

RECEIVED:
APRIL 22, 2025

IN THE COURT OF COMMON PLEAS
GUERNSEY COUNTY, OHIO

ZACHARY C. RICH, P.A.
14485 Clay Pike Road
Senecaville, Ohio 43780

Appellant,

vs.

STATE MEDICAL BOARD OF OHIO
30 East Board St., 3rd Fl.
Columbus, Ohio 43215

Appellee.

CASE NO.

JUDGE

NOTICE OF APPEAL

Zachary C. Rich, P.A. (“Mr. Rich”), Appellant, hereby gives Notice of Appeal on questions of law and fact to the Court of Common Pleas of Guernsey County, Ohio, pursuant to Chapter 119 of the Ohio Revised Code, from the Order of the State Medical Board of Ohio (“Board”) dated April 09, 2025 against Mr. Rich. A copy of the Board Order is attached hereto as Exhibit A. While the Board has not perfected service of its Order on Mr. Rich, he brings this appeal nevertheless because of the time sensitive nature of this matter.

The grounds for the appeal and the errors complained of, known as of this time, are as follows:

I. The Decision of the Board should be reversed on the basis that the Order is not supported by reliable, probative and substantial evidence and is not otherwise in accordance with law, both factually and substantive and procedural due process errors;

II. Appellant was denied substantive due process and violations of the Ohio and United States Constitutions during the Board’s administrative hearing process;

III. Without limiting the generality of the foregoing, Appellant contends that the Entry of Order as well as the underlying investigation and adjudication conducted by the Board, violated the protections afforded to the Appellant pursuant to the Constitution of the State of Ohio and the Constitution of the United States including, without limitation, the due process and equal protection rights thereof.

Appellant reserves the right to add additional assignments of error and grounds for appeal, factually and under the Ohio Administrative Code, the Ohio Revised Code, the Ohio Constitution and the United States Constitution, once the transcript of proceedings has been completed and counsel has an opportunity to review the record.

Respectfully submitted,
GRAFF & McGOVERN, LPA

s/ Douglas E. Graff
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Co-Counsel for Appellant, Zachary C. Rich, P.A.

CERTIFICATE OF SERVICE

I hereby certify that the original of this NOTICE OF APPEAL was delivered to the State Medical Board of Ohio, 30 East Broad Street, Third Floor, Columbus, OH 43215 using its electronic filing system at hearingunit@med.ohio.gov on the 22nd day of April 2025. I further certify that a true and accurate copy of the foregoing NOTICE OF APPEAL was sent via email to:

Kyle Wilcox
Assistant Attorney General
Office of the Ohio Attorney General
Health and Human Services.
30 East Board Street, 26th Floor
Columbus, OH 43215
Kyle.Wilcox@OhioAGO.gov

Gregory B. Mathews
Principal Assistant Attorney General
Office of the Ohio Attorney General
30 East Board Street, 26th Floor
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/s/ Douglas E. Graff
Douglas E. Graff
Levi J. Tkach



April 9, 2025

VIA EMAIL ONLY

Zachary C. Rich, P.A.
14485 Clay Pike Road
Senecaville, OH 43780
zac.c.rich1@gmail.com

RE: Case No. 24-CRF-0209

Dear Mr. Rich:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of James T. Wakley, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on April 9, 2025, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

Any party desiring to appeal this order shall file a notice of appeal with the State Medical Board of Ohio, located at 30 E. Broad St., 3rd Floor, Columbus, Ohio 43215, setting forth the order appealed from and stating that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The notice of appeal may, but need not, set forth the specific grounds of the party's appeal beyond the statement that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law.

The notice of appeal shall also be filed by the appellant with the court of common pleas of Franklin County or the court of common pleas in the county in which the place of business of the licensee is located or the county in which the licensee is a resident. If the party appealing is not a resident of and has no place of business in this state, the party shall appeal to the court of common pleas of Franklin County. In filing a notice of appeal with both the Medical Board and the court, the notice that is filed may be either the original notice or a copy of the original notice.

The party filing the appeal shall comply with all requirements of Ohio Revised Code section 119.12 (R.C. 119.12). The notice of appeal shall be filed within fifteen days after the service of the notice of the Medical Board order as provided in section 119.05 of the Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO



Kim G. Rothermel, M.D.
Secretary

KGR:JTW
Enclosures

CC:
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CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of James T. Wakley, Esq., State Medical Board Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on April 9, 2025, 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 Zachary C. Rich, P.A., Case No. 24-CRF-0209 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.

April 9, 2025

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

Zachary C. Rich, P.A.

*

CASE NO. 24-CRF-0209

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on April 9, 2025.

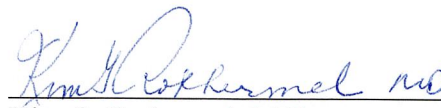
Upon the Report and Recommendation of James T. Wakley, Esq., State Medical Board Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board 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. **PERMANENT REVOCATION:** The license of Zachary C. Rich, P.A., to practice as a physician assistant in the State of Ohio shall be **PERMANENTLY REVOKED.**
- B. **FINE:** Within thirty days of the effective date of this Order, Mr. Rich shall remit payment in full of a fine of twenty thousand dollars (\$20,000.00). Such payment shall be made via credit card in the manner specified by the Board through its online portal, or by other manner as specified by the Board.

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





Kim G. Rothermel, M.D.
Secretary

April 9, 2025

Date

RECEIVED:
March 21, 2025

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of

*

Case No. 24-CRF-0209

Zachary C. Rich, P.A.,

*

Hearing Examiner Wakley

Respondent.

*

REPORT AND RECOMMENDATION

Appearances:

Dave Yost, Attorney General of Ohio, Kyle Wilcox and Gregory Mathews, Assistant Attorneys General, for the State of Ohio. Douglas Graff, Esq., and Matthew Mollica, Esq., on behalf of Mr. Rich.

Hearing Dates: February 25-27 and March 5, 2025.

I. PROCEDURAL HISTORY

By letter dated November 13, 2024, the State Medical Board of Ohio notified Zachary C. Rich, P.A., that it had, pursuant to R.C. 4730.25(G), summarily suspended his license to practice as a physician assistant in the State of Ohio after the Board's Secretary and Supervising Member determined that there was clear and convincing evidence that he had violated R.C. 4730.25(B)(3) and that his continued practice presented a danger of immediate and serious harm to the public. The Board also proposed to determine whether to take disciplinary action against his license to practice in Ohio. *See Exhibit ("Ex.") 6a.* On December 11, 2024, Mr. Rich requested a hearing. *See Ex. 6b.* By agreement of the parties, the hearing was scheduled for February 25-27, 2025. *See December 12, 2024 Entry.* Because of the unavailability of one of Respondent's witnesses, March 5, 2025 was scheduled as an additional day of hearing after the hearing in this matter had already commenced.

