



State Medical Board of Ohio

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Executive Director

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August 21, 2012

VIA Email:
zebra1@zoho.com

London Ames Zebrowsky

Subject: Willie James Parker, M.D.

Dear Mr. Zebrowsky:

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 may have included licensure or renewal application records, verification records, complaints or disciplinary records, formal action documents, hearing records, or investigative materials.

The identifiable public records responsive to your request are enclosed, which is the licensure application, renewal application, restoration application and CME documents. 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 5 U.S.C. §552a and *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 disciplinary or formal action against your subject.**
- ✓ Any 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. Accordingly, there are no public records related to any possible complaints filed against your subject.

The Medical Board makes every reasonable effort to ascertain the exact items of request, and has provided the identifiable responsive records for the items specified. However, your requests for all Medical Board meeting minutes mentioning Dr. Parker is overbroad as it does not describe the records sought with clarity or provide a timeframe. The Ohio Supreme Court has held repeatedly, “[I]t is the responsibility of the person who wishes to inspect and/or copy records to identify with reasonable clarity the records at issue.” *State ex rel. Glasgow v. Jones*, 119 Ohio St. 3d 391, 2008 Ohio 4788, at ¶17 (quoting *State ex rel Morgan v. New Lexington*, 112 Ohio St.3d 33 (additional citations omitted)). The *Glasgow* decision also cites to *State ex rel. Dillery v. Icsman*, 92 Ohio St.3d 312, as precedent for the Court’s holding that a request for all documents is overly broad. In *Dillery*, the request was to a police chief for “any and all records generated . . . containing any reference whatsoever to Kelly Dillery.” Your request for “all board meeting minutes mentioning this doctor” is broad enough to require a search of all meeting minutes from at least 1992.

The Medical Board’s website contains a number of documents that might help you in determining what records you seek. For example, the website contains a listing of the Medical Board’s formal actions on a monthly basis, issues of the newsletter, which also contain formal action information, and minutes of the Medical Board monthly meetings from January 2009. The Medical Board can provide you with CDs of the Medical Board meeting minutes for additional years past. Please contact me to discuss whether any other types of public records might be identified for your subject.

Please note that there are no records generated in relation to the licensee’s request for public records. Please also note that there are no records generated in relation to the licensee’s inquiry concerning a scope of practice question or Medical Board laws and rules.

Please note that the Medical Board has recently started collecting information concerning ABMS or AOA board certification. If such information has been collected on your subject, it will be included in the information on the most recent renewal application.

Please note that the Medical Board does not collect and maintain personnel records, grant records, hospital admitting privileges, and general legal proceeding information concerning licensees.

The Medical Board has not taken disciplinary or formal action against your subject. Therefore, there are no case control documents, records or any administrative hearing, probationary compliance records, or formal action documents.

Any records concerning criminal complaints about your subject would be the subject of a complaint and investigation, and, therefore, confidential under Section 4731.22(F)(5), Ohio Revised Code, and not public record as discussed above.

Your subject’s license expired in 1996, was restored in 2007, and expired in 2010. Also enclosed are documents related to the CME review which was part of the restoration application. Please note that the black lines on those documents were not made in order to redact material, but were apparently made during the conduct of the CME review.

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Your subject either did not participate in a training program in Ohio or participated in an Ohio training program prior to July 1, 1999, when a training certificate became required. Accordingly, there are no records of a training certificate and associated acknowledgment letter for your subject.

While the Medical Board receives reports of malpractice payouts from insurance carriers, any such reports that might have been received concerning your subject are confidential pursuant to Section 4731.224(E), Ohio Revised Code. Accordingly, they are not public record under Section 149.43(A)(1)(v), Ohio Revised Code.

Finally, your request for "all old profiles" is unclear. However, the only "profile" that the Medical Board maintains is that available from the Ohio e-License Center, and available from the Medical Board's website. It is a representation of the information in the database.

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 enclosed. This completes your request in its entirety.

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

Sincerely,

A handwritten signature in blue ink that reads "Sallie J. Debolt". The signature is written in a cursive, flowing style.

Sallie J. Debolt
General Counsel