



State Medical Board of Ohio

75 East State Street, Suite 1000, Columbus, Ohio 43260-1000
614.464.2200

January 12, 2005

John Alexander Tripoulas, M.D.
3167 Linden Road, #409
Rocky River, OH 44116

Dear Doctor Tripoulas:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of R. Gregory Porter, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on January 12, 2005, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

A handwritten signature in cursive script, reading "Lance A. Talmage M.D.", is positioned above the printed name and title.

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 7002 2410 0002 3141 2843
RETURN RECEIPT REQUESTED

Cc: William M. Todd, Esq.
CERTIFIED MAIL NO. 7002 2410 0002 3141 2829
RETURN RECEIPT REQUESTED

SECOND MAILING 1-26-05
MAILED 1-14-05

In the matter of John Alexander Tripoulas, M.D.
Page 2

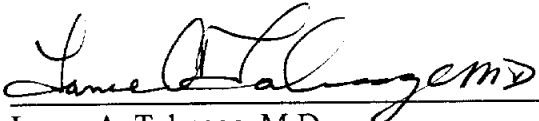
Second mailing: 39-41 Spiridonos Tricoupi
Athens 10683
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REGISTERED MAIL NO. RR 323 470 235 US
RETURN RECEIPT REQUESTED

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of R. Gregory Porter, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on January 12, 2005, 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 Matter of John Alexander Tripoulas, M.D., 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.



Lance A. Talmage, M.D.
Secretary

(SEAL)

January 12, 2005

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

JOHN ALEXANDER TRIPOULAS, M.D. *

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on January 12, 2005.

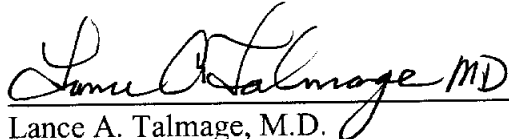
Upon the Report and Recommendation of R. Gregory Porter, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the 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:

The application of John Alexander Tripoulas, M.D., for a certificate to practice medicine and surgery in Ohio is PERMANENTLY DENIED.

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

(SEAL)


Lance A. Talmage, M.D.
Secretary

January 12, 2005
Date

2004 NOV 23 P 1: 32

**REPORT AND RECOMMENDATION
IN THE MATTER OF JOHN ALEXANDER TRIPOULAS, M.D.**

The Matter of John Alexander Tripoulas, M.D., was heard by R. Gregory Porter, Esq., Hearing Examiner for the State Medical Board of Ohio, on October 15, 2004.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated January 14, 2004, the State Medical Board of Ohio [Board] notified John Alexander Tripoulas, M.D., that it had proposed to take disciplinary action against or to refuse to register or reinstate his certificate to practice medicine and surgery in Ohio. The Board based its proposed action on allegations that Dr. Tripoulas had provided false information to the Board in a May 5, 2003, application for licensure; that he had provided false information on a Federation Credentials Verification Service [FCVS] application; and that he had provided false information to two residency programs.

The Board alleged that the conduct of Dr. Tripoulas constitutes “‘fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board,’ as that clause is used in Section 4731.22(A), Ohio Revised Code[;] * * * ‘[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[; and/or] * * * a failure to furnish satisfactory proof of good moral character as required by Sections 4731.29 and 4731.08, Ohio Revised Code.”

Accordingly, the Board advised Dr. Tripoulas of his right to request a hearing in this matter. (State’s Exhibit 1B)

- B. On February 4, 2004, the Board received a written hearing request from William M. Todd, Esq., on behalf of Dr. Tripoulas. (State’s Exhibit 1C)

II. Appearances

- A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Kyle C. Wilcox and Tara L. Berrien, Assistant Attorneys General.

- B. On behalf of the Respondent: Having been previously apprised of his right to appear in person or by representative, neither Dr. Tripoulas nor his counsel appeared at the hearing.

