



October 14, 2020

John J. Kavlich, M.D.  
26678 Crocker Landing  
Columbia Station, OH 44028

RE: Case No. 20-CRF-0033

Dear Dr. Kavlich:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Kimberly A. Lee, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on October 14, 2020, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

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:jam  
Enclosures

CERTIFIED MAIL NO. 91 7199 9991 7038 7110 5347  
RETURN RECEIPT REQUESTED

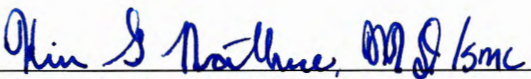
Cc: James M. McGovern, Esq.

*mailed 10-15-2020*

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Kimberly A. Lee, Esq., State Medical Board Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on October 14, 2020, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the James J. Kavlich, M.D., Case No. 20-CRF-0033, as it appears in the Journal of the State Medical Board of Ohio.

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

  
\_\_\_\_\_  
Kim G. Rothermel, M.D.  
Secretary

(SEAL)

October 14, 2020  
\_\_\_\_\_  
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

\*

CASE NO. 20-CRF-0033

\*

JAMES J. KAVLICH, M.D.

\*

ENTRY OF ORDER


This matter came on for consideration before the State Medical Board of Ohio on October 14, 2020.

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

It is hereby ORDERED that:

- A. **FINE:** Within thirty days of the effective date of this Order, John Kavlich, M.D., shall remit payment in full of a fine of one thousand dollars (\$1,000). 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. The failure of Dr. Kavlich to timely remit full payment shall constitute a violation of this Order. Should such a violation occur, the Board, after giving Dr. Kavlich notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his license.
- B. **CONSENT AGREEMENT TERMS CONTINUED:** All terms, conditions, restrictions, and limitations, including the suspension of Dr. Kavlich's license, set forth in the October 10, 2018 Step I Consent Agreement between Dr. Kavlich and the Board shall remain in full force and effect.

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



Kim G. Rothermel, M.D.  
Secretary

(SEAL)

October 14, 2020

Date

**STATE MEDICAL BOARD  
OF OHIO**

**RECEIVED:  
September 15, 2020**

**BEFORE THE STATE MEDICAL BOARD OF OHIO**

**In the Matter of**

\*

**Case No. 20-CRF-0033**

**John Kavlich, M.D.,**

\*

**Respondent.**

\*

**Hearing Examiner Lee**

**REPORT AND RECOMMENDATION**

Basis for Hearing:

In a Notice of Opportunity for Hearing dated March 11, 2020 (“Notice”), the State Medical Board of Ohio (“Board”) notified John Kavlich, M.D., that it proposed to take disciplinary action against his license to practice medicine and surgery in Ohio. The Board based its proposed action on allegations that Dr. Kavlich entered into a Step 1 Consent Agreement with the Board on or about October 10, 2018 and that he thereafter failed to submit quarterly declarations, to appear for scheduled interview, and to submit the name and qualifications of a psychiatrist for Board approval as he was required to do by the Step I Consent Agreement.

The Board further alleged that the acts, conduct, and /or omissions of Dr. Kavlich constituted a “[v]iolation of the conditions of limitation placed by the board upon a license or certificate to practice,” as that clause is used in Ohio Revised Code Section (“R.C.”) 4731.22(B)(15). (State’s Exhibit (“St. Ex.”) 1)

Accordingly, the Board advised Dr. Kavlich of his right to request a hearing and received his written request on March 13, 2020.

Appearances:

Dave Yost, Attorney General of Ohio, and Melinda Snyder, Assistant Attorney General, for the State of Ohio. James M. McGovern, Esq., appeared on behalf of Dr. Kavlich.

Hearing Date: July 15, 2020

**PROCEDURAL MATTER**

Due to the Covid-19 pandemic, the hearing was held remotely using videoconferencing software.

## **SUMMARY OF THE EVIDENCE**

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

### **Background**

1. John Kavlich, M.D., graduated from the Wright State University School of Medicine in 1987. He then completed a one-year general surgery residency at the Cleveland Clinic. (Tr. at 36) At that time, he enrolled in law school at Cleveland State University but only completed two semesters. Dr. Kavlich then began working at various emergency rooms and urgent care centers. He also started a practice in Independence, Ohio which he subsequently sold to University Hospitals in 1995. Dr. Kavlich started a primary care private practice in 1996 which he moved to an office building that he owned in Berea, Ohio, in 2000. He continued to practice at that location until his license was summarily suspended in August 2018. (Tr. at 36-39; St. Ex. 2 at 2, 18-24)

### **Step I Consent Agreement**

2. On August 8, 2018, the Board issued a Notice of Summary Suspension and Opportunity for Hearing ("2018 Notice") which summarily suspended Dr. Kavlich's license to practice medicine based on its determination that his continued practice presented a danger of immediate and serious harm to the public. The Board alleged the following in the 2018 Notice:

- (1) By letter dated April 24, 2018, the Board notified you of its determination that it had reason to believe that you are in violation of Section 4731.22(B)(19), Ohio Revised Code, and ordered you to undergo a psychiatric examination to determine if you are in violation of Section 4731.22(B)(19), Ohio Revised Code. The Board's determination was based upon one or more of the reasons outlined in such letter, which included that on or about March 20, 2018, your place of business was inspected by investigators from the Ohio Medical Board and the Ohio Board of Pharmacy. The building, which you own, has a first floor which contained your main office, a second floor and a basement. The investigators identified several troubling issues with the condition of your office building. In the parking lot, there were several trailers, children toys, statues and other miscellaneous items in the parking lot. The main entrance was blocked and a sign directed entry at the back of the building. On the second floor, the stairwell was blocked by miscellaneous items and boxes which were stacked on the stairs. On the first floor, there was a room labelled "bloodwork" which was full of clutter including boxes, paperwork, and unused vials. The waiting room was filled with clutter including refrigerators, computers, rocks, candles, empty jewelry cases,

mannequins, toys, and medical equipment. The receptionist area also was very cluttered, messy and disorganized. In the basement, there was trash throughout, and you also stored controlled substances, where your employees entered to retrieve controlled substances and to discard various items.