II. SUMMARY OF THE EVIDENCE¹

A. Background

Zachary Rich is a 2008 graduate of The Ohio State University and a 2011 graduate of Marietta College's Physician Assistant program. T. at 336-337. He was first licensed as a physician

¹ 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.

assistant by this Board in 2011. T. at 337.² Mr. Rich's license was summarily suspended by the Board on November 11, 2024. Ex. 6a at 3. Since he was first licensed in Ohio, Mr. Rich has been solely employed by Medical Associates of Cambridge ("Medical Associates") in Cambridge, Ohio. Medical Associates is a partnership that was owned by and/or employed six physicians as of November 2024. T. at 338-39.

B. Mr. Rich's Treatment of Patients 1, 2, and 3.

Patients 1, 2, and 3 in this matter are related to Mr. Rich. T. at 341-342. Patients 2 and 3 are the parents of Patient 1. Patients 1 and 2 were regular patients of Medical Associates. At all times relevant to this matter, Patient 1 was under the age of 11 and was primarily under the care of Dr. Douglas Rush, a pediatrician at Medical Associates. See Ex. 1(a), *passim*. As part of his employment as a physician assistant at Medical Associates, Mr. Rich treated Patients 1, 2, and 3 at various times. T. at 342-344. Most relevant to this matter, Mr. Rich provided medical services to Patient 1 on at least six occasions. Specifically, records from Medical Associates demonstrate that Mr. Rich saw Patient 1 on April 22, 2019,³ March 28, 2023,⁴ May 22, 2023,⁵ September 12, 2023,⁶ September 27, 2023.⁷ Further, on February 12, 2024, Mr. Rich prescribed Augmentin to Patient 1 over the telephone. Ex. 1(a) at 59.

C. The Events of April 1, 2022.

The Notice of Summary Suspension and Opportunity for Hearing in this matter alleges that, between January 6, 2020 and April 30, 2022, Mr. Rich had sexual contact and sexual interaction with Patient 1 on a single occasion. Ex. 6a at 4-5. Though the Notice does not identify a specific date during that multi-year period when the alleged conduct was to have occurred, the evidence and testimony presented by the State tended to show that the alleged acts occurred on April 1, 2022. Mr. Rich's defense focused on that date as well. The parties presented entirely different versions of events for that day.

² See also Ohio eLicense Center, <<https://elicense.ohio.gov/>>, search terms "Zachary" and "Rich," accessed March 10, 2025.

³ Ex. 1(a) at 182.

⁴ Ex. 1(a) at 16.

⁵ Ex. 1(a) at 61.

⁶ Ex. 1(a) at 140.

⁷ Ex. 1(a) at 7.

i. The State's Version of the Events of April 1, 2022.

Mr. Rich is married with four children. T. at 340. Patient 1 was close friends with one of Mr. Rich's children. T. at 47. Though the Notice uses the language of O.A.C. 4731-26-02, the State's charge against Mr. Rich is that, on or about April 1, 2022, Mr. Rich sexually assaulted Patient 1, a minor, while she was in his home for a sleepover with one of his children. In support of that allegation, the State offered the testimony of Patient 1, her mother Patient 2, her counselor Stephanie Taylor, and Mr. Rich.

a. Patient 1

Over the objection of Mr. Rich, Patient 1 testified via videoconference. The hearing was closed during her testimony, although her mother was allowed to remain in the hearing room. Patient 1 is now over the age of ten. T. at 131. She enjoys playing Fortnite and Roblox⁸ with her friends and watching YouTube and TV. T. at 134. Her favorite subject in school is math. T. at 132.

Patient 1 described one of Mr. Rich's children as her "bestie" or best friend and his other children as "like [her] best friends." T. at 139, 141. They used to spend a lot of time together. T. at 139-140. Before the incident at the heart of this case, Patient 1 described her family and the Riches as "really close." T. at 145. Mr. Rich and her father were in the church band together. T. at 146.

Patient 1 indicated that the assault happened at Mr. Rich's home. She was at the house for a sleepover with one of Mr. Rich's children. T. at 148. On this particular weekend, Patient 1 had a sleepover at the Rich home on one night, then a sleepover at her own home the next night. T. at 151. Patient 1 testified that she had frequently slept over at Mr. Rich's home before the incident. T. at 148. In the home that day were Mr. Rich, his wife, and his four children. T. at 149. At some point that evening, Patient 1 was upstairs in a loft space with Mr. Rich and other children. Mr. Rich was playing the piano. The children (including Patient 1) had already prepared for bed. T. at 152-155. Mr. Rich was drinking beer. T. at 155. Mr. Rich's children fell asleep in the loft. Patient 1 described what happened next:

So Zach was carrying down the kids. He took down [Child 1] and [Child 2] down to their room and laid them down, then he carried me. And I was faking sleeping because I wanted to get carried down, too, because I don't want to get up because I thought it was going to be awkward if I was like up by myself with him.

So once he was bringing me down the stairs and he put his hand on my butt, and I thought -- I didn't -- like I thought that was normal, and -- but then once we got down to the like hallway, he put his hand into my -- like under my pants and under my underwear and was like touching my butt, and I was like kind of like scared, and I was like why would he do that, like I don't know why he would do that. And

⁸ Though the transcript indicates that Patient 1 said "Red box," the Hearing Examiner recalls that she said "Roblox."

then once we got into the room he laid me down, he pulled down my pants, and he pulled down my underwear, and then he put his lips and tongue on my vagina. And then he -- then after that he pulled my underwear and pants back down, and he put me in -- he put me on the edge of the bed when he done it, and he didn't put me on the -- like my head was by [Child 1] and [Child 2]'s feet, and their heads were by my feet once he put me like back into the bed, and then he left.

And then I kind of fell asleep.

Q. By Mr. Mathews: Okay. You mentioned that at some point he put his hands in your pants, is that right, or one of his hands?

A. Yes.

Q. And can you describe how he did that when you first noticed it?

A. When he like got to like where [Child 3]'s room was, that's like where you enter the house, if you just turn right, he like started to like put his hand down into my pants, then he moved on to my underwear and like -- was like -- I don't know. Just -- he just put his hand into my pants, then my underwear, and just was like rubbing my butt or something like that.

