



September 13, 2023

Dennis Min, D.O.
1537 South Breiel Blvd
Middletown, OH 45044

RE: Case No. 22-CRF-0082

Dear Dr. Min:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on September 13, 2023.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Any such appeal must be filed in accordance with all requirements specified in Section 119.12, Ohio Revised Code, and must be filed with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within (15) days after the date of mailing of this notice.

THE STATE MEDICAL BOARD OF OHIO

Kim G. Rothermel, M.D.
Secretary

KGR:jl
Enclosures

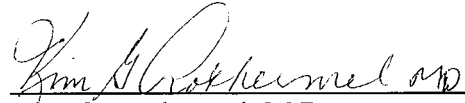
CERTIFIED MAIL NO – 9414 8149 0315 2968 0306 50
RETURN RECEIPT REQUESTED

Mailed 9/14/23

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 September 13, 2023, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of Dennis Min, D.O., Case No. 22-CRF-0082, 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

(SEAL)

September 13, 2023

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :
 : Case No. 22-CRF-0082
DENNIS MIN, D.O. :

FINDINGS, ORDER AND JOURNAL ENTRY

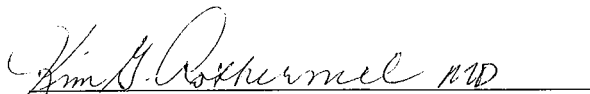
This matter came on for consideration before the State Medical Board of Ohio on September 13, 2023, pursuant to a Notice of Opportunity for Hearing issued to Dennis Min, D.O., on May 11, 2022. No request for hearing having been received within the statutorily mandated time period, Hearing Examiner Robert C. Angell, Esq., on behalf of the Board, reviewed and summarized evidence supporting the Notice, and prepared Proposed Findings and a Proposed Order.

WHEREFORE, having reviewed Mr. Angell's Proposed Findings and Proposed Order, which is attached hereto and incorporated herein, the Board hereby adopts the Proposed Findings and Proposed Order.

It is hereby ORDERED that:

- A. **PERMANENT REVOCATION:** The license of Dennis Min, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED.
- B. **FINE:** Within thirty days of the effective date of this Order, Dr. Min shall remit payment in full of a fine of Eighteen Thousand Dollars (\$18,000.00). Such payment shall be made via credit card in the manner specified by the Board through its online portal, or by other manner as specified by the Board.

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



Kim G. Rothermel, M.D.
Secretary

(SEAL)

September 13, 2023

Date

STATE MEDICAL BOARD
OF OHIO

RECEIVED:
August 21, 2023

BEFORE THE STATE MEDICAL BOARD OF OHIO

In The Matter Of: : Case No. 22-CRF-0082
: :
DENNIS MIN, D.O., : Robert C. Angell
: Hearing Examiner
Respondent. : :

PROPOSED FINDINGS AND PROPOSED ORDER

Basis for Hearing

Notice of Opportunity for Hearing (“Notice”): By letter dated May 11, 2022, the State Medical Board of Ohio (“Board”) notified Respondent, Dennis Min, D.O., that it intended to determine whether or not to take disciplinary action against his license to practice osteopathic medicine and surgery in the State of Ohio.

In the Notice, the Board alleged the following:

- (1) On or about December 1, 2021, an Information was filed against Dr. Min in the United States District Court, Southern District of Ohio, Western Division. The Information charged Dr. Min with one count of Healthcare Fraud, alleging that he billed Medicare, Medicaid or other medical benefit plans for unnecessary medical procedures. On or about January 26, 2022, Dr. Min pleaded guilty to Count 1 of the Information. The Court accepted Dr. Min’s guilty plea and found him guilty of Health Care Fraud, in violation of 18 U.S.C. § 1347, a felony.

The Board alleged that the facts as alleged in paragraph 1 of the Notice, individually and/or collectively, constitute the “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. Exhibit 1A. The Board further alleged that that the facts as alleged in paragraph (1) of the Notice, individually and/or collectively, constitute a “plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony,” as that clause is used in Section 4731.22(8)(9), Ohio Revised Code. Exhibit 1A.

The Board further notified Dr. Min that, pursuant to R.C. 4731.225, it may impose a civil penalty for any violations that occurred after September 29, 2015, in an amount not to exceed twenty thousand dollars, in addition to any other action the Board may take under Section 4731.22, Ohio

Revised Code. The Board advised Dr. Min of his right to a hearing in this matter if he requested a hearing in writing within thirty days of the mailing of the Notice. Exhibits 1, 1A.

