

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

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Case No. 23-CRF-0194

DOUGLAS E. CHICCHON, M.D.

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ENTRY OF ORDER

On December 1, 2023, Douglas E. Chicchon, 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. 35.035817 authorizing Douglas E. Chicchon, 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 13^h day of December 2023, and the original thereof shall be kept with said Journal.



Kim G. Rothermel M.D.

Kim G. Rothermel, M.D.
Secretary

December 13, 2023
Date

STATE OF OHIO
THE STATE MEDICAL BOARD
PERMANENT SURRENDER OF CERTIFICATE
TO PRACTICE MEDICINE AND SURGERY
CASE NO. 23-CRF-0194

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, Douglas E. Chicchon, 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 acknowledge and agree that I am entering into this agreement of my own free will and volition and have not been coerced to do so, nor am I under duress at the time of executing this agreement. I further acknowledge that I had an opportunity to ask questions concerning the terms of this agreement and that all questions asked have been answered in a satisfactory manner. I aver that I fully understand all of the terms and provisions of this voluntary agreement. I further agree that no representations have been made by the Board, its members, employees, agents, officers and representatives regarding any of the legal ramifications of this agreement, including but not limited to the effect this agreement may have on my current or future employment, my specialty board certifications, or any licenses, past, present or future, to practice in other states or jurisdictions.

I, Douglas E. Chicchon, M.D., acknowledge that I have not been legally authorized to practice medicine and surgery since October 11, 2023, the date upon which my medical license was summarily suspended by the Board. Further, I, Douglas E. Chicchon, M.D., do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice medicine and surgery, License #35.035817, 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 be 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 #35.035817 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 #35.035817, 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, Douglas E. Chicchon, 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, Douglas E. Chicchon, 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. 23-CRF-0194, pursuant to Section 4731.22(B)(19), Ohio Revised Code, as set forth in the Notice of Summary Suspension and Opportunity for Hearing issued by the Board on October 11, 2023, a copy of which is attached hereto as Exhibit B and fully incorporated herein. I hereby admit to the factual and legal allegations contained in the October 11, 2023 Notice.

EFFECTIVE DATE

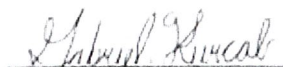
It is expressly understood that this Permanent Surrender of Certificate is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below. Further, I specifically acknowledge that the electronic transmission 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.



DOUGLAS E. CHICCHON, M.D.


KIM G. ROTHERMEL, M.D.
Secretary

12/1/23
DATE

12-13-23
DATE


GABRIEL J. KURCAB
Attorney for Dr. Chicchon


HARISH KAKARALA, M.D.
Supervising Member

12/1/23
DATE

12/13/23
DATE

Brandon W. Puckett

BRANDON W. PUCKETT
Assistant Attorney General

12-8-23

DATE

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

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Case No. 23-CRF-0171

DOUGLAS E. CHICCHON, M.D.

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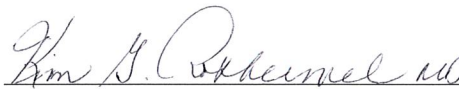
ORDER AND ENTRY

On September 13, 2023 the State Medical Board of Ohio issued a Notice of Opportunity for Hearing to Douglas E. Chicchon, M.D., in case number 23-CRF-0171.

Subsequently, on December 13, 2023, the Board approved a permanent surrender and revocation of his license to practice allopathic medicine and surgery in lieu of formal disciplinary proceedings in Case No. 23-CRF-0194.

Accordingly, it is ORDERED that the September 13, 2023 Notice of Opportunity for Hearing pertaining to Case No. 23-CRF-0171, is hereby DISMISSED WITHOUT PREJUDICE.

This Order is entered by the State Medical Board of Ohio and on its behalf.



