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

November 14, 2007

Gregory Lee Ebner, D.O.
7240 Treeridge Drive
Cincinnati, OH 45244-3552

Dear Doctor Ebner:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Gretchen L. Petrucci, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on November 14, 2007, 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

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3933 8960 9470
RETURN RECEIPT REQUESTED

Cc: Eric J. Plinke, Esq.
CERTIFIED MAIL NO. 91 7108 2133 3933 8960 9487
RETURN RECEIPT REQUESTED

Duplicate Mailing: Register No. 04366-061
FCI Ashland
P. O. Box 6001
Ashland, KY 41105
CERTIFIED MAIL NO. 91 7108 2133 3933 8960 9494
RETURN RECEIPT REQUESTED

Mailed 11-16-07

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on November 14, 2007, 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 Gregory Lee Ebner, D.O., 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)

November 14, 2007
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *

*

GREGORY LEE EBNER, D.O. *

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on November 14, 2007.

Upon the Report and Recommendation of Gretchen L. Petrucci, 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:

The certificate of Gregory Lee Ebner, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED.

This Order shall become effective immediately upon the mailing of notification of approval by the Board.

Lance A. Talmage, M.D.
Secretary

(SEAL)

November 14, 2007
Date

STATE MEDICAL BOARD
2007 SEP 24 P 3:30

REPORT AND RECOMMENDATION
IN THE MATTER OF GREGORY LEE EBNER, D.O.

The Matter of Gregory Lee Ebner, D.O., was heard by Gretchen L. Petrucci, Hearing Examiner for the State Medical Board of Ohio, on September 7, 2007.

INTRODUCTION

I. Basis for Hearing

A. By letter dated March 14, 2007, the State Medical Board of Ohio [Board] notified Gregory Lee Ebner, D.O., that it had immediately suspended his certificate to practice osteopathic medicine and surgery in Ohio and had proposed to take other disciplinary action against his certificate. The Ohio Board based its proposed actions on the allegation that Dr. Ebner had pleaded guilty and was found guilty of one felony count of Money Laundering, in violation of 18 United States Code [U.S.C.] § 1957 and one felony count of Structuring Monetary Transactions, in violation of 31 U.S.C. § 5324(a)(3), arising from activities involving the illicit concealing of monies obtained as a result of the illegal distribution of Schedule III and IV controlled substances.

The Board alleged that Dr. Ebner's acts, conduct and/or omissions constitute:

- "A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony," as set forth in Section 4731.22(B)(9), Ohio Revised Code.

- "Selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug" as set forth in Section 4731.22(B)(3), Ohio Revised Code.

Accordingly, the Board advised Dr. Ebner of his right to request a hearing in this matter. (State's Exhibit 1A)

B. By letter filed on January 8, 2007, Eric J. Plinke, Esq., requested a hearing on behalf of Dr. Ebner. (State's Exhibit 1B)

II. Appearances at the Hearing

A. On behalf of the State of Ohio: Marc E. Dann, Attorney General, and Barbara J. Pfeiffer, Assistant Attorney General.

B. Neither Dr. Ebner nor his counsel appeared at the hearing.

EVIDENCE EXAMINED

I. Testimony Heard

None

II. Exhibits Examined

A. Presented by the State

State's Exhibits 1A through 1I: Procedural exhibits.

State's Exhibit 2: The Information in *United States of America v. Gregory L. Ebner*, Case No. 1:06CR0064, United States District Court, Southern District of Ohio.

State's Exhibit 3: Plea Agreement in *U.S. v. Ebner*, Case No. 1:06CR0064.

State's Exhibit 4: Judgment in *U.S. v. Ebner*, Case No. 1:06CR0064.

State's Exhibit 5: Documents maintained by the Board and licensure information maintained by the Ohio E-License Center related to Dr. Ebner.

B. Presented by the Respondent

None

SUMMARY OF THE EVIDENCE

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

Background

1. Gregory Lee Ebner, D.O., received his undergraduate degree from the University of Cincinnati in 1975 and his medical degree from the Des Moines University Medical Center in 1979. He completed one year of internship at the U.S. Public Health Service Hospital in Staten Island, New York in 1980. (State Exhibit [St. Ex.] 5 at 8)

2. Beginning in 1980, Dr. Ebner worked for one year at the Wynton Hills Medical Center in Cincinnati, Ohio. He worked for two years in different emergency departments in Ohio, and then worked 12 years in a private practice in Mount Carmel, Ohio. That private practice was purchased by Deaconess Hospital in 1995, and he continued to work there for the next five

years. Beginning in 2000, he provided locum tenens work for a period of time, and then he worked for an employer at four clinics in southern Ohio. (St. Ex. 5 at 9-10)

