



State Medical Board of  
**Ohio**

30 E. Broad St., 3<sup>rd</sup> Floor  
Columbus, Ohio 43215  
(614) 466-3934  
[www.med.ohio.gov](http://www.med.ohio.gov)

September 13, 2023

Case number: 23-CRF- **0186**

John D. Gherman, M.D.  
2585 Sterzik Rd.  
Petoskey, MI 49770-9203

Dear Dr. Gherman:

Enclosed please find certified copies of the Entry of Order, Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice, and an excerpt of the Minutes of the State Medical Board, meeting in regular session on September 13, 2023, including a Motion adopting the Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice.

You are advised that continued practice after receipt of this Order shall be considered practicing without a certificate or license, in violation of Section 4731.41, Ohio Revised Code.

Pursuant to Chapter 119, Ohio Revised Code, you are hereby advised that you are entitled to a hearing concerning whether adequate grounds existed to support a reason to believe that you may have or have had an inability to practice at the time you were ordered to attend the examination and whether your failure to submit to the examination as directed was due to circumstances beyond your control as set forth in the Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice. If you wish to request such hearing, that request must be made in writing and be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice. Further information concerning such hearing is contained within the Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice.

THE STATE MEDICAL BOARD OF OHIO

Kim G. Rothermel, M.D.  
Secretary


KGR/CDP/lv  
Enclosures

**Mailed 9/14/23**

### CERTIFICATION

I hereby certify that the attached copies of the Entry of Order of the State Medical Board of Ohio and the Motion by the State Medical Board, meeting in regular session on September 13, 2023, to Adopt the Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice, constitute true and complete copies of the Motion and Order in the Matter of John D. Gherman, M.D., Case number: 23-CRF- 6186 as they appear in the Journal of the State Medical Board of Ohio.

This certification is made under the authority of the State Medical Board of Ohio and in its behalf.

  
\_\_\_\_\_  
Kim G. Rothermel, M.D., Secretary

(SEAL)

September 13, 2023  
\_\_\_\_\_  
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

JOHN D. GHERMAN, M.D.

CASE NUMBER: 23-CRF-0186

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 13<sup>th</sup> day of September, 2023.

Pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Kim Rothermel, M.D., Secretary, and Harish Kakarala, M.D., Supervising Member; and

Pursuant to their determination, based upon their review of the information supporting the allegations as set forth in the Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice, that there is clear and convincing evidence that John D. Gherman, M.D. [Dr. Gherman], has violated Section 4731.22(B)(19), Ohio Revised Code, as alleged in the Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice that is enclosed herewith and fully incorporated herein; and

Pursuant to their further determination, based upon their review of the information supporting the allegations as set forth in the Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based Upon Presumption of an Admission of Inability to Practice, that Dr. Gherman's continued practice presents a danger of immediate and serious harm to the public;

The following Order is hereby entered on the Journal of the State Medical Board of Ohio for the 13<sup>th</sup> day of September, 2023:

It is hereby ORDERED that the certificate of John D. Gherman, M.D., to practice medicine and surgery in the State of Ohio be summarily suspended.

It is hereby ORDERED that John D. Gherman, M.D., shall immediately cease the practice of medicine and surgery in Ohio and immediately refer all active patients to other appropriate physicians.

This Order shall become effective immediately.

  
\_\_\_\_\_  
Kim G. Rothermel, M.D.  
Secretary

(SEAL)

September 13, 2023  
\_\_\_\_\_  
Date



State Medical Board of

**Ohio**

30 E. Broad St., 3<sup>rd</sup> Floor  
Columbus, Ohio 43215  
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EXCERPT FROM THE DRAFT MINUTES OF SEPTEMBER 13, 2023

**NOTICES OF OPPORTUNITY FOR HEARING, ORDERS OF SUMMARY SUSPENSION,  
ORDERS OF IMMEDIATE SUSPENSION, AND ORDERS OF AUTOMATIC  
SUSPENSION**

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**JOHN D. GHERMAN, M.D. – OPPORTUNITY FOR HEARING ON FAILURE TO SUBMIT  
TO AN EXAMINATION AND NOTICE OF SUMMARY SUSPENSION BASED UPON  
PRESUMPTION OF AN ADMISSION OF INABILITY TO PRACTICE**