No Request for Hearing: On May 12, 2022, the Board mailed the Notice to Dr. Min by certified mail, return receipt requested, at Dr. Min's address of record at that time, 1537 South Breiel Boulevard, Middletown, Ohio 45044, and to Dr. Min's attorney of record. The Notice mailed to Dr. Min was returned to the Board on or about May 25, 2022, marked "Return to Sender – Attempted – Not Known – Unable To Forward – Return to Sender." On September 28, October 5, and October 12, 2022, the Board caused to be published a legal notice in *The Journal-News*, a newspaper of general circulation in the area of Dr. Min's last known address of record. Service was deemed complete on October 12, 2022. On November 17, 2022, the Board mailed an Affidavit of Publication to Dr. Min at his last known address. Exhibits 1, 1A, 1B, 1C.

The Board's Chief Legal Counsel attested, in a sworn affidavit dated November 29, 2022, that the thirtieth and final day on which Dr. Min could submit a written request for hearing was Friday, November 11, 2022 pursuant to R.C. 119.07. The Chief Legal Counsel attested that, as of the date of the affidavit, the Board had not received a written request for hearing from Dr. Min. Exhibit 1.

The Board's Director of Licensure and Licensee Services, in an affidavit dated November 29, 2022, verified that Dr. Min's address of record at the time was 1537 South Breiel Boulevard, Middletown, Ohio 45044; that according to the Board's records, Dr. Min was issued license number 34.008152 on or about October 31, 2003; and that Dr. Min's license is currently inactive. Exhibit 2.

Request for Proposed Findings and Proposed Order: In a memorandum dated December 28, 2022, 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 4.

Evidence Examined (all documentary evidence is a true and accurate copy of original documents maintained in the Board's records):

Exhibits

1. November 29, 2022 Affidavit of Kimberly Anderson, Chief Legal Counsel, attesting to the Board's service of the May 11, 2022 Notice of Opportunity for Hearing upon Dr. Min and verifying that, as of the date of the Affidavit, the Board had not received a hearing request from Dr. Min. The following authenticated documents were attached to the Affidavit:
 - 1A.: May 11, 2022 Notice of Opportunity for Hearing (mailed May 12, 2022) sent to Dr. Min and to his attorney at their respective addresses of record, by certified mail return receipt requested, and containing the allegations as set forth therein

and hereinabove, and notifying Dr. Min of his right to request a hearing in writing within thirty days of the date of mailing of the Notice.

- 1B: Copy of mailing envelope with information from the U.S. Postal Service indicating that the Notice was returned to the Board as “Return to Sender – Attempted – Not Known – Unable to Forward – Return to Sender” on or about May 21, 2022.
 - 1C. Cover letter, dated November 17, 2022, Affidavit of Publication in *The Journal-News*, sworn and subscribed on October 19, 2022, and memorandum advising Dr. Min of published notice and his right to a hearing, mailed to Dr. Min’s address of record.
- 2. November 29, 2022 Affidavit of Joseph Turek, Director of Licensure and Licensee Services, verifying that Dr. Min’s address of record as of the date of the Affidavit was 1537 South Breiel Boulevard, Middletown, Ohio 45044, Dr. Min’s licensing information, and that according to the Board’s records, Dr. Min’s license was currently inactive.
 - 3. December 14, 2022 Affidavit of James Roach, Attorney, verifying that the Board coordinated the investigation of the complaint against Dr. Min that culminated in the May 11, 2022 Notice; and that the Enforcement Section obtained certified copies of court documents in Case No. 1:21-cr-00128, *United States. v. Min*, U.S. District Court, Southern District of Ohio, in the course of the investigation. The following certified and/or authenticated documents were attached to the Affidavit:
 - 3A. Certification of Angela Canepa, Deputy Director, Investigations, Compliance & Enforcement, dated May 10, 2022, with attachments:
 - A. Information in Case No. 1:21-cr-00128, filed December 1, 2021.
 - B. Waiver of Indictment in Case No. 1:21-cr-00128, dated January 26, 2021.
 - C. Criminal Minutes in Case No. 1:21-cr-00128, dated January 26, 2022.
 - D. Criminal Docket for Case No. 1:21-cr-00128 as of April 6, 2022.
 - 4. Memorandum dated December 28, 2022 from Colin DePew, Assistant Legal Counsel, to R. Gregory Porter, Chief Hearing Examiner, with attachments.

PROPOSED FINDINGS

1. At the times relevant to this proceeding, Respondent, Dennis Min, D.O., was licensed to practice osteopathic medicine and surgery in the State of Ohio, license number 34.008152. Dr. Min was initially licensed on October 31, 2003; his license is currently inactive.

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

2. On or about December 1, 2021, in *United States v. Min*, Case No. 1:21-cr-00128, an Information was filed against Dr. Min in the United States District Court, Southern District of Ohio, charging him with one count of Health Care Fraud, in violation of 18 U.S.C. §1347, a felony. On or about January 26, 2022, Dr. Min waived indictment and pleaded guilty to Count 1 of the Information. The Court accepted Dr. Min's plea and found him guilty of Health Care Fraud, in violation of 18 U.S.C. §1347. Dr. Min was released on recognizance bond with conditions, and the case was referred to probation for a presentence report.