T. at 158-59, 161-62.

When asked what she was thinking when Mr. Rich had his hand down her pants, Patient 1 indicated that she was "surprised and disappointed, and [] scared." T. at 163. Once they entered the bedroom, Patient 1 described how Mr. Rich removed her bottoms and then her underwear. T. at 168. She tried to keep her legs closed, but Mr. Rich forced them open with his arms. T. at 170-172. Although she thought about kicking Mr. Rich to get him to stop, Patient 1 chose not to do so to avoid further embarrassment. T. at 171. The entire time Mr. Rich was assaulting her, Patient 1 continued to pretend to be asleep. T. at 170. After opening her legs, Mr. Rich put his mouth and tongue on her vagina. T. at 172. Mr. Rich then put on Patient 1's underpants and bottoms and then left the room. T. at 174.

The next morning, Mr. Rich made breakfast for the children. T. at 177. Despite feeding his own children cereal, Mr. Rich made Patient 1 French toast with fruit and powdered sugar. T. at 177, 220-221. Mr. Rich also treated her more kindly than he had in the past. T. at 178-179. According to Patient 1, she had previously spoken about how much she liked her father's French toast and Mr. Rich indicated that he could do better. T. at 177-178.

The assault left a lasting impact on Patient 1. She described feeling angry at herself for not doing anything about the attack and not telling her mother sooner. T. at 179. She also testified that she began experiencing anxiety and became afraid of men. T. at 179-180. As a result of her anxiety, she quit cheerleading. T. at 188-189. Patient 1 even described feeling anxious about going to school because she would be away from her mother. T. at 225. Notes from Patient 1's therapy records indicate that her anxiety is particularly acute when she is away from her parents. It can manifest as a stomach ache, diarrhea, and even an inability to swallow. Ex. 1c at 10. Patient 1 also appears to be traumatized by the loss of her best friend. See Ex. 1c at 19.

Patient 1 held off on telling anyone about the assault because she feared being cut off from her best friend, Mr. Rich's daughter. T. at 180. She even held back details the first time she told her mother about what Mr. Rich had done because she did not want Mr. Rich to go to jail and make his daughter mad at her. T. at 182.

b. Patient 2

Patient 2 is Patient 1's mother. She is also a licensed Independent Social Worker and a licensed Chemical Dependency Counselor. T. at 20. She presently works as a therapist at Cedar Ridge Behavioral Health Solutions ("Cedar Ridge") in Cambridge, Ohio. T. at 19. Patient 2 first met Mr. Rich around 2004 or 2005. He was a friend of her now-husband, Patient 3. T. at 21-22. She is now related to Mr. Rich by marriage. Patient 2 and her family spent a great deal of time with Mr. Rich and his family after she and her husband were married. T. at 22. They attended the same church. T. at 23.

Patient 2 and her family were patients of Dr. Rush at Medical Associates. T. at 28. As part of his duties at Medical Associates, Mr. Rich provided medical care to Patients 1, 2, and 3. T. at 29. Though Patient 1 would primarily see Dr. Rush, she was occasionally seen at Medical Associates by Mr. Rich. T. at 30.

According to Patient 2, Patient 1 was a "perfectly healthy" child aside from a heart murmur that required monitoring until it resolved before she was two. T. at 31. She was "outgoing" and "very social" and was a "passionate" competitive cheerleader until 2022. In 2022, however, Patient 1 suddenly became anxious and more withdrawn. T. at 34-35, 75, 91. She did not want to go to school and began experiencing frequent – almost daily – bouts of abdominal pain. T. at 37. As a result of those abdominal pains, Patient 2 began taking Patient 1 to Medical Associates every few weeks. T. at 37-38; Ex. 1(a) at 27-28, 63, 136, 149, 153, 165, 169-171. She first took Patient 1 to Medical Associates to address abdominal pain on April 11, 2022. T. at 41; Ex. 1a at 27-28. After Medical Associates was unable to find a cause of the pain, Patient 2 requested a referral to Nationwide Children's Hospital. T. at 38.

Patient 1 was seen by Dr. Neetu Puri at Nationwide Children's Hospital on April 28, 2022. Ex. 1(b) at 37; T. at 42. Patient 1 reported abdominal pain, chest pain, heartburn, dizziness, headaches, and nausea. Ex. 1b at 38, T. at 82. Despite being given a workup by the staff at Nationwide, no

abnormal results were found. T. at 43, 84. Patient 1 continued to experience stomach pain. T. at 43. And Patient 1 also began having trouble sleeping because of worry and nervousness. T. at 43.

At some point around late-April of 2022, Patient 2 had a conversation with Patient 1, who was then under the age of ten years old:

She was -- it was an evening that my husband was away, so when he would travel she would sleep in my bed, and she was crying and said that at a recent sleepover that [Mr. Rich] touched her butt weird when he was carrying her down the steps.

T. at 44. Patient 2 initially rationalized Patient 1's comment as a reaction to an awkward touch when Mr. Rich was carrying Patient 1 down the stairs:

I -- I normalized it like it's hard to carry you down the steps. She said that she was pretending to be sleeping because the other two girls had gotten carried down, so she wanted carried down, so I kind of normalized it and told her it was probably just a mistake, she was probably awkward carrying, so I didn't read too much into it at that time.

T. at 45, 106.

After that conversation, Patient 2 and Patient 3 decided that Patient 1 would no longer be sleeping over at Mr. Rich's house. Nor would she be left alone with Mr. Rich if she did not feel comfortable. T. at 45. But Patient 1 and her family continued to interact with the Rich family until 2024. Patient 1 continued to experience abdominal pain on a regular basis. She remained anxious and fearful. And she missed "a lot of school [] because of those symptoms." T. at 46, 82, 87.

In April 2024, Patient 2 saw her daughter sitting in her bedroom looking very sad. When Patient 2 went in to check on her, Patient 1 then disclosed more about what had happened with Mr. Rich:

She referenced the sleepover of when she had told me prior about him touching her butt weird, and she continued with that same series of events, said that the girls were up -- her and Zach's oldest two were up in the loft at his house. My sister and the other two kids went to bed, and he was playing his piano keyboard thing, and the other two girls had fallen asleep, and he had started to carry them down to the bedroom, and she wanted to be carried down as well, so she pretended to be sleeping, so she was the last one to be carried down.

And she told me that when he carried her down the steps, he put his hand down inside of her pants from behind, and it scared her, so she continued to pretend she was sleeping. And then he took her to the girls' bedroom and laid her on the end of the bed with the other two girls, and proceeded to pull her pants down, and she said that he spread her legs and kissed her vagina and then pulled her pants back up and then left the room.

