

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127



Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

May 13, 2009

Robert L. Turton, D.O.
2104 Auburn Lane
Wilmington, NC 28405

RE: Case No. 09-CRF-020

Dear Doctor Turton:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Howard D. Silver, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on May 13, 2009, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of an original Notice of Appeal with the State Medical Board of Ohio and a copy of the Notice of Appeal with the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

A handwritten signature in black ink that reads "Lance A. Talmage, M.D." The signature is written in a cursive style.

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

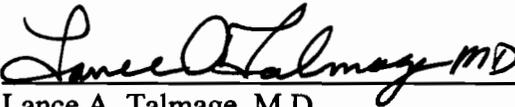
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RETURN RECEIPT REQUESTED

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CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Howard D. Silver, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on May 13, 2009, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Robert L. Turton, D.O., Case No. 09-CRF-020, as it appears in the Journal of the State Medical Board of Ohio.

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



Lance A. Talmage, M.D.
Secretary

(SEAL)

May 13, 2009

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

CASE NO. 09-CRF-020

ROBERT L. TURTON, D.O.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on May 13, 2009.

Upon the Report and Recommendation of Howard D. Silver, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

- A. **SUSPENSION OF CERTIFICATE:** The certificate of Robert L. Turton, D.O., Case No. 09-CRF-020, to practice osteopathic medicine and surgery in the state of Ohio shall be **SUSPENDED** for an indefinite term.
- B. **FINE:** Dr. Turton shall pay a FINE of \$5,000 to the State Medical Board of Ohio. This fine shall be paid no later than 30 days after the effective date of this Order or as otherwise determined by the Board.
- C. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Turton's certificate to practice until all of the following minimum requirements are met:
 - 1. Dr. Turton shall submit an application for reinstatement or restoration, accompanied by appropriate fees.
 - 2. Dr. Turton shall provide documentation acceptable to the Board indicating that he has paid the fine set forth in Paragraph B, above.
 - 3. Dr. Turton shall provide documentation acceptable to the Board of his satisfactory completion of 100 hours of Continuing Medical Education [CME] credits, at least forty hours of which shall be in Category I, for the July 2,

2005, through July 1, 2007, period. It shall be the responsibility of Dr. Turton to work with appropriate Board staff to ascertain what will be considered as satisfactory documentation and to obtain the same.

4. Dr. Turton shall supply documentation acceptable to the Board of satisfactory completion of 100 hours of approved CME, at least forty hours of which shall be in Category I, for each CME period, if any, during which his certificate remains suspended.
5. In the event that Dr. Turton has not been engaged in the active practice of osteopathic medicine for a period of more than two years prior to his application for reinstatement or restoration, Dr. Turton shall take and pass the SPEX examination or any similar written examination which the Board may deem appropriate to assess his clinical competency.

D. **DOCUMENTATION OF CME:** Subsequent to reinstatement or restoration, Dr. Turton shall supply documentation acceptable to the Board of satisfactory completion of the requisite number of CME credits for the CME period in effect at the time of his reinstatement, and for two additional CME acquisition periods thereafter. This documentation shall be due in the Board's offices within thirty days of the conclusion of each CME period, unless otherwise determined by the Board.

E. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER:**

1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Turton shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services (including but not limited to third-party payors), or is receiving training; and the Chief of Staff at each hospital or health-care center where he has privileges or appointments. Further, Dr. Turton shall promptly provide a copy of this Order to all employers or entities with which he contracts to provide health care services (including but not limited to third-party payors), or entities to which Dr. Turton applies for or receives training, and the Chief of Staff at each hospital or health-care center where he applies for or obtains privileges or appointments. This requirement shall continue for three years following the effective date of this Order.

In the event that Dr. Turton provides any health-care services or health-care direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, within 30 days of the effective date of this Order, he shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

2. **Required Reporting to Other State Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Turton shall provide a copy of this Order to the proper licensing authority of any state or jurisdiction in which he

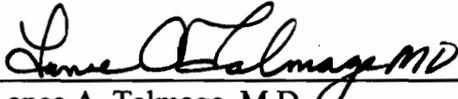
currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Also, Dr. Turton shall provide a copy of this Order at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement/restoration of any professional license.