This proposed finding is supported by the following evidence: Exhibits 1, 1A, 3, 3A, and attachments A, B, C, and D to Exhibit 3A.

3. According to the Information, the charge against Dr. Min was based upon his conduct “[f]rom in or about 2013 and continuing through October 30, 2019, the exact dates being unknown within the Southern District of Ohio and elsewhere[.]” Dr. Min's conduct allegedly included “billing of insurance claims for the performance of unnecessary ... medical procedures that had no legitimate medical purpose[.]” including “multiple colonoscopies and endoscopies that had no medical value or were improper for the medical complaints issued.” Further, Dr. Min “billed the healthcare insurance providers at a higher level than appropriate for the medical services provided, resulting in a higher than allowable amount of reimbursement from those providers.”

This proposed finding is supported by the following evidence: Exhibits 3, 3A, and attachment A to Exhibit 3A.

4. Dr. Min's guilty plea to, and conviction of, the charge of Health Care Fraud, as described in Proposed Findings 2 and 3 above, individually and/or collectively, constitute the “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 R.C. 4730.25(B)(8), Ohio Revised Code.

While the exact time frame for Dr. Min's criminal acts is unknown, the court records indicate that they continued through October 31, 2019. Therefore, the Board is authorized to impose a civil penalty for this violation pursuant to Section 4731.225, Ohio Revised Code. The Board's guidelines provide as follows:

| | |
|---------------|-------------|
| Minimum Fine: | \$8,000.00 |
| Maximum Fine: | \$18,000.00 |

5. Dr. Min's guilty plea to, and conviction of, the charge of Health Care Fraud, as described in Proposed Findings 2 and 3 above, individually and/or collectively, constitute a "plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony," as that clause is used in Section R.C. 4731.22(B)(9), Ohio Revised Code.

While the exact time frame for Dr. Min's criminal acts is unknown, the court records indicate that they continued through October 31, 2019. Therefore, the Board is authorized to impose a civil penalty for this violation pursuant to Section 4731.225, Ohio Revised Code. The Board's guidelines provide as follows:

| | |
|---------------|-------------|
| Minimum Fine: | \$18,000.00 |
| Maximum Fine: | \$20,000.00 |

Comments on Proposed Order

The evidence in this case establishes that Dr. Min was charged with, and pleaded guilty to, one count of Health Care Fraud in violation of 18 U.S.C. §1347. According to the Information, the criminal conduct took place over a period of approximately six years, and was characterized by both the performance of unnecessary or medically contraindicated procedures, and overbilling for those procedures. The Information was not specific as to the number of such procedures or the amounts billed for them. However, by waiving indictment and pleading guilty to the charge, Dr. Min effectively admitted to the facts underlying the charge. A course of criminal conduct of this scope, carried on for six years, warrants the sanction of permanent revocation.

PROPOSED ORDER

It is hereby ORDERED that:

- A. **PERMANENT REVOCATION:** The license of Dennis Min, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED.

- B. **FINE:** Within thirty days of the effective date of this Order, Dr. Min shall remit payment in full of a fine of Eighteen Thousand Dollars (\$18,000.00). Such payment shall be made via credit card in the manner specified by the Board through its online portal, or by other manner as specified by the Board.

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

/s/ Robert C. Angell

Robert C. Angell
Hearing Examiner



May 11, 2022

Case number: 22-CRF- 0082

Dennis Min, D.O.
1537 South Breiel Blvd.
Middletown, OH 45044

Dear Doctor Min:

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

- (1) On or about December 1, 2021, an Information was filed against you in the United States District Court, Southern District of Ohio, Western Division. The Information charged you with one count of Healthcare Fraud, alleging that you billed Medicare, Medicaid or other medical benefit plans for unnecessary medical procedures. On or about January 26, 2022, you pled guilty to Count 1 of the Information. The Court accepted your guilty plea and found you guilty of Health Care Fraud, in violation of 18 U.S.C. § 1347, a felony.

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute the "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.

The facts as alleged in paragraph (1) above, individually and/or collectively, constitute a "plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony," as that clause is used in Section 4731.22(B)(9), 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.

Mailed 5-12-2022

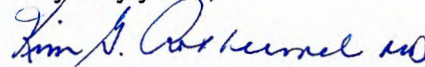
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at 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 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 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/JEA/lv
Enclosures

CERTIFIED MAIL # 9489 0090 0027 6431 0670 07
RETURN RECEIPT REQUESTED

cc: Michael Ferrara
Dinsmore & Shohl, LLP
191 West Nationwide Blvd.
Suite 300
Columbus, Ohio 43215

CERTIFIED MAIL # 9489 0090 0027 6431 0669 94
RETURN RECEIPT REQUESTED