- (2) By letter dated July 6, 2018, from Stephen G. Noffsinger, M.D., the Board was notified that following the Board ordered evaluation conducted on June 5, 2018, you have the mental disorder of Hoarder Disorder. Dr. Noffsinger opined that you are presently incapable of practicing medicine according to acceptable and prevailing standards of care due to this condition. Further, Dr. Noffsinger opined that due to your hoarding disorder, you are not able to provide a safe, clean, functional practice setting for yourself, your staff and your patients. Further, Dr. Noffsinger opined that your condition is treatable.

(St. Ex. 2 at 30-31) The Board further alleged that the Dr. Kavlich was in violation of R.C. 4731.22(B)(19), based on those factual allegations. (St. Ex. 2 at 31)

3. On October 10, 2018, Dr. Kavlich entered into a Step I Consent Agreement with the Board ("Step I Consent Agreement"). The Step I Consent Agreement was based on Dr. Kavlich's admission to the legal and factual allegations contained in the 2018 Notice. (St. Ex. 2 at 2-24)
4. Paragraph 4 of the Step I Consent Agreement required Dr. Kavlich to submit quarterly declarations. It states:

4. Dr. Kavlich shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which this Consent Agreement becomes effective, or as otherwise requested by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

(St. Ex. 2 at 4)

5. Paragraph 5 of the Step I Consent Agreement required Dr. Kavlich to appear before Board at certain times. It states:
  5. Dr. Kavlich shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise

requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

(St. Ex. 2 at 4)

6. Paragraph 7 of the Step I Consent Agreement required Dr. Kavlich to submit the name of a psychiatrist to the Board for approval and to undergo psychiatric treatment. It states, in pertinent part, “Within thirty days of the effective date of this Consent Agreement, Dr. Kavlich shall submit to the Board for its prior approval the name and qualifications of a psychiatrist of his choice.” (St. Ex. 2 at 5)

### **Dr. Kavlich’s Violations of the Step I Consent Agreement**

#### *Testimony of Dr. Kavlich*

7. Dr. Kavlich admitted at the hearing that he made no attempt to comply with the requirements that he make personal appearances before the Board. He further admitted that he had not submitted any quarter declarations. (Tr. at 24)
8. Dr. Kavlich testified that he had received some psychiatric treatment regarding his diagnosis of hoarding disorder since he entered into the Step I Consent Agreement. (Tr. at 19) He had several sessions with a forensic psychiatrist in Westlake, but that provider felt he would not be able to meet the Board’s reporting requirements. Dr. Kavlich also reached out to multiple providers in the Cleveland area, but he was unable to locate a provider who was both comfortable with the Board’s requirements and who also had experience treating hoarding disorder. (Tr. at 19-20) In September 2019, Dr. Kavlich began seeing Dr. Scott Martin. As of the hearing, Dr. Kavlich had had approximately eight sessions with Dr. Martin, some of which were via telephone due to the coronavirus. (Tr. at 20) However, Dr. Kavlich admitted that he had not yet submitted Dr. Martin’s name to the Board for approval. Dr. Kavlich explained that “We’ve just gotten to the point where he and I are both comfortable with each other. I’m comfortable with him and I just haven’t got to that, like I said, I’m sort of resolving some of the issues in my personal life to the point where I haven’t.” (Tr. at 21) Dr. Kavlich further testified that he had provided Dr. Martin with the Step I Consent Agreement as well as the 2018 Notice and previous psychiatric testing records. (Tr. at 23) Dr. Kavlich also stated his intention to submit Dr. Martin’s name to the Board for approval as his treating psychiatrist under the Step I Consent Agreement. (Tr. at 35)
9. Dr. Kavlich also admitted at hearing that he did not communicate with the Board after the Step I Consent Agreement and apologized for not doing so. (Tr. at 33) Dr. Kavlich also testified that that he had not received any correspondence from the Board until he received the Notice. (Tr. at 24) However, Dr. Kavlich further testified that, in October 2018, the email address on record with the Board was turned off for failure to pay the bill and that he

did not notify the Board of this or provide the Board with different email address. (Tr. at 48-49)

*Testimony of Angela Sturgeon*

10. Angela Sturgeon is a Board compliance officer and is responsible for monitoring licensees who are on probation. Ms. Sturgeon testified that she is responsible for monitoring Dr. Kavlich's compliance with the Step I Consent Agreement. (Tr. at 41)
11. Ms. Sturgeon testified that licensees who are being monitored are usually emailed by the compliance officer one month prior to their scheduled initial appearance. After the initial appearance, emails are then generated by the system. Ms. Sturgeon further testified that the emails were sent to Dr. Kavlich and that the email address used would have been the one entered by Dr. Kavlich in the Board's license system. (Tr. at 43) Ms. Sturgeon further testified that an email was sent to Dr. Kavlich in November 2018 after he missed the deadline to submit the name of a psychiatrist. (Tr. at 45)
12. Ms. Sturgeon testified that Dr. Kavlich was not in compliance with the Step I Consent Agreement and that she had not had any contact with Dr. Kavlich regarding the Step I Consent Agreement. (Tr. at 44)

