

August 13, 2025

Case number: 25-CRF- 0131

Priyanka J. Mude, D.P.M.
8328 Cleveland Ave. NW
North Canton, OH 44685
pmude1@kent.edu

Dear Doctor Mude:

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 podiatric 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 4, 2025, in the Stark County Common Pleas Court, Stark County, Ohio, an Indictment was filed against you alleging violation of one count of Aggravated Possession of Drugs, in violation of Section 2925.11, Ohio Revised Code, a second degree felony; one count of Illegal Processing of Drug Documents, in violation of Section 2925.23, Ohio Revised Code, a fifth degree felony; and one count of Forgery, in violation of Section 2913.31, Ohio Revised Code, a fifth degree felony. On or about June 16, 2025, you pled guilty to all three counts as set forth in the Indictment. On that same date, the Court found you guilty and sentenced you to three years of community control.

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

Furthermore, for any violations that occurred on or after September 29, 2015, the Board may impose a civil penalty in an amount that shall not exceed twenty thousand dollars, pursuant to Section 4731.225, Ohio Revised Code. The civil penalty may be in addition to any other action the Board may take under section 4731.22, Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of 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 podiatric 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



Kim G. Rothermel, M.D.
Secretary

KGR/CDP
Enclosures

Via RPost email: pmude1@kent.edu

cc: Daniel S. Zinsmaster
Dinsmore & Shohl, LLP
191 W. Nationwide Blvd.
Suite 200
Columbus, Ohio 43215

Via RPost email: daniel.zinsmaster@dinsmore.com

**CONSENT AGREEMENT
BETWEEN
PRIYANKA JAGDISH MUDE, D.P.M.,
AND
THE STATE MEDICAL BOARD OF OHIO
CASE NO. 24CRF-0145**

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

Dr. Mude enters into this Consent Agreement being fully informed of her 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)(3), Ohio Revised Code, "selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug," and for a violation of Section 4731.22 (B)(20), "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: Utilizing Controlled Substances for Self and Family Members, Rule 4731-11-08, Ohio Administrative Code; and for a violation of Section 4731.22(B)(5) for, "making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any license or certificate to practice issued by the board."
- B. The Board enters into this Consent Agreement in lieu of further formal proceedings based upon the allegations set forth in the Notice of Opportunity for Hearing issued on August 14, 2024, attached hereto as Exhibit A, and incorporated herein by 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. Mude is licensed to practice podiatric medicine and surgery in the State of Ohio, License number 36.110003.

- D. Dr. Mude states that she is not licensed to practice podiatric medicine in any other state or jurisdiction.
- E. Dr. Mude states that she is entering into this Agreement in lieu of further formal proceedings in the aforementioned Notice of Opportunity for Hearing dated August 14, 2024. Dr. Mude admits to the allegations contained in the Notice of 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. Mude knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

SUSPENSION OF CERTIFICATE

- 1. The certificate of Dr. Mude to practice podiatric medicine and surgery in the State of Ohio shall be **SUSPENDED** for a definite period of ninety (90) days.

PROBATIONARY AND MONITORING REQUIREMENTS:

Obey all Laws

- 2. Dr. Mude shall obey all federal, state, and local laws.
- 3. Dr. Mude shall submit quarterly declarations under penalty of Board disciplinary action 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, or as otherwise requested by the Board.
- 4. Dr. Mude shall appear for an interview before the Board or its designated representative, as requested.
- 5. **Ethics/Professionalism Course:** Within nine months of the effective date of this Agreement, or as otherwise approved by the Board, Dr. Mude shall provide acceptable documentation of successful completion of a course or courses on Professionalism and Ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any course(s) taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed. In addition, at the time Dr. Mude submits the documentation of successful completion of the course or courses on Professionalism and Ethics, she also shall submit to the Board a written report describing the course(s), setting forth what she learned from the course(s), and identifying with specificity how she will apply what she has learned to her practice of podiatric medicine in the future.