EVIDENCE EXAMINED

I. Testimony Heard

No testimony was presented

II. Exhibits Examined

1. State's Exhibits 1A through 1S: Procedural exhibits.
2. State's Exhibit 2: Certified copy of Dr. Tripoulas' application for an Ohio medical license.
3. State's Exhibit 3: Certified copies of documents maintained by the Obstetrics and Gynecology Residency Program at Rochester General Hospital, Rochester, New York, concerning Dr. Tripoulas' residency at that institution.
4. State's Exhibit 4: Certified copies of documents maintained by the Department of Obstetrics and Gynecology, PHS Mt. Sinai Medical Center, Cleveland, Ohio, concerning Dr. Tripoulas' residency at that institution. [Note: A patient name was redacted from this document post-hearing by the Hearing Examiner at page 29.]
5. State's Exhibit 5: Certified copies of documents maintained by the Department of Surgery, General Surgery Residency Training Program, MCP Hahnemann University, Philadelphia, Pennsylvania, concerning Dr. Tripoulas' residency at that institution.
6. State's Exhibit 6: Certified copies of documents maintained by Staten Island University Hospital, Staten Island, New York, concerning Dr. Tripoulas' residency at that institution. [Note: A Social Security number was redacted from this document post-hearing by the Hearing Examiner at page 5.]
7. State's Exhibit 7: Copies of documents maintained by The Western Pennsylvania Hospital Department of Anesthesiology, Pittsburgh, Pennsylvania, concerning Dr. Tripoulas' residency at that institution.
8. State's Exhibit 8: November 19, 2003, Affidavit of Phyllis C. Leppert, M.D.

9. State's Exhibit 9: December 19, 2003, Affidavit of Fred M. Howard, M.D.

PROCEDURAL MATTERS

On the day of the hearing, but following the conclusion of the hearing, the Hearing Examiner received an October 15, 2004, letter from William M. Todd, Esq., Dr. Tripoulas' counsel, with an attached request for permanent withdrawal of Dr. Tripoulas' application. In his letter, Mr. Todd reiterated the substance of an earlier pre-hearing teleconference among the parties' representatives and the Hearing Examiner that Dr. Tripoulas had determined not to admit the truth of the allegations brought against him by the Board, and that neither Dr. Tripoulas nor his counsel would attend the hearing. The State expressed no objection to the admission of this document to the record. Accordingly, this document was marked as State's Exhibit 1S and admitted to the record as a procedural exhibit.

SUMMARY OF THE EVIDENCE

All exhibits and transcripts of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

Background Information

1. John Alexander Tripoulas, M.D., obtained his medical degree in 1990 from the National and Capodistrian University of Athens in Athens, Greece. (State's Exhibit [St. Ex.] 2 at 39, 28)

On or about May 5, 2003, Dr. Tripoulas submitted an Application for Certificate – Medicine or Osteopathic Medicine [License Application] to the Board. By signing the License Application, Dr. Tripoulas certified that the information provided therein was true. In his License Application, Dr. Tripoulas provided the following history of postgraduate activity:

- 11/90 through 4/91: Personal study.
- 5/91 through 6/93: Resident in the Department of Surgery at Third Social Security Hospital in Athens, Greece.
- 7/93 through 4/94: Resident in the Department of Obstetrics and Gynecology at Rochester General Hospital in Rochester, New York.
- 5/94 through 6/94: Personal study.

- 7/94 through 6/95: “Resident/Research Fellow” in the Department of Surgery at the Medical College of Pennsylvania in Philadelphia, Pennsylvania. Dr. Tripoulas indicated that his duties had been fifty percent clinical and fifty percent research.
- 7/95 through 6/96: Resident in the Department of Surgery at Staten Island University Hospital in Staten Island, New York.
- 7/96 through 6/97: Resident in the Department of Obstetrics and Gynecology at New York University Medical Center in New York, New York.
- 7/97 through 10/97: Personal study.
- 11/97 through 2/98: Resident in the Department of Obstetrics and Gynecology at PHS Mount Sinai Medical Center in Cleveland, Ohio. Dr. Tripoulas noted that that institution has closed.
- 3/98 through 4/98: Personal study.
- 5/98 through 4/99: Resident in the Department of Anesthesia at Meridia Huron Hospital in Cleveland, Ohio.
- 5/99 through 6/99: Personal study.
- 7/99 through 1/00: Resident in the Department of Anesthesia at The Western Pennsylvania Hospital.
- 2/00 through 8/00: “[P]ersonal study and awaiting job placement in Greece.”
- 9/00 through 2/01: Resident in the Department of Orthopedics at St. Savvas Hospital in Athens, Greece.
- 3/01 through 8/01: Resident in the Department of Plastic Surgery at K.A.T. Hospital in Athens, Greece.
- 9/01 through 2/02: Personal study.
- 3/02 through 4/02: Junior Registrar in the Department of Accident and Emergency at Monash Medical Center in Melbourne, Australia.
- 5/02 through 6/02: Personal study.
- 7/02 through 8/02: “Locum Tenens Senior House Officer” in the Department of Surgery at St. Georges Hospital in London, England.

- 9/02 through 2/03: Senior House Officer in the Department of Obstetrics and Gynecology at Queens Medical Center in Nottingham, England.
- 3/03: “Locum Tenens Senior House Officer” in the Department of Surgery at Aberdeen Royal Infirmary in Aberdeen, Scotland.
- 4/03 through 5/03: Personal study while awaiting start of surgical fellowship.