3. In 2002, Dr. Ebner moved to Arizona, began practicing in that state, and applied for licensure there. In April 2003, he was discharged from his position at the Yavapai Apache Health Center "because of patient complaints and poor documentation." On March 27, 2004, the Arizona Board of Osteopathic Examiners in Medicine and Surgery denied his application for licensure in that state, based on a determination that Dr. Ebner's conduct was in violation Arizona Revised Statutes § 32-1854(9), "Procuring or attempting to procure a license to practice osteopathic medicine by fraud or misrepresentation." Dr. Ebner returned to Ohio and began practicing medicine in Ohio again. (St. Ex. 5 at 9-10)

Previous Board Action and the Current Status of Dr. Ebner's Ohio Certificate

4. Effective December 22, 2004, the Board indefinitely suspended Dr. Ebner's Ohio certificate for a period of at least 180 days, based upon the action taken by the Arizona Board of Osteopathic Examiners in Medicine and Surgery. Additionally, Dr. Ebner was required to fulfill several conditions before his Ohio certificate would be reinstated, after which his certificate would be subject to a variety of probationary terms for a period of two years. (St. Ex. 5 at 1-7, 14-27)

5. Dr. Ebner's Ohio certificate expired on January 1, 2007, and became inactive. (St. Ex. 5 at 28)

2006-2007 Criminal Information, Plea, Conviction, and Sentence

6. On May 4, 2006, an Information was filed in *United States of America v. Gregory L. Ebner*, Case No. 1:06CR0064, in the United States District Court for the Southern District of Ohio, charging Dr. Ebner with one felony count of Money Laundering and one felony count of Structuring Money Transactions. The charges related to Dr. Ebner's activities while working at four clinics in southern Ohio. (St. Ex. 2)

7. That same day, Dr. Ebner agreed to plead guilty to both counts of the information in *U.S. v. Ebner*. Among other things, Dr. Ebner acknowledged the truth of the following facts:

   - Beginning in January 2001, Dr. Ebner worked in several "pain clinics" in the Southern District of Ohio, located in: (a) Lucasville, Ohio, in Lawrence County; (b) Chillicothe, Ohio, in Ross County; (c) Hanging Rock, Ohio, in Lawrence County; and (d) Jackson, Ohio, in Jackson County.

   - These clinics were owned and operated by an individual named William Jewell. These clinics would open for a short period of time, only to close and re-open at another location in a nearby town or country under another name after being exposed to local law enforcement scrutiny. Local law enforcement began investigating these clinics after becoming overwhelmed with public complaints

of drug addicts frequenting the community while purchasing prescriptions for drugs from the pain clinics. Law enforcement surveillance revealed long lines of individuals standing outside the "pain clinic." Surveillance also revealed a large number of vehicles with license plates from Kentucky and West Virginia.

- Dr. Ebner prescribed Schedule III and IV controlled substances, including Lorcet (hydrocodone) and Xanax (alprasolam) at these "pain clinics." Dr. Ebner attended to patients at these clinics two to three days a week. The other days of the week would be attended by other physicians. Patients paid cash for Dr. Ebner's services in amounts that varied from $175.00 to $200.00. The "pain clinics" would not accept insurance, personal checks, credit cards, or any other form of payment. New patients were required to bring an X-Ray or magnetic resonance imaging to create an aura of legitimacy to the "pain clinics."

- Dr. Ebner would see between 60 and 70 patients a day. These patients would receive a cursory medical examination. Dr. Ebner never checked the height, weight, and blood pressure of his patients. Dr. Ebner never maintained any diagnostic equipment at the clinics. Despite the different patient ailments and complaints, all patients received prescriptions that were called into the pharmacy from the "pain clinic." In most cases, Dr. Ebner would prescribe medication for pain and for sleep. Patients would also receive subsequent prescriptions without being re-examined by Dr. Ebner. The patients seeking refills were charged the same amount as the patients who were seeing the doctor. Dr. Ebner admitted that what he was doing at the "pain clinics" was below the accepted standards of medical practice.

- The prescriptions would be filled at only a few pharmacies. The South Shore Pharmacy in South Shore, Kentucky was frequently used by Dr. Ebner's patients. Many of Dr. Ebner's patients signed an agreement to use only this pharmacy.

- Dr. Ebner evenly split the patient payments with William Jewell. The cash payments made by the patients would be placed in individual envelopes with the patient's name on the outside. For example, if Dr. Ebner saw 70 patients in a day and each patient paid $200.00, he would receive $7,000.00 in cash for his work that day and William Jewell would receive the other $7,000.00.

- Dr. Ebner took the illegal "pain clinic" proceeds and laundered and structured these funds in order to conceal and hide his involvement in this illegal activity. He did this by leading others to believe these were legitimate medical practice proceeds and breaking down these funds into smaller amounts of currency, typically under $10,000, for deposit into his personal bank accounts so as to avoid the Currency Transaction Reporting (CTR) requirements. Dr. Ebner took these illegal proceeds and issued checks for investments. These investments

included a down payment on real estate, shares of a medical partnership, and a pay off of his home mortgage.