T. at 48-49.

Though Patient 1 did not disclose the date of this incident, the State and Patient 2 identified April 1, 2022 as the likely date of the sleepover. According to Patient 2, Patient 1 had back-to-back sleepovers that weekend. She spent the evening of April 1st at Mr. Rich's home, and then the following evening she hosted a sleepover at her own home. T. at 51-52.

After Patient 1 disclosed the sexual assault, Patient 2 discussed the revelation with her husband and her therapist. T. at 49, 53-54. Patient 2 also discussed the allegation with Mr. Rich's wife. T. at 54. Because Patient 2's counselor is a mandated reporter, she reported the allegation to Children's Services. T. at 56. After learning that her counselor reported the allegation to Children's Services, Patient 2 and Patient 3 informed Mr. Rich and his wife that the report had been made. T. at 56.

In May 2024, Patient 1 began counseling with Stephanie Taylor at Cedar Ridge. T. at 54-55. Patient 1 was subsequently diagnosed with PTSD. T. at 57. According to Patient 2, Patient 1 has occasionally experienced flashbacks of her assault by Mr. Rich. T. at 95. Patient 1 remains in counseling as of the date of the hearing in this matter. T. at 58-59, 66-67.

c. Stephanie Taylor

Stephanie Taylor is a licensed professional counselor at Cedar Ridge. T. at 239-40. She has been treating Patient 1 since May 2024. T. at 240. Patient 1 was initially brought to Cedar Ridge "because she was having anxious symptoms following a traumatic event" and her mother, Patient 2, works at the facility. T. at 240. Though Patient 2 works at Cedar Ridge, Mrs. Taylor had never met her prior to being asked to treat Patient 1. T. at 242.

Mrs. Taylor first saw Patient 1 on May 31, 2024. *See* Ex. 1c at 5-20. At that initial meeting, she learned that Patient 1 suffered "substantial somatic symptoms, substantial anxious symptoms, traumatic symptoms, symptoms that come from trauma." Since that time she has seen Patient 1 at least once per month. T. at 244. Mrs. Taylor indicated that Patient 1 met the diagnostic criteria for a diagnosis of post-traumatic stress disorder. T. at 246.

Mrs. Taylor testified that Patient 1's memory appeared "very good for her age." T. at 246, 282. Mrs. Taylor recounted what Patient 1 told her about the incident involving Mr. Rich:

She described being carried to a downstairs room after she and her friends -- the sleepover at their house had fallen asleep, and when she was carried downstairs Mr. Rich put his hand in her pants, touching her bottom, her butt she called it, laid her on the bed.

She was the last one to be carried downstairs, laid her on the bed, pulled down her pants and licked her on her vagina. He also pulled her pants back up, redressed her, and she stayed awake quite a bit of the night after that, terrified, didn't know what to do, wanted to tell someone, but didn't know what to do.

T. at 250; Ex. 1c at 7. In Mrs. Taylor's experience, Patient 1 has been consistent in her descriptions of the assault. T. at 256-257.

Mrs. Taylor also testified that Patient 1 continues to show symptoms of trauma. Patient 1 reports a desire to isolate herself and avoid church and school. T. at 259. She is afraid of going to sleep at night. T. at 260. Patient 1 has also reported "significant psychosomatic symptoms including the inability to swallow food or eat food and has a fear of food." T. at 259. Mrs. Taylor has observed that Patient 1 may be developing an eating disorder. She is restrictive with food and has a great fear of developing diarrhea. T. at 259-260. In fact, Patient 1 experiences diarrhea almost daily. T. at 260.

According to Mrs. Taylor, Patient 1 has also demonstrated anxious episodes and episodes of self-harm. T. at 261. Mrs. Taylor described Patient 1 as "hypervigilant" and testified, "In fact, when discussing some of the details [of the assault] she becomes pale and has a lot of psychomotor agitation in her body." T. at 259. And Patient 1 still has significant fear of Mr. Rich. T. at 260-261. Patient 1 has also mentioned that she would like to "go and see Jesus," a remark that Mrs. Taylor classified as a nonactive suicidal ideation. T. at 262.

Through their therapy sessions, Mrs. Taylor is helping Patient 1 to learn coping skills. T. at 264; Ex. 1c at 17. She was disappointed to see that Patient 1's family elected not to press criminal charges against Mr. Rich. T. at 266-267.

ii. Mr. Rich's Version of the Events of April 1, 2022.

a. Zachary Rich

Mr. Rich denied ever touching Patient 1 inappropriately. Mr. Rich testified that there was no sleepover at his home on April 1, 2022. T. at 370, 374, 401. In fact, according to Mr. Rich, his children were not at his home on April 1st. Rather, his children were at the home of his mother that day. T. at 372. Mr. Rich pointed to a string of text messages with his mother on April 1, 2022. In that text message chain, he indicated that if one of his children was homesick, he would come pick her up (because the child was staying at his mother's home). Ex. Z at 73; T. at 492-493. Mr. Rich also pointed to a text sent by his mother on April 2, 2022 at 11:30AM that said "They're ready" indicating that his children were ready to be picked up. The text also indicated that Patient 2 would be picking one of his children up to go to a sleepover at her home. Ex. Z at 73; T. at 494-495.

b. Barbara Rich

In support of his version of events, Mr. Rich called his wife Barbara Rich to testify. Ms. Rich is related to Patient 2. T. at 436. Ms. Rich testified that, while there was a sleepover on April 1, 2022, it was not at her home. T. at 448. Rather, the sleepover was at the home of Mr. Rich's mother Connie. T. at 448. According to Ms. Rich, her mother-in-law would host an annual "all girls granddaughter sleepover" at her home. T. at 449. While her daughters stay with her mother-in-law, her son remains at home with her and her husband. T. at 449. Ms. Rich testified that, on April 1, 2022, her daughter was at her mother-in-law's home and then, on April 2, 2022, her daughter went to the home of Patients 1, 2, and 3. T. at 455.

Ms. Rich next testified that, during sleepovers held at her home, she does not allow the children to go up into the loft as they are winding down in the evening. T. at 447. She also checks on the children during sleepovers. "I walk through the house, I visually look at them, make sure that – and talk to them, make sure they don't need anything. I go through the house and I make sure all of the doors in the house are locked." T. at 447. And when Patient 1 slept over in the past, she slept in the living room on the couch or an inflatable mattress. T. at 483.

