

OHIO COURT OF APPEALS, TENTH APPELLATE DISTRICT

Klickovich v. State Medical Board of Ohio

Klickovich v. State Med. Bd. of Ohio, 2026-Ohio-31 · No. 24AP-446 · Decided January 8, 2026

SUMMARY

The Tenth District Court of Appeals of Ohio grants Robert Klickovich’s application for reconsideration of its prior decision in his challenge to disciplinary action by the State Medical Board of Ohio. The court concludes that the issues raised in his second assignment of error were not moot and directs the trial court to consider and resolve those issues on remand, along with conducting the required review under R.C. 119.

CASE DETAILS

COURT	Ohio Court of Appeals, Tenth Appellate District
WRITING FOR THE COURT	Beatty Blunt, J.; Edelstein, J.; Dingus, J.
JURISDICTION	Ohio Court of Appeals, Tenth Appellate District
DECIDED	January 8, 2026
DOCKET	24AP-446
DISPOSITION	remanded
PROCEDURAL POSTURE	Appellant sought reconsideration under Ohio Appellate Rule 26(A)(1) of the court's prior decision, which had partially sustained and partially overruled his first assignment of error, deemed his second assignment of error moot, and remanded the matter to the Franklin County Court of Common Pleas.
STANDARD OF REVIEW	Under Ohio Appellate Rule 26(A)(1), reconsideration is appropriate when the application identifies an obvious error in the appellate decision or raises an issue the court should have, but did not, fully consider. Reconsideration is not warranted merely because a party disagrees with the court's reasoning, seeks to rehash prior arguments, or raises new issues.
PRECEDENTIAL VALUE	Published
PARTIES	Robert Klickovich, M.D. v. State Medical Board of Ohio

TOPICS

appellate procedure

mootness

judicial review of agency action

administrative procedure act

PRACTICE AREAS

appellate procedure

administrative law

health law

civil procedure

QUESTIONS PRESENTED

1. Whether the court's prior determination that appellant's second assignment of error was moot constituted an obvious error warranting reconsideration under App.R. 26(A)(1).
2. Whether the appellate court should resolve the second assignment of error itself or remand the unresolved issues to the trial court for initial consideration.

HOLDINGS

1. The application for reconsideration satisfied App.R. 26(A)(1) because the court's prior mootness determination was erroneous.
2. The appellate court should not resolve the second assignment of error because the trial court had not decided the underlying issues; those issues must first be considered and resolved by the trial court on remand.

KEY QUOTATIONS

"Accordingly, the proper course of action is for the trial court to consider and resolve the issues raised in appellant's second assignment of error upon remand." (§ 5)

"On reconsideration, we find that appellant's second assignment of error was not rendered moot by virtue of our determination regarding his first assignment of error and instead find that the trial court erred in not addressing and ruling upon the issues raised in appellant's second assignment of error." (§ 6)

FACTUAL BACKGROUND

The State Medical Board of Ohio disciplined Robert Klickovich, M.D. The underlying proceedings involved alleged errors in the Board's disciplinary order, including whether the Board identified a statutory basis for discipline, provided constitutionally adequate notice, and properly relied on the AMA Code of Ethics or an alleged failure to meet the standard of care. Those issues were not resolved by the trial court because it deemed them moot.

PROCEDURAL HISTORY

The Franklin County Court of Common Pleas reviewed discipline imposed by the State Medical Board of Ohio but did not address issues raised in appellant's second assignment of error after determining those issues were moot in light of its remand to the Board. On August 7, 2025, the Tenth District likewise treated the appellate second assignment as moot and remanded. On reconsideration, the appellate court held that the issues were not moot but remanded them to the common pleas court for initial consideration because the trial court had not decided them.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The Franklin County Court of Common Pleas must conduct the proper review under R.C. 119 as instructed in the prior decision and must consider and rule upon the assignments of error asserted by appellant in the trial court, including the issues corresponding to the second assignment of error.

CASES CITED

- Klickovich v. State Med. Bd. of Ohio, 2025-Ohio-2783
- Stanley Miller Constr. Co. v. Ohio School Facilities Comm., 2011-Ohio-909, ¶ 6 (10th Dist.)
- Columbus v. Hodge, 37 Ohio App.3d 68, 69 (10th Dist. 1987)
- State v. Stewart, 2013-Ohio-78, ¶ 3 (10th Dist.)
- Wiltz v. Clark Schaefer Hackett & Co., 2011-Ohio-6664, ¶ 2 (10th Dist.)
- Bae v. Dragoo & Assoc., Inc., 2004-Ohio-1297, ¶ 2 (10th Dist.)
- Appenzeller v. Ohio Dept. of Rehab. & Corr., 2018-Ohio-1698, ¶ 4 (10th Dist.)
- Garfield Hts. City School Dist. v. State Bd. of Edn., 85 Ohio App.3d 117, 127 (10th Dist. 1992)
- Elec. Classroom of Tomorrow v. Ohio State Bd. of Edn., 2019-Ohio-1540, ¶ 3
- State v. Wellington, 2015-Ohio-2095, ¶ 9 (7th Dist.)
- State v. Harris, 2014-Ohio-672, ¶ 8 (10th Dist.)
- State v. Gideon, 2020-Ohio-6961, ¶ 26
- Lycan v. Cleveland, 2016-Ohio-422, ¶ 21
- Young v. Univ. of Akron, 2007-Ohio-4663, ¶ 22 (10th Dist.)
- Crestmont Cleveland Partnership v. Ohio Dept. of Health, 139 Ohio App.3d 928, 935 (10th Dist. 2000)