Kim G. Rothermel, M.D.
Secretary



12-13-23

Date



Harish Kakarala, M.D.
Supervising Member

12/13/23

Date

Sent via email to: Douglas E. Chicchon, M.D. at overtherhine@fuse.net and mdcholo11@juno.com



October 11, 2023

Case number: 23-CRF- 6194

Douglas E. Chicchon, M.D.
4645 Day Road
Cincinnati, Ohio 45252

Dear Doctor Chicchon:

Enclosed please find certified copies of the Entry of Order, the Notice of Summary Suspension and Opportunity for Hearing, and an excerpt of the Minutes of the State Medical Board, meeting in regular session on October 11, 2023, including a Motion adopting the Order of Summary Suspension and issuing the Notice of Summary Suspension and Opportunity for Hearing.

You are advised that continued practice after receipt of this Order shall be considered practicing without a certificate, in violation of Section 4731.41, Ohio Revised Code.

Pursuant to Chapter 119, Ohio Revised Code, you are hereby advised that you are entitled to a hearing on the matters set forth in the Notice of Summary Suspension and Opportunity for Hearing. If you wish to request such hearing, that request must be made in writing and be received in the offices of the State Medical Board within thirty days of the time of service of this notice. Further information concerning such hearing is contained within the Notice of Summary Suspension and Opportunity for Hearing.

THE STATE MEDICAL BOARD OF OHIO

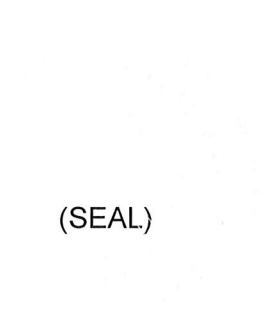

Kim G. Rothermel, M.D.
Secretary

KGR/CDP/lv
Enclosures

CERTIFICATION

I hereby certify that the attached copies of the Entry of Order of the State Medical Board of Ohio and the Motion by the State Medical Board, meeting in regular session on October 11, 2023, to Adopt the Order of Summary Suspension and to Issue the Notice of Summary Suspension and Opportunity for Hearing, constitute true and complete copies of the Motion and Order in the Matter of Douglas E. Chicchon, M.D., Case number: 23-CRF- 6194 as they appear in the Journal of the State Medical Board of Ohio.

This certification is made under the authority of the State Medical Board of Ohio and on its behalf.

Kim G. Rothermel, M.D., Secretary

(SEAL)

October 11, 2023

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

DOUGLAS E. CHICCHON, M.D.

CASE NUMBER: 23-CRF-0194

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 11th day of October 2023.

Pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Kim G. Rothermel, M.D., Secretary, and Harish Kakarala, M.D., Supervising Member; and

Pursuant to their determination, based upon their review of the information supporting the allegations as set forth in the Notice of Summary Suspension and Opportunity for Hearing, that there is clear and convincing evidence that Dr. Chicchon has violated Section 4731.22(B)(19), Ohio Revised Code, as alleged in the Notice of Summary Suspension and Opportunity for Hearing that is enclosed herewith and fully incorporated herein; and,

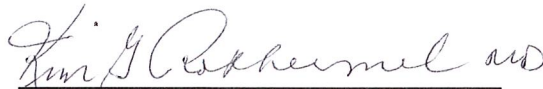
Pursuant to their further determination, based upon their review of the information supporting the allegations as set forth in the Notice of Summary Suspension and Opportunity for Hearing, that Dr. Chicchon's continued practice presents a danger of immediate and serious harm to the public;

The following Order is hereby entered on the Journal of the State Medical Board of Ohio for the 11th day of October, 2023:

It is hereby ORDERED that the certificate of Douglas E. Chicchon, M.D., to practice medicine and surgery in the State of Ohio be summarily suspended.

It is hereby ORDERED that Dr. Chicchon shall immediately cease the practice of medicine and surgery in Ohio and immediately refer all active patients to other appropriate physicians.

This Order shall become effective immediately.