(St. Ex. 3) In connection with his guilty plea, Dr. Ebner also agreed to turn over all evidence of the crime, all proceeds of the crime and all assets traceable to the proceeds of the crime. He agreed to submit a full and complete accounting of all of his financial assets and to make restitution.

8. On January 19, 2007, Dr. Ebner pleaded guilty to and was convicted of both counts charged in *U.S. v. Ebner*. He was sentenced to 24 months of incarceration on each count, which would run concurrently. Also, upon release from imprisonment, Dr. Ebner was required to serve three years of supervised release on each count, which would run concurrently. Additionally, Dr. Ebner:

   a. Was not permitted to unlawfully possess a controlled substance and refrain from the unlawful use of a controlled substance.

   b. Was required to pay a $10,000 fine and a $200 assessment.

   c. If working in a particular position during incarceration, was required to pay the above monetary penalties under a payment schedule and, if any amounts remain unpaid upon release from imprisonment, required to pay the remainder under a payment schedule.

   d. Was required to forfeit his residence or make an equivalent cash payment.

   (St. Ex. 4)

FINDINGS OF FACT

1. Effective December 22, 2004, the Board indefinitely suspended Dr. Ebner's Ohio certificate for a period of at least 180 days based upon action taken by the Arizona Board of Osteopathic Examiners in Medicine and Surgery denying Dr. Ebner's application for licensure in that state. Additionally, the Board required Dr. Ebner to fulfill several conditions before his Ohio certificate would be reinstated and imposed a variety of probationary terms for a period of two years.

2. On May 4, 2006, a two-count Information against Gregory Ebner, D.O. was filed in the United States District Court for the Southern District of Ohio.

3. On January 19, 2007, in the United States District Court for the Southern District of Ohio, pursuant to a Plea Agreement between the United States of America and Dr. Ebner, he pleaded guilty to and was found guilty of Money Laundering, in violation of 18 United States Code [U.S.C.] § 1957 and Structuring Money Transactions in violation of 31 U.S.C. § 5324(a)(3).

Among other things in the plea agreement, Dr. Ebner admitted to the truth of the following facts:

- He worked at several "pain clinics" in southern Ohio for a period of time.
- Despite the different patient ailments and complaints, he prescribed Schedule III and IV controlled substances to all patients at these clinics.
- However, he provided only a cursory medical examination initially and did not re-examine the patients when providing subsequent prescriptions.
- Dr. Ebner admitted that he practiced below the accepted standards of medical practice.
- Moreover, he took the illegal "pain clinic" proceeds and laundered and structured those funds in order to conceal and hide his involvement in the "pain clinics."

4. As a result of his conviction, Dr. Ebner was required: (a) to serve two years of incarceration on each count, which would run concurrently; (b) upon release from imprisonment, to serve three years of supervised release for each count, which would run concurrently; (c) to pay criminal monetary penalties of a special assessment of $200 and a fine of $10,000; and (d) to forfeit his residence or make an equivalent cash payment to the United States.

5. Dr. Ebner's Ohio certificate expired on January 1, 2007, and became inactive.

CONCLUSIONS OF LAW

The guilty plea and/or the judicial finding of guilt of Dr. Ebner, as set forth in Findings of Fact 2 through 4 constitutes a "plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony," as set forth in Section 4731.22(B)(9), Ohio Revised Code.

The guilty plea and/or the judicial finding of guilt of Dr. Ebner, as set forth in Findings of Fact 2 through 4 also constitutes "[s]elling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug" as set forth in Section 4731.22(B)(3), Ohio Revised Code.

* * * * *

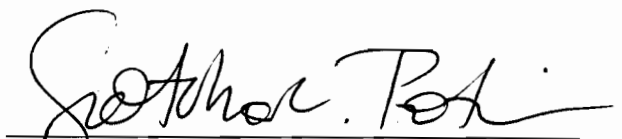
The fact that Dr. Ebner's Ohio certificate expired on January 1, 2007, and became inactive does not preclude the Board from taking disciplinary action in this matter. See Section 4931.22(M)(3), Ohio Revised Code. The evidence establishes that Dr. Ebner was denied licensure by another state and was subsequently disciplined by this Board in 2004. Then, in 2007, he was convicted for serious crimes committed in the course of his medical practice in Ohio. In connection with his guilty plea, Dr. Ebner admitted that he had practiced below the accepted standards of medical practice for a period of time while practicing medicine in Ohio. Dr. Ebner is not trustworthy or deserving of his Ohio certificate, and his certificate should be permanently revoked.