(St. Ex. 2 at 3-7)

2. Dr. Tripoulas’ License Application remains pending. (St. Ex. 2)
3. A May 5, 2003, letter addressed To Whom It May Concern from JoAnn Rodehaver, Residency Program Administrator, Department of Medical Education, Grant Medical Center, Columbus, Ohio, states, “This is to officially inform you that John A. Tripoulas, MD has been accepted into our Breast Surgery Fellowship effective July 1, 2003.” (St. Ex. 2 at 8)

Dr. Tripoulas’ Answer to Question 4 on the “Additional Information” Section on his Ohio License Application, and to Questions on his Federation Credentials Verification Service Application

4. The “Additional Information” section of the License Application includes the instruction,

If you answer ‘YES’ to any of the following questions, you are required to furnish complete details, including date, place, reason and disposition of the matter. All affirmative answers must be thoroughly explained on a separate sheet of paper. You must submit copies of all relevant documentation, such as court pleadings, court or agency orders, and institutional correspondence and orders”.

(St. Ex. 2 at 9) (Emphasis in the original)

Dr. Tripoulas answered “Yes” to question number 4, which asks the following:

Have you ever resigned from, withdrawn from, or have you ever been warned by, censured by, disciplined by, been put on probation by, been requested to withdraw from, dismissed from, been refused renewal of a contract by, or expelled from, a medical school, clinical clerkship, externship, preceptorship, residency, or graduate medical education program?

(St. Ex. 2 at 9) In addition, Dr. Tripoulas underlined the words, “resigned from,” and hand wrote, “Resigned,” after the question. (St. Ex. 2 at 9)

In his written explanation concerning his affirmative response to question 4, Dr. Tripoulas stated as follows:

Resigned from Obstetrics and Gynecology residency program at Rochester General Hospital, Rochester, New York, April 1994. I was recruited from Europe to be part of the first class of this residency which was in its starting year of existence. The program was on probation, lacked senior and chief residents and could not offer the learning opportunities of an established program.

Resigned from the Obstetrics and Gynecology residency program at PHS Mount Sinai Hospital, Cleveland, Ohio, February 1998. I was offered this position in November 1997 secondary to attrition. The program was on probation. As is common knowledge this hospital closed soon after my resignation. There was much internal turmoil prior to its closing that was not conducive to an excellent learning experience.

Resigned from Anesthesiology residency program at The Western Pennsylvania Hospital, Pittsburgh, Pennsylvania, January 2000. I applied to this residency program under extenuating circumstances (see response to question number 5)¹ because the residency program in Anesthesiology in which I was enrolled at Meridia Huron Hospital, Cleveland, Ohio was closing. I found some of the changes at this new venue personally disillusioning and during the course of the transfer experience I decided I did not wish to become an Anesthesiologist.

(St. Ex. 2 at 11)

5. In Federation Credentials Verification Service [FCVS] questionnaires concerning his postgraduate medical education at Rochester General Hospital, the Medical College of Pennsylvania, The Western Pennsylvania Hospital, and PHS Mount Sinai Medical Center, Dr. Tripoulas answered “No” to the following questions that concerned whether there had been any unusual circumstances concerning his postgraduate medical education:
 - “Were you ever disciplined or placed under investigation?”
 - “Were any negative reports ever filed against you?”

¹ In his response to question 5, Dr. Tripoulas stated, “Transferred from the residency program in Anesthesiology at Meridia Huron Hospital, Cleveland, Ohio to the residency program in Anesthesiology at The Western Pennsylvania Hospital, Pittsburgh, Pennsylvania. In March 1999 it was announced that the residency program in Anesthesia at Meridia Huron Hospital was closing. I wished to train at a community hospital near the city of Cleveland and my transfer was accepted by the Anesthesiology Department at The Western Pennsylvania Hospital.” (St. Ex. 2 at 11)

- “Were any limitations or special requirements imposed on you because of academic incompetence, disciplinary problems or for any other reason?”

(St. Ex. 2 at 45, 47, 51, 53)

Records Concerning Dr. Tripoulas’ Residency at Rochester General Hospital

6. With regard to Dr. Tripoulas’ residency at Rochester General Hospital, a letter dated April 19, 1994, to Dr. Tripoulas from Phyllis Leppert, M.D., Chief of Obstetrics and Gynecology, Rochester General Hospital; and Steven I. Goldstein, President and Chief Executive Officer of Rochester General Hospital, states, in part,

This letter is to officially notify you that you are summarily suspended from your residency duties in the Department of Obstetrics and Gynecology effective immediately. * * * The nature of this decision is your failure to successfully complete you[r] residency program in a competent manner and our determination that the level of patient care that you delivery [sic] is unacceptable in out [sic] judgment.