REQUIRED REPORTING BY LICENSEE

6. Within thirty days of the effective date of this Consent Agreement, Dr. Mude shall provide a copy of this Consent Agreement to all employers or entities with which she 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 she has privileges or appointments. Further, Dr. Mude shall promptly provide a copy of this Consent Agreement to all employers or entities with which she contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where she applies for or obtains privileges or appointments. In the event that Dr. Mude 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. Mude 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. Mude shall provide documentation acceptable to the Secretary and Supervising Member of the Board demonstrating that the required notification has occurred.
7. Within thirty days of the effective date of this Consent Agreement, Dr. Mude shall provide a copy of this Consent Agreement by certified mail to the proper licensing authority of any state or jurisdiction in which she currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which she currently holds any license or certificate. Dr. Mude 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 she applies for any professional license or reinstatement of any professional license. Additionally, within thirty days of the effective date of this Consent Agreement, Dr. Mude 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 she currently holds or has previously held certification. Further, within thirty days of the date of each such notification, Dr. Mude shall provide documentation acceptable to the Secretary and Supervising Member of the Board demonstrating that the required notification has occurred.
8. Dr. Mude shall notify the Board in writing of any change of principal practice address or residence address within thirty days of such change.

MONETARY FINE:

9. Within thirty days of the effective date of this Consent Agreement, Dr. Mude shall remit payment in full of a monetary fine of Five Thousand dollars (\$5,000). Such payment shall be made in full via credit card in the manner specified by the Board through its online portal, or by other manner as specified by the Board. Further, Dr. Mude acknowledges and agrees that her failure to timely remit full payment shall constitute a violation of this Agreement and agrees to pay all reasonable costs associated with the collection of any payment.

DURATION/MODIFICATION OF TERMS

Dr. Mude shall not request termination of this Consent Agreement or the probationary terms herein until she has completed her period of suspension and she submits, and the Board has accepted as

satisfactory, both the documentation of successful completion of the required medical education courses set forth herein, as well as the corresponding written reports to the Board. Otherwise, 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. Mude, 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. Mude'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. Mude 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. Mude 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.

If the Secretary and Supervising Member of the Board determine that there is clear and convincing evidence that Dr. Mude has violated any term, condition or limitation of this Consent Agreement, Dr. Mude agrees that the violation, as alleged, also constitutes clear and convincing evidence that her continued practice presents a danger of immediate and serious harm to the public for purposes of initiating a summary suspension pursuant to Section 4731.22(G), Ohio Revised Code.

ACKNOWLEDGMENTS/LIABILITY RELEASE

By executing her signature on this Consent Agreement, Dr. Mude 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. Mude 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. Mude acknowledges that she 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. Mude 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. Mude acknowledges that her social security number will be used if this information is so reported and agrees to provide her 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. Mude 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.



PRIYANKA JAGDISH MUDE, D.P.M.




KIM G. ROTHERMEL, M.D.
Secretary

01/15/2025


DATE

2/12/25

DATE



DANIEL S. ZINSMASTER
Attorney for Dr. Mude



HARISH KAKARALA, M.D.
Supervising Member

1-15-2025

DATE

2/12/25

DATE

CONSENT AGREEMENT
PRIYANKA JAGDISH MUDE, D P M
PAGE 6



KYLE C. WILCOX
Assistant Attorney General

1-16-2025

DATE



August 14, 2024

Case number: 24-CRF-0145

Priyanka Jagdish Mude, D.P.M.
8328 Cleveland Ave., NW,
North Canton, OH 44685
pmude1@kent.edu

Dear Doctor Mude:

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

- (1) On or about January 9, 2024, you participated in an investigative interview conducted by Board staff members. At that investigative interview, you admitted to creating at least three fraudulent patient profiles. You further admitted to writing prescriptions in the names of the fraudulent patients to obtain Oxycodone, a schedule II-controlled substance, for self-administration.

On or about January 9, 2024, the Board issued an investigative subpoena duces tecum to you, requesting the complete patient record of ten patients to whom you prescribed controlled substances to [January 2024 Subpoena]. Those patients were identified via a Patient Key attached to the January 2024 Subpoena. On or about February 26, 2024, you submitted three patient records in response to the January 2024 Subpoena. Additionally, in your response, you admitted that the remaining seven patient records requested by the Board did not exist and that you used those names in order to procure medications for self-administration.

