



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

January 31, 2011

VIA Email: subject@zoho.com

G. Guppo
Box 51213
Boston, MA 02205

Subject: Leroy Harrison Carhart, M.D.

Dear G. Guppo:

This letter is in response to your request seeking copies of public information records of the State Medical Board of Ohio [Medical Board]. Requested documents included licensure or renewal application records, complaints or disciplinary records, hospital admitting privileges, medical malpractice case information, and all correspondence complaints.

The identifiable public records responsive to your request are attached to this email. In order to facilitate a more efficient response and transfer of the related record copies, listed are some standard legal references of which to be made aware:

- ✓ Note that in all of the records, your subject's Social Security Number is redacted, pursuant to *State ex rel. Office of Montgomery Cty Public Defender v. Siroki*, 108 Ohio St. 3d 207 (2006).
- ✓ For a physician's licensure application, note that the American Medical Association Physician Profile for the physician is redacted in total from the licensure application documents. It is redacted because it constitutes a trade secret and is not a public record pursuant to Sections 149.43(A)(1)(v) and 1333.61(D), Ohio Revised Code.
- ✓ Any public records concerning disciplinary or formal action documents are available for viewing and printing free of charge directly through the license verification function of the Medical Board's website at www.med.ohio.gov. These are found under the heading for *Professionals: Credential & Research*, and then click on **Licensee Profile & Status** to begin the search engine of the Ohio eLicense Center. The Medical Board has not taken any formal action against your subject.
- ✓ Any complaints and investigative materials concerning a licensee that may exist do not constitute public records. Pursuant to Section 149.43(A)(1)(v), Ohio Revised Code, records the release of which is prohibited by state or federal law do not constitute public records. Pursuant to Section 4731.22(F)(5), Ohio Revised Code, all records of complaints and investigations of the Medical Board are confidential and not subject to discovery.

- ✓ Further, Section 149.43(A)(1)(h), Ohio Revised Code, specifically exempts from the definition of public record, confidential law enforcement investigatory records, including records of an administrative nature the release of which presents a high probability of disclosing the name of an uncharged suspect. Accordingly, there are no public records related to any possible complaints filed against your subject.
- ✓ Please also note that any medical malpractice reports concerning your subject that may have been filed with the Medical Board are not public record. Pursuant to Section 4731.224(D), O.R.C., insurers are required to report the final disposition of any written claim for damages where the payment exceeded \$25,000. However, pursuant to Section 4731.224(F), O.R.C., any such report is confidential. Accordingly, pursuant to Section 149.43, O.R.C., there are no public records related to any possible medical malpractice reports pertaining to your subject.
- ✓ Please also note that the Medical Board does not collect information concerning at what hospitals or facilities the licensee has admitting privileges.

The Medical Board's Public Records Policy can be viewed and printed from the website at www.med.ohio.gov. There is no charge for the requested copies which are attached to email for you.

Should you have questions concerning this response, please contact me by mail at the address above or by phone at (614) 644-7021.

Sincerely,



Sallie J. Debolt
General Counsel