



On August 9, 2023, the Ohio Board issued a Notice of Opportunity for Hearing to Respondent informing him of its proposal to take disciplinary action against his license. The Ohio Board alleged that the DEA's suspension of Respondent's COR and his subsequent surrender of his COR violated Ohio law governing the practice of medicine. Respondent contested the allegations at a hearing.

Following the hearing, the Ohio Board issued an Amended Order on January 10, 2024 that included the following Findings of Fact and Conclusions of Law:

### **FINDINGS OF FACT**

1. Dr. Smith has held a certificate to practice medicine and surgery in the State of Ohio since January 31, 2022. At the time of this report, his license is still active, and will expire on January 31, 2024.
2. On or about May 3, 2023, the Drug Enforcement Administration issued an Order to Show Cause and Immediate Suspension of Registration, which immediately suspended Dr. Smith's certificate of registration for the States of Arkansas, California, Connecticut, Michigan, Nevada, New York, Ohio, Rhode Island, and Wisconsin, and the Commonwealths of Kentucky and Pennsylvania. The DEA's basis for the Immediate Suspension was that Dr. Smith failed to comply with federal and state statutes and regulations and that his continued registration was inconsistent with the public interest and constituted an imminent danger to the public health and safety. Specific to Ohio, the DEA determined that Dr. Smith issued prescriptions for controlled substances in Ohio when he did not hold a license to practice medicine in Ohio, and that he failed to check the Ohio Automated Rx Reporting System prior to issuing the prescriptions for controlled substances.
3. On or about July 6, 2023, Dr. Smith voluntarily surrendered for cause his DEA Registration Number based on his alleged failure to comply with the Federal Requirements pertaining to controlled substances or list 1 chemicals.

### **CONCLUSIONS OF LAW**

1. The DEA's Order to Show Cause and Immediate Suspension of Registration and Dr. Smith's surrender of his registration, as described in Findings of Fact 2 and 3 constitute "revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement

administration of the United States department of justice," as that language is used in R.C. 4731.22(B)(24).

2. The Board is authorized to impose a fine for conduct that occurred September 29, 2015, pursuant to R.C. 4731.225. The fining guidelines for this violation are:

Minimum Fine: \$4,500  
Maximum Fine: \$20,000

Based on its findings and conclusions, the Ohio Board ordered that Respondent's license to practice medicine and surgery in the State of Ohio shall be permanently revoked and he pay a fine of \$4,500. Respondent filed a notice of appeal of the Ohio Board's Amended Order in the Franklin County Ohio Court of Common Pleas on February 1, 2024. He voluntarily dismissed his appeal on April 17, 2024 and the Ohio Board's Order subsequently became final.

Ohio, like Vermont, is a member of the IMLC. If a medical board in a state that has enacted the IMLC takes disciplinary action against a physician licensed in Vermont through the IMLC, the Board may deem the action conclusive as to matters of law and fact and impose the same or lesser sanction against the physician so long as the sanction is consistent with Vermont law. 26 V.S.A. § 1420j(c)(1).

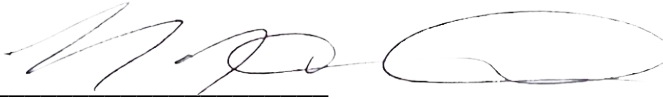
Ohio law provides that the Ohio Board may "limit, revoke, or suspend a license or certificate to practice" when it determines that a licensee has committed unprofessional conduct. Ohio Rev. Code § 4731.22(B)(24). It also authorizes the Ohio Board to impose a civil penalty for unprofessional conduct in accordance with the State Medical Board of Ohio Disciplinary & Fining Guidelines. Ohio Rev. Code § 4731.225(B)(1). Similarly, Vermont law provides that if the Board determines that a licensee has committed unprofessional conduct it may "condition, limit, suspend, or revoke the license, certificate, or practice of the [licensee]" and impose "an administrative penalty of not more than \$1,000.00 for each act that constitutes an unprofessional conduct violation." 26 V.S.A. § 1374(b)(1)(A)(ii)-(iii). Thus, each of the sanctions imposed by

the Ohio Board is consistent with and authorized by Vermont law.

Accordingly, the Board deems the Ohio Board's Amended Order conclusive as to matters of law and fact decided and hereby orders:

- (1) Respondent's license is REVOKED;
- (2) Respondent shall pay an ADMINISTRATIVE PENALTY of \$2,000.00; and
- (3) Respondent is PERMANENTLY PROHIBITED from applying for or obtaining a Vermont medical license.

**SO ORDERED.**

By: 

Rick Hildebrant, M.D.  
Chair, Vermont Board of Medical Practice

Vote documented in the Vermont Board of Medical Practice meeting minutes, dated March 6, 2025.

Dated March 7, 2025.