In contrast to the testimony of Patient 1, Ms. Rich testified that sleepovers between her children and Patient 1 were infrequent – occurring only a few times per year. T. at 487. In fact, Ms. Rich denied hosting any sleepovers with Patient 1 during 2022. T. at 489. According to Ms. Rich, after 2021, Patient 1 began not wanting to sleep at anyone's home but her own. T. at 489.

Ms. Rich also testified that she has a regular routine with her children at bedtime. Ms. Rich is a dental hygienist and, therefore, takes oral hygiene very seriously. Every evening, she supervises her children brushing and flossing their teeth. T. at 440-441. In 2022, she would personally brush and floss her children's teeth. T. at 441. If there is a sleepover at their home, Ms. Rich still supervises her children's brushing routine. T. at 445-446.⁹

In support of Mr. Rich's contention that Patient 1 was not at their home on April 1, 2022, Ms. Rich was asked to identify several photographs that were purportedly taken at Connie's home on April 1, 2022. T. at 461-462; Ex. AA. Exhibit AA is comprised of 5 photographs of a computer screen displaying photographs of the Rich children and others. Each photo also displays what purports to be the metadata attached to the photograph. The metadata indicates, *inter alia*, the date and time the photo was taken, the resolution of the photo, and the device that took the photo. *See* Ex. AA. According to Ms. Rich, Exhibit AA shows her girls at the home of her mother-in-law on April 1-2, 2022. T. at 462-469. Ms. Rich firmly testified that none of the girls – including Patient 1 – was at her home on April 1, 2022. T. at 472.

⁹ This testimony is in response to a line of questioning asked of Patient 1 on cross-examination. Patient 1 was asked whether there was a bedtime routine at the Rich home and whether anyone would help her brush her teeth. Patient 1 replied that no one would help her brush, but that Ms. Rich would assist her children in flossing. T. at 196-97.

c. Tiffany Schmidt

Mr. Rich next called his sister, Tiffany Schmidt, to testify. Ms. Schmidt is the Youth Director at her church. T. at 520. Ms. Schmidt testified that her daughter was also a close friend of Patient 1. T. at 512. Ms. Schmidt testified that, on April 1, 2022, her daughter – along with the daughters of Mr. Rich – were at Connie’s home for a sleepover. T. at 515, 517. Ms. Schmidt also identified the Exhibit AA photos as being of the children at her mother’s home. T. at 515-517.

Ms. Schmidt testified that Patient 1 had slept over at her home when she was little, but that she stopped doing that around the age of four or five. “It was just kind of a known thing that she didn’t do sleepovers. She would come and play. Even when a lot of girls were staying, she would leave at bedtime, and this was – I feel like it was always like that.” T. at 520.

d. Dr. Bob Stinson

Finally, Mr. Rich called Dr. Bob Stinson. Dr. Stinson is a forensic psychologist and an attorney. T. at 529-30; Ex. L. He is a 1999 graduate of the School of Professional Psychology at Wright State University and a 2011 graduate of Capital University Law School. *See* Ex. L; T. at 532. He has been licensed as a psychologist in Ohio since 2000. T. at 531. He is Board-certified in forensic psychology. T. at 532. He has testified in court over 100 times. T. at 533. According to Dr. Stinson, “[m]ost of the times [he’s] testified it’s because [he’s] been asked to do an evaluation by a court” – including competence to stand trial in criminal cases. T. at 533. He has testified at the request of courts and defendants. T. at 533-534. He has also been retained by the State of Ohio as an expert as well. T. at 534. Dr. Stinson was recognized as an expert in forensic psychology. T. at 536. Dr. Stinson produced a report which was admitted as Exhibit O. Dr. Stinson did not examine Patient 1.

Dr. Stinson testified generally that false sexual abuse allegations can and do occur. According to Dr. Stinson, false allegations typically fall into one of two categories – fabricated (as in deliberately false) reports and false memories. T. at 537. A person who experiences false memories is not “consciously lying or making up false information, it’s just an inaccurate recollection.” T. at 537. False memories “do not have a motive.” T. at 538. Dr. Stinson was not able to opine whether Patient 1’s recollection of abuse at the hands of Mr. Rich was a false memory. T. at 551, 572. Rather, he was only able to testify as to whether there were factors that “increase the risk of a false memory” present. T. at 551.

Dr. Stinson reviewed the forensic interview of Patient 1 conducted by Guernsey County officials. T. at 552. According to Dr. Stinson, the interview was a “relatively poor interview.” T. at 606. He testified that the interviewer did not follow proper protocol. “[T]his forensic interviewer I think had the right intentions, but either didn’t understand why those questions are typically asked, or just fumbled her way through it and kind of messed it up.” T. at 552-553. According to Dr. Stinson, there are questions designed to determine whether the child will respond appropriately to later questions. The specific example he used is that a child may be asked “What is your ocular

hue?”¹⁰ T. at 553. An appropriate response would be for the child to respond that he or she did not understand or to ask for clarification. T. at 553. But in this case, the Guernsey County interviewer explained what the phrase “ocular pigmentation” meant and, therefore, missed the point of asking the question.¹¹ T. at 553.

Also present during the interview was a dog. *See* Ex. 4a. According to Dr. Stinson, proper protocol is for the forensic interviewer to ask the child the name of the dog. An appropriate response would be for the child to respond that he or she did not know the dog’s name. T. at 554. The purpose of the question is to ascertain whether the child will say that he or she does not know the answer rather than simply give the interviewer the response they believe is desired. T. at 554. In this case, Dr. Stinson criticized the Guernsey County interviewer for never giving Patient 1 the opportunity to answer the question. T. at 554.

Dr. Stinson also questioned other aspects of the forensic interview. “[T]here were times when the interviewer interrupted, there were suggestive questionings and alternative choice questioning. There was -- you know, at the end there was a lot of summarizing; rather than eliciting information, summarizing.” T. at 555. According to Dr. Stinson, reinforcing the child’s statements gives the impression that they said the “right” thing, which can reinforce false memories:

So there’s a way to provide support without congratulating them and reinforcing it and saying they did the right thing, and maligning the other person, which I think happened in this case where they said that person is a bad person.

That stuff should never happen in a forensic interview because it just creates the opportunity now for this child to integrate that into their memories; okay, this happened, and it’s a good thing that I reported it the way I did today, and this person is a really bad person. It just reinforces that information that should not be part of the forensic interview.

T. at 555-557. Dr. Stinson also pointed out several other areas of concern in Patient 1’s interview. First, Patient 1 said “and then I woke up” and the interviewer did not follow up on that remark. T. at 558. Second, Dr. Stinson was “concerned” by the fact that Patient 1 consistently described her emotions about the attack using the same words. That could be evidence that Patient 1 was parroting scripted, practiced, or “therapized” language. T. at 566. He also found Patient 1’s use of the term “disappointed” as notable. T. at 566.

