The case was eventually closed with no charges filed. This case was supposed to have been expunged from my record. Apparently my attorney did not do it.

The reason I answered no was because it was supposed to have been expunged from my record and it was so long ago and I was never charged. In

fact I did not even remember it. I have contacted Louisiana department of justice and they will be forwarding a letter to that effect.

In response to the question about whether any board had ever taken disciplinary action Dr. Immanuel also provided an explanation of a “Texas Board action” in copy of a letter dated January 17, 2022:

I, Stella Immanuel, MD, took care of patients using Hydroxychloroquine (HCQ), and a pharmacy took it upon themselves to call on the Texas Board that Hydroxychloroquine was prescribed “illegally.” The Texas Board did investigate and realized that: (1) The HCQ was prescribed legally off label, and (2) The HCQ given to the patient was prescribed with appropriate/legal dosage. However, the board stated Dr. Immanuel must update and give a more extensive disclaimer. The Texas Board gave us a “corrective action” and a fine of \$500 to update and correct the disclaimer. Attached (Re: File #21-8451) is a copy from the Texas Medical Board dismissing the case without further a due. [sic]

Dr. Immanuel attached a letter dated December 13, 2021 from the Texas Medical Board, which is very difficult to read but appears to provide the following summary of the outcome of her Texas Board action:

Dear Doctor IMMANUEL,
The investigation referenced above has been dismissed because the Board determined there was insufficient evidence to prove that a violation of the Medical Practice Act occurred. Specifically, this investigation revealed that there was insufficient patient information to correctly identify LM. No violation of the Medical Practice Act was found; therefore, no further action will be taken.

As such this complaint has been dismissed without prejudice. No further action will be taken concerning this.

A record of this matter will become a historical part of our files and remains statutorily confidential.

If you have any questions, please contact the investigations Department at (512) 305-7100.

In response to the question about whether she had ever been denied licensure in any state, Dr. Immanuel provided a letter to the Board on her own letterhead dated October 28, 2022, in which she wrote simply, “My application was denied with the UT Medical Board. Thank you for your consideration.”

In addition, Dr. Immanuel submitted a letter from the Texas Medical Board dated June 30, 2021 which purports to verify that, as of that date, she was licensed to practice medicine in

Texas and there had been no formal complaints or statements of charges against her filed by that agency.

However, Dr. Immanuel also attached a copy of a Remedial Plan that she entered into with the Texas Medical Board on or about October 15, 2021, which indicates that she appeared by videoconference with her counsel at an Informal Show Compliance Proceeding and Settlement Conference at the invitation of the Texas Medical Board. The Remedial Plan states as its "Findings" that "[Dr. Immanuel] failed to give adequate informed consent to one patient for the prescription of hydroxychloroquine for treatment of COVID-19." It further stated that she "does not admit or deny the Findings and Conclusions of Law herein, but, rather, has agreed to settle in good faith to avoid the cost, expense, and uncertainty of litigation." The Remedial Plan indicates that Dr. Immanuel has had no prior Board history, nor any prior Order or Remedial Plan with the Texas Board, and that she cooperated in the investigation of the allegations that resulted in the Remedial Plan.

In her Remedial Plan with the Texas Board, Dr. Immanuel agreed that within one month from entering into the Plan, she would update and submit a copy of her informed consent document for all off-label treatments she provided to the Compliance Division of the Texas Board, and that she would adopt policies and procedures to require all consent documents to be reviewed with and signed by patients prior to any off-label treatment being initiated.

In the Remedial Plan, Dr. Immanuel also agreed to pay \$500, the cost of administering the Remedial Plan, to the Texas Board within 60 days of entering into the Plan. She further agreed to comply with all provisions of the Medical Practice Act and to fully cooperate with that board's attorneys, investigators, compliance officers, and other agents of the Board who were involved in monitoring her compliance with the Plan. Finally, the Plan stated that any violation of the terms of that agreement by Dr. Immanuel would constitute unprofessional conduct, which would constitute a basis for additional disciplinary action, but that the Plan would otherwise terminate upon her completion of the requirements stated in the Remedial Plan.

This proposed finding is supported by the following evidence: Exhibit 4.

2. On or about July 29, 2022, the Board sent its First Set of Interrogatories to Dr. Immanuel by certified mail at her address of record in Katy, Texas, requesting that she provide verified responses to the Interrogatories no later than August 29, 2022. Tracking information from the U.S. Postal Service shows that she received the July Interrogatories on or about August 3, 2022.