PROPOSED ORDER

It is hereby ORDERED, that:

> The certificate of Gregory Lee Ebner, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED.

This Order shall become effective immediately upon the mailing of notification of approval by the Board.



Gretchen L. Petrucci
Hearing Examiner

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
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EXCERPT FROM THE DRAFT MINUTES OF NOVEMBER 14, 2007

REPORTS AND RECOMMENDATIONS

Dr. Kumar announced that the Board would now consider the Reports and Recommendations appearing on its agenda. He asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings of fact, conclusions of law, and orders, and any objections filed in the matters of: Savitri Bhama, M.D.; Joseph Thayer Caligaris, M.D.; Gregory Lee Ebner, D.O.; and Joseph William Fischkelta, P.A. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Kumar	- aye

Dr. Kumar 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. Egner	- aye
	Dr. Varyani	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Kumar	- aye

Dr. Kumar 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. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

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

.....

GREGORY LEE EBNER, D.O.

.....

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF GREGORY LEE EBNER, D.O. DR. ROBBINS SECONDED THE MOTION.

.....

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Kumar	- aye

The motion carried.

State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

NOTICE OF IMMEDIATE SUSPENSION
AND
OPPORTUNITY FOR HEARING

March 14, 2007

Gregory Lee Ebner, D.O.
7240 Treeridge Drive
Cincinnati, Ohio 45244

Dear Doctor Ebner:

In accordance with Sections 2929.42 and/or 3719.12, Ohio Revised Code, the United States Attorney's Office for the Southern District of Ohio reported that on or about January 19, 2007, in the United States District Court, Southern District of Ohio, Western Division, you pled guilty to one felony count of Money Laundering, in violation of 18 U.S.C. § 1957, and one felony count of Structuring Monetary Transactions, in violation of 31 U.S.C. § 5324(a)(3), arising from activities involving the illicit concealing of monies obtained as a result of the illegal distribution of Schedule III and IV controlled substances.

Therefore, pursuant to Section 3719.121(C), Ohio Revised Code, you are hereby notified that your license to practice osteopathic medicine and surgery in the State of Ohio, which is currently inactive, is immediately suspended. Although you are not currently authorized to practice osteopathic medicine and surgery in Ohio, you are hereby advised that any continued practice after this suspension shall be considered practicing osteopathic medicine without a certificate in violation of Section 4731.43, Ohio Revised Code.

Furthermore, 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) On or about December 8, 2004, the Board issued an Order which, based upon your violation of Section 4731.22(B)(22), Ohio Revised Code, suspended your certificate to practice osteopathic medicine and surgery in the State of Ohio for

Mailed 3-15-07

an indefinite period of time, but not less than 180 days; provided certain conditions necessary to be met prior to reinstatement or restoration of your certificate; and subjected you to multiple probationary terms upon reinstatement or restoration of your certificate. Further, your certificate to practice osteopathic medicine and surgery in the State of Ohio became inactive following its expiration on or about January 1, 2007.

(2) On or about May 2, 2006, you entered into a Plea Agreement in the United States District Court, Southern District of Ohio, Western Division, in which you pled guilty to one felony count of Money Laundering, in violation of 18 U.S.C. § 1957, and one felony count of Structuring Monetary Transactions, in violation of 31 U.S.C. § 5324(a)(3). The conduct implicated in your guilty pleas involved your illicit concealing of monies obtained as a result of your illegal distribution of Schedule III and IV controlled substances while serving as an attending physician at Ohio "pain clinics" maintained in Lawrence County, Ross County, and Jackson County. On or about January 19, 2007, you were sentenced to imprisonment for a term of twenty-four months, placed under supervised release for three years following your release from prison, and ordered to pay a $200.00 assessment, a $10,000.00 fine, and forfeit your interest in your residence or a cash equivalent. Copies of the Information, Plea Agreement, and Judgment in a Criminal Case are attached hereto and incorporated herein.

Your plea of guilty and/or the judicial finding of guilt as alleged in paragraph (2) above, individually and/or collectively, constitutes "[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony," as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "[s]elling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug," as those clauses are used in Section 4731.22(B)(3), 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 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,

Lance A. Talmage, M.D.
Secretary

LAT/DSZ/flb
Enclosures

CERTIFIED MAIL #7004 2510 0006 9803 5255
RETURN RECEIPT REQUESTED

AM JAMES BONINI CLERK

2006 MAY -4 PM 2:59

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA	:	Case No. 1:06CR 0064
	:	INFORMATION
vs.	:	18 U.S.C. § 2 18 U.S.C. § 1957 31 U.S.C. § 5324 (a)(3) 31 U.S.C. § 5324 (d)
GREGORY L. EBNER	:	31 C.F.R. § 103.11

