



State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

February 11, 2009

Case number: 09-CRF- 012

Josephine Clara Aronica, M.D.
1790 Town Park Blvd.
Suite D
Uniontown, Ohio 44685

Dear Doctor Aronica:

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

- (1) By letter dated January 9, 2008, the Board notified you of its determination that it had reason to believe that you are in violation of Section 4731.22(B)(19), Ohio Revised Code, and ordered you to submit to an examination to be conducted by Jose Arbona, M.D., a physician approved by the Board for the purpose of conducting a neurological evaluation. The determination was based upon one or more reasons outlined in said letter, including, *inter alia*, you have a medical history of polio, multiple sclerosis, and hypothyroidism; that you have had an indwelling Foley catheter; that you have been bedridden; and that you have been a quadriplegic for many years, after accidental carbon dioxide inhalation.

By letters dated February 8, 2008, May 28, 2008, and January 12, 2009, Dr. Arbona notified the Board that in addition to the abovementioned medical history, it was his impression that you suffer from quadriparesis and paraplegia with an amount of right hemiparesis, with reported multiple sclerosis and/or possible peripheral nerve disease with the diagnosis of Charcot-Marie-Tooth polyneuropathy. Dr. Arbona opined that you would not be capable of appropriately accomplishing physical tasks and physical examination of patients without the assistance of qualified medical professionals and/or special instrumentation. Further, Dr. Arbona reported that in your current condition, even inpatient and intensive rehabilitation would not be able to help you recover movement in your legs or dexterity in your hands to readily perform physical maneuvers, including but not limited to, palpation, acupuncture, and using

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medical instrumentation such as a stethoscope, ophthalmoscope, and/or otoscope.

- (2) On or about August 15, 2006, you met with a Board Investigator whereby you stated, *inter alia*, that you have prescribed medication for yourself and for your pet parrot by using the name and Medicaid information of one of your patients.

In fact, in or about August 2008, you acknowledged that this statement is false, that you knew the statement to be false at the time of utterance, and that you made this statement because a drug-seeking patient was going to smear your reputation.

- (3) You denied under oath that you ever obtained drugs for self-use by prescribing to yourself.

In fact, you subsequently admitted in a sworn statement that you have written prescriptions for yourself that were filled at a compounding pharmacy.

- (4) You have permitted an unlicensed person and/or unlicensed technician to insert acupuncture needles into patients at your medical practice.

- (5) In or about August 2008, you admitted that you did not have medical malpractice insurance, and furthermore, that you did not provide all of your patients with written notice of your lack of such insurance coverage prior to providing nonemergency professional services to these patients.

Your acts, conduct, and/or omissions as alleged in paragraphs (2) and (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 certificate to practice or certificate of registration issued by the board,” as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (3) above, individually and/or collectively, constitute “[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed,” as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Section 2921.11, Ohio Revised Code, Perjury.

Further, your acts, conduct, and/or omissions as alleged in paragraph (4) above, individually and/or collectively, constitute “[c]ommission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed,” as that clause is used in Section 4731.22(B)(12), Ohio

Revised Code, to wit: Section 2923.03, Ohio Revised Code, Complicity, to wit: Section 4762.02, Ohio Revised Code, Certificate to Practice. Pursuant to Section 4762.99(A), Ohio Revised Code, violation of Section 4762.02, Ohio Revised Code, constitutes a misdemeanor on a first offense.

Further, your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute “[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills,” as that clause is used in Section 4731.22(B)(19), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (5) above, individually and/or collectively, constitute “[f]ailure to provide notice to, and receive acknowledgement of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient’s file,” as that clause is used in Section 4731.22(B)(30), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (2) and (3) above, individually and/or collectively, constitute “[f]ailure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue,” as that clause is used in Section 4731.22(B)(34), Ohio Revised Code.

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

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently

Josephine Clara Aronica, M.D.

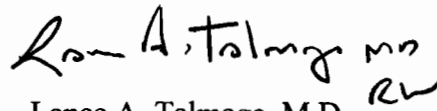
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revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's 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 certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,

Handwritten signature of Lance A. Talmage, M.D. in cursive script, with initials "LW" written below the signature.

Lance A. Talmage, M.D.
Secretary

LAT/DSZ/fib
Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3066 6887
RETURN RECEIPT REQUESTED