



Oct. 9, 2024

Case number: 24-CRF-0187

David J. Wenzke, M.D.
2925 Vernon Place Suite 100,
Cincinnati, OH 45219
beethoven27@hotmail.com

Dear Dr. Wenzke:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke or suspend your license or certificate, or refuse to grant or register or issue the license or certificate for which you have a pending application in accordance with Section 9.79 of the Ohio Revised Code, or refuse to renew or reinstate your license or certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or around Feb. 16, 2012, you performed a colonoscopy on Patient 1, as identified on the attached Patient Key. (Patient Key is confidential and to be withheld from public disclosure.)
 - a. During the encounter, you engaged in sexual contact with Patient 1 when you touched and squeezed her breasts as she was being sedated. This was done without the purpose of an appropriate health care service.
 - b. Furthermore, you engaged in sexual interaction with Patient 1 after the procedure when you put your fingers into her vagina as you pressed down on her stomach.
 - (2) On or around Sept. 14, 2020, you performed a colonoscopy on Patient 2, as identified on the attached Patient Key. During the encounter you engaged in sexual impropriety with Patient 2 as she was waking up from sedation when you lifted her gown away from her body to look at her breasts, conduct that is disrespectful of patient privacy and sexually demeaning to a patient.
 - (3) On or around Sept. 1, 2021 you began treating your co-worker, Patient 3, as identified on the attached Patient Key. You performed an upper endoscopy on Patient 3 on or about April 21, 2022, a colonoscopy on or about Aug. 24, 2022, and you prescribed medication to her, most recently on or about Oct. 3, 2022.
 - a. On March 23, 2023 you engaged in sexual interaction with Patient 3 when you took employees out to a restaurant, bought several alcoholic drinks for Patient 3, followed her to her vehicle at the end of the night, and while
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she leaned back in the driver's seat, intoxicated and almost asleep, you kissed her. When Patient 3's husband arrived to drive her home, he found you this way and with Patient 3 so inebriated that she had to be shaken awake over the period of a few minutes.

- (4) In March 2011 staff at Ohio Gastroenterology Group, Inc. [Ohio Gastro] reported that you had touched the genitals of a female patient without gloves. An internal investigation was conducted and completed without formal disciplinary action.
- (5) In June 2017 staff at Ohio Gastro reported that you had performed a gown change for a sedated teenage female patient by yourself. It was also reported that you spent more time applying lubricant to, and cleaning lubricant from, female patients compared with male patients. It was also reported that you would adjust the chest leads and look at the breasts of sedated female patients without abnormal heart or pulse oximeter readings. This was outside the normal practice of gastroenterologists at the practice and without clinical justification. An internal investigation was conducted by Ohio Gastro, and on June 19, 2017 your clinical privileges were revoked, and you were eventually terminated from the practice.
- (6) From March to May 2023 you were the subject of an internal investigation at Ohio Gastroenterology & Liver Institute [Gastro Health] regarding sexual interaction with a patient, and the practice elected to retrain you on harassment policy and Code of Conduct, Code of Ethics and Standard Business Conduct expectations and to reassign the patient to a new provider in the future.

Your acts, conduct, and/or omissions as alleged in paragraph (1-3) 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 November 30, 2010 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, 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 physicians 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 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 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.

THE STATE MEDICAL BOARD OF OHIO

A handwritten signature in blue ink, appearing to read "Kim G. Rothermel M.D.", is positioned above the printed name and title.

Kim G. Rothermel, M.D.
Secretary

KGR/RCL/lv
Enclosures

Via email: beethoven27@hotmail.com

**IN THE MATTER OF
DAVID J. WENZKE, M.D.**

24-CRF-0187

**OCTOBER 9, 2024, NOTICE OF
OPPORTUNITY FOR HEARING -
PATIENT KEY**

**SEALED TO
PROTECT PATIENT
CONFIDENTIALITY**