BECKWITH

I certify that this is a true and correct copy of the original filed in my Office on 5-4-06
JAMES BONINI, CLERK
BY: Michelle Payne Deputy Clerk
DATE: 1-26-07

The United States Attorney Charges that:

COUNT 1

MONEY LAUNDERING

On or about August 1, 2001, in the Southern District of Ohio, the defendant, **GREGORY L. EBNER**, did knowingly engage and attempt to engage in monetary transactions by, through or to a financial institution, affecting interstate commerce, in criminally derived property of a value greater than $10,000, that is, the defendant wrote a check (check # 2851) drawn on his Fifth Third Bank account, account # 504-67127, in the amount of $82,000.00 made payable to the American Fund Serv. Co. In the memo section of the check, the defendant wrote, "3 Fund Divide." The check cleared on August 7, 2001. Records of American Funds shows that on August 6, 2001, deposits were made to the following three accounts:

Investment Account	Account No.	Name on Account	Amount Deposited
The Investment Company of America	174154089-9	Gregory L. Ebner	$22,000.00

Investment Account	Account No.	Name on Account	Amount Deposited
The Growth Fund of America	174154089-9	Gregory L. Ebner	$20,000.00
New Perspective Fund	191015485-4	Gregory L. Ebner	$40,000.00

such property having been derived from a specified unlawful activity, that is, unlawful distribution of controlled substances and conspiracy to distribute controlled substances in violation of 21 U.S.C. §§ 841 and 846.

All in violation of 18 U.S.C. § 1957 and 2.

COUNT 2

STRUCTURING

On or about the date set forth below, in the Southern District of Ohio, the defendant, **GREGORY L. EBNER**, knowingly and willfully and for the purpose of evading the reporting requirements of section 5313(a) of Title 31, United States Code, and the regulations promulgated thereunder, structured and attempted to structure the following cash deposits with a domestic financial institution, to wit; Fifth Third Bank, and did so while violating another law of the United States, that is, the defendant distributed and conspired to unlawfully distribute schedule III and IV controlled substances in violation of 21 U.S.C. §§ 841 and 846.

Date	Item	Amount
7/16/01	Fifth Third Bank Cash Deposit	$9,980.00

All in violation of 31 U.S.C. §§ 5324(a)(3), 5324 (d)(1) and 31 C.F.R. § 103.11

GREGORY G. LOCKHART
United States Attorney

RALPH W. KOHNEN
Deputy Criminal Chief

A#

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

2006 MAY -4 PM 2:59

UNITED STATES OF AMERICA	:	Case No. 1:06CR 0064
vs.	:	PLEA AGREEMENT
GREGORY L. EBNER	:	BECKWITH

The United States Attorney for the Southern District of Ohio and the defendant, **GREGORY L. EBNER**, also called "the parties" herein, agree that:

1. **GREGORY L. EBNER** will waive Indictment by the Federal Grand Jury and will enter a plea of guilty before a United States District Judge to a **Two Count Information** charging him with Money Laundering, in violation of 18 U.S.C. § 1957, and Structuring Money Transactions, in violation of 31 U.S.C. § 5324(a)(3). Money Laundering carries a maximum penalty of up to ten (10) years imprisonment, a fine of up to $250,000.00 and, three (3) year term of supervised release, restitution, and a mandatory $100.00 special assessment. Structuring Money Transactions carries a maximum penalty of up to five (5) years imprisonment, a fine of up to $250,000.00, three (3) years of supervised release, the costs of prosecution, restitution, and a mandatory $100.00 special assessment.

2. The defendant understands that this Plea Agreement permitting a guilty plea to the above-listed counts requires that the defendant abide by each term of this Plea Agreement. The defendant understands that if he makes any statement that is

I certify that this is a true and correct copy of the original filed in my Office
on 5/4/2006
JAMES BONINI, CLERK
BY: Tempaan Thomas
Deputy Clerk
DATE: 2/2/2007

OHIO STATE MEDICAL BOARD
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materially false in whole or in part or otherwise fails to comply with any term of this Plea Agreement, the United States has the right to declare this Plea Agreement void and to prosecute the defendant to the full extent of the law. If this Plea Agreement or the defendant's conviction upon his guilty plea is voided for any reason, the defendant waives any statute of limitations with respect to the United States prosecuting him for any offense arising from his conduct in this case.

3. The sentence in this case will be imposed by the Court. There is no agreement as to what that sentence will be. The defendant understands that the United States Sentencing Guidelines ("U.S.S.G." or "Sentencing Guidelines") are advisory and not mandatory, although the Court is required to consider the Sentencing Guidelines and their application to this case in imposing sentence. Sentencing is within the discretion of the Court, and the defendant understands that the Court may or may not choose to impose sentence based on the applicable sentencing range under the Sentencing Guidelines for the offenses charged in the Information. The defendant has thoroughly reviewed with his attorney how the Sentencing Guidelines might apply to this case. The defendant understands that he does not have the right to withdraw his guilty plea if the Court chooses to apply the Sentencing Guidelines including upward departures or otherwise imposes a sentence that is higher than expected. The defendant understands that the matter of sentence is reserved solely to the District Court and that the Court could impose the maximum penalty. No promises or representations have been made to the defendant as to what sentence the Court will impose.