**Additional Testimony**

13. Dr. Kavlich testified that he has not practiced medicine since August 2018. (Tr. at 15-16) Since his medical license was suspended, Dr. Kavlich has spent his time caring for his elderly parents who are suffering from significant health issues, as well as caring for their home. Dr. Kavlich also spent a significant amount of time defending a malpractice case which resulted in a verdict in his favor after a trial in November 2019. (Tr. at 16, 31)
14. Dr. Kavlich testified that he understood that Dr. Noffsinger had diagnosed him with hoarding disorder and that he agreed with the diagnosis. (Tr. at 23-24) While he did not believe that his condition impacted his ability to practice medicine in 2018, he testified that he valued Dr. Noffsinger's medical opinion. (Tr. at 24) Dr. Kavlich did not believe that the cluttered practice space impaired his ability to practice, but he testified that he has removed everything from the floor and intends to completely refurbish the building. (Tr. at 28-29) He further testified that when Board investigators visited his office in 2018, the office had been undergoing renovations which were then still in the deconstruction phase. (Tr. at 29-30)
15. Dr. Kavlich owns the building in which his former medical office is located and is the process of emptying it out. (Tr. at 15-16) Dr. Kavlich further testified that both his home and his office building were in foreclosure due to significant financial problems. (Tr. at 21) In addition, Dr. Kavlich also owns an old armory building as well as several rental properties. (Tr. at 27) He testified that while the armory still has some items in it, the other properties have not been impacted by his hoarding behavior. (Tr. at 27-28)



16. Dr. Kavlich testified that he wished to practice medicine again in the future. (Tr. at 25)  
He stated:

I feel that at this point I am ready to work through the conditions for reinstatement that has been imposed by the Board. I'm ready. I was primary care. My practice was located on a main thoroughfare. I'm ready at this point. I think I can be a big help with the upcoming really surge of the pandemic that we are going to be seeing coming soon. So mentally, financially, spiritually I'm definitely ready to go.

(Tr. at 25-26)

### **FINDINGS OF FACT**

1. On October 10, 2018, John Kavlich, M.D., entered into a Step I Consent Agreement with the Board in which admitted to the allegations contained in an August 8, 2018 Notice of Summary Suspension and Opportunity for Hearing as well as the violation of R.C. 4731.22(B)(19).
2. Paragraph 4 of the Step I Consent Agreement required that Dr. Kavlich “submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement.” Despite this provision, Dr. Kavlich failed to submit any quarterly declarations.
3. Paragraph 5 of the Step I Consent Agreement required Dr. Kavlich to “appear in person for an interview before the full board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur every three months thereafter...” Despite this provision, Dr. Kavlich failed to appear in person for any interviews before the Board.
4. Paragraph 7 of the Step I Consent Agreement required that Dr. Kavlich “submit to the Board for its prior approval the name and qualifications of a psychiatrist of his choice,” within 30 days of the effective date of the Step I Consent Agreement. Despite this provision, Dr. Kavlich failed to submit the name and qualifications of psychiatrist to the Board for prior approval.

### **CONCLUSIONS OF LAW**

The acts, conduct, and/or omissions of John Kavlich, M.D., as set for in Findings of Fact 1 through 4 above, individually and/or collectively, constitute a constitute a “[v]iolation of the

conditions of limitation placed by the board upon a license or certificate to practice” as that clause is used in R.C. 4731.22(B)(15).

Pursuant to R.C. 4731.225, the Board is authorized to impose a civil penalty for this violation. The Board’s fining guidelines provide as follows:

Maximum Fine: \$5,000

Minimum Fine: \$1,000

### **RATIONALE FOR THE PROPOSED ORDER**

Dr. Kavlich’s license is currently suspended under the terms of an October 2018 Step I Consent Agreement due to his admission of a violation of R.C. 4731.22(B)(19) and a diagnosis of hoarder disorder. He has failed to comply with the terms of the Step I Consent Agreement regarding quarterly declarations, Board appearances, and obtaining a Board-approved treating psychiatrist. However, the only one who has been harmed by Dr. Kavlich’s failure to comply is Dr. Kavlich. Further, Dr. Kavlich credibly testified that he is now taking affirmative steps towards becoming compliant and has only recently located a treatment provider he was both comfortable with and who is willing to comply with the Board’s reporting requirements.

Dr. Kavlich should have another opportunity to prove he can be compliant with the Step I Consent Agreement and possibly regain his license in the future. Therefore, the proposed order would fine Dr. Kavlich the minimum fine of \$1,000 and maintain the terms and conditions of the Step I Consent Agreement.

### **PROPOSED ORDER**


It is hereby ORDERED that:

- A. **FINE:** Within thirty days of the effective date of this Order, John Kavlich, M.D., shall remit payment in full of a fine of one thousand dollars (\$1,000). 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.

The failure of Dr. Kavlich to timely remit full payment shall constitute a violation of this Order. Should such a violation occur, the Board, after giving Dr. Kavlich notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his license.

- B. **CONSENT AGREEMENT TERMS CONTINUED:** All terms, conditions, restrictions, and limitations, including the suspension of Dr. Kavlich's license, set forth in the October 10, 2018 Step I Consent Agreement between Dr. Kavlich and the Board shall remain in full force and effect.

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

  
\_\_\_\_\_  
Kimberly A. Lee  
Hearing Examiner



EXCERPT FROM THE DRAFT MINUTES OF OCTOBER 14, 2020 IN THE MATTER OF JOHN KAVLICH, M.D.

**REPORTS AND RECOMMENDATIONS**

Dr. Schottenstein asked the Board to consider the Reports and Recommendations appearing on the agenda. He asked if each member of the Board received, read and considered the Hearing Record; the Findings of Fact, Conclusions and Proposed Orders; and any objections filed in the matters of: Shivangi Amin, M.D.; John Kavlich, M.D.; Mitchell Edward Simons, M.D.; and Gary Nicholas Spirtos, M.D. A roll call was taken:

Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y
Dr. Schottenstein	Y

Dr. Schottenstein further asked if each member of the Board understands that the Board's disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from Dismissal to Permanent Revocation or Permanent Denial. A roll call was taken:

Dr. Rothermel	Y
Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y
Dr. Schottenstein	Y

Dr. Schottenstein further asked if each member of the Board understands that in each matter eligible for a fine, the Board's fining guidelines allow for imposition of the range of civil penalties, from no fine to the statutory maximum amount of \$20,000. A roll call was taken:

Dr. Rothermel	Y
---------------	---

Dr. Saferin	Y
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y
Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Y
Dr. Schottenstein	Y

Dr. Schottenstein stated that in accordance with the provision in section 4731.22(F)(2), Ohio Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of any disciplinary matters. In the disciplinary matters before the Board today, Dr. Rothermel served as Secretary and Dr. Saferin served as Supervising Member. In addition, Dr. Bechtel served as Secretary and/or Supervising Member in the matters of Dr. Kavlich and Simons.