3. **Required Documentation of the Reporting Required by Paragraph E:** Dr. Turton shall provide this Board with **one** of the following documents as proof of each required notification within 30 days of the date of each such notification: (1) the return receipt of certified mail within 30 days of receiving that return receipt, (2) an acknowledgment of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

- F. **VIOLATION OF THE TERMS OF THIS ORDER:** If Dr. Turton violates the terms of this Order in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.

EFFECTIVE DATE OF ORDER: This Order shall become effective thirty days from the date of mailing of notification of approval by the Board.

(SEAL)



Lance A. Talmage, M.D.
Secretary

May 13, 2009

Date

2009 APR 16 P 5:31

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of

*

Case No. 09-CRF-020

Robert L. Turton, D.O.

*

Hearing Examiner Silver

Respondent.

*

REPORT AND RECOMMENDATION

Basis for Hearing

In a notice of opportunity for hearing dated February 11, 2009, the State Medical Board of Ohio [Board] notified Robert L. Turton, D.O., that the Board intended to determine whether to take disciplinary action against Dr. Turton's certificate to practice osteopathic medicine and surgery in Ohio. The Board's proposed action was based on allegations that Dr. Turton, in his application for the renewal of his certificate to practice osteopathic medicine and surgery in Ohio for the October 2, 2007 – October 1, 2009 period, certified that he had completed the requisite number of hours of Continuing Medical Education [CME] during the 2005-2007 CME period (July 2, 2005 – July 1, 2007) as required by section 4731.281, Ohio Revised Code. By certified letter dated May 7, 2008, the Board informed Dr. Turton that it would be necessary for him to complete a log of his CME by May 28, 2008, demonstrating that he had, in fact, completed at least 100 hours of CME during the 2005-2007 CME period and to provide documentation that he had actually completed at least 40 hours of Category 1 CME credits during this two-year period. By e-mail dated June 9, 2008, Dr. Turton informed the Board that he was unable to provide proof of CME credits for the 2005-2007 period because he had not taken any CME courses since 2004. (State Exhibit [St. Ex.] 1-A)

Appearances

Richard Cordray, Attorney General of Ohio, and Barbara J. Pfeiffer, Assistant Attorney General, for the State of Ohio

Robert L. Turton, D.O., *Pro se*, Respondent

Hearing Date: March 19, 2009

SUMMARY OF THE EVIDENCE

All exhibits and the transcript of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

Background

Robert L. Turton, D. O., was initially licensed to practice osteopathic medicine and surgery in Ohio in 1956. Dr. Turton currently holds an active certificate to practice osteopathic medicine and surgery in Ohio, number 34.000761, and this is the only medical license held by Dr. Turton. Dr. Turton's practice specialty is psychiatry. Dr. Turton has not been the subject of any Board disciplinary action other than the present action. (Hearing Transcript [Tr.] at 46-47.)

Dr. Turton was due to renew his certificate to practice osteopathic medicine and surgery in Ohio between July 1 and October 1, 2007. For Dr. Turton to have been eligible to renew his certificate to practice in 2007, he was required to have completed 100 hours of CME during the 2005-2007 CME period, including 40 hours of Category 1 CME. (St. Ex. 2)

Renewal of Certificate to Practice

On June 12, 2007, Dr. Turton completed and posted an online application to renew his Ohio certificate to practice. In completing his renewal application, Dr. Turton answered "yes" when asked: "Have you met the above CME requirements for your license?" By answering "yes" to that question, Dr. Turton represented that he had earned at least 100 hours of CME during the 2005-2007 CME period, including 40 hours of Category 1 CME. (St. Ex. 6)

In submitting his online application, Dr. Turton affirmed the following:

I understand that submitting a false, fraudulent or forged statement or document or omitting a material fact in obtaining licensure may be grounds for disciplinary action against my license.