4. The defendant will give complete cooperation to law enforcement authorities

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and others regarding his activities and those of others in relation to the offense of conviction and other matters on the following terms and conditions:

(a) **GREGORY L. EBNER** shall cooperate fully, truthfully, completely and forthrightly with the United States Attorney's Office for the Southern District of Ohio and other Federal, state and local law enforcement authorities identified by this Office in any and all matters as to which the Government deems the cooperation relevant. **GREGORY L. EBNER** acknowledges that his cooperation may include, but will not necessarily be limited to: answering questions; providing sworn written statements; and participating in covert law enforcement activities. Any refusal by **GREGORY L. EBNER** to cooperate fully, truthfully, completely and forthrightly as directed by this Office and other Federal, state and local law enforcement authorities identified by this Office in any and all matters in which the Government deems his assistance relevant will constitute a breach of this Plea Agreement by **GREGORY L. EBNER**, and will relieve the Government of its obligations under this Plea Agreement or any other agreement between the parties whether entered before or after this Plea Agreement. **GREGORY L. EBNER** agrees, however, that such breach by him will not constitute a basis for withdrawal of his plea of guilty or otherwise relieve him of his obligations under this Plea Agreement.

(b) **GREGORY L. EBNER** shall promptly turn over to the Government or other law enforcement authorities or direct such law enforcement authorities to any and all evidence of crime; all contraband and proceeds of crime; and all assets traceable to such proceeds of crime. **GREGORY L. EBNER** agrees to the forfeiture of all assets

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which are proceeds of crime or traceable to such proceeds of crime and all instruments that he used to aid him in committing the crimes.

(c) **GREGORY L. EBNER** shall submit a full and complete accounting of all of his financial assets, whether such assets are in his name or in the name of a third party.

(d) **GREGORY L. EBNER** shall testify fully, completely and truthfully before any and all Grand Jury(ies) in the Southern District of Ohio, and elsewhere, and at any and all trials of cases or other court proceedings in the Southern District of Ohio and elsewhere, at which his testimony may be deemed relevant by the Government.

(e) **GREGORY L. EBNER** understands and acknowledges that nothing in this Plea Agreement allows him to commit any criminal violation of local, state or federal law during the period of his cooperation with law enforcement authorities or at any time prior to the sentencing in this case. The commission of a criminal offense during the period of **GREGORY L. EBNER**'s cooperation or at any time prior to sentencing will constitute a breach of this Plea Agreement and will relieve the Government of all of its obligations under this Plea Agreement or under any other agreement between the parties. **GREGORY L. EBNER** acknowledges, however, and agrees that such a breach of this Plea Agreement will not entitle him to withdraw his plea of guilty or relieve him of his obligations under this Plea Agreement. **GREGORY L. EBNER** further understands that, to establish a breach of this Plea Agreement, the Government need only prove his commission of a criminal offense by a preponderance of the evidence.

(f) Finally, **GREGORY L. EBNER**'s cooperation also includes making restitution

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in this matter in a schedule and amount to be determined by the Court.

5. In exchange for the defendant's plea of guilty including the stipulations in paragraph 12, and complete cooperation, the United States Attorney for the Southern District of Ohio agrees that, after sentence has been imposed on the information, he will not file any additional charges against the defendant based on the defendant's conduct as described in the Information and Statement of Facts. This Plea Agreement does not protect the defendant from prosecution for perjury, false statement, obstruction, or any other such charge for conduct after the date of this Plea Agreement.

6. No promises have been made to the defendant that he will receive probation or that he will receive a lighter sentence on account of his plea of guilty.

7. The parties hereby state that the charges to which the defendant is pleading guilty adequately reflect the seriousness of the readily provable actual offense behavior and that the acceptance of the Plea Agreement by the Court will not undermine the statutory purposes of sentencing.

8. The defendant agrees to pay the $200.00 special assessment to the Clerk of the United States District Court for each count to which he pleads guilty no later than the date of his sentencing.

9. By signing this document, the defendant acknowledges the truth of the attached Statement of Facts.

10. In the event that the defendant does not plead guilty, the defendant agrees and understands that he thereby waives any protection afforded by Section 1B1.8(a) of the Sentencing Guidelines and rule 11(f) of the Federal Rules of Criminal Procedure, and that any statements made by him as part of the plea discussions or as part of his

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cooperation with the government will be admissible against him without any limitation in any civil or criminal proceeding.