Dr. Stinson indicated that it concerned him that Patient 1 had been in therapy for months before the forensic interview because it might color the information obtained through the forensic interview. T. at 567-568. Dr. Stinson testified that there are no “typical sex abuse symptoms.” T.

¹⁰ The interviewer appears to actually used the phrase “ocular pentation.” Ex. 4a at 2:25.

¹¹ A review of the video indicates that Patient 1 was asked “So what if I ask you what is your ocular pentation?” Patient 1 responded “What’s that?” Ex. 4a at 2:25-2:30.

at 559-562. Changes in behavior can be a symptom of sexual abuse or the result of any number of other issues, including normal maturation.

When asked whether he had any opinion on whether Patient 1's story as told to the interview appeared coached, Dr. Stinson testified that he "didn't get strong indications that it was." T. at 607. Dr. Stinson also testified that, although she appeared "more prepared and willing to talk about [the assault]" than he typically saw, Patient 1 used age-appropriate language. T. at 607-608.

e. Dr. Douglas Rush

Mr. Rich also submitted a letter from Dr. Rush, his former employer. Ex. BB. In relevant part, Dr. Rush wrote:

I am aware of all of the issues surrounding this hearing including the HIPAA violation and everything in his personnel file, as well as the accusation against him. I have had the pleasure of working closely with Zac for 14 years as one of his supervising physicians. I consider him to be an excellent Physician Assistant who practiced with integrity and honesty. He is a quality individual, reliable and very intelligent. I would like to hire him back someday provided the board were willing to reinstate his license.

III. BOARD ALLEGATIONS

In the Notice of Summary Suspension and Opportunity for Hearing, the Board alleged the following:

- (1) From Apr. 22, 2019 to Feb. 12, 2024, [Mr. Rich] treated Patient 1, a minor, as identified on [an] attached Patient Key. Mr. Rich treated and examined Patient 1 for a well-child appointment and for sick visits, ordered tests, and/or prescribed medication on or about Apr. 22, 2019, Mar. 28, 2023, May 22, 2023, Sept. 12, 2023, Sept. 27, 2023, and Feb. 12, 2024.
 - a. On or about Jan. 6, 2020 to on or about Apr. 30, 2022 [Mr. Rich] had sexual contact with Patient 1 when [he] touched Patient 1's buttocks under her pants but on top of her underwear for a purpose other than appropriate health care services.
 - b. Furthermore, on or about Jan. 6, 2020 to on or about Apr. 30, 2022 during the same incident, [Mr. Rich] had additional sexual contact with Patient 1 when [he] touched Patient 1's vaginal area for a purpose other than an appropriate health care service.
 - c. Additionally, on or about Jan. 6, 2020 to on or about Apr. 30, 2022 during the same incident, [Mr. Rich] had sexual interaction with Patient 1 when

[he] pulled down her pants and underwear, spread her legs apart and “kissed her down there,” engaging in oral to genital contact.

Ex. 6a at 4-5.

IV. FINDINGS OF FACT

1. From April 22, 2019 to February 12, 2024, Zachary Rich treated Patient 1 in his capacity as a physician assistant at Medical Associates of Cambridge. Mr. Rich treated and examined Patient 1 for a well-child appointment and for sick visits, ordered tests, and/or prescribed medication on or about April 22, 2019, March 28, 2023, May 22, 2023, September 12, 2023, September 27, 2023, and February 12, 2024.
2. On April 1, 2022 Mr. Rich had sexual contact with Patient 1 when he touched Patient 1’s buttocks under her pants but on top of her underwear for a purpose other than appropriate health care services.
3. On April 1, 2022 during the same incident, Mr. Rich had sexual interaction with Patient 1 when he pulled down her pants and underwear, spread her legs apart and “kissed her down there,” engaging in oral to genital contact.

V. CONCLUSIONS OF LAW

Mr. Rich’s acts, conduct, and/or omissions as stated in Findings of Fact 1 through 3, individually and/or collectively, constitute “[v]iolating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board,” as that clause is used in R.C. 4730.25(B)(3), to-wit Prohibitions, Rule 4731-26-02, Ohio Administrative Code, regarding sexual misconduct, as currently in effect.

Pursuant to Rule 4731-26-03, Ohio Administrative Code, as currently in effect, a violation of Rule 4731-26-02, Ohio Administrative Code, also constitutes a violation of R.C. 4730.25(B)(19), “departure from, or failure to conform to, minimal standards of care of similar physician assistants under the same or similar circumstances, regardless of whether actual injury to a patient is established.”

Pursuant to R.C. 4730.252, the Board is authorized to impose a civil penalty for this violation. The Board’s fining guidelines provide the following recommended fining range:

Maximum fine: \$ 20,000

Minimum fine: \$ 6,000

RATIONALE FOR THE PROPOSED ORDER

Resolution of this case rests solely on one question – is Patient 1 more credible than Mr. Rich? Patient 1 alleged that she was sexually assaulted by Mr. Rich during a sleepover at his home when she was under the age of 10 years old. Mr. Rich denies assaulting Patient 1 and that the sleepover even occurred. Other than Patient 1 and Mr. Rich, there are no witnesses who can directly corroborate either version of events. But Patient 1 had no motivation to lie. And she gave all indications that not only was she not lying, but that she did not want to be telling the story at all.

In contrast, Mr. Rich demonstrated that he was not a credible witness. During his testimony, Mr. Rich was directly asked by the State whether he had ever accessed Patient 2's medical chart when he was "not directly providing her medical care." T. at 375. He responded that he had. T. at 376. When asked when he had done that, Mr. Rich replied, "I remember she needed something to go on a flight, some kind of documentation back in 2020, 2021." T. at 376. Mr. Rich was then asked if that was the only time he had accessed her records for "other than treatment purposes," Mr. Rich replied that he could not recall every time he accessed her chart. *Id.*

Mr. Rich was next asked whether he had ever accessed Patient 2's mental health records. Despite never treating Patient 2 for any mental health issue, Mr. Rich acknowledged that he had and that his access to those records was "family related." T. at 379, 382. Mr. Rich subsequently admitted that he accessed Patient 2's mental health records to find out what she was discussing with her counselor. T. at 379, 384. When asked if he was allowed to review mental health records for other than medical purposes, Mr. Rich replied that "it was a gray area." T. at 387.