During these proceedings, no oral motions were allowed by either party. No respondent on today's agenda have requested to address the Board during this video conference meeting. The respondents and their attorneys are still viewing the meeting remotely and have a number to call in the event of an emergency or procedural concern.

.....

**John Kavlich, M.D.**

.....

Motion to approve and confirm the Proposed Findings of Fact, Conclusions, and Order in the matter of Dr. Kavlich:

Motion	Dr. Soin
2 <sup>nd</sup>	Dr. Johnson

.....

A vote was taken on Dr. Soin's motion to approve and confirm:

Dr. Rothermel	Abstain
Dr. Saferin	Abstain
Mr. Giacalone	Y
Dr. Soin	Y
Dr. Johnson	Y
Dr. Kakarala	Y
Mr. Gonidakis	Y

Ms. Montgomery	Y
Dr. Feibel	Y
Dr. Bechtel	Abstain
Dr. Schottenstein	Y

The motion carried.



March 11, 2020

Case number: 20-CRF-0033

John Kavlich, M.D.  
276 W. Bagley Road  
Berea, Ohio 44017

Dear Doctor Kavlich:

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 October 10, 2018, you entered into a Step I Consent Agreement [October 2018 Step I Consent Agreement] with the Board in lieu of formal proceedings based upon your violation of Section 4731.22(B)(19), Ohio Revised Code, related to your diagnosis of Hoarder Disorder . Pursuant to the terms of the October 2018 Step I Consent Agreement, your certificate to practice medicine and surgery in the State of Ohio was suspended for an indefinite period of time. To date, your certificate remains suspended.
- (2) Paragraph 4 of the October 2018 Step I Consent Agreement requires that you "shall submit quarterly declarations under penalty of Board disciplinary action . . . stating whether there has been compliance with all the conditions of this Consent Agreement."

Despite this provision, you have failed to submit any quarterly declarations.

- (3) Paragraph 5 of the October 2018 Step I Consent Agreement requires that you "shall appear in person for an interview before the full board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur every three months thereafter. . ."

Despite this provision, you have failed to appear in person for any interviews as scheduled by the Board.

- (4) Paragraph 7 of the October 2018 Step I Consent Agreement requires that within thirty days of the effective date of October 2018 Step I Consent Agreement you "shall submit to the Board for its prior approval the name and qualifications of a psychiatrist of [your] choice."

Despite this provision, you have failed to submit to the Board for its prior approval the name and qualifications of a psychiatrist of your choice.

*Mailed 3-12-2020*

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (4) above, individually and/or collectively, constitute a "[v]iolation of the conditions of limitation placed by the board upon a license or certificate to practice," as that clause is used in Section 4731.22(B)(15), 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, 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,

A handwritten signature in blue ink, reading "Kim G. Rothammel" with a stylized flourish at the end.

Kim G. Rothammel, M.D.  
Secretary

KGR/MAP/bjr  
Enclosures

CERTIFIED MAIL #91 7199 9991 7038 7181 9916  
RETURN RECEIPT REQUESTED



cc: James McGovern, Esq.  
Graff & McGovern, LPA  
604 E. Rich Street  
Columbus, Ohio 43215

CERTIFIED MAIL #91 7199 9991 7038 7181 9923  
RETURN RECEIPT REQUESTED

**STEP I  
CONSENT AGREEMENT  
BETWEEN  
JOHN KAVLICH, M.D.,  
AND  
THE STATE MEDICAL BOARD OF OHIO  
CASE NO. 18-CRF-0092**

This Consent Agreement is entered into by and between John Kavlich, M.D., [Dr. Kavlich], and the State Medical Board of Ohio [Board], a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

Dr. Kavlich enters into this Consent Agreement being fully informed of his rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

**BASIS FOR ACTION**

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

- A. The Board is empowered by Section 4731.22(B), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for violation of Section 4731.22(B)(19), Ohio Revised Code, for inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills."
- B. The Board enters into this Consent Agreement in lieu of further formal proceedings based upon the allegations set forth in the Notice of Summary Suspension and Opportunity for Hearing issued on August 8, 2018, attached hereto as Exhibit A and incorporated here by the reference. The Board expressly reserves the right to institute additional formal proceedings based upon any other violations of Chapter 4731., Ohio Revised Code, whether occurring before or after the effective date of this Consent Agreement.
- C. Dr. Kavlich's license to practice medicine and surgery in the State of Ohio, License number 35.057128, was summarily suspended on August 8, 2018.
- D. Dr. Kavlich states that he is not licensed to practice in any other state or jurisdiction.
- E. Dr. Kavlich admits to the factual and legal allegations contained in the August 8, 2018 Notice of Summary Suspension and Opportunity for Hearing.

**AGREED CONDITIONS**

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Dr. Kavlich knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

## **SUSPENSION OF CERTIFICATE**

1. The aforementioned summary suspension of Dr. Kavlich's certificate to practice medicine and surgery shall be TERMINATED upon the instant Consent Agreement becoming effective; further, the certificate of Dr. Kavlich to practice medicine and surgery in the State of Ohio immediately shall be SUSPENDED for an indefinite period of time.