The Interrogatories asked about Dr. Immanuel's employment history and about her views on various kinds of vaccines, including if she provides vaccines to children according to the CDC's recommended vaccination schedule for patients whose parents want them to be vaccinated, and if she had ever recommended against vaccinating children. They also asked more specifically about her views on the COVID-19 vaccines and included questions about what treatments she employed for patients who contracted COVID-19, and if she had ever recommended that patients not be vaccinated against that virus.

On or about August 3, 2022, Dr. Immanuel signed for her receipt of the July Interrogatories, which were sent to her by certified mail. The July Interrogatories asked that she send her written responses to the Board by August 29, 2022. However, by August 29, 2022, the Board did not receive any responses to the July Interrogatories.

This proposed finding is supported by the following evidence: Exhibits 2, 3, 3.A-1, 3.A-2.

3. Patrick Heagerty, the Board's Enforcement Attorney, sent an email to Dr. Immanuel at her email address of record on September 7, 2022, explaining that the Board had not received her responses, and that they were by that time overdue. The email stated:

Dr. Immanuel, my name is Patrick Heagerty and I am an attorney with the State of Ohio Medical Board. I am contacting you about Interrogatories that my office sent out to your address of record on or about July 29, 2022. According to the USPS tracking you received the Interrogatories on or about August 3, 2022. The responses to the interrogatories were due on August 29, 2022, and are now approximately 10 days past due. Please contact my office by Monday September 12, 2022 to let me know when you will be providing the answers to the Interrogatories. I look forward to hearing from you.

This proposed finding is supported by the following evidence: Exhibits 2, 3, 3.B.

4. When Dr. Immanuel failed to timely submit her answers to the July Interrogatories, Mr. Heagerty sent the Interrogatories to Dr. Immanuel again on or about September 13, 2022, asking that she provide her responses to the Board no later than October 13, 2022. The United States Postal Service provided tracking information showing that the September Interrogatories were delivered to Dr. Immanuel at her address of record on September 16, 2022.

This proposed finding is supported by the following evidence: Exhibit 2, 3, 3.C-1, 3.C-2

5. By October 20, 2022, the Board had not received any response from Dr. Immanuel. On that date, Enforcement Attorney Patrick Heagerty sent another email to Dr. Immanuel at her email address of record, advising her that the Board had not received responses to the Interrogatories sent to her on July 29, 2022 nor those sent to her a second time on September 13, 2022. The email provided as follows:

Dr. Immanuel, my name is Patrick Heagerty, and I am an attorney with the State Medical Board of Ohio. I have been trying to get a hold of you for the last three months. On September 13, 2022, my office sent you Interrogatories for the second time to your address of record. USPS tracking shows that you received those interrogatories on September 16, 2022. Those responses were due on October 13, 2022. To date I have not gotten a response to either the September 13, 2022, Interrogatories or the Interrogatories that were sent on

July 29, 2022. Please respond to this email to indicate when I will receive those responses. I look forward to hearing from you.

This proposed finding is supported by the following evidence: Exhibit 2, 3, 3.D.

6. Joseph Turek, the Board's Deputy Director of Licensure & Renewal, verified in an Affidavit dated October 28, 2022 that Dr. Immanuel's address of record on file with the Board is 25231 Roesner Lane, Katy, TX 77494-5537, and that her email address of record with the Board was gwast@aol.com. The postal address is the same address that the Board used to send its July Interrogatories to Dr. Immanuel on July 29, 2022 and to send its September Interrogatories to Dr. Immanuel on September 13, 2022, and the email address is the same one that Mr. Heagerty used to send email messages to Dr. Immanuel on September 7, 2022 and on October 20, 2022.

This proposed finding is supported by the following evidence: Exhibits 2, 3, 3.A-1, 3.B, 3.C-1.

7. Mr. Heagerty verified in an affidavit dated June 27, 2023 that to date, the Board has not received Dr. Immanuel's answers to the Board's Interrogatories.

This proposed finding is supported by the following evidence: Exhibit 3.

8. The acts, conduct, and/or omissions of Dr. Immanuel as described in Proposed Findings 1 through 7, individually and/or collectively, constitute "[f]ailure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories," as that clause is used in R.C. 4731.22(B)(34).