Under penalty of law, I hereby swear or affirm that the information I have provided in the application is complete and correct, and that I have complied with all criteria for applying on line. (St. Ex. 6)

CME Audit

In 2008, Dr. Turton was randomly selected by the Board for a CME audit. On May 7, 2008, the Board sent to Dr. Turton a letter, via certified mail, return receipt requested, requiring Dr. Turton to provide documentation of the CME hours he had completed. (St. Ex. 7) The letter stated in part:

Upon renewal of your Ohio license, you certified that during the period of July 2, 2005 – July 1, 2007, you had completed the requisite hours of Continuing Medical Education (CME).

At this time, as a result of your being randomly selected for audit, it will be necessary for you to complete the enclosed log of CME, demonstrating that you have, in fact, completed at least one hundred hours of CME during the period of July 2, 2005 – July 1, 2007.

It will also be necessary for you to provide the Board with documentation that you have actually completed at least 40 hours of Category I CME as certified on your license renewal application. Certificates of attendance, hospital printouts and accredited organization printouts are acceptable documentation, copies of which must be enclosed with your log. * * *

Up to 60 hours of Category II credits may be listed on the reverse side of the log, but no documentation need be provided. You must demonstrate at least 100 hours of Category I and Category II CME.

It is important you understand that under Ohio law it is your responsibility to document your CME participation, and, further that a failure to timely comply with the audit requirements can result in imposition of a fine, revocation or suspension of your license to practice in Ohio.

* * *

Please return the above-requested material to the State Medical Board of Ohio, to the attention of Ms. Liz Gerris of the CME & Renewal Department, within three weeks of receipt of this letter. If you need to speak with Ms. Gerris, she can be reached at [contact information provided]. The result of your audit will be made available to you in the near future.

Thank you for your cooperation.

(St. Ex. 7, emphasis in original)

Dr. Turton responded to the Board's May 7, 2008 letter on June 9, 2008 through e-mail, stating that he was unable to substantiate the CME hours claimed during the 2005-2007 reporting period. Dr. Turton stated in his response that he had last completed CME in 2004. Dr. Turton expressed his willingness to complete the required hours and enter a consent agreement for future years. Dr. Turton in his June 9, 2008 e-mail apologized for the error. (St. Ex. 8)

At the hearing, Debra Jones, the Board's Continuing Medical Education and Renewal Officer, explained that Dr. Turton had renewed his certificate to practice osteopathic medicine and surgery in June, 2007, online, affirming in this online application that he had completed all required CME needed for renewal. (Tr. at 23)

FINDINGS OF FACT

1. On June 12, 2007, Robert L. Turton, D.O., submitted to the Board an online application for the renewal of his certificate to practice osteopathic medicine and surgery in Ohio. In the online renewal application, Dr. Turton certified that he had earned the requisite 100 hours of CME for the two-year CME period that began on July 2, 2005, and ended on July 1, 2007 [the 2005-2007 CME period], including at least 40 hours of Category 1 CME.
2. The Board randomly selected Dr. Turton for an audit of his CME. In a letter dated May 7, 2008, sent by certified mail, the Board informed Dr. Turton of the audit and instructed him to complete and submit a log demonstrating that he had completed at least 100 hours of CME during the 2005-2007 CME period, and to provide documentation that he had actually completed at least 40 hours of Category 1 CME.
3. On June 9, 2008, the Board received an e-mail from Dr. Turton acknowledging that he was unable to substantiate any CME after 2004 and was unable to substantiate any CME for the 2005-2007 CME period.

CONCLUSIONS OF LAW

1. Dr. Turton failed to obtain the requisite Category 1 CME for the 2005-2007 CME period and failed to submit documentation that he had earned the requisite Category 1 CME for that period, which constitutes "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 set forth in section 4731.22(B)(20), Ohio Revised Code. Specifically, Dr. Turton violated section 4731.281, Ohio Revised Code, and Rules 4731-10-02 and 4731-10-08, Ohio Administrative Code.
2. Dr. Turton's certification on his 2007 renewal application that he had met the CME requirements constitutes the making of "a false, fraudulent, deceptive, or misleading statement* * * in securing or attempting to secure any certificate to practice or certificate of registration issued by this board," as set forth in section 4731.22(B)(5), Ohio Revised Code.