### Obey all Laws

2. Dr. Kavlich shall obey all federal, state, and local laws.

### Releases; Quarterly Declarations and Appearances

3. Dr. Kavlich shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide mental health treatment or evaluation for Dr. Kavlich's mental health conditions, or for purposes of complying with this Consent Agreement, whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. To the extent permitted by law, the above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Kavlich further agrees to provide the Board written consent permitting any mental health treatment provider from whom he obtains treatment to notify the Board in the event he fails to agree to or comply with any mental health treatment recommendation or requirement. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Consent Agreement.
4. Dr. Kavlich shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which this Consent Agreement becomes effective, or as otherwise requested by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
5. Dr. Kavlich shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
6. The Board retains the right to require, and Dr. Kavlich agrees to submit biological materials (including but not limited to blood, urine, hair, saliva, breath, or fingernail samples) for screening for drugs and alcohol, for analysis of therapeutic levels of medications that may be prescribed for Dr. Kavlich, or for any other purpose, at Dr. Kavlich's expense upon the Board's request and without prior notice. Dr. Kavlich's refusal to timely submit a specimen upon request of the Board shall result in a minimum

of one year of actual license suspension. Further, the collection of such specimens shall be witnessed by a representative of the Board, or another person acceptable to the Secretary or Supervising Member of the Board.

#### Mental Health Treatment

7. Within thirty days of the effective date of this Consent Agreement, Dr. Kavlich shall submit to the Board for its prior approval the name and qualifications of a psychiatrist of his choice. Upon approval by the Board, Dr. Kavlich shall undergo and continue psychiatric treatment, including individual psychotherapy, at least monthly, or as otherwise directed by the Board. Dr. Kavlich shall comply with his psychiatric treatment plan, including taking medications as prescribed and/or ordered. Dr. Kavlich shall ensure that psychiatric reports are forwarded by his treating psychiatrist to the Board on a quarterly basis, or as otherwise directed by the Board. The psychiatric reports shall contain information describing Dr. Kavlich's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Kavlich's compliance with his treatment plan; Dr. Kavlich's mental status; Dr. Kavlich's progress in treatment; and results of any laboratory studies that have been conducted since the prior report. Dr. Kavlich shall ensure that his treating psychiatrist immediately notifies the Board of his failure to comply with his psychiatric treatment plan and/or any determination that Dr. Kavlich is unable to practice due to his psychiatric disorder. It is Dr. Kavlich's responsibility to ensure that quarterly reports are received in the Board's offices no later than the due date for Dr. Kavlich's quarterly declaration.

The psychotherapy required as part of Dr. Kavlich's psychiatric treatment pursuant to this paragraph may be delegated by Dr. Kavlich's treating psychiatrist to an appropriately licensed mental health professional approved in advance by the Board, so long as Dr. Kavlich's treating psychiatrist oversees/supervises/coordinates such psychotherapy; includes information concerning Dr. Kavlich's participation and progress in psychotherapy in his or her quarterly reports; and continues to meet personally with Dr. Kavlich at least once every three months. Should the psychotherapy required pursuant to this provision be delegated to a licensed mental health professional, Dr. Kavlich shall ensure that psychotherapy reports are forwarded by his treating licensed mental health professional to the Board on a quarterly basis, or as otherwise directed by the Board. The psychotherapy reports shall contain information describing Dr. Kavlich's current treatment plan and any changes that have been made to the treatment plan since the prior report; Dr. Kavlich's compliance with his treatment plan; Dr. Kavlich's mental status; Dr. Kavlich's progress in treatment; and results of any laboratory studies that have been conducted since the prior report. Dr. Kavlich shall ensure that his treating licensed mental health professional immediately notifies the Board of his failure to comply with his psychotherapy treatment plan and/or any determination that Dr. Kavlich is unable to practice due to his psychiatric disorder. These psychotherapy reports shall be in addition to the reports submitted by Dr. Kavlich's treating psychiatrist. It is Dr. Kavlich's responsibility to ensure that all quarterly reports are received in the Board's offices no later than the due date for Dr. Kavlich's quarterly declaration.

In the event that the designated treating psychiatrist and/or licensed mental health professional becomes unable or unwilling to serve in this capacity, Dr. Kavlich must immediately so notify the Board in writing. In addition, Dr. Kavlich shall make arrangements acceptable to the Board for another treating psychiatrist and/or licensed

mental health professional within thirty days after the previously designated treating psychiatrist and/or licensed mental health professional becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Kavlich shall ensure that the previously designated treating psychiatrist and/or licensed mental health professional also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

The Board expressly reserves the right to disapprove any psychiatrist proposed to serve as Dr. Kavlich's designated treating psychiatrist and/or any licensed mental health professional proposed to serve as Dr. Kavlich's designated treating licensed mental health professional, or to withdraw approval of any such psychiatrist or licensed mental health professional previously approved to serve as Dr. Kavliche's designated treating psychiatrist or licensed mental health professional, in the event that the Secretary and Supervising Member of the Board determine that any such psychiatrist or licensed mental health professional has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

#### **CONDITIONS FOR REINSTATEMENT**

8. The Board shall not consider reinstatement or restoration of Dr. Kavlich's certificate to practice medicine and surgery until all of the following conditions are met:
  - a. Dr. Kavlich shall submit an application for reinstatement or restoration, as appropriate, accompanied by appropriate fees, if any.
  - b. Dr. Kavlich shall demonstrate to the satisfaction of the Board that he can resume practice in compliance with acceptable and prevailing standards of care under the provisions of his certificate. Such demonstration shall include but shall not be limited to the following:
    - i. Evidence of continuing full compliance with this Consent Agreement.
    - ii. Two written reports indicating that Dr. Kavlich's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care.

Each report shall be made by a psychiatrist, approved in advance by the Board, who shall conduct a psychiatric examination Dr. Kavlich. Prior to the examination, Dr. Kavlich shall provide the psychiatrist with copies of patient records from any prior evaluations and/or treatment that he has received, and a copy of this Consent Agreement. The report from the evaluating psychiatrist shall include the psychiatrist's diagnoses and conclusions; any recommendations for care, counseling, and treatment for the psychiatric diagnoses; any conditions, restrictions, or limitations that should be imposed on Dr. Kavlich's practice; and the basis for the psychiatrist's determinations.

