



March 8, 2023

Case number: 23-CRF- 0043

Phillip DeMio, M.D.
320 Orchardview Ave. Suite 2
Seven Hills, OH 44131

Dear Doctor DeMio:

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 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 for one or more of the following reasons:

- (1) In or before July 2007, you began treating Patient 1, a minor child, for symptoms related to his autism spectrum disorder. You also met and began treating Patient 2 in or before September 2007. Patient 2 is the mother of Patient 1 and also is a key third party to Patient 1. You treated both patients with supplements, hyperbaric oxygen therapy, and chelation.

In or around March 2008, you began a sexual relationship with Patient 2, which lasted until in or around August 2008. During that time period you engaged in sexual interactions with Patient 2, which included kissing, oral sex and sexual intercourse at multiple locations including hotels or motels and the home of Patients 1 and 2. On or about June 3, 2009, you admitted these acts of sexual interactions to Board staff as well as treating Patients 1 and 2.

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to-wit Prohibitions, Rule 4731-26-02, Ohio Administrative Code, regarding sexual misconduct, as in effect from November 30, 2006, to November 30, 2010.

Pursuant to Rule 4731-26-03, Ohio Administrative Code, as in effect from November 30, 2006, to November 30, 2010, a violation of Rule 4731-26-02, Ohio Administrative Code, also constitutes a violation of Section 4731.22(B)(6), Ohio Revised Code, "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."

Mailed 3-9-2023

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 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/TCN/lv
Enclosures

CERTIFIED MAIL # 9414 8149 0315 2968 0190 75
RETURN RECEIPT REQUESTED

cc: Brandon Smith
604 East Rich Street
Columbus, OH 43215

CERTIFIED MAIL # 9414 8149 0315 2968 0190 82
RETURN RECEIPT REQUESTED

**IN THE MATTER OF
PHILLIP DEMIO, MD**

23-CRF-0043

**MARCH 8, 2023, NOTICE OF
OPPORTUNITY FOR HEARING -
PATIENT KEY**

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