DISCUSSION

Dr. Turton was required to earn a minimum of 40 hours of Category 1 CME and a maximum of 60 hours of Category 2 CME for a minimum of 100 hours of CME during the 2005-2007 CME period.

Dr. Turton had earned none of the required CME when he filed his online application to renew his certificate to practice osteopathic medicine and surgery in Ohio on June 12, 2007, affirming in the application that he had completed the required CME during the 2005-2007 CME period. In addition to a fine, a suspension is recommended because Dr. Turton's total hours of CME

were so far from the required hours that his statement on the renewal application constituted a fraudulent statement. Dr. Turton has received no other discipline, has had a long and otherwise unblemished practice, and was completely candid and honest during the hearing.

PROPOSED ORDER

It is hereby ORDERED that:

- A. **SUSPENSION OF CERTIFICATE:** The certificate of Robert L. Turton, D.O., Case No. 09-CRF-020, to practice osteopathic medicine and surgery in the state of Ohio shall be **SUSPENDED** for an indefinite term.
- B. **FINE:** Dr. Turton shall pay a FINE of \$5,000 to the State Medical Board of Ohio. This fine shall be paid no later than 30 days after the effective date of this Order or as otherwise determined by the Board.
- C. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Turton's certificate to practice until all of the following minimum requirements are met:
 1. Dr. Turton shall submit an application for reinstatement or restoration, accompanied by appropriate fees.
 2. Dr. Turton shall provide documentation acceptable to the Board indicating that he has paid the fine set forth in Paragraph B, above.
 3. Dr. Turton shall provide documentation acceptable to the Board of his satisfactory completion of 100 hours of Continuing Medical Education [CME] credits, at least forty hours of which shall be in Category I, for the July 2, 2005, through July 1, 2007, period. It shall be the responsibility of Dr. Turton to work with appropriate Board staff to ascertain what will be considered as satisfactory documentation and to obtain the same.
 4. Dr. Turton shall supply documentation acceptable to the Board of satisfactory completion of 100 hours of approved CME, at least forty hours of which shall be in Category I, for each CME period, if any, during which his certificate remains suspended.
 5. In the event that Dr. Turton has not been engaged in the active practice of osteopathic medicine for a period of more than two years prior to his application for reinstatement or restoration, Dr. Turton shall take and pass the SPEX examination or any similar written examination which the Board may deem appropriate to assess his clinical competency.

D. **DOCUMENTATION OF CME:** Subsequent to reinstatement or restoration, Dr. Turton shall supply documentation acceptable to the Board of satisfactory completion of the requisite number of CME credits for the CME period in effect at the time of his reinstatement, and for two additional CME acquisition periods thereafter. This documentation shall be due in the Board's offices within thirty days of the conclusion of each CME period, unless otherwise determined by the Board.

E. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER:**

1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Turton shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services (including but not limited to third-party payors), or is receiving training; and the Chief of Staff at each hospital or health-care center where he has privileges or appointments. Further, Dr. Turton shall promptly provide a copy of this Order to all employers or entities with which he contracts to provide health care services (including but not limited to third-party payors), or entities to which Dr. Turton applies for or receives training, and the Chief of Staff at each hospital or health-care center where he applies for or obtains privileges or appointments. This requirement shall continue for three years following the effective date of this Order.

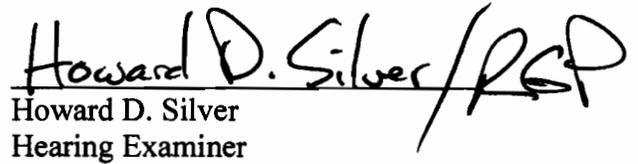
In the event that Dr. Turton provides any health-care services or health-care direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, within 30 days of the effective date of this Order, he shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

2. **Required Reporting to Other State Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Turton shall provide a copy of this Order to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Also, Dr. Turton shall provide a copy of this Order at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement/restoration of any professional license.
3. **Required Documentation of the Reporting Required by Paragraph E:** Dr. Turton shall provide this Board with **one** of the following documents as proof of each required notification within 30 days of the date of each such notification: (1) the return receipt of certified mail within 30 days of receiving that return receipt, (2) an acknowledgment of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout

of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

- F. **VIOLATION OF THE TERMS OF THIS ORDER:** If Dr. Turton violates the terms of this Order in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.