Dr. Kavlich and the Board agree that the first two such psychiatric assessments sought by Dr. Kavlich shall constitute the basis for the two reports required under this Consent Agreement regardless of whether Dr.

Kavlich agrees with the report(s) provided by the physician assessor(s) and regardless of whether he obtains subsequent assessment(s).

All reports required pursuant to this paragraph shall be based upon examinations occurring within the three months immediately preceding any application for reinstatement. Further, at the discretion of the Secretary and Supervising Member of the Board, the Board may request an updated assessment and report if the Secretary and Supervising Member determine that such updated assessment and report is warranted for any reason.

- iii. In the event that the Board initiates future formal proceedings against Dr. Kavlich, including but not limited to issuance of a Notice of Opportunity for Hearing, Dr. Kavlich shall be ineligible for reinstatement/restoration until such proceedings are fully resolved by ratification by the Board of a subsequent Consent Agreement or a final Board Order taking effect.
- c. Dr. Kavlich shall enter into a written consent agreement including probationary terms, conditions and limitations for a period of at least two years (including inspections by the Board of his practice locations) as determined by the Board within 180 days of the date upon which all the above-specified conditions for reinstatement or restoration have been completed or, if the Board and Dr. Kavlich are unable to agree on the terms of a written Consent Agreement, then Dr. Kavlich further agrees to abide by any terms, conditions and limitations imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Ohio Revised Code. The Board shall provide notice to Dr. Kavlich that said hearing has been scheduled, advising Dr. Kavlich of his hearing rights, and stating the date, time, and location of the hearing at which the Board will present its evidence, after which the Board will make a determination of the matter by Board Order.
- 9. In the event that Dr. Kavlich has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Kavlich's fitness to resume practice.

#### **REQUIRED REPORTING BY LICENSEE**

- 10. Within thirty days of the effective date of this Consent Agreement, Dr. Kavlich shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services (including but not limited to third party payors) or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Kavlich shall promptly provide a copy of this Consent Agreement to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments. In the event that Dr. Kavlich provides any health care services or health care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within thirty days of the effective date of this Consent Agreement Dr. Kavlich shall provide a copy of this Consent Agreement to the Ohio Department of Public Safety, Division of Emergency Medical Services. Further, within thirty days of the date of each such notification, Dr. Kavlich shall provide documentation acceptable

to the Secretary and Supervising Member of the Board demonstrating that the required notification has occurred.

11. Within thirty days of the effective date of this Consent Agreement, Dr. Kavlich shall provide a copy of this Consent Agreement by certified mail to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Dr. Kavlich further agrees to provide a copy of this Consent Agreement by certified mail at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement of any professional license. Additionally, within thirty days of the effective date of this Consent Agreement, Dr. Kavlich shall provide a copy of this Consent Agreement to any specialty or subspecialty board of the American Board of Medical Specialties or the American Osteopathic Association Bureau of Osteopathic Specialists under which he currently holds or has previously held certification. Further, within thirty days of the date of each such notification, Dr. Kavlich shall provide documentation acceptable to the Secretary and Supervising Member of the Board demonstrating that the required notification has occurred.
12. Dr. Kavlich shall promptly provide a copy of this Consent Agreement to all persons and entities that provide Dr. Kavlich mental health treatment or monitoring. Further, within thirty days of the date of each such notification, Dr. Kavlich shall provide documentation acceptable to the Secretary and Supervising Member of the Board demonstrating that the required notification has occurred.
13. Dr. Kavlich shall notify the Board in writing of any change of principal practice address or residence address within thirty days of such change.

#### **DURATION/MODIFICATION OF TERMS**

The above-described terms, conditions and limitations may be amended or terminated in writing at any time upon the agreement of both parties. In the event that the Board initiates future formal proceedings against Dr. Kavlich, including but not limited to issuance of a Notice of Opportunity for Hearing, this Consent Agreement shall continue in full force and effect until such time that it is superseded by ratification by the Board of a subsequent Consent Agreement or upon this Consent Agreement being superseded by a subsequent final Board Order taking effect.

Further, in the event that Dr. Kavlich's certificate to practice is not reinstated/restored within five years of the effective date of this Consent Agreement, this agreement shall remain in effect but the provisions set forth within the "General Probationary Requirements" and the "Required Reporting by Licensee" sections, above, shall automatically terminate at that time.

In the event that any term, limitation, or condition contained in this Consent Agreement is determined to be invalid by a court of competent jurisdiction, Dr. Kavlich and the Board agree that all other terms, limitations, and conditions contained in this Consent Agreement shall be unaffected.

#### **FAILURE TO COMPLY**

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Kavlich appears to have violated or breached any term or condition of this Consent Agreement, the Board reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

#### **ACKNOWLEDGMENTS/LIABILITY RELEASE**

By executing his signature on this Consent Agreement, Dr. Kavlich agrees that in the event the Board, in its discretion, does not ratify this Consent Agreement, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. Dr. Kavlich and the Board further agree that if this Consent Agreement is not approved, it shall not constitute an admission against interest in this proceeding and shall not prejudice the ability of the Board to adjudicate this matter.

This Consent Agreement represents the sole and entire agreement of the parties hereto and supersedes all prior written or oral negotiations, agreements, or understandings between the parties. No party to this agreement has been induced to enter into the Consent Agreement by any representations or inducements except those expressly set forth in this written agreement. Further, all parties agree that to the extent any language in the agreement will be interpreted in a subsequent dispute, no ambiguous language shall be construed against the party drafting this Consent Agreement.

Dr. Kavlich acknowledges that he has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

Dr. Kavlich hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. Dr. Kavlich acknowledges that his social security number will be used if this information is so reported and agrees to provide his social security number to the Board for such purposes.

#### **EFFECTIVE DATE**

It is expressly understood that this Consent Agreement is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below. Further, Dr. Kavlich specifically acknowledges that the electronic transmission of a scanned or photostatic copy of any executed signature to this Consent Agreement, upon being received by the Board, shall be deemed to have the full legal force and effect as the original.