-----  
**Dr. Feibel moved to approve and issue proposed Citation #14, an Opportunity for Hearing on Failure to Submit to an Examination and Notice of Summary Suspension Based upon Presumption of an Admission of Inability to Practice. Dr. Reddy seconded the motion. A vote was taken:**

ROLL CALL:

Dr. Rothermel	- abstain
Dr. Kakarala	- abstain
Dr. Reddy	- aye
Dr. Boyle	- aye
Dr. Soin	- aye
Dr. Feibel	- aye
Mr. Gonidakis	- aye
Dr. Lewis	- aye
Ms. Montgomery	- aye
Ms. Brumby	- aye
Dr. Bechtel	- aye
Dr. Johnson	- aye

The motion carried.



**OPPORTUNITY FOR HEARING ON FAILURE TO SUBMIT TO AN EXAMINATION  
AND  
NOTICE OF SUMMARY SUSPENSION  
BASED UPON PRESUMPTION OF AN ADMISSION OF INABILITY TO PRACTICE**

September 13, 2023

Case number: 23-CRF- 0186

John D. Gherman, M.D.  
2585 Sterzik Rd.  
Petoskey, MI 49770-9203

Dear Doctor Gherman:

On or about July 12, 2023, the Secretary of the State Medical Board of Ohio [Board] notified you of the reasons supporting a belief that you may have or have had an inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, and ordered you to submit to an examination on August 8, 2023. Due to your failure to submit to the examination as ordered and your failure to notify the Board of any circumstances beyond your control preventing you from submitting to said examination, pursuant to Section 4731.22(B)(19), Ohio Revised Code, a legal presumption has been established that you have admitted the factual and legal allegations demonstrating an inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills, as alleged against you in the Board's letter dated July 12, 2023, and sent to you by certified mail on July 12, 2023 [July 12, 2023 certified letter], so ordering you to submit to such examination. Accordingly, the Secretary and the Supervising Member of the Board have determined that there is clear and convincing evidence that you have violated Section 4731.22(B)(19), Ohio Revised Code, and have further determined that your continued practice presents a danger of immediate and serious harm to the public, as set forth in paragraphs (1) through (5), below.

Therefore, pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Kim Rothermel, M.D., Secretary, and Harish Kakarala, M.D., Supervising Member, you are hereby notified that, as set forth in the attached Entry of Order, your certificate or license to practice medicine and surgery in the State of Ohio is summarily suspended. Accordingly, at this time, you are no longer authorized to practice medicine and surgery in Ohio.

Furthermore, in accordance with Chapter 119., Ohio Revised Code, and Chapter 4731., Ohio Revised Code, you are hereby notified that the Board intends, for one or more of the following reasons, to determine whether adequate grounds existed to support a reason to believe that you may have had an inability to practice at the time you were ordered to attend the examination and whether your failure to submit to the aforementioned examination was due to circumstances beyond your control, which would rebut the legal presumption of an inability to practice and merit termination of the instant summary suspension of your certificate or license in conjunction with rescheduling the examination as directed by the Board, or conversely, whether your failure to submit to the aforementioned examination was due to circumstances within your control, which would render the legal presumption of an inability to practice

conclusive and result in the Board further determining whether or not to limit, revoke, permanently revoke or suspend your license or certificate, or refuse to grant or register or issue the license or certificate for which you have a pending application in accordance with Section 9.79 of the Ohio Revised Code, or refuse to renew or reinstate your license or certificate to practice medicine and surgery, or to reprimand you or place you on probation based upon your legally admitted inability to practice. Further, the Board will determine whether adequate grounds existed to support a reason to believe that you may have or have had an inability to practice at the time you were ordered to attend the examination:

- (1) By letter dated July 12, 2023, the Board notified you of its determination that it had reason to believe that you may be in violation of Section 4731.22(B)(19), Ohio Revised Code, and ordered you to undergo an examination to determine if you are in violation of Section 4731.22(B)(19), Ohio Revised Code. The Board's determination was based upon one or more of the reasons outlined in such letter, which included allegations summarized as follows:
  - (a) In or around 2019, you entered into monitoring agreements with the Michigan Health Professionals Recovery Program (MI HPRP). According to the records of the MI HPRP, while being monitored, you frequently were argumentative and difficult to work with, which became one of the reasons for terminating the monitoring contract. You entered into a subsequent monitoring contract with the MI HPRP, and you remain subject to that contract until on or about December 23, 2023. The records of the MI HPRP show that you continued to be argumentative and difficult to work with.
  - (b) On or about February 6, 2021, you applied for a medical license in Montana. On or about March 28, 2022, the state of Montana issued an Order [Montana Order], in which it recommended denying your application for a Montana medical license. Included among the reasons were the following:
    - (i) You had disclosed to the Montana Board of Medical Examiners [Montana Board] that you were requested to resign from your position as a staff psychiatrist at the Montana State Hospital, where you were practicing under a temporary license.
    - (ii) You had entered into an agreement to be monitored by the Montana Professional Assistance Program [MPAP], which subsequently submitted concerns to the Montana Board regarding your fitness to practice, stating that MPAP had "observed worrisome symptoms which included poor insight, tangential thinking, emotional dysregulation" and was recommending further evaluation of you, including neurocognitive or neuropsychological testing.
    - (iii) While attending a Zoom meeting with the Montana Board, during a discussion of your license application, you were muted for a period of time to allow the Board's discussion of your application to continue, due to what was perceived as extremely agitated and argumentative behavior on your part. The Board determined that your behavior and responses were inappropriate and demonstrated a clear lack of professionalism and adequate level of rehabilitation.
- (2) The July 12, 2023 certified letter from the Board further notified you that, pursuant to Section 4731.22(B)(19), Ohio Revised Code, you were ordered to submit to an examination. The examination was scheduled to take place with Stephen G. Noffsinger, M.D., on August 8, 2023, at 1:00 p.m.

The July 12, 2023 certified letter from the Board further notified you that failure of an individual to submit to an examination as directed constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control. Finally, the letter notified you that if you failed to submit to the examination, and such failure was not due to circumstances beyond your control, the Board would be authorized to enter a default and final order without the taking of testimony or presentation of evidence.

- (3) You were duly notified of the examination order and its scheduled date. According to the USPS tracking, the July 12, 2023 certified letter was delivered on July 15, 2023.
- (4) In an email dated August 8, 2023, the Board was notified that you failed to appear for the examination that the Board scheduled for you. At no time did you inform the Board that your failure to appear was due to circumstances beyond your control. Accordingly, pursuant to Section 4731.22(B)(19), Ohio Revised Code, and in consideration of the affidavits of Cheryl D. Pokorny, Enforcement Attorney, and Joseph Turek, Deputy Director of Licensure, copies of which are attached hereto and fully incorporated herein, the Board hereby FINDS that you have admitted the truth of the allegations demonstrating an inability to practice as set forth in the July 12, 2023 certified letter from the Board. The Board FINDS that, pursuant to Section 4731.22(B)(19), Ohio Revised Code, your failure to appear for the examination ordered by the Board as directed constitutes an "[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills," as that clause is used in Section 4731.22(B)(19), Ohio Revised Code.
- (5) Further, the Board has not received information indicating that you have submitted to care, counseling or treatment by physicians approved or designated by the Board and/or that you have been determined to be capable of practicing in accordance with acceptable and prevailing standards of care.

Section 4731.22(B)(19), Ohio Revised Code, provides that any individual who applies for or receives a certificate to practice accepts the privilege of practicing in this state, and by doing so, an individual shall be deemed to have given consent to submit to a mental or physical examination when ordered to do so by the Board in writing; and that the expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination ordered by the Board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence.