Comments on the Proposed Order

The Board had valid reasons to ask for more information about some of Dr. Immanuel's responses to the questions on her application for a license to practice medicine and surgery in Ohio. It sent the Interrogatories to her address of record by certified mail on two separate dates, July 29, 2022 and September 13, 2022, and received delivery confirmation showing that, both times, the Interrogatories were delivered to Dr. Immanuel's address that she listed on her licensure application.

Because the Board has a duty to protect the public, it reasonably asked Dr. Immanuel for information about her views on vaccines and her practices concerning whether she recommends against vaccines for her patients, and what kinds of treatments she offered to patients who contracted COVID-19. The Interrogatories offered Dr. Immanuel the opportunity to provide an explanation for any of her beliefs or practices that were contrary to currently held medical standards, showing that, as a science community, the Board welcomes challenges to those prevailing practices. However, because Dr. Immanuel has

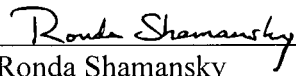
never provided any responses to the Board's inquiries, the Board does not have the information it needs to evaluate whether she can provide safe, competent medical care to patients in this State.

For this reason, a denial of her application is recommended. Reapplication is not encouraged unless and until Dr. Immanuel is willing to cooperate with the Board's investigation. No civil penalty is recommended because Dr. Immanuel is not the "holder of a certificate" issued by the Board, as required under R.C. 4731.225(B).

PROPOSED ORDER

It is hereby ORDERED that the application of Stella Grace Immanuel, M.D., is DENIED.

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



Ronda Shamansky
Hearing Examiner



December 14, 2022

Case number: 22-CRF- 0224

Stella Grace Immanuel, M.D.
25231 Roesner Lane
Katy, TX 77494-5537

Dear Doctor Immanuel:

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 or suspend your license or certificate, or refuse to grant or register or issue the license or certificate for which you have a pending application in accordance with Section 9.79 of the Ohio Revised Code, or refuse to 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 14, 2022, you caused to be submitted to Board an application to practice medicine and surgery in Ohio, which remains pending.
- (2) As part of an investigation, on or about July 29, 2022, the Board sent to you via certified mail to your credentials address, the State Medical Board of Ohio's First Set of Interrogatories [July Interrogatories]. As was set forth in the cover letter that accompanied the February Interrogatories, your responses were due by August 29, 2022. According to the USPS website, the July Interrogatories were delivered to your credentials mailing address on or about August 3, 2022. By August 29, 2022, the Board did not receive your answers to the July Interrogatories.
- (3) When the Board did not receive your answers to the July Interrogatories, on or about September 7, 2022, a Board staff member sent an email to your email address of record, advising you that the Board had not received your answers to the July Interrogatories. You failed to respond to the email and/or submit your answers to the July Interrogatories.
- (4) When you failed to timely submit your answers to the July Interrogatories, on or about September 13, 2022, the Board again sent to you via certified mail, to your credential mailing address, the State Medical Board of Ohio's First Set of Interrogatories [September Interrogatories]. As was set forth in the cover letter that accompanied the September Interrogatories, you were to respond by October 13, 2022. According to the USPS website, the September Interrogatories were delivered to your credentials mailing address on or about September 16, 2022. By October 13, 2022, the Board did not receive your answers to the May Interrogatories.

Mailed 12-15-2022

- (5) When the Board did not receive your answers to the September Interrogatories, on or about October 20, 2022, a Board staff member sent an email to your email address of record, advising you that the Board had not received your answers to the September Interrogatories. You failed to respond to the email and/or submit your answers to the September Interrogatories.
- (6) To date, the Board has not received your answers the Board's Interrogatories.

Your acts, conduct, and/or omissions as alleged in paragraphs (2) through (6) above, individually and/or collectively, constitute "[f]ailure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories . . ." as that clause is used in Section 4731.22(B)(34), Ohio Revised Code.

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.

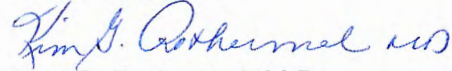
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at 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 or suspend your license or certificate, or refuse to grant or register or issue the license or certificate for which you have a pending application in accordance with Section 9.79 of the Ohio Revised Code, or refuse to renew or reinstate your license or certificate to practice medicine and surgery, or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant 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,

A handwritten signature in blue ink, appearing to read "Kim G. Rothermel", followed by a small mark that looks like "KRS".

Kim G. Rothermel, M.D.
Secretary

KGR/PJH/lv
Enclosures

CERTIFIED MAIL # 9414 8149 0315 2968 0138 68
RETURN RECEIPT REQUESTED