An audit report from Medical Associates indicated that Mr. Rich accessed Patient 2's mental health records repeatedly. He reviewed Patient 2's records twice on April 5, 2023 at approximately 10:30PM, April 7, 2023 at 10:12PM, three times on May 7, 2023 at approximately 8:00PM, July 27, 2023, twice on November 1, 2023, February 12, 2024, and April 18, 2024. Ex. 13 at 7, 8, 9, 11, 12, 71, 72, 78, and 91. In fact, Mr. Rich testified that he first learned of the allegations being made against him by Patient 1 on April 18, 2024. T. at 365, 381. That same day, he accessed Patient 2's mental health records. T. at 381, Ex. 13 at 7. It is not credible that he did not recall repeatedly looking at Patient 2's mental health records and his statement that he only looked at the records because she needed something to travel was obviously false.

It soon became clear that Mr. Rich also used his illicit access to Patient 2's records to try and convince Patient 3 that his wife was behind the allegations. After he learned that Patient 1's allegation had been reported to authorities, Mr. Rich called Patient 3 and attempted to use the fact that Patient 2 had an affair – a fact discussed during her counseling sessions – to turn him against his wife. T. at 385. Though he disputes obtaining the information solely from Patient 2's mental health records, it is not credible that Mr. Rich did not use at least some information gleaned from those records – that, again, he repeatedly accessed – during that conversation. In fact, Mr. Rich even attempted to use the fact that Patient 2 had an affair against her at hearing. During cross-examination, counsel for Mr. Rich asked Patient 2 if she had had an affair – allegedly to show that Patient 2 and 3's marriage was having problems – but more likely to try and humiliate Patient 2. T. at 72. Mr. Rich was simply not a credible witness.

Nor was his evidence enough to overcome Patient 1's credible and obviously painful testimony. Mr. Rich's primary defense was that the sleepover could not have occurred because his children were not at home on April 1, 2022. In support of that position, Mr. Rich relied heavily on the photographs admitted as Exhibit AA. Exhibit AA, however, is not persuasive for several reasons.

First, the digital "originals" of the photographs themselves were not offered into evidence. Rather, Respondent chose to submit photographs of a computer screen displaying the photographs. In so doing, Respondent precluded any actual analysis of the digital files themselves. Second, the "metadata" displayed in the photographs is oddly inconsistent. While the photographs on pages 75, 76, and 77 display a "Content created" date as "Apr 1, 2022 at [time]," the photographs on pages 78 and 79 display the content created date as "4/2/22, [time]." *See* Ex. AA. There does not appear to be any reason why the same software on the same computer would display the date in so different a manner.

Further, even if the manner in which Respondent chose to present these photos was not suspicious, there is little evidence that the photos actually prove anything of significance. There is nothing in the photographs themselves that indicate the date and time they were taken. And the photographs appear to have been taken on a digital camera – not a smartphone. Therefore, it does not appear that any location data was captured by the photo. Only the testimony of Mr. Rich, his wife, and his sister indicate that the photos were taken at his mother's home on April 1st and 2nd. For the reasons previously discussed, Mr. Rich is not credible. And, in this instance, neither are Ms. Rich or Ms. Schmidt. Neither is a disinterested observer in this matter.

Nor was Dr. Stinson's testimony particularly helpful. Though Dr. Stinson credibly explained that false memories can lead to false allegations of sexual abuse, he was unable to point to anything specific in this case that would suggest that Patient 1's allegations were based on false memories. He was able to review Patient 1's interview by Guernsey County. A recording of that interview was admitted into the record to permit the Board to assess Dr. Stinson's criticism, although the contents of that interview were given no weight by the Hearing Examiner. While his criticism of that interview is somewhat well-taken, Dr. Stinson was unable to point to anything that suggested that Patient 1's allegation was based on false memories.

Patient 1's testimony and records clearly indicate that she suffered a trauma of some kind in April 2022. Patient 1 went from being happy and healthy to anxious and timid. While it is possible that some of those behavioral changes could be due to social difficulties at school or maturation, it is simply too coincidental to ignore that Patient 1's health and behavior took a turn in April 2022. Having heard all of the evidence and testimony offered by the parties in this matter, this Hearing Examiner is left with a single conclusion. On April 1, 2022, Zachary Rich sexually assaulted Patient 1. And, as a result, his license to practice as a physician assistant in the State of Ohio should be permanently revoked and he should be fined the maximum amount.

PROPOSED ORDER

It is hereby ORDERED that:

- A. **PERMANENT REVOCATION:** The license of Zachary C. Rich, P.A., to practice as a physician assistant in the State of Ohio shall be **PERMANENTLY REVOKED**.
- B. **FINE:** Within thirty days of the effective date of this Order, Mr. Rich shall remit payment in full of a fine of twenty thousand dollars (\$20,000.00). Such payment shall be made via credit card in the manner specified by the Board through its online portal, or by other manner as specified by the Board.

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

/s/ James T. Wakley

James T. Wakley
Hearing Examiner



EXCERPT FROM THE DRAFT MINUTES OF APRIL 9, 2025 IN THE MATTER OF ZACHARY C. RICH, P.A.

.....
REPORTS AND RECOMMENDATIONS

Dr. Reddy asked the Board to consider the Report and Recommendation appearing on the agenda: Zachary C. Rich, P.A.; Bircan Savran, M.D.; Scott H. Berger, L.M.T.; and Joel W. Campbell.

Dr. Reddy asked all Board members the following questions:

- 1.) Has 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 each of the Reports and Recommendations?
- 2.) Does each member of the Board understand 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?
- 3.) Does each member of the Board understand 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?

ROLL CALL:

Dr. Rothermel	- aye
Dr. Kakarala	- aye
Dr. Feibel	- aye
Ms. Brumby	- aye
Dr. Soin	- aye
Dr. Bechtel	- aye
Mr. Gonidakis	- aye
Dr. Lewis	- aye
Ms. Montgomery	- aye
Dr. Boyle	- aye
Dr. Reddy	- aye

In accordance with the provision in Ohio Revised Code 4731.22(F)(2), 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. Kakarala served as Supervising Member.

During these proceedings, no oral motions may be made by either party.
.....

Zachary C. Rich, P.A.

.....

Dr. Feibel moved to approve and confirm the Proposed Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Mr. Rich. Dr. Lewis seconded the motion.

.....

A vote was taken on Dr. Feibel's motion to approve:

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

The motion to approve carried.



