

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

SURRENDER

OF

ORDER

RICHARD G. RUHLING, M.D.
CO-04-07-3409-A

BPMC No. 04-237

RICHARD G. RUHLING, M.D., says:
UH

On or about June 29, 1979, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 138382 by the New York State Education Department. *I have not practiced medicine in NY in 20 years. I currently live in Dayton, TN.*

I currently reside at 10611 High Point Road, Apison, TN 37302. *in Dayton, TN.*
I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A." *Nothing found marked "Exhibit A"*

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order. *R*

I, hereby, agree not to ^{legally} contest the two (2) specifications set forth in the Statement of Charges (Exhibit A). *For there seems no point in doing so now - I should have done so when Kentucky so poorly & un-fairly worded the order of surrender. The*

I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not be used against me in any way, and shall be kept in strict *sign. Not know the le imdice*

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confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above or to my attorney or upon transmission via facsimile to me or my attorney, whichever is first.


I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind of manner. *with the understanding that this is not to be reported to the media.*

Date: Oct 7, 2004

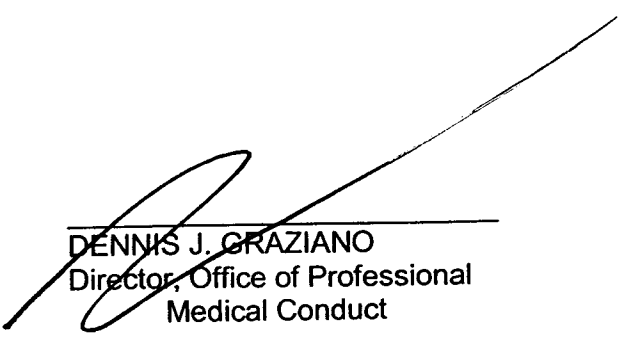

RICHARD G. RINLING, M.D.
Respondent *UH*

AGREED TO:

Date: 20 October, 2004


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

Date: 21 October, 2004


DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

STATE OF NEW YORK DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
RICHARD G. RUHLING, M.D.
CO-04-07-3409-A

STATEMENT
OF
CHARGES

RICHARD G. RUHLING, M.D., the Respondent, was authorized to practice medicine in New York state on June 29, 1979, by the issuance of license number 138382 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about May 19, 2004, the Commonwealth of Kentucky, Kentucky Board of Medical Licensure (hereinafter "Kentucky Board"), by an Agreed Order of Surrender (hereinafter "Kentucky Order"), accepted the surrender of Respondent's license to practice medicine, based on engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public or any member thereof and conduct which is calculated or has the effect of bringing the medical profession into disrepute.

B. The conduct resulting in the Kentucky Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state Law:

1. New York Education Law §6530(17) (exercising undue influence on the patient);
and/or
2. New York Education Law §6530(20) (moral unfitness).

SPECIFICATIONS
FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:


1. The facts in Paragraphs A and/or B.

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having voluntarily surrendered his license to practice medicine after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the voluntary surrender would, if committed in New York state, constitute professional misconduct under the laws New York state, in that Petitioner charges:

2. The facts in Paragraphs A and/or B.

DATED: *Sept. 24*, 2004
Albany, New York


PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical Conduct

ORDER


Upon the proposed agreement of **RICHARD G. RHULING, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of the Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy to Respondent at the addresses set forth in this agreement or to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 10/25, 2004


MICHAEL A. GONZALEZ, R.P.A.
Vice Chair
State Board for Professional
Medical Conduct

1606_15417_012606
STATE OF TENNESSEE
DEPARTMENT OF HEALTH

IN THE MATTER OF:)	BEFORE THE BOARD OF
)	MEDICAL EXAMINERS
RICHARD G. RUHLING, M.D.)	
RESPONDENT)	DOCKET NO. 17.18-076867A
)	
COLLEGEDALE, TENNESSEE)	
TENNESSEE LICENSE # 15417)	

ORDER

This matter came to be heard before the Tennessee Board of Medical Examiners (hereinafter “the Board”) on the 21st day of September, 2005, pursuant to a Notice of Charges issued against the Respondent by the Division of Health Related Boards of the Tennessee Department of Health, (hereinafter “the State”). The State was represented by Laurie Lea Doty, Deputy General Counsel. The Respondent was present and waived his right to be represented by counsel. Presiding over the hearings was Administrative Judge Ann M. Johnson from the Office of the Secretary of State. After consideration of the Notice of Charges, the testimony and evidence introduced at trial, and presentation of counsel for the State and the Respondent, the Board finds as follows:

I. FINDINGS OF FACT

1. On or about March 26, 2003, the Kentucky Board received a grievance alleging that the Respondent provided patients with extra prescriptions if they purchased books that he had written.

2. The Respondent worked at Tri-State in the past and had previously asked if he could sell books and videos to patients. The Respondent was seen taking money for the books and giving the patients prescriptions.
3. On or about February 27, 2003, approximately three (3) patients arrived at the office stating that they were willing to buy the Respondent's books to obtain an extra prescription and three (3) patients with scheduled appointments were offered this deal.
4. Patient A was offered two books, stating that if she bought the Respondent's books he would provide her with the next month's prescription and she would not have to return for that appointment [*letters used to maintain patient confidentiality*]. Patient A stated that she bought both books for \$20.00 and received a prescription for Lorcet 10, which she had filled.
5. Patient B he saw the Respondent four (4) to five (5) times at Tri-State Health Care. At each office visit, the Respondent would attempt to sell him books before the exam. During one office visit, Patient B bought one book in order to keep the Respondent from pressuring him. Patient B went to a seminar provided by the Respondent on natural healing and felt pressured to buy books. After the seminar the Respondent took each participant into his office and offered to sell them books and Patient B bought a book and a tape. The book contained a prescription for Lorcet, which was dated for the next month. Patient B stated that this is the medication he is currently on and returned the prescription because he received one from the Respondent a day or two prior to this meeting.