Section 4731.22(B)(19), Ohio Revised Code, also provides that, if the Board finds an individual unable to practice because of the reasons set forth in this division, the Board shall require the individual to submit to care, counseling, or treatment by physicians approved or designated by the Board, as a condition for initial, continued, reinstated, or renewed authority to practice. An individual affected under this division shall be afforded an opportunity to demonstrate to the Board the ability to resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's license or certificate. For the purposes of this division, any individual who applies for or receives a license or certificate to practice under this chapter accepts the privilege of practicing in this state and, by so doing, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the Board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (5) above, individually and/or collectively, constitute "[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration

AFFIDAVIT

The State of Ohio  
Franklin County, SS

I, Joseph Turek, being duly cautioned and sworn, do hereby depose and state that the following is true based upon my first-hand knowledge:

- 1) I am employed by the State Medical Board of Ohio [Board].
- 2) I serve the Board in the position of Deputy Director of Licensure.
- 3) In such position, I am the responsible custodian of all public licensee records maintained by the Board pertaining to individuals who have received or applied for certificates issued pursuant to the authority of the Board.
- 4) I have this day carefully examined the records of the Board pertaining to John D. Gherman, M.D.
- 5) Based on such examination, I have found the last known address of record of John D. Gherman, M.D. to be:

2585 Sterzik Road  
Petoskey, MI 49770-9203

- 6) Further, Affiant Sayeth Naught.

  
Joseph Turek, Deputy Director of Licensure

Sworn to and signed before me, CHERYL D. POKORNY, Notary Public/Attorney at law, this 22 day of AUGUST, 2023

  
Notary Public/Attorney at law

Cheryl D. Pokorny  
State of Ohio  
Attorney At Law  
Lifetime Commission





July 12, 2023

**Personal and Confidential**

John D. Gherman, M.D.  
2585 Sterzik Road  
Petoskey, MI 49770-9203

Dear Doctor Gherman:

The State Medical Board of Ohio [Board] has determined that it has reason to believe that you are in violation of Section 4731.22(B)(19), Ohio Revised Code, to wit: "[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills."

This determination is based upon one or more of the following reasons:

- (1) On or about July 9, 2019, you entered into an interim monitoring contract with the Michigan Health Professionals Recovery Program (MI HPRP). On or about September 19, 2019, you entered into a three-year monitoring agreement with the MI HPRP. According to the records of the MI HPRP, while being monitored, you frequently were argumentative and difficult to work with, which became one of the reasons for terminating the monitoring contract on or about October 23, 2019. Subsequently, on or about August 18, 2020, you again entered into a monitoring contract with the MI HPRP, and you remain subject to that contract until on or about December 23, 2023. The records of the MI HPRP show that you continued to be argumentative and difficult to work with.
- (2) On or about February 6, 2021, you applied for a medical license in Montana. On or about March 28, 2022, the Montana Department of Labor and Industry, Office of Administrative Hearings issued an Order Granting Summary Judgment; Denying Motion to Compel as Moot; and Granting Request to Seal [Montana Order], in which it recommended denying your application for a Montana medical license. The Montana Order set forth the following:
  - (a) You had disclosed to the Montana Board of Medical Examiners [Montana Board] that you were requested to resign from your position as a staff psychiatrist at the Montana State Hospital, where you were practicing under a temporary license.
  - (b) After relocating to Montana, you entered into an agreement to be monitored by the Montana Professional Assistance Program [MPAP]. Subsequently, MPAP submitted concerns to the Montana Board regarding your fitness to practice in which it was stated that MPAP had "observed worrisome symptoms which

that adversely affects cognitive, motor, or perceptive skills," as that clause is used in Section 4731.22(B)(19), Ohio Revised Code.

Furthermore, for any violations that occurred on or after September 29, 2015, the Board may impose a civil penalty in an amount that shall not exceed twenty thousand dollars, pursuant to Section 4731.225, Ohio Revised Code. The civil penalty may be in addition to any other action the Board may take under section 4731.22, Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, and Chapter 4731., Ohio Revised Code, you are hereby advised that you are entitled to a hearing concerning whether adequate grounds existed to support a reason to believe that you may have been unable to practice at the time you were ordered to attend the examination and whether your failure to submit to the examination as directed was due to circumstances beyond your control. 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 or suspend your license or certificate, or refuse to grant or register or issue the license or certificate for which you have a pending application in accordance with Section 9.79 of the Ohio Revised Code, or refuse to renew or reinstate your license or certificate to practice medicine and surgery, or to reprimand you 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 or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or 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 license or certificate to practice and the board shall not accept an application for reinstatement of the license or certificate or for issuance of a new license or certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Kim G. Rothermel, M.D.  
Secretary

KGR/CDP/lv  
Enclosures

CERTIFIED MAIL # 9414814903152968030186  
RETURN RECEIPT REQUESTED

included poor insight, tangential thinking, emotional dysregulation." Based on observations of its Medical Director and Clinical Director, MPAP was recommending further evaluation of you, including neurocognitive or neuropsychological testing.

