



State Medical Board of

Ohio

30 E. Broad St., 3rd Floor
Columbus, Ohio 43215
(614) 466-3934
www.med.ohio.gov

September 8, 2021

Case number: 21-CRF-0154

Henry C. Waite, M.D.
7817 Cooper Road
Suite C
Cincinnati, Ohio 45242

Dear Doctor Waite:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to grant or register or issue the license/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 for one or more of the following reasons:

- (1) In the routine course of your practice, you provided care and treatment for Patients 1 through 7, as identified on the attached Patient Key (**Key is confidential and to be withheld from public disclosure**). You inappropriately treated and/or failed to appropriately treat and/or failed to appropriately document your treatment of these patients.
- (2) Examples of such prescribing and/or conduct identified in paragraph (1) include, but are not limited to, the following:
 - (a) You began treating Patient 1 on or about January 11, 2017, to at least on or about February 26, 2019, for conditions that included Attention Deficit Disorder, Adjustment Disorder with Anxiety and Major Depression. You prescribed medications, including sertraline, quetiapine, trazodone, Adderall, clonazepam and alprazolam, at times all simultaneously. Although you documented prescribing medications until March 26, 2019, you failed to document any direct patient care on or after April 25, 2018. Further, Patient 1 received controlled substances from other prescribers, including narcotics, and you failed to collaborate or document collaboration with the other prescribers. You also failed to conduct or document a psychiatric evaluation.
 - (b) You began treating Patient 2 on or about July 20, 2011, to at least on or about April 12, 2018, for conditions that included depression, anxiety and insomnia. You prescribed medications, including alprazolam and a sleep aid of temazepam,

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Ambien or Lunesta. Further, Patient 2 had sustained a work-related injury for which she was treated with methadone and Flexeril by pain management. You also prescribed gabapentin for sleep and pain. You failed to discuss or document discussing with Patient 2 the dangers of combining opiates and benzodiazepines. You also increased the dosage of alprazolam without considering or documenting consideration of increasing dependence and/or changing to a longer acting medication.

- (c) You began treating Patient 3 in or around 2011, to at least on or about April 2, 2019, for conditions that included Attention Deficit Hyperactivity Disorder, major depression and Post-Traumatic Stress Disorder. You prescribed medications, including alprazolam, Adderall, Sertraline and Ambien. From in or around 2015 to in or around 2019, you failed to document or consistently document the care and treatment you provided to Patient 3. You prescribed a high dosage of stimulants, including Adderall 60 mg three times daily and 30 mg each evening, in combination with benzodiazepines, and failed to document the reasons for your prescribing of these medications to Patient 3.
- (d) You began treating Patient 4 on or about December 21, 2017, to at least on or about April 26, 2018, for conditions that included Adjustment Disorder with depressed mood and Major Depression. You simultaneously prescribed medications, including sertraline, Adderall 15mg and 30 mg, clonazepam and alprazolam. You failed to document a psychiatric diagnostic evaluation in Patient 4's medical record. You also failed to document a reason for prescribing Adderall, and you failed to document a reason for prescribing clonazepam and alprazolam, individually or simultaneously. Additionally, you documented prescribing medications prior to your first documented examination of Patient 4.
- (e) You began treating Patient 5 on or about July 17, 2012, to at least on or about January 29, 2019, for conditions that included major depression, Panic Disorder and Attention Deficit Disorder. You prescribed medications, including Adderall, clonazepam, alprazolam, gabapentin and Wellbutrin. Throughout the time you treated Patient 5, you conducted and/or documented conducting examinations on only three occasions, although you prescribed medications on a regular basis during this time. Further, although Patient 5 was prescribed narcotics in addition to the sedatives, benzodiazepines and stimulants you prescribed, you failed to advise and/or document advising Patient 5 of the dangers of taking the combination of these medications.
- (f) You began treating Patient 6 on or about October 23, 2012, to at least on or about March 26, 2019, for conditions that included Bipolar Disorder, ADD and Borderline Personality Disorder. You prescribed medications, including clonazepam, alprazolam, gabapentin and Adderall. You failed to document the reason for prescribing two benzodiazepines. You also prescribed Adderall at a dose higher than recommended, which is known to exacerbate bipolar mania, and also in combination with benzodiazepines, which increased the risk of addiction. Additionally, you documented that Patient 6 was or had been in a methadone treatment program. Although you treated Patient 6 for over six years,

you documented only four progress notes, which is inappropriate for a patient who also was prescribed opiates by another provider and who had participated in a methadone program.

- (g) You began treating Patient 7 on or about March 16, 2011, to on or about April 19, 2018, for conditions that included major depression, panic attacks and agoraphobia. You prescribed medications, including Lexapro, Wellbutrin, Seroquel, Abilify and later clonazepam, alprazolam and Lunesta or Ambien. Initially, you treated Patient 7 with non-controlled substances, then added a first and later a second benzodiazepine, and later a sleep aid. Additionally, Patient 7 was treated for pain conditions, for which she was prescribed opiates by another provider. The combination of opiates and benzodiazepines created a serious risk of dangerous side effects, and you failed to advise and/or document advising Patient 7 of the risk.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (2) above, individually and/or collectively, constitute a "departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established," as that clause is used in Section 4731.22(B)(6), 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, 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 grant or register or issue the license/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,

A handwritten signature in blue ink, reading "Kim G. Rothermel MD".

Kim G. Rothermel, M.D.
Secretary

KGR/CDP/jmb
Enclosures

CERTIFIED MAIL #91 7199 9991 7039 7801 4665
RETURN RECEIPT REQUESTED

CC: Mr. Rick L. Weil
Reminger Co., LPA
525 Vine Street
Suite 1700
Cincinnati, Ohio 45202

CERTIFIED MAIL #917199 9991 7039 7801 4672
RETURN RECEIPT REQUESTED

**IN THE MATTER OF
HENRY CHESTER
WAITE, M.D.**

21-CRF-0154

**SEPTEMBER 8, 2021, NOTICE OF
OPPORTUNITY FOR HEARING -
PATIENT KEY**

**SEALED TO
PROTECT PATIENT
CONFIDENTIALITY AND
MAINTAINED IN CASE
RECORD FILE.**