**State Medical
Board of Ohio**

30 E. Broad St., 3rd Floor
Columbus, Ohio 43215
(614) 466-3934
www.med.ohio.gov

Nov. 13, 2024

Case number: 24-CRF-0209

Zachary C. Rich, P.A.
14485 Clay Pike Road
Senecaville, OH 43780
zac.c.rich@gmail.com

Dear Mr. Rich:

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 Nov. 13, 2024, 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 4730.02, Ohio Revised Code.

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

THE STATE MEDICAL BOARD OF OHIO

A handwritten signature in blue ink, reading "Kim G. Rothermel M.D.", written over a horizontal line.

Kim G. Rothermel, M.D.
Secretary

KGR/RCL/iv
Enclosures

CERTIFICATION

I hereby certify that the attached copies of the Entry of Order of the State Medical Board of Ohio and the Motion by the State Medical Board, meeting in regular session on November 13, 2024, 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 Zachary C. Rich, P.A. Case number: 24-CRF- 0209 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

11/13/24

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

ZACHARY C. RICH, P.A.

CASE NUMBER: 24-CRF-0209

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 13th day of November 2024.

Pursuant to Section 4730.25(G), Ohio Revised Code, and upon recommendation of Kim G. Rothermel, M.D., Secretary, and Harish Kakarala, M.D., Supervising Member; and

Pursuant to their determination, based upon their review of the information supporting the allegations as set forth in the Notice of Summary Suspension and Opportunity for Hearing, that there is clear and convincing evidence that Mr. Rich has violated Section 4730.25(B)(3), 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 Mr. Rich's continued practice presents a danger of immediate and serious harm to the public;

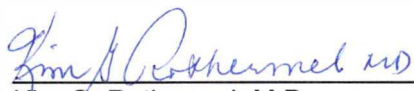
The following Order is hereby entered on the Journal of the State Medical Board of Ohio for the 13th day of November 2024:

It is hereby ORDERED that the certificate of Zachary C. Rich, P.A., to practice as a physician assistant in the State of Ohio be summarily suspended.

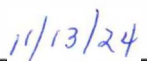
It is hereby ORDERED that Mr. Rich, shall immediately cease practicing as physician assistant in Ohio and immediately refer all active patients to other appropriate physicians.

This Order shall become effective immediately.





Kim G. Rothermel, M.D.
Secretary



Date



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

Nov. 13, 2024

Case number: 24-CRF-0209

Zachary C. Rich, P.A.
14485 Clay Pike Road
Senecaville, OH 43780
zac.c.rich@gmail.com

Dear Mr. Rich:

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 4730.25(B)(3), 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 paragraph (1), below.

Therefore, pursuant to Section 4730.25(G), Ohio Revised Code, and upon recommendation of Kim G. Rothermel, M.D., Secretary, and Harish Kakarala, M.D., Supervising Member, you are hereby notified that, as set forth in the attached Entry of Order, your license or certificate to practice as a physician assistant in the State of Ohio is summarily suspended. Accordingly, at this time, you are no longer authorized to practice as a physician assistant in Ohio.

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

- (1) From Apr. 22, 2019 to Feb. 12, 2024, you treated Patient 1, a minor, as identified on the attached Patient Key. (Patient Key is confidential and to be withheld from public disclosure.) You treated and examined Patient 1 for a well-child appointment and for sick visits, ordered tests, and/or prescribed medication on or about Apr. 22, 2019, Mar. 28, 2023, May 22, 2023, Sept. 12, 2023, Sept. 27, 2023, and Feb. 12, 2024.
-

- a. On or about Jan. 6, 2020 to on or about Apr. 30, 2022 you had sexual contact with Patient 1 when you touched Patient 1's buttocks under her pants but on top of her underwear for a purpose other than appropriate health care services.
- b. Furthermore, on or about Jan. 6, 2020 to on or about Apr. 30, 2022 during the same incident, you had additional sexual contact with Patient 1 when you touched Patient 1's vaginal area for a purpose other than an appropriate health care service.
- c. Additionally, on or about Jan. 6, 2020 to on or about Apr. 30, 2022 during the same incident, you had sexual interaction with Patient 1 when you pulled down her pants and underwear, spread her legs apart and "kissed her down there," engaging in oral to genital contact.

Your acts, conduct, and/or omissions as alleged in paragraph (1) 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 provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board," as that clause is used in Section 4730.25(B)(3), 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.

Additionally, your acts, conduct, and/or omissions as alleged in paragraph (1) 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 provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board," as that clause is used in Section 4730.25(B)(3), Ohio Revised Code, to-wit Prohibitions, Rule 4731-26-02, Ohio Administrative Code, regarding sexual misconduct, as currently in effect.

Pursuant to Rule 4731-26-03, Ohio Administrative Code, as in effect from June 30, 2016 until September 30, 2021 and as currently in effect, a violation of Rule 4731-26-02, Ohio Administrative Code, also constitutes a violation of Section 4730.25(B)(19), Ohio Revised Code, "departure from, or failure to conform to, minimal standards of care of similar physician assistants under the same or similar circumstances, regardless of whether 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 4730.252, Ohio Revised Code. The civil penalty may be in addition to any other action the Board may take under section 4730.25, Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, and Chapter 4730., Ohio Revised Code, you are hereby advised that you are entitled to a hearing concerning these matters. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of service of this notice.

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

writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of service of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke or suspend your license or certificate, or refuse to grant or register or issue the license or certificate for which you have a pending application in accordance with Section 9.79 of the Ohio Revised Code, or refuse to renew or reinstate your license or certificate to practice, or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4730.25(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant or issue to an applicant a license to practice as a physician assistant, revokes an individual's license,, refuses to renew an individual's license, or refuses to reinstate an individual's license, 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 the license or certificate and the board shall not accept an application for reinstatement of the license or for issuance of a new license."

Copies of the applicable sections are enclosed for your information.

THE STATE MEDICAL BOARD OF OHIO

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

Kim G. Rothermel, M.D.
Secretary

KGR/RCL/lv
Enclosures

BY PERSONAL DELIVERY

**IN THE MATTER OF
ZACHARY C. RICH, P.A.**

24-CRF-0209

**NOVEMBER 13, 2024, NOTICE OF
OPPORTUNITY FOR HEARING -
PATIENT KEY**

**SEALED TO
PROTECT PATIENT
CONFIDENTIALITY**



EXCERPT FROM THE DRAFT MINUTES OF NOVEMBER 13, 2024

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

**ZACHARY C. RICH, P.A. – NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY
FOR HEARING**

Dr. Johnson moved to approve and issue proposed Citation #11, a Notice of Summary and Opportunity for Hearing. Dr. Boyle seconded the motion. A vote was taken:

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

The motion carried.
