

**IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO**

ANTHONY V. DALLAS, M.D., :
 :
 APPELLANT, : **CASE NO. 15 CVF 10030**
 :
 vs. : **JUDGE COLLEEN O'DONNELL**
 :
 STATE MEDICAL BOARD :
 OF OHIO :
 :
 APPELLEE. :

DECISION AND ENTRY

O'DONNELL, J.

This matter is before this Court pursuant to Appellant's "Motion For Suspension of The Order Of The State Medical Board Of Ohio Pending Appeal" filed by Appellant, Anthony V. Dallas, M.D., on November 11, 2015. Appellant's motion requests that this Court issue an order staying the enforcement of the State Medical Board's Entry of Order, dated October 28, 2015, which suspended Appellant's license to practice medicine and surgery in the State of Ohio for a period of 90 days and set forth probationary terms, conditions, and limitations for a period of at least one year.

The record reflects that on September 4, 2014, the Mississippi State Board of Medical Licensure accepted and approved a Consent Order which suspended Appellant's license to practice in the State of Mississippi for a period of three months, and subjected him to a probationary term of one year. The Consent Order also required Appellant to complete Category I Continuing Medical Education classes in the areas of proper prescribing and medical ethics. Appellant was ordered to complete the Mississippi Board Juris Prudence Examination, based on his knowledge of the Mississippi Board's Administrative Code. August 19, 2015 Report and Recommendation.

The Mississippi Consent Order included findings that Appellant violated the Mississippi Board's "Rules Pertaining to Prescribing, Administering and Dispensing Medication," and that he

was guilty of unprofessional conduct, including dishonorable or unethical conduct likely to deceive, defraud, or harm the public; and that he administered, dispensed or prescribed drugs having addiction-forming or addiction-sustaining liability otherwise than in the course of legitimate professional practice. August 19, 2015 Report and Recommendation. Based on Appellant's conduct, the Mississippi Consent Order, and the evidence, Appellee adopted the Hearing Examiner's findings of fact and conclusions of law, and the proposed order, as modified. Upon approval and confirmation, the Board concluded that Appellant violated R.C. 4731.22(B)(22). R.C. 4731.23. The Board also considered Appellant's motion for reconsideration, which it denied.

R.C. 119.12 provides:

The filing of a notice of appeal shall not automatically operate as a suspension of the order of an agency. If it appears to the court that an **unusual hardship** to the appellant will result from the execution of the agency's order pending determination of the appeal, the court **may** grant a suspension and fix its terms. (emphasis supplied).

In *Bob Krihwan Pontiac-GMC Truck, Inc. v. GMC*, 141 Ohio App.3d 777, 782-783, (2001), the Tenth District Court of Appeals held that a trial court has discretion in determining whether there is unusual hardship that warrants the granting of a stay. The Court identified the following factors for consideration when determining whether it is appropriate to stay an administrative order pending judicial review: (1) whether appellant has shown a strong or substantial likelihood or probability of success on the merits; (2) whether appellant has shown that it will suffer irreparable injury; (3) whether the issuance of a stay will cause harm to others; and (4) whether the public interest would be served by granting a stay. *Id.* at p. 783.

Appellant asserts that unusual hardship will result if this Court denies his request for a stay because as the Chief Medical Officer for CareHere Management, PLLC, he is licensed in approximately 20 states, whose licensing authorities already were notified of the Mississippi

Consent Order. Having to notify those authorities of the Entry of Order herein, Appellant argues, will cause him “unusual hardship.” He also indicates that he is required to notify all employers and entities with whom he is under contract to provide medical services, which includes third-party payors such as insurance carriers. He asserts that this will have a significant detrimental effect on his reputation, and patients’ ability to seek insurance coverage and reimbursement.

Additionally, Appellant asserts that one Board member, Dr. Anita Steinbergh, advocated for staying Appellant’s suspension. However, the Board has the authority to stay a suspension, and the record reflects that it declined to do so.

Upon review, Appellant has not sufficiently demonstrated unusual hardship or specific harm from the continuation of the Board’s order that is different from the harm inherently caused by such an order to suspend a medical license. Physicians disciplined by the State of Ohio Medical Board must adhere to the same reporting requirements.

The Board’s primary responsibility is to protect the public. When considering a request to stay an administrative order, courts give significant weight to the expertise of the administrative agency, as well as to the public interest. Furthermore, in considering whether the issuance of a stay will cause harm to others, this Court concludes that the public interest will be served by **not granting** the stay.

Accordingly, Appellant’s “Motion For Suspension Of The Order Of The State Medical Board Of Ohio Pending Appeal,” filed on November 11, 2015, is hereby **DENIED**.

Copies to all parties registered for e-filing.

Franklin County Court of Common Pleas

Date: 12-10-2015
Case Title: ANTHONY V DALLAS JR MD -VS- OHIO STATE MEDICAL BOARD
Case Number: 15CV010030
Type: ENTRY

It Is So Ordered.

The image shows a handwritten signature in black ink that reads "Colleen O'Donnell". The signature is written over a blue circular seal. The seal contains the text "FRANKLIN COUNTY OHIO" around the top and "ALL THINGS ARE TRUE" around the bottom. In the center of the seal, it says "CLERK OF COURTS".

/s/ Judge Colleen O'Donnell

Court Disposition

Case Number: 15CV010030

Case Style: ANTHONY V DALLAS JR MD -VS- OHIO STATE
MEDICAL BOARD

Motion Tie Off Information:

1. Motion CMS Document Id: 15CV0100302015-11-1199980000
Document Title: 11-11-2015-MOTION TO STAY - PLAINTIFF:
ANTHONY V. DALLAS JR MD
Disposition: MOTION DENIED