(St. Ex. 3 at 4) Further, a memorandum dated April 19, 1994, directed to “Ob/Gyn Nursing Staff” from Dr. Leppert states, “As of 4:00 p.m. today, April 19, 1994, Dr. John Tripoulas is permanently suspended from his residency duties and he should not have any patient contact.” (St. Ex. 3 at 3)

By letter dated April 21, 1994, Dr. Tripoulas informed Dr. Leppert, “I am resigning my residency position at Rochester General Hospital, effective April 20, 1994.” (St. Ex. 3 at 5)

7. In a November 19, 2003, Affidavit, Dr. Leppert stated, among other things,
 2. I was apprised of serious ongoing performance problems regarding Dr. Tripoulas and, as a result, had at least two conversations with Dr. Tripoulas in the late fall of 1993 or early winter of 1994 in which I warned him about his residency performance.
 3. I signed a letter to Dr. Tripoulas dated April 19, 1994, notifying Dr. Tripoulas about his summary suspension from the OB/GYN residency, effective immediately. As far as I am aware, Dr. Tripoulas received that April 19, 1994, notice.

(St. Ex. 8)

8. By Affidavit dated December 19, 2003, Fred M. Howard Jr., M.D., stated that he had been a faculty member and practicing Ob/Gyn physician at Rochester General Hospital during the period that Dr. Tripoulas had been a resident there. Dr. Howard further stated, "I observed and was informed of serious ongoing performance problems regarding Dr. Tripoulas during his OBGYN residency and, as a result, had more than three conversations with Dr. Tripoulas from approximately October of 1993 to approximately April of 1994 in which I warned him about his residency performance." (St. Ex. 9)

Records Concerning Dr. Tripoulas' Residency at the Medical College of Pennsylvania

9. With regard to Dr. Tripoulas' anesthesiology residency at the Medical College of Pennsylvania, a November 8, 1994, letter to Dr. Tripoulas from Joel J. Roslyn, M.D., Professor and Chairman, Medical College of Pennsylvania, stated as follows,

On November 1, 1994, you and I met to discuss your performance in the General Surgery Residency. Because of the continuing problems that have been identified by your Chief Residents and faculty on the various clinical rotations where you have worked, it has become necessary for us to place you on probationary status. There are three major issues that you and I have spoken about in some detail over the last several months that must be corrected if you are to remain active in the program. These include: 1) tardiness for rounds, 2) the ability to perform tasks in a manner and style comparable to that of your peers, which allows for efficient running of the surgical team, and 3) the demonstration of sound judgment in terms of patient care and clinical management issues. You will be closely monitored for progress in these areas over the next month. If you are unable to meet the standards that we have discussed and are spelled out above in this document, then the faculty will reconsider your status in the program and will consider termination at that time.

(St. Ex. 5 at 2) Further, Dr. Tripoulas signed to acknowledge receipt of the letter on December 2, 1994. (St. Ex. 5 at 2)

Records Concerning Dr. Tripoulas' Residency at Staten Island University Hospital

10. With regard to Dr. Tripoulas' surgery residency at Staten Island University Hospital, by a September 7, 1995, memorandum to Dr. Tripoulas, Richard K. Spence, M.D., Director of Surgery, informed Dr. Tripoulas, "As a result of your failure to meet basic responsibilities, you have been suspended from all clinical responsibilities for the following one month period." Dr. Spence further informed Dr. Tripoulas that he would have to continue to attend all teaching conferences, and continue to meet with his chief residents and with Dr. Spence. Moreover, Dr. Spence informed Dr. Tripoulas that he would be required to meet with a physician in the Department of Psychiatry for a complete evaluation. (St. Ex. 6 at 2)

In addition, a Surgery Resident Evaluation concerning Dr. Tripoulas dated March 1, 1996, for the period of October through December 1995, states that “[t]he committee decided that Dr. Tripoulas would not be continued beyond the current year.” (St. Ex. 6 at 3)

Dr. Tripoulas’ Curriculum Vitae Submitted to the Staten Island University Hospital Residency Program

11. In a Curriculum Vitae that Dr. Tripoulas submitted to the residency program at Staten Island University Hospital on or about March 20, 1995, Dr. Tripoulas listed only the May 1991 through June 1993 surgical residency in Greece. Dr. Tripoulas failed to disclose his participation in the residencies at Rochester General Hospital and the Medical College of Pennsylvania. (St. Exs. 3 and 5; St. Ex. 6 at 5-9)