11. The defendant understands that the Stipulation in this Plea Agreement constitutes a non-binding recommendation to the Court as provided in Sentencing Guideline § 6B1.4(d). The defendant understands that after investigation and review, the Court may impose a sentence greater than that recommended in the Stipulation and may make an upward departure outside the offense level range established by the applicable Sentencing Guideline. In the event that the Court does not accept any part of the parties' Stipulation, the defendant fully understands that he shall NOT have the right to withdraw his guilty plea.

12. The United States Attorney for the Southern District of Ohio and the Defendant stipulate to the following pursuant to Sentencing Guidelines § 6B1.4:

a. The United States Sentencing Guideline effective November 1, 2000, is applicable herein.

Count 1

a. The base offense level is 20 pursuant to § 2S1.1(a)(2);

b. The United States and the defendant stipulate that the defendant knew or believed that the funds were the proceeds of an unlawful activity involving the manufacture, importation, or distribution of narcotics or other controlled substances and therefore § 2S1.1(b)(1) is applicable herein;

c. The United States and the defendant stipulate that the value of the funds is more than $200,000.00 and § 2S1.1(b)(1)(C) is applicable herein.

d. The United States and the defendant stipulate that the base offense level for Count 1 is 25.

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Count 2

e. The base offense level is 14 pursuant to §§ 2S1.3(a) and 2F1.1(b)(1)(I);

f. The United States and the defendant stipulate that he knew and believed that the funds were proceeds of unlawful activity and § 2S1.3(b)(1) is applicable herein;

g. The United States and the defendant stipulate that the base offense level for Count 2 is 16.

h. The United States and the defendant stipulate that Counts 1 and 2 should be grouped pursuant to § 3D1.2(d)

i. The United States and the defendant stipulate that the total combined offense level is 25 pursuant to § 3D1.3(b)

j. The United States and the defendant stipulate that the defendant abused a position of trust and § 3B1.3 is applicable herein.

13. The defendant is aware that Title 18, United States Code, § 3742, affords the defendant the right to appeal the sentence imposed in this case.

14. This Plea Agreement does not resolve any civil liability of the defendant for tax, interest, and penalties relating to income from the offense of conviction or any other source. The defendant acknowledges that as part of the complete cooperation promised by him in this Plea Agreement, he is obligated to give complete cooperation to Federal, state, and local tax authorities in the determination of his taxable income and determination and payment of any applicable tax, interest, and penalties

a. Defendant agrees that he will make no objection to the entry of an order under Fed.R.Crim.P. 6(e)(3) permitting the IRS Criminal Investigation Division to disclose to the IRS Examination Collection Divisions (for purposes of a civil audit) all of the documents obtained, and the IRS reports produced, during the criminal investigation, whether or not such documents or reports are considered to be grand jury material within the meaning of Rule 6(e)(3).

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b. Nothing in this Plea Agreement shall limit the Internal Revenue Service in its collection of any taxes, penalties or interest due from the defendant.

15. This written Plea Agreement embodies all of the agreements and understandings between the United States Attorney for the Southern District of Ohio and the defendant. No conversations, discussions, understandings, or other documents extraneous to the Plea Agreement shall be considered part of this Plea Agreement.

GREGORY G. LOCKHART
United States Attorney

5/2/06
Date

ANTHONY SPRINGER (0067716)
Assistant United States Attorney
Suite 400 - Atrium Two
221 East Fourth Street
Cincinnati, Ohio 45202
(513) 684-3711

5/2/06
Date

GREGORY L. EBNER
Defendant

5/2/06
Date

TIMOTHY E. SCHNEIDER (0040411)
14 North Grand Avenue
Ft. Thomas, Kentucky 41075
(859) 291-9075
Counsel for Defendant

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STATEMENT OF FACTS

United States v. Gregory L. Ebner

Beginning in January 2001, the defendant, Gregory L. Ebner, a medical doctor, worked in several "pain clinics" in the Southern District of Ohio. The clinics were located in the following locations:

1) Lucasville, Ohio (Lawrence County)
2) Chillicothe, Ohio (Ross County)
3) Hanging Rock, Ohio (Lawrence County)
4) Jackson, Ohio (Jackson County)

These clinics were owned and operated by an individual named William Jewell. These clinics would open for a short period of time, only to close and re-open at another location in a nearby town or county under another name after being exposed to local law enforcement scrutiny. Local law enforcement began investigating these clinics after becoming overwhelmed with public complaints of drug addicts frequenting the community while purchasing prescriptions for drugs from the pain clinics. Law enforcement surveillance revealed long lines of individuals standing outside the "pain clinic." Surveillance also revealed a large number of vehicles with license plates from Kentucky, and West Virginia.