Kim G. Rothermel, M.D.
Secretary

(SEAL)

October 11, 2023

Date



EXCERPT FROM THE DRAFT MINUTES OF OCTOBER 11, 2023

**NOTICES OF OPPORTUNITY FOR HEARING, ORDERS OF SUMMARY SUSPENSION,
ORDERS OF IMMEDIATE SUSPENSION, AND ORDERS OF AUTOMATIC
SUSPENSION**

**DOUGLAS E. CHICCHON, M.D. – NOTICE OF SUMMARY SUSPENSION AND
OPPORTUNITY FOR HEARING**

Ms. Montgomery moved to approve and issue proposed Citation #8, a Notice of Summary Suspension and Opportunity for Hearing. Ms. Brumby seconded the motion. A vote was taken:

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Kakarala	- abstain
	Dr. Reddy	- aye
	Dr. Boyle	- aye
	Dr. Soin	- aye
	Dr. Feibel	- aye
	Mr. Gonidakis	- aye
	Dr. Lewis	- aye
	Ms. Montgomery	- aye
	Ms. Brumby	- aye
	Dr. Johnson	- aye

The motion carried.



**NOTICE OF SUMMARY SUSPENSION
AND
OPPORTUNITY FOR HEARING**

October 11, 2023

Case number: 23-CRF- 0194

Douglas E. Chicchon, M.D.
4645 Day Road
Cincinnati, Ohio 45252

Dear Doctor Chicchon:

The Secretary and the Supervising Member of the State Medical Board of Ohio [Board] have determined that there is clear and convincing evidence that you have violated Section 4731.22(B)(19), Ohio Revised Code, and have further determined that your continued practice presents a danger of immediate and serious harm to the public, as set forth in paragraphs (1) through (3), below.

Therefore, pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Kim G. Rothermel, M.D., Secretary, and Harish Kakarala, M.D., Supervising Member, you are hereby notified that, as set forth in the attached Entry of Order, your license or certificate to practice medicine and surgery in the State of Ohio is summarily suspended. Accordingly, at this time, you are no longer authorized to practice medicine and surgery in Ohio.

Furthermore, in accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the 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 April 11, 2023, you appeared for a conference at the Board's office. A Board member and a staff member also were present at the conference. The purpose of the conference was to discuss with you Board concerns about your practice. Throughout the conference, you exhibited behaviors that caused the Board member and staff member to be concerned about your ability to safely practice medicine and surgery. Further, the Board's Secretary and Supervising Member determined that you should be examined by a psychiatrist to determine whether you were able to safely practice medicine and surgery in accordance with the minimal standards of care of similar practitioners under the same or similar circumstances.

- (2) At the Board's direction, on or about July 12, 2023, you submitted to a psychiatric evaluation conducted by Stephen G. Noffsinger, M.D. [Dr. Noffsinger]. In a letter dated July 17, 2023, Dr. Noffsinger advised the Board that the evaluation revealed indicators of possible cognitive dysfunction. Dr. Noffsinger indicated that neuropsychological testing was required to further assess you.
- (3) At the Board's direction, on or about September 16, 2023, you submitted to a neuropsychological evaluation conducted by Scott A. Magnuson, Psy.D. [Dr. Magnuson]. Following the evaluation, Dr. Magnuson determined that you met the diagnostic criteria for mild neurocognitive disorder. Dr. Magnuson further opined that you are not capable of practicing medicine according to acceptable [and] prevailing standards of care.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (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.