STEP 1 CONSENT AGREEMENT  
JOHN KAVLICH, MD  
PAGE 8

  
JOHN KAVLICH, M.D.

9-12-18

DATE

  
JAMES M. McGOVERN, Esq.  
Attorney for Dr. Kavlich

9/12/18

DATE

  
KIM G. ROTHERMEL, M.D.  
Secretary

10-10-18

DATE

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

10-10-18

DATE

  
MELINDA SNYDER  
JAMES WAKLEY  
Senior Assistant Attorneys General

10.4.2018  
DATE



State Medical Board of

**Ohio**



August 8, 2018

Case number: 18-CRF- *0092*

John Kavlich, M.D.  
276 Bagley Road  
Berea, Ohio 44017

Dear Doctor Kavlich:

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 August 8, 2018, 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 mailing 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/MAP/bjr  
Enclosures

*Mailed 8-9-18*

**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 August 8, 2018, 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 John Kavlich, M.D., Case number: 18-CRF- 0092 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 in its behalf.

  
Kim G. Rothermel, M.D., Secretary

(SEAL)

August 8, 2018  
Date

**BEFORE THE STATE MEDICAL BOARD OF OHIO**

IN THE MATTER OF

JOHN KAVLICH, M.D.

CASE NUMBER: 18-CRF- 0092

:  
:  
:  
:  
:

**ENTRY OF ORDER**

This matter came on for consideration before the State Medical Board of Ohio the 8th day of August 2018.

Pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Kim G. Rothermel, M.D., Secretary, and Bruce R. Saferin, D.P.M., 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. Kavlich 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. Kavlich'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 8th day of August 2018:

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

It is hereby ORDERED that Dr. Kavlich, 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)

August 8, 2018  
Date



State Medical Board of

**Ohio**

30 E. Broad St., 3<sup>rd</sup> Floor  
Columbus, Ohio 43215  
(614) 466-3934  
[www.med.ohio.gov](http://www.med.ohio.gov)

---

EXCERPT FROM THE DRAFT MINUTES OF AUGUST 8, 2018

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

---

JOHN KAVLICH, M.D. – NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY FOR HEARING

---

At this time the Board read and considered the proposed Notice of Summary Suspension and Opportunity for Hearing in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

**Dr. Schottenstein moved to enter an Order of Summary Suspension in the matter of John Kavlich, M.D., in accordance with Section 4731.22(G), Ohio Revised Code, and to issue the Notice of Summary Suspension and Opportunity for Hearing. Dr. Soin seconded the motion. A vote was taken:**

ROLL CALL:

Dr. Rothermel	- abstain
Dr. Saferin	- abstain
Dr. Schottenstein	- aye
Dr. Soin	- aye
Dr. Schachat	- aye
Mr. Giacalone	- aye
Mr. Gonidakis	- aye
Dr. Edgin	- aye
Dr. Factora	- aye
Ms. Montgomery	- aye
Dr. Johnson	- aye
Dr. Bechtel	- abstain

The motion to approve carried.

---



State Medical Board of

**Ohio**

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

August 8, 2018

Case number: 18-CRF- *0092*

John Kavlich, M.D.  
276 Bagley Road  
Berea, Ohio 44017

Dear Doctor Kavlich:

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 (2), below.

Therefore, pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Kim G. Rothermel, M.D., Secretary, and Bruce R. Saferin, D.P.M., Supervising Member, you are hereby notified that, as set forth in the attached Entry of Order, your certificate/license 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, 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) By letter dated April 24, 2018, the Board notified you of its determination that it had reason to believe that you are in violation of Section 4731.22(B)(19), Ohio Revised Code, and ordered you to undergo a psychiatric examination to determine if you are in violation of Section 4731.22(B)(19), Ohio Revised Code. The Board's determination was based upon one or more of the reasons outlined in such letter, which included that on or about March 20, 2018, your place of business was inspected by investigators from the Ohio Medical Board and the Ohio Board of Pharmacy. The building, which you own, has a first floor which contained your main office, a second floor and a basement. The investigators identified several troubling issues with the condition of your office building. In the parking lot, there were several trailers, children toys, statues and other miscellaneous items in the parking lot. The main entrance was blocked and a sign directed entry at the back of the building. On the second floor, the stairwell was blocked by miscellaneous items and boxes which were stacked on the stairs. On the first floor, there was a room labelled "bloodwork" which was full of clutter including boxes,

paperwork, and unused vials. The waiting room was filled with clutter including refrigerators, computers, rocks, candles, empty jewelry cases, mannequins, toys, and medical equipment. The receptionist area also was very cluttered, messy and disorganized. In the basement, there was trash throughout, and you also stored controlled substances, where your employees entered to retrieve controlled substances and to discard various items.

- (2) By letter dated July 6, 2018, from Stephen G. Noffsinger, M.D., the Board was notified that following the Board ordered evaluation conducted on June 5, 2018, you have the mental disorder of Hoarder Disorder. Dr. Noffsinger opined that you are presently incapable of practicing medicine according to acceptable and prevailing standards of care due to this condition. Further, Dr. Noffsinger opined that due to your hoarding disorder, you are not able to provide a safe, clean, functional practice setting for yourself, your staff and your patients. Further, Dr. Noffsinger opined that your condition is treatable.