Records Concerning Dr. Tripoulas’ Residency at PHS Mount Sinai Medical Center

12. With regard to Dr. Tripoulas’ Ob/Gyn residency at PHS Mount Sinai Medical Center, a January 20, 1998, letter to Dr. Tripoulas from Kenneth F. Trofatter Jr., M.D., Ph.D., indicated that, on January 10, 1998, Dr. Trofatter, Steven Klein, Assistant Program Director, and Dr. Tripoulas had met to discuss Dr. Tripoulas’ performance in the residency program. In his letter, Dr. Trofatter informed Dr. Tripoulas, among other things, that senior faculty had reported that Dr. Tripoulas had been deficient in basic organizational skills, basic fund of knowledge, basic technical skills, and ability to function independently in decision-making. Dr. Trofatter further stated that “it would be in [Dr. Tripoulas’] best interest to withdraw from the program as soon as possible and devote [his] energies to improving and mastering concepts related to [his] outlined deficiencies.” Finally, Dr. Trofatter informed Dr. Tripoulas that Dr. Tripoulas should “take some time to contemplate what must be done,” and for Dr. Tripoulas to respond to Dr. Trofatter in writing at Dr. Tripoulas’ earliest convenience. (St. Ex. 4 at 2-4)

Dr. Tripoulas responded to Dr. Trofatter in a lengthy, handwritten letter dated February 4, 1998. Among other things, Dr. Tripoulas pleaded with Dr. Trofatter to allow him to do remedial work and to be given credit for a PGY-2 year so that he could “begin a PGY-3 year at another institution.” (St. Ex. 4 at 5-22)

In a February 4, 1998, letter to Dr. Tripoulas, Dr. Trofatter advised Dr. Tripoulas that he was immediately dismissed from the residency program. Dr. Trofatter reiterated the issues raised in his earlier letter, and added, among other things, that Dr. Tripoulas had exhibited “inattentiveness to patient management (i.e., [Dr. Tripoulas was] frequently absent from the floor and did not respond promptly to calls back).” (St. Ex. 4 at 23-26)

Records Concerning Dr. Tripoulas' Residency at The Western Pennsylvania Hospital

13. With regard to Dr. Tripoulas' anesthesiology residency at The Western Pennsylvania Hospital, a Memo to File dated January 5, 2000, by Craig H. Leicht, M.D., MPH, states, in part,

As a result of my 11/30/99 meeting with Karen Barringer and Dr. Garone, on Dec. 1 I met separately with Dr. [redacted] and Dr. John Tripoulas to explain to the two residents that because of continuing failure on their part to meet standards required at their level of training and now also because of potential medicolegal concerns stemming from allowing resident to continue to treat patients with their grossly unsatisfactory evaluations, the hospital and the department would absolutely not allow them to continue as residents past 12/31/99. Both residents agreed that rather than be involuntarily terminated, they would submitted [sic] letters of resignation stating they would be leaving on or before 12/31/99. Anticipating that Dr. Tripoulas would not take the initiative, Joan typed a note for him, which he eventually amended and signed. * * *

(St. Ex. 7 at 28)

Dr. Tripoulas' resignation letter states, in part,

My performance evaluation from October 1, 1999 through October 31, 1999 has been shared with me today and additional feedback from the Clinical Competence Committee and/or the Program Director has been discussed contemporaneously. * * *

I also understand that, in the opinion of the Clinical Competence Committee, my current level of performance does not meet the milestones of that of a trainee at the second year of Clinical Anesthesia (CA-2). Consequently, I understand, based upon my evaluations, that I am voluntarily withdrawing from The Western Pennsylvania Hospital Residency in Anesthesiology.

(St. Ex. 7 at 6)

14. Included in the records of the Anesthesiology Residency Program at The Western Pennsylvania Hospital are several pages labeled "Comments." These include the following:
9. **Strengths:** He can communicate.
Weaknesses: If John would show up on time, read about anesthesia, remember things from minute to minute or day to day, recognize

potential problems in patient care, he would be a satisfactory anesthesia resident. John is none of these things.

Comments: I don't know if he's honest, he is clueless!

* * *

11. **Strengths:** None

Weaknesses: Should be considered armed and dangerous. A clear threat to patient safety. He isn't improving at all. Even simple tasks such as giving antibiotics or changing fluid bags exceed his ability.

Comments: He is so bad that he should not be allowed anywhere near a patient.