- (c) On or about July 16, 2021, you attended a meeting with the Montana Board via Zoom. During a discussion of your license application, to allow the Board's discussion of your application to continue, you were muted for a period of time, due to what was perceived as extremely agitated and argumentative behavior on your part. The Board determined that your behavior and responses were inappropriate and demonstrated a clear lack of professionalism and adequate level of rehabilitation. Your behavior and responses were a factor in the Montana Board's decision to deny your license application.

By the authority vested in the State Medical Board of Ohio by Section 4731.22(B)(19), Ohio Revised Code, you are ordered to submit to an examination. This examination will take place at University Hospital, Department of Psychiatry, Room 7135A, Walker Building, 7<sup>th</sup> Floor, 10524 Euclid Avenue, Cleveland, Ohio 44106, 216-286-6669. You are to report to Stephen G. Noffsinger, M.D., on August 8, 2023, at 1:00 p.m. for a psychiatric evaluation.

Pursuant to Section 4731.22(B)(19), Ohio Revised Code, you are responsible for the expense of this evaluation. The total estimated cost of this evaluation is \$2,000.00. You must present a certified check or money order in this amount made payable to Stephen G. Noffsinger, M.D. to the examiner prior to the beginning of the examination. Failure to present a certified check or money order in the amount specified to the examiner will result in the examination being canceled and will be deemed by the Board to be a failure to submit to the examination as directed due to circumstances within your control.

Please be advised that failure to submit to this examination as directed constitutes an admission of the allegations against you unless the failure is due to circumstances beyond your control, and that a default and final order may thereupon be entered without the taking of testimony or presentation of evidence.

Copies of the applicable statute sections are enclosed for your information.

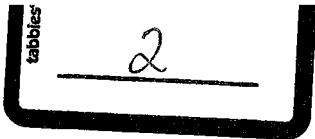
Very truly yours,



Kim G. Rothermel, M.D.  
Secretary

KGR/CDP/lv  
Enclosures

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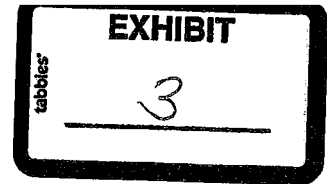
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Feedback





**From:** [Noffsinger, Stephen](#)  
**To:** [Pokorny, Cheryl](#)  
**Subject:** Re: John Gherman exam - 8/8  
**Date:** Tuesday, August 8, 2023 1:34:58 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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Dr. Gherman failed to appear for his IME.

Stephen Noffsinger, M.D.  
Professor of Psychiatry  
Director, Forensic Psychiatry Fellowship  
Medical Director, Emergency Psychiatry Services  
UH Cleveland Medical Center  
Mailstop WLK 5080  
W.O. Walker Center - Suite 7135A - 7th Floor  
10524 Euclid Avenue  
Cleveland, OH 44106  
216-286-6669  
216-844-1703 (fax)

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**From:** Cheryl.Pokorny@med.ohio.gov <Cheryl.Pokorny@med.ohio.gov>  
**Sent:** Thursday, August 3, 2023 8:31:22 AM  
**To:** Noffsinger, Stephen  
**Subject:** John Gherman exam - 8/8

Good morning, Dr. Noffsinger. Time kind of got away from me and I'm a little slow sending you the materials on this matter. We are working on this now and plan to have them out to you today via overnight mail, so you should receive them tomorrow. My apologies for the delay. Thank you for your patience.