EFFECTIVE DATE OF ORDER: This Order shall become effective thirty days from the date of mailing of notification of approval by the Board.


Howard D. Silver
Hearing Examiner

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127



Richard A. Whitehouse, Esq.
Executive Director

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EXCERPT FROM THE DRAFT MINUTES OF MAY 13, 2009

REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDER

Dr. Madia announced that the Board would now consider the Reports and Recommendations and the Proposed Findings And Proposed Order appearing on its agenda.

Dr. Madia asked whether each member of the Board had received, read and considered the hearing record; the Findings of Fact, Conclusions of Law and Proposed Orders, and any objections filed in the matters of: Emad S. Atalla, M.D.; Menna Berhane, M.D.; Randall Jay Bolar, M.D.; Ralph Arden Hugunin, M.D.; Venkanna Kanna, M.D.; Kathy Lynn Kruger, D.O.; Marietta J. Medel, M.D.; Robert L. Turton, D.O.; and Jeffrey E. White, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Jacobson	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye

Dr. Madia asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Jacobson	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Madia	- aye

Dr. Madia noted that, in accordance with the provision in Section 4731.22(F)(2), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters. They may, however, participate in the matters of Dr. Bakhshandeh and Dr. Higgs, as those cases are not disciplinary in nature and concern only the doctors' qualifications for licensure. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

The original Reports and Recommendations and the Proposed Findings and Proposed Order shall be maintained in the exhibits section of this Journal.

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Mr. Jacobson left the meeting at this time.

ROBERT L. TURTON, D.O.

.....
DR. SUPPAN MOVED TO APPROVE AND CONFIRM MR. SILVER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF ROBERT L. TURTON, D.O. DR. VARYANI SECONDED THE MOTION.

.....
A vote was taken on Dr. Varyani's motion to approve and confirm:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Dr. Varyani	- aye
	Mr. Jacobson	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- nay
	Dr. Madia	- aye

The motion carried.



State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

February 11, 2009

Case number: 09-CRF- 020

Robert L. Turton, D.O.
2104 Auburn Lane
Wilmington, NC 28405

Dear Doctor Turton:

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 register or reinstate your certificate to practice osteopathic medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) In your renewal application of your certificate to practice osteopathic medicine and surgery for the October 2, 2007 – October 1, 2009 period, you certified that you had completed the requisite number of hours of Continuing Medical Education [CME] during the 2005-2007 CME period (July 2, 2005-July 1, 2007) as required by Section 4731.281, Ohio Revised Code.
- (2) By certified letter dated May 7, 2008, the Board informed you that it would be necessary for you to complete a log of your CME by May 28, 2008, demonstrating that you had, in fact, completed at least one hundred hours of CME during the 2005-2007 CME period and to provide documentation that you had actually completed at least forty hours of Category 1 CME credits. By e-mail dated June 4, 2008, you informed the Board that you were unable to provide proof of CME credits because you had not taken CME courses since 2004.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute “[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board,” as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, your failure to obtain the requisite CME, and/or to submit documentation of same, as alleged in paragraph (2) 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

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promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Section 4731.281, Ohio Revised Code, and Rules 4731-10-02 and 4731-10-08, Ohio Administrative 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 register or reinstate your certificate to practice osteopathic 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 a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's 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 certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,

Handwritten signature of Lance A. Talmage, M.D. in black ink, with the initials "MO" and "RW" written to the right of the signature.

Lance A. Talmage, M.D.
Secretary

LAT/LLS/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3068 5055
RETURN RECEIPT REQUESTED