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, and Chapter 4731., Ohio Revised Code, you are hereby advised that you are entitled to a hearing concerning these matters. 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 service 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 service 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, 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/CDP/lv
Enclosures

CERTIFIED MAIL # 9414814903152968031534
RETURN RECEIPT REQUESTED

cc: BY PERSONAL DELIVERY

cc: Gabriel J. Kurcab
Katz Teller
255 East Fifth Street
Suite 2400
Cincinnati, Ohio 45202-4787

CERTIFIED MAIL # 9414814903152968031527
RETURN RECEIPT REQUESTED



September 13, 2023

Case number: 23-CRF- 0171

Douglas E. Chicchon, M.D.
4645 Day Road
Cincinnati, Ohio 45252

Dear Doctor Chicchon:

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) From in or around August 2014, to in or around June 2020, you provided care and treatment to Patient 1, as identified on the attached Patient Key. **(Key is confidential and to be withheld from public disclosure.)**
 - (a) Although you treated Patient 1 on at least five occasions, you completed and maintained records on only two of those occasions.
 - (b) On at least three occasions you prescribed Adipex for Patient 1. Adipex is a controlled substance. You failed to document the prescriptions for Adipex you issued on or about April 10, 2019; September 24, 2019; and October 16, 2019.
 - (c) When you prescribed Adipex for Patient 1, you failed to document the information required when prescribing a drug for weight loss, including Patient 1's past efforts at weight loss and her BMI.
 - (d) You failed to access and/or document accessing the Ohio Automated Rx Reporting System before prescribing Adipex to Patient 1.
- (2) From in or around September 2016, to in or around July 2020, you provided care and treatment to Patient 2, as identified on the attached Patient Key. **(Key is confidential and to be withheld from public disclosure.)**
 - (a) During the time you treated Patient 2, you performed one or more breast examinations. During the breast examination(s), you fondled, groped and/or

Marked 9/14/23

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,



Kim G. Rothermel, M.D.
Secretary

KGR/CDP/lv
Enclosures

CERTIFIED MAIL # 9414814903152968029968
RETURN RECEIPT REQUESTED

cc: Gabriel J. Kurcab
Katz Teller
255 East Fifth Street
Suite 2400
Cincinnati, Ohio 45202-4787

CERTIFIED MAIL # 9414814903152968029975
RETURN RECEIPT REQUESTED

inappropriately touched Patient 2's breasts. You also failed to document all the breast examination(s) in Patient 2's chart.

- (b) During the time you treated Patient 2, you performed one or more pelvic examinations. During the pelvic exam(s), you inappropriately touched Patient 2's vaginal area. You also failed to document in Patient 2's chart every pelvic examination you performed on her.
 - (c) During at least one pelvic examination conducted in or around 2019, you inserted the speculum into Patient 2's rectal opening. You denied that the speculum was improperly inserted. In your presence, a staff member withdrew the speculum and insert it into Patient 2's vaginal opening. The staff member was not a trained or certificated medical professional.
- (3) While examining female patients, you have made inappropriate comments to patients that were not medically necessary or relevant. While performing intimate examinations of one or more female patients, you have failed to consistently employ proper robing or draping practices, and you have failed to consistently offer or provide a chaperone.

Your acts, conduct, and/or omissions as alleged in paragraphs (1)(a) through (1)(b) and (2)(a) and (2)(b) 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, Ohio Administrative Code.

Pursuant to Rule 4731-11-02(E), Ohio Administrative Code, a violation of Rule 4731-11-02, Ohio Administrative Code, also constitutes a violation of Section 4731.22(B)(6), Ohio Revised Code, 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."

Additionally, pursuant to Rule 4731-11-02(E), Ohio Administrative Code, a violation of Rule 4731-11-02(C), Ohio Administrative Code, also constitutes a violation of Section 4731.22(B)(2), Ohio Revised Code, "[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 that clause is used in Section 4731.22(B)(2), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (1)(c) 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: Controlled Substances for the Treatment of Obesity, Rule 4731-11-04, Ohio Administrative Code, as in effect from February 29, 2016, until February 28, 2023.

Pursuant to Rule 4731-11-04(D), Ohio Administrative Code, a violation of Rule 4731-11-04, Ohio Administrative Code, also constitutes a violation of Section 4731.22(B)(6), Ohio Revised Code, 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."