Cheryl D. Pokorny  
Lead Enforcement Attorney  
State Medical Board of Ohio  
30 East Broad Street, 3rd Floor  
Columbus, Ohio 43215  
O:614-466-9251  
[cheryl.pokorny@med.ohio.gov](mailto:cheryl.pokorny@med.ohio.gov)  
[med.ohio.gov](http://med.ohio.gov)



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The State Medical Board of Ohio is committed to providing access and inclusion and reasonable accommodation in its services, activities, programs, and employment opportunities in accordance with the Americans with Disabilities Act (ADA) and other applicable laws. To request a reasonable accommodation due to a disability please contact Cinnamon Pipkin, Fiscal/HR Administrator, 614-466-9306 or by email [Cinnamon.Pipkin@med.ohio.gov](mailto:Cinnamon.Pipkin@med.ohio.gov) no later than 14 days prior to the event.

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The enclosed information is **STRICTLY CONFIDENTIAL** and is intended for the use of the addressee only. University Hospitals and its affiliates disclaim any responsibility for unauthorized disclosure of this information to anyone other than the addressee.

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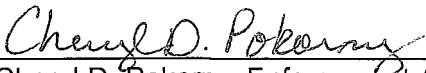
## AFFIDAVIT

The State of Ohio  
Franklin County, SS

I, Cheryl D. Pokorny, being duly cautioned and sworn, do hereby depose and state that the following is true based upon my first-hand knowledge:

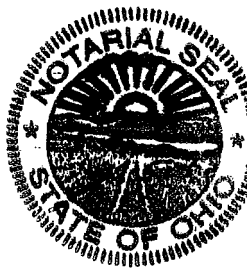
- 1) I am employed by the State Medical Board of Ohio [Board].
- 2) I serve the Board in the position of Enforcement Attorney.
- 3) In the course of my regular duties, I am responsible for coordinating the investigation of complaints against applicants and licensees under the jurisdiction of the Board and assembling the evidence necessary to prove potential violations of the Medical Practices Act of Ohio, Chapters 4730., 4731., 4759., 4760., 4761., 4762., 4774., and 4778., Ohio Revised Code.
- 4) I coordinated the investigation of the complaints filed against John D. Gherman, M.D. [Dr. Gherman], which resulted in the Secretary and Supervising Member of the Board directing the issuance of a letter ordering Dr. Gherman to submit to an examination.
- 5) In a letter dated July 12, 2023, and sent by certified mail [July 12, 2023 certified letter] to Dr. Gherman's credentials mailing address, the Board ordered Dr. Gherman to appear for an examination with Stephen G. Noffsinger, M.D. on August 8, 2023, at 1:00 p.m. The July 12, 2023 certified letter set forth the Board's reasons for requiring Dr. Gherman to appear for the examination. A true and accurate copy of the July 12, 2023 certified letter is attached hereto as Exhibit 1.
- 6) After sending the July 12, 2023 certified letter and before the August 8, 2023, examination date, I checked the US Postal Service website and saw that the July 12, 2023 certified letter had been delivered to Dr. Gherman's credentials mailing address on July 15, 2023. I printed the notice from the US Postal Service website. A true and accurate copy of the notice on the US Postal Service website is attached hereto as Exhibit 2.
- 7) On August 8, 2023, I received an email from Stephen G. Noffsinger, M.D., notifying me that Dr. Gherman failed to appear for the examination scheduled for August 8, 2023, at 1:00 p.m. A true and accurate copy of the email from Dr. Noffsinger is attached hereto as Exhibit 3.
- 8) At no time prior to the examination or thereafter did Dr. Gherman contact me to request that the examination be rescheduled or that he was unable to attend the examination scheduled for August 8, 2023, at 1:00 p.m.

Further, Affiant Sayeth Naught.

  
Cheryl D. Pokorny, Enforcement Attorney

Sworn to and signed before me, Marcie Pastrick, Notary Public/Attorney at  
law, this 22<sup>nd</sup> day of August, 2023

Marcie Pastrick  
Notary Public/Attorney at law



Marcie Pastrick  
Attorney at Law  
Notary Public, State of Ohio  
My Commission Has No Expiration  
Section 147.03 R.C.