(St. Ex. 7 at 27) (Emphasis in original)

Dr. Tripoulas' Application to the Western Pennsylvania Hospital Residency Program

15. On or about April 15, 1999, Dr. Tripoulas signed and submitted to The Western Pennsylvania Hospital an Application for Residency/Fellowship. In that document, Dr. Tripoulas answered, "NO," to the following question: "Have you ever been dismissed or asked to leave a position?" (St. Ex. 7 at 3)

However, as described above in Summary of the Evidence 12, on or about January 10 and 20, 1998, Dr. Tripoulas was asked to withdraw from the Ob/Gyn residency at PHS Mount Sinai Medical Center due, in part, to his deficiencies in basic organizational skills, basic fund of knowledge, basic technical skills, and the ability to function independently in decision-making. (St. Ex. 4 at 2-4)

FINDINGS OF FACT

1. On or about May 5, 2003, John Alexander Tripoulas, M.D., submitted an Application for Certificate – Medicine or Osteopathic Medicine [License Application] to the Boar. By signing the License Application, Dr. Tripoulas certified that the information provided therein was true. The License Application remains pending.
2. The "Additional Information" section of Dr. Tripoulas' License Application includes the following instruction:

If you answer 'Yes' to any of the following questions, you are required to furnish complete details, including date, place, reason and disposition of the matter. All affirmative answers must be thoroughly explained on a separate sheet of paper. You must submit copies of all relevant documentation, such as

court pleadings, court or agency orders, and institutional correspondence and orders.”

(Emphasis in the original.)

In the “Additional Information” section of his License Application Dr. Tripoulas answered “YES” to question number 4, which asks the following:

Have you ever resigned from, withdrawn from, or have you ever been warned by, censured by, disciplined by, been put on probation by, been requested to withdraw from, dismissed from, been refused renewal of a contract by, or expelled from, a medical school, clinical clerkship, externship, preceptorship, residency, or graduate medical education program?

In Dr. Tripoulas’ written response he indicated that he had resigned in April 1994 from the obstetrics and gynecology residency program at Rochester General Hospital [Rochester residency] in Rochester, New York, and that he had also resigned in February 1998 from the obstetrics and gynecology residency program at PHS Mount Sinai Medical Center [Mt. Sinai residency] in Cleveland, Ohio. He also stated that the Mt. Sinai residency program had closed soon after his resignation. Dr. Tripoulas further stated that he had resigned in January 2000 from the anesthesiology residency program at The Western Pennsylvania Hospital [Western Pennsylvania residency] in Pittsburgh, Pennsylvania.

- a. In fact, as to the Rochester residency, on or about April 19, 1994, Dr. Tripoulas was summarily suspended from the Rochester residency two days prior to his submission of his resignation from that program due, in part, to patient care issues.
- b. In fact, on or about November 8, 1994, Dr. Tripoulas was placed on probation while he attended the General Surgery Residency Program at the Medical College of Pennsylvania [Medical College residency]. Moreover, Dr. Tripoulas was warned by the residency of deficiencies in his performance at the Medical College residency.
- c. In fact, Dr. Tripoulas failed to disclose that, on or about September 7, 1995, he had been suspended from all clinical activities and responsibilities for one month at the Surgical Residency Program at Staten Island University Hospital [Staten Island residency]. Dr. Tripoulas further failed to disclose that the Staten Island residency had decided not to continue him beyond his first year.
- d. In fact, as to the Mt. Sinai residency, on or about January 10, 1998, and January 20, 1998, Dr. Tripoulas was asked to withdraw from the Mt. Sinai residency due, in part, to his deficiencies in basic organizational skills, basic fund of knowledge, basic technical skills and the ability to function independently in decision-making. Moreover, Dr. Tripoulas was advised, via letter dated February 4, 1998, that he had

been dismissed from the Mt. Sinai residency, due, in part, to the concerns identified above as well as his frequent absences from the floor and his failure to respond promptly to calls back.

3. In Federation Credentials Verification Service [FCVS] questionnaires concerning his postgraduate medical education at Rochester General Hospital, the Medical College of Pennsylvania, The Western Pennsylvania Hospital, and PHS Mount Sinai Medical Center, Dr. Tripoulas answered, “No,” to the following questions that concerned whether there had been any unusual circumstances concerning his postgraduate medical education:

- “Were you ever disciplined or placed under investigation?”
- “Were any negative reports ever filed against you?”
- “Were any limitations or special requirements imposed on you because of academic incompetence, disciplinary problems or any other reason?”

In fact, Dr. Tripoulas was:

- suspended from all clinical activities and responsibilities and was not continued beyond his first year at the Staten Island residency;
 - aware of negative reports from instructors regarding his performance at the Mt. Sinai residency;
 - placed on probation at the Medical College residency;
 - advised of negative reports from multiple instructors and/or residency officers regarding his performance at the Medical College residency; and
 - advised of negative reports from multiple instructors and/or residency officers regarding his performance at the Western Pennsylvania residency.
4. On or about March 20, 1995, Dr. Tripoulas caused to be submitted to the Staten Island residency a curriculum vitae in which he failed to disclose his attendance at the Rochester residency and the Medical College residency.
5. On or about April 15, 1999, Dr. Tripoulas submitted to the Western Pennsylvania residency an Application for Residency/Fellowship in which he answered “No” to the following question:

Have you ever been dismissed or asked to leave a position?