Additionally, pursuant to Rule 4731-11-04(D), Ohio Administrative Code, a violation of Rule 4731-11-04, Ohio Administrative Code, also constitutes a violation of Section 4731.22(B)(2), Ohio Revised Code, "[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 that clause is used in Section 4731.22(B)(2), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (1)(d) 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, as in effect from December 31, 2015, until September 30, 2021.

Additionally, your acts, conduct, and/or omissions as alleged in paragraphs (2)(a), (2)(b) and (3) above, individually and/or collectively, constitute "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to-wit: Prohibitions, Rule 4731-26-02, Ohio Administrative Code, regarding sexual misconduct, as in effect from June 30, 2016, until September 30, 2021.

Pursuant to Rule 4731-26-03(A)(1), Ohio Administrative Code, a violation of Rule 4731-26-02, Ohio Administrative Code, as in effect from June 30, 2016, until September 30, 2021, also constitutes a violation of Section 4731.22(B)(6), 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."

Further, your acts, conduct, and/or omissions as alleged in paragraph (2)(c) 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: Delegation of Medical Tasks, Rule 4731-23-02, Ohio Administrative Code, as in effect from November 30, 2016, until September 30, 2021, and Prohibitions, Rule 4731-23-03, Ohio Administrative Code, as currently in effect.

Pursuant to Rule 4731-23-04(A), Ohio Administrative Code, a violation of Chapter 4731-23., Ohio Administrative Code, also constitutes a violation of Section 4731.22(B)(6), Ohio Revised Code, 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."

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

**IN THE MATTER OF
Douglas E. Chiccon, M.D.
23-CRF-0171**

**September 13, 2023, NOTICE OF
OPPORTUNITY FOR HEARING -
PATIENT KEY**

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

Rule 4731-11-02 | General provisions.

Ohio Administrative Code / 4731 / Chapter 4731-11 | Controlled Substances

Effective: December 23, 2018 Promulgated Under: 119.03

(A) A physician shall not utilize a controlled substance other than in accordance with all of the provisions of this chapter of the Administrative Code.

(B) A physician shall not utilize a controlled substance without taking into account the drug's potential for abuse, the possibility the drug may lead to dependence, the possibility the patient will obtain the drug for a nontherapeutic use or to distribute to others, and the possibility of an illicit market for the drug.

(C) A physician shall complete and maintain accurate medical records reflecting the physician's examination, evaluation, and treatment of all the physician's patients. Patient medical records shall accurately reflect the utilization of any controlled substances in the treatment of a patient and shall indicate the diagnosis and purpose for which the controlled substance is utilized, and any additional information upon which the diagnosis is based.

(D) A physician shall obey all applicable provisions of sections [3719.06](#), [3719.07](#), [3719.08](#) and [3719.13](#) of the Revised Code and the rules promulgated thereunder, all prescription issuance rules adopted under Chapter 4729. of the Revised Code, and all applicable provisions of federal law governing the possession, distribution, or use of controlled substances.

(E) Violations of this rule:

(1) A violation of any provision of this rule, as determined by the board, shall constitute any or all of the following: "failure to maintain minimal standards applicable to the selection or administration of drugs," as that clause is used in division (B)(2) of section [4731.22](#) of the Revised Code; and "a departure from, or the failure to conform to, minimal standards of care of similar physicians under the same or similar circumstances, whether or not actual injury to a patient is established," as that clause is used in division (B)(6) of section [4731.22](#) of the Revised Code.

(2) A violation of paragraph (C) of this rule shall further constitute "selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes," as that clause is used in division (B)(3) of section [4731.22](#) of the Revised Code.

Last updated February 28, 2023 at 12:49 PM

Supplemental Information

Authorized By: [4730.39](#), [4731.05](#)

Amplifies: [3719.06](#), [3719.07](#), [3719.08](#), [3719.13](#), [4730.39](#), [4731.22](#)

Five Year Review Date: 5/27/2026

Prior Effective Dates: 11/17/1986, 9/1/2000, 9/30/2008, 12/31/2015, 8/31/2017