6. Two additional patients, Patients C and D, provided written statements recalling encounters with the Respondent during which he offered additional prescriptions for their controlled substances if the patients purchased his book(s).
7. The Respondent denies the allegations suggesting any illegal or unethical medical practices occurred.
8. The Kentucky Board Consultant concluded that each chart reviewed shows that the Respondent did nothing more than write refills for their chronic medicines. The Consultant found the Respondent's conduct of "rewarding" those who bought his materials with an "extra" prescription to be unacceptable. Specifically, the Consultant opined:

The physician alone does not constitute a danger to the health, welfare, and safety of patients or public, but the clinic does. There is no medical care, just narcotic prescriptions being written. The physician is the vehicle that the clinic uses, and hides behind, to generate revenue.
9. On or about May 19, 2004, Respondent entered into an Agreed Order of Surrender, which ordered the Respondent to surrender his license and not reapply or file a petition for reinstatement of his Kentucky medical license. Also, ordering him to permanently retire from the practice of medicine in Kentucky. He was also ordered to never perform any act which would constitute "the practice of medicine" within the Commonwealth of Kentucky.
10. Respondent entered into a Surrendered Order with the State of New York Board for Professional Medical Conduct which went into effect on about November 3, 2004. The Respondent was ordered to surrender his medical license in the State of New York and he was struck from the roster of New York medical doctors.

II. CONCLUSIONS OF LAW

The facts as found in the Findings of Fact are sufficient to establish that the Respondent has violated the following statutes or rules which are part of the Tennessee Medical Practice Act, (TENN. CODE ANN. § 63-6-101, *et seq.*) for which disciplinary action before and by the Board of Medical Examiners is authorized:

11. TENN. CODE ANN. § 63-6-214 grant the Tennessee Board of Medical Examiners (the Board) the power to suspend, revoke or otherwise discipline a licensee who has violated the provisions of Title 63, Chapter 6 of the Tennessee Code or the regulations duly promulgated by the Board.

(b) The grounds upon which the board shall exercise such power include, but are not limited to:

(1) Unprofessional, dishonorable, or unethical conduct. [This violation is established by findings of fact numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10.]

(20) Disciplinary action against a person licensed to practice medicine by another state or territory of the United States for any acts or omissions that would constitute grounds for discipline of a person licensed in this state. A certified copy of the initial or final order or other equivalent document memorializing the disciplinary action from the disciplining state or territory shall constitute prima facie evidence of violation of this section and be sufficient grounds upon which to deny, restrict or condition licensure or renewal and/or discipline a person licensed in this state. [This violation is established by findings of fact numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10.]

III. REASONS FOR THE DECISION

This action was taken by the Board of Medical Examiners in order to protect the health, safety and welfare of the citizens of the State of Tennessee.

IV. ORDER

IT IS, THEREFORE, **ORDERED, ADJUDGED and DECREED** as follows:

12. Respondent's Tennessee medical license, number 15417, shall be and is hereby **PERMANENTLY REVOKED.**
 13. The Respondent must pay the actual and reasonable costs of prosecuting this case to the extent allowed by law. TENN. CODE ANN. § 63-6-214(k). These costs will be established by an Affidavit of Costs prepared and filed by counsel for the Department.
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V. NOTICE

14. The Board may, whenever a final order is issued after a disciplinary contested case hearing which contains findings that a licensee has violated any provision of Title 63, Chapter 6, assess the costs directly related to the prosecution of the case against the licensee. TENN. CODE ANN. § 63-6-214(k) (2004) and Rule 0880-2-.12(j) of the *O.C.R.R.S.T.*
15. All assessed cost payments shall be made by certified check, cashier's check, or money order, within thirty (30) days after the issuance of the Affidavit of Costs, payable to the State of Tennessee, Department of Health. Any and all payments shall be forwarded to

the Disciplinary Coordinator, State of Tennessee, Health Related Boards, Cordell Hull Building, 3rd Floor, 425 Fifth Avenue North, Nashville, Tennessee 37247.

So **ORDERED** by the Tennessee Board of Medical Examiners this _____ day of _____, 2006.

Chairperson
Tennessee Board of Medical Examiners

RECONSIDERATION, ADMINISTRATIVE RELIEF AND JUDICIAL REVIEW

Within fifteen (15) days after the entry of an initial or final order, a party may file a petition to the Board for reconsideration of the Final Order. If no action is taken within twenty (20) days of filing of the petition with the Board, it is deemed denied. TENN. CODE ANN. § 4-5-317 (Supp. 2002).

In addition, a party may petition the Board for a stay of the Final Order within seven (7) days after the effective date of the Final Order. TENN. CODE ANN. § 4-5-316 (1998).

Finally, a party may seek judicial review by filing a petition for review in the Chancery Court of Davidson County within sixty (60) days after the effective date of the Final Order. A petition for reconsideration does not act to extend the sixty (60) day period; however, if the petition is granted, then the sixty (60) day period is tolled and a new sixty (60) day period commences from the effective date of the Final Order disposing of the petition. TENN. CODE ANN. § 4-5-322 (Supp. 2002).

Prepared for entry:

Laurie Lea Doty
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Office of General Counsel
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(615) 741-1611