In fact, on or about January 10, 1998, and January 20, 1998, Dr. Tripoulas was asked to withdraw from the Mt. Sinai residency due, in part, to his deficiencies in basic organizational skills, basic fund of knowledge, basic technical skills and the ability to function independently in decision-making.

CONCLUSIONS OF LAW

1. The conduct of John Alexander Tripoulas, M.D., as set forth in Findings of Fact 1 through 5 constitutes “fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board,” as that clause is used in Section 4731.22(A), Ohio Revised Code.
2. The conduct of Dr. Tripoulas as set forth in Findings of Fact 1 through 5 constitutes “[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.
3. The conduct of Dr. Tripoulas as set forth in Findings of Fact 1 through 5 constitutes a failure to furnish satisfactory proof of good moral character as required by Sections 4731.29 and 4731.08, Ohio Revised Code.

PROPOSED ORDER

It is hereby ORDERED that:

The application of John Alexander Tripoulas, M.D., for a certificate to practice medicine and surgery in Ohio is PERMANENTLY DENIED.

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

A handwritten signature in black ink, appearing to read 'R. Gregory Porter', written over a horizontal line.

R. Gregory Porter, Esq.
Hearing Examiner



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.state.oh.us/med/

EXCERPT FROM THE DRAFT MINUTES OF JANUARY 12, 2005

REPORTS AND RECOMMENDATIONS

Dr. Davidson announced that the Board would now consider the findings and orders appearing on the Board's agenda. She asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Ghassan Haj Hamed, M.D.; Valerie Ann McLin, M.D.; Daniel Howard Brumfield, M.D.; Jeffrey James Fierra, M.D.; Steven Franklin Greer, M.D.; Felicia K. Howard-McGrady, M.D.; Willie L. Josey, M.D.; Thomas R. Pickett, M.D.; and John Alexander Tripoulas, M.D. A roll call was taken:

ROLL CALL:

Dr. Egner	- aye
Dr. Bhati	- aye
Dr. Buchan	- aye
Dr. Kumar	- aye
Mr. Browning	- aye
Dr. Davidson	- aye
Dr. Robbins	- aye
Dr. Garg	- aye
Dr. Steinbergh	- aye
Dr. Davidson	- aye

Dr. Davidson asked whether each member of the Board understands that the 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. A roll call was taken:

ROLL CALL:

Dr. Egner	- aye
Dr. Bhati	- aye
Dr. Buchan	- aye
Dr. Kumar	- aye
Mr. Browning	- aye
Dr. Davidson	- aye
Dr. Robbins	- aye
Dr. Garg	- aye
Dr. Steinbergh	- aye
Dr. Davidson	- aye

Dr. Davidson noted that, in accordance with the provision in Section 4731.22(F)(2), Revised Code, 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 these matters.

Dr. Davidson stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and orders in the above matters. No objections were voiced by Board members present.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

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Dr. Garg joined the meeting at this time.

.....
Dr. Davidson asked Dr. Garg whether he had received, read, and considered the hearing records, the proposed findings, conclusions, and orders, and any objections filed in the Reports and Recommendations on this month's agenda, and whether he understands that the 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. Dr. Garg responded, "yes," to both questions.

.....
Mr. Dilling asked Mr. Browning whether he had received, read, and considered the hearing records, the proposed findings, conclusions, and orders, and any objections filed in the Reports and Recommendations on this month's agenda, and whether he understands that the 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. Mr. Browning responded, "yes," to both questions.

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Dr. Talmage left the meeting during the previous discussion.

.....
Mr. Albert and Dr. Garg left the meeting at this time.

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Dr. Garg returned to the meeting at this time.

JOHN ALEXANDER TRIPOULAS, M.D.

.....

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF JOHN ALEXANDER TRIPOULAS, M.D. DR. BUCHAN SECONDED THE MOTION.

A vote was taken on Mr. Browning's motion to approve and confirm:

Vote:	Dr. Egner	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Dr. Davidson	- aye

The motion carried.



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January 14, 2004

John Alexander Tripoulas, M.D.
3167 Linden Road #409
Rocky River, OH 44116

Dear Doctor Tripoulas:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio 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 or place you on probation for one or more of the following reasons:

- (1) On or about May 5, 2003, you submitted an Application for Certificate – Medicine or Osteopathic Medicine [License Application] to the State Medical Board of Ohio. Your License Application is currently pending. By signing the License Application, you certified that the information provided therein was true.
- (2) The “Additional Information” section of your License Application includes the instruction that, should you answer “YES” to any question, “you are required to furnish complete details, including date, place, reason and disposition of the matter. All affirmative answers must be thoroughly explained on a separate sheet of paper. You must submit copies of all relevant documentation, such as court pleadings, court or agency orders, and institutional correspondence and orders” (emphasis in the original). In that “Additional Information” section of your License Application you answered “YES” to question number 4, which asks the following:

Have you ever resigned from, withdrawn from, or have you ever been warned by, censured by, disciplined by, been put on probation by, been requested to withdraw from, dismissed from, been refused renewal of a contract by, or expelled from, a medical school, clinical clerkship, externship, preceptorship, residency, or graduate medical education program?