- (2) Furthermore, during the above investigative interview, you admitted to writing prescriptions for Oxycodone, a schedule II-controlled substance, in the names of your husband and sister-in-law, without their knowledge. You further admitted to filling and consuming these prescriptions yourself.
- (3) On or about June 21, 2024, you participated in a second investigative interview conducted by a Board Staff member. During that investigative interview you admitted to forging the signature of another physician, without that physician's knowledge or consent, on a Practitioner Peer Reference form, when applying for a medical staff appointment at Vista Surgical Center.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (2) above, individually and/or collectively, constitute “[s]elling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug,” as that clause is used in Section 4731.22(B)(3), Ohio Revised Code.

Furthermore, your acts, conduct, and/or omissions as alleged in paragraphs (1) through (2) 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

Furthermore, your acts, conduct, and/or omissions as alleged in paragraphs (1) through (2) 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: Utilizing Controlled Substances for Self and Family Members, Rule 4731-11-08, Ohio Administrative Code.

Furthermore, your acts, conduct, and/or omissions as alleged in paragraphs (3) above, individually and/or collectively, constitute “[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any license or certificate to practice issued by the board,” as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Pursuant to Rule 4731-11-02(E)(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.

Pursuant to Rule 4731-11-02(E)(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.

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 podiatric 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.

STATE MEDICAL BOARD OF OHIO,



Kim G. Rothermel, M.D.
Secretary

KGR/SMS/lv
Enclosures

Via email: pmude1@kent.edu

cc: Daniel Zinsmaster, Daniel.Zinsmaster@DINSMORE.COM



August 14, 2024

Case number: 24-CRF-0145

Priyanka Jagdish Mude, D.P.M.
8328 Cleveland Ave., NW,
North Canton, OH 44685
pmude1@kent.edu

Dear Doctor Mude:

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

- (1) On or about January 9, 2024, you participated in an investigative interview conducted by Board staff members. At that investigative interview, you admitted to creating at least three fraudulent patient profiles. You further admitted to writing prescriptions in the names of the fraudulent patients to obtain Oxycodone, a schedule II-controlled substance, for self-administration.

On or about January 9, 2024, the Board issued an investigative subpoena duces tecum to you, requesting the complete patient record of ten patients to whom you prescribed controlled substances to [January 2024 Subpoena]. Those patients were identified via a Patient Key attached to the January 2024 Subpoena. On or about February 26, 2024, you submitted three patient records in response to the January 2024 Subpoena. Additionally, in your response, you admitted that the remaining seven patient records requested by the Board did not exist and that you used those names in order to procure medications for self-administration.

- (2) Furthermore, during the above investigative interview, you admitted to writing prescriptions for Oxycodone, a schedule II-controlled substance, in the names of your husband and sister-in-law, without their knowledge. You further admitted to filling and consuming these prescriptions yourself.
 - (3) On or about June 21, 2024, you participated in a second investigative interview conducted by a Board Staff member. During that investigative interview you admitted to forging the signature of another physician, without that physician's knowledge or consent, on a Practitioner Peer Reference form, when applying for a medical staff appointment at Vista Surgical Center.
-

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (2) above, individually and/or collectively, constitute “[s]elling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug,” as that clause is used in Section 4731.22(B)(3), Ohio Revised Code.

Furthermore, your acts, conduct, and/or omissions as alleged in paragraphs (1) through (2) 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

Furthermore, your acts, conduct, and/or omissions as alleged in paragraphs (1) through (2) 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: Utilizing Controlled Substances for Self and Family Members, Rule 4731-11-08, Ohio Administrative Code.

Furthermore, your acts, conduct, and/or omissions as alleged in paragraphs (3) above, individually and/or collectively, constitute “[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any license or certificate to practice issued by the board,” as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Pursuant to Rule 4731-11-02(E)(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.

Pursuant to Rule 4731-11-02(E)(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.

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 podiatric 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.

STATE MEDICAL BOARD OF OHIO,



Kim G. Rothermel, M.D.
Secretary

KGR/SMS/lv
Enclosures

Via email: pmude1@kent.edu

cc: Daniel Zinsmaster, Daniel.Zinsmaster@DINSMORE.COM