Section 4731.22(B)(19), Ohio Revised Code, provides that if the Board finds an individual unable to practice because of the reasons set forth in this division, the Board shall require the individual to submit to care, counseling, or treatment by physicians approved or designated by the Board, as a condition for initial, continued, reinstated, or renewed authority to practice. An individual affected under this division shall be afforded an opportunity to demonstrate to the Board the ability to resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's license or certificate. For the purposes of this division, any individual who applies for or receives a license or certificate to practice under this chapter accepts the privilege of practicing in this state and, by so doing, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the Board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

Further, pursuant to Rule 4731-28-01, Ohio Administrative Code, the "[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", includes inability to practice in accordance with such standards without appropriate treatment, monitoring, or supervision.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute an "[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 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/MAP/bjr  
Enclosures

CERTIFIED MAIL #91 7199 9991 7038 7134 2650  
RETURN RECEIPT REQUESTED

cc: BY PERSONAL DELIVERY





State Medical Board of

**Ohio**

August 8, 2018

Case number: 18-CRF- *0092*

John Kavlich, M.D.  
276 Bagley Road  
Berea, Ohio 44017

Dear Doctor Kavlich:

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 August 8, 2018, 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 mailing 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/MAP/bjr  
Enclosures

*Mailed 8-9-18*

### 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 August 8, 2018, 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 John Kavlich, M.D., Case number: 18-CRF- 0092 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 in its behalf.

  
Kim G. Rothermel, M.D., Secretary

(SEAL)

August 8, 2018  
Date

**BEFORE THE STATE MEDICAL BOARD OF OHIO**

IN THE MATTER OF

JOHN KAVLICH, M.D.

CASE NUMBER: 18-CRF- 0092

:  
:  
:  
:  
:

**ENTRY OF ORDER**

This matter came on for consideration before the State Medical Board of Ohio the 8th day of August 2018.

Pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Kim G. Rothermel, M.D., Secretary, and Bruce R. Saferin, D.P.M., 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. Kavlich 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. Kavlich'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 8th day of August 2018:

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

It is hereby ORDERED that Dr. Kavlich, 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)

August 8, 2018  
Date



EXCERPT FROM THE DRAFT MINUTES OF AUGUST 8, 2018

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

-----  
JOHN KAVLICH, M.D. – NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY FOR HEARING  
-----

At this time the Board read and considered the proposed Notice of Summary Suspension and Opportunity for Hearing in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

**Dr. Schottenstein moved to enter an Order of Summary Suspension in the matter of John Kavlich, M.D., in accordance with Section 4731.22(G), Ohio Revised Code, and to issue the Notice of Summary Suspension and Opportunity for Hearing. Dr. Soin seconded the motion. A vote was taken:**

ROLL CALL:	Dr. Rothermel	- abstain
	Dr. Saferin	- abstain
	Dr. Schottenstein	- aye
	Dr. Soin	- aye
	Dr. Schachat	- aye
	Mr. Giacalone	- aye
	Mr. Gonidakis	- aye
	Dr. Edgin	- aye
	Dr. Factora	- aye
	Ms. Montgomery	- aye
	Dr. Johnson	- aye
	Dr. Bechtel	- abstain

The motion to approve carried.

---



State Medical Board of

**Ohio**

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

August 8, 2018

Case number: 18-CRF- *0092*

John Kavlich, M.D.  
276 Bagley Road  
Berea, Ohio 44017

Dear Doctor Kavlich:

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 (2), below.

Therefore, pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Kim G. Rothermel, M.D., Secretary, and Bruce R. Saferin, D.P.M., Supervising Member, you are hereby notified that, as set forth in the attached Entry of Order, your certificate/license 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, 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) By letter dated April 24, 2018, the Board notified you of its determination that it had reason to believe that you are in violation of Section 4731.22(B)(19), Ohio Revised Code, and ordered you to undergo a psychiatric examination to determine if you are in violation of Section 4731.22(B)(19), Ohio Revised Code. The Board's determination was based upon one or more of the reasons outlined in such letter, which included that on or about March 20, 2018, your place of business was inspected by investigators from the Ohio Medical Board and the Ohio Board of Pharmacy. The building, which you own, has a first floor which contained your main office, a second floor and a basement. The investigators identified several troubling issues with the condition of your office building. In the parking lot, there were several trailers, children toys, statues and other miscellaneous items in the parking lot. The main entrance was blocked and a sign directed entry at the back of the building. On the second floor, the stairwell was blocked by miscellaneous items and boxes which were stacked on the stairs. On the first floor, there was a room labelled "bloodwork" which was full of clutter including boxes,

paperwork, and unused vials. The waiting room was filled with clutter including refrigerators, computers, rocks, candles, empty jewelry cases, mannequins, toys, and medical equipment. The receptionist area also was very cluttered, messy and disorganized. In the basement, there was trash throughout, and you also stored controlled substances, where your employees entered to retrieve controlled substances and to discard various items.

- (2) By letter dated July 6, 2018, from Stephen G. Noffsinger, M.D., the Board was notified that following the Board ordered evaluation conducted on June 5, 2018, you have the mental disorder of Hoarder Disorder. Dr. Noffsinger opined that you are presently incapable of practicing medicine according to acceptable and prevailing standards of care due to this condition. Further, Dr. Noffsinger opined that due to your hoarding disorder, you are not able to provide a safe, clean, functional practice setting for yourself, your staff and your patients. Further, Dr. Noffsinger opined that your condition is treatable.

Section 4731.22(B)(19), Ohio Revised Code, provides that if the Board finds an individual unable to practice because of the reasons set forth in this division, the Board shall require the individual to submit to care, counseling, or treatment by physicians approved or designated by the Board, as a condition for initial, continued, reinstated, or renewed authority to practice. An individual affected under this division shall be afforded an opportunity to demonstrate to the Board the ability to resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's license or certificate. For the purposes of this division, any individual who applies for or receives a license or certificate to practice under this chapter accepts the privilege of practicing in this state and, by so doing, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the Board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

Further, pursuant to Rule 4731-28-01, Ohio Administrative Code, the "[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", includes inability to practice in accordance with such standards without appropriate treatment, monitoring, or supervision.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute an "[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 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,

A handwritten signature in black ink, appearing to read "Kim G. Rothermel", with a stylized flourish at the end.

Kim G. Rothermel, M.D.  
Secretary

KGR/MAP/bjr  
Enclosures

CERTIFIED MAIL #91 7199 9991 7038 7134 2650  
RETURN RECEIPT REQUESTED

cc: BY PERSONAL DELIVERY