In your written response you indicated that you resigned in April 1994 from the OB/GYN residency program at Rochester General Hospital [Rochester residency] in Rochester, New York, and that you also resigned in February 1998 from the OB/GYN residency program at PHS Mount Sinai Hospital [Mt. Sinai residency] in Cleveland, Ohio. You further stated that you resigned in January 2000 from the Anesthesiology residency program at Western Pennsylvania Hospital [Western Pennsylvania residency] in Pittsburgh, Pennsylvania. You also stated that the Mt. Sinai residency program closed soon after your resignation.

Mailed 1-15-04

- (a) In fact, as to the Rochester residency, on or about April 19, 1994, you were summarily suspended from the Rochester residency two days prior to your submission of your resignation from that program due, in part, to patient care issues.
- (b) In fact, as to the Mt. Sinai residency, on or about January 10, 1998, and January 20, 1998, you were asked to withdraw from the Mt. Sinai residency due, in part, to your deficiencies in basic organizational skills, basic fund of knowledge, basic technical skills and the ability to function independently in decision-making. Moreover, you were advised, via letter dated February 4, 1998, that you were dismissed from the Mt. Sinai residency, due, in part, to the concerns identified above as well as your frequent absences from the floor and your failure to respond promptly to calls back.
- (c) In fact, on or about November 8, 1994, you were placed on probation while you attended the General Surgery Residency Program at the Medical College of Pennsylvania [Medical College residency]. Moreover, you were warned by the residency of deficiencies in your performance at the Medical College residency.
- (d) In fact, you failed to disclose that, on or about September 7, 1995, you were suspended from all clinical activities and responsibilities for one month at the Surgical residency program at Staten Island University Hospital [Staten Island residency]. You further failed to disclose that the Staten Island residency decided not to continue you beyond your first year.
- (3) You answered "No" to the questions on your Federation Credentials Verification Service [FCVS] application which asked whether there were any unusual circumstances associated with any of your postgraduate medical education, specifically:
 - were you ever disciplined or placed under investigation;
 - were any negative reports ever filed by instructors; and
 - were any limitations or special requirements imposed on you because of academic incompetence, disciplinary problems or any other reason?

In fact, you were:

- suspended from all clinical activities and responsibilities and were not continued beyond your first year at the Staten Island residency;
- summarily suspended from the Mt. Sinai residency;
- aware of negative reports from instructors regarding your performance at the Mt. Sinai residency;
- placed on probation at the Medical College residency;
- advised of negative reports from multiple instructors and/or residency officers regarding your performance at the Medical College residency; and
- advised of negative reports from multiple instructors and/or residency officers regarding your performance at the Western Pennsylvania residency.

- (4) On or about March 20, 1995, you caused to be submitted to the Staten Island residency a curriculum vitae in which you failed to disclose your attendance at the Rochester residency and the Medical College residency.
- (5) On or about April 15, 1999, you submitted to the Western Pennsylvania residency an Application for Residency/Fellowship in which you answered "No" to the following question:

Have you ever been dismissed or asked to leave a position?

In fact, on or about January 10, 1998, and January 20, 1998, you were asked to withdraw from the Mt. Sinai residency due, in part, to your deficiencies in basic organizational skills, basic fund of knowledge, basic technical skills and the ability to function independently in decision-making.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (5) above, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) through (5) 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 paragraphs (1) through (5) above, individually and/or collectively, constitute a failure to furnish satisfactory proof of good moral character as required by Sections 4731.29 and 4731.08, 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 revoke, suspend, refuse to

John Alexander Tripoulas, M.D.

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register or reinstate your certificate to practice medicine and surgery or to reprimand 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,

A handwritten signature in black ink, appearing to read "Lance A. Talmage, M.D.", with a stylized flourish at the end.

Lance A. Talmage, M.D.
Secretary

LAT/blt
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5150 7230
RETURN RECEIPT REQUESTED

cc: William M. Todd, Esq.
1300 Huntington Center
41 South High Street
Columbus, OH 43215-6197

CERTIFIED MAIL # 7000 0600 0024 5150 7223
RETURN RECEIPT REQUESTED