The defendant, Gregory L. Ebner, prescribed Schedule III and IV controlled substances including Lorcet (hydrocodene), and Xanax (alprazolam) at these "pain clinics." The defendant, Gregory L. Ebner attended to patients at these clinics two to three days a week. The other days of the week would be attended by other physicians, namely Dr. Nico Capurro. Patients paid cash for his services in amounts that varied from $175.00 to $200.00. The "pain clinics" would not accept insurance, personal checks, credit cards, or any other form of payment. New patients were required to bring an X-Ray or MRI to create an aura of legitimacy to the "pain clinics."

The defendant, Gregory L. Ebner, would see between 60 and 70 patients a day. These patients would receive a cursory medical examination. The defendant never checked the height, weight, and blood pressure of his patients. The defendant never

I certify that this is a true and correct copy of the original filed in my Office on 5/4/2006.
JAMES BONINI, CLERK
BY: Tempaw Thomas Deputy Clerk
DATE: 2/2/2007

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maintained any diagnostic equipment at the clinics. Despite the different patient ailments and complaints, all patients received prescriptions that were called into the pharmacy from the "pain clinic." In most cases, the defendant would prescribe medication for pain and for sleep. Patients would also receive subsequent prescriptions without being re-examined by the defendant. The patients seeking refills were charged the same amount as the patients who were seeing the doctor. The defendant has admitted that what he was doing at the "pain clinics" was below the accepted standards of medical practice.

The prescriptions would be filled at only a few pharmacies. The South Shore Pharmacy in South Shore, Kentucky was frequently used by the defendant's patients. Many of the defendant's patients signed an agreement to use only this pharmacy.

The defendant evenly split the patient payments with William Jewell. The cash payments made by the patients would be placed in individual envelopes with the patient's name on the outside. For example, if the defendant saw 70 patients in a day, and each patient paid $200.00, he would receive $7,000.00 in cash for his work that day and Jewell would receive the other $7,000.00.

The defendant took the illegal "pain clinic" proceeds and laundered and structured these funds in order to conceal and hide his involvement in this illegal activity. He did this by leading others to believe these were legitimate medical practice proceeds and breaking down these funds into smaller amounts of currency, typically under $10,000.00, for deposit into his personal bank accounts so as to avoid the Currency Transaction Reporting (CTR) requirements. The defendant took these illegal proceeds and issued checks for investments. These investments included a down payment on real estate, shares of a medical partnership, and a pay off of his home mortgage.

In particular, on or about August 1, 2001, in the Southern District of Ohio, the defendant, Gregory L. Ebner wrote Check #2851 from his Fifth Third Bank account for $82,000.00 to the American Fund Serv. Co. notation "3 Fund Divide." This check cleared his account on August 7, 2001. A review of the records maintained at American Funds revealed that on August 6, 2001, the following transactions were

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made:

Investment Account	Account No.	Name on Account	Amount Deposited
The Investment Company of America	174154089-9	Gregory L. Ebner	$22,000.00
The Growth Fund of America	174154089-9	Gregory L. Ebner	$20,000.00
New Perspective Fund	191015485-4	Gregory L. Ebner	$40,000.00

The defendant knew at the time that he engaged in these transactions that he was doing so with proceeds that he had obtained as a result of his illegal distribution of Schedule III and IV narcotics while serving as an attending physician at "pain clinics" maintained at the aforementioned locations.

Furthermore, on or about July 16, 2001, the defendant, Gregory L. Ebner, deposited cash totaling $9,980.00 into his personal Fifth Third Bank account, account #504-67127. The deposit was structured to be less than $10,000.00 so as to avoid the Currency Transaction Reporting (CTR) requirements.

All of the aforementioned conduct occurred in the Southern District of Ohio.

I have reviewed the above statement of facts with my attorney. I agree to the accuracy of the statement of facts and acknowledge the truth of the statement of facts as detailed above.

05/02/06
Date

GREGORY L. EBNER
Defendant

5/2/06
Date

TIMOTHY E. SCHNEIDER
Attorney for Defendant

OHIO STATE MEDICAL BOARD

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AO 245B (Rev. 06/05) Judgment in a Criminal Case
Sheet 1

FILED
JAMES BONINI
CLERK

UNITED STATES DISTRICT COURT

SOUTHERN District of OHIO

07 JAN 19 PM 1:24

U.S. DISTRICT COURT
SOUTHERN DIST OHIO
WEST DIV CINCINNATI

UNITED STATES OF AMERICA
V.
GREGORY L. EBNER

JUDGMENT IN A CRIMINAL CASE

Case Number: 1:06-CR-064

USM Number: 04366-061

Timothy E. Schneider
Defendant's Attorney

THE DEFENDANT:

X pleaded guilty to count(s) One and Two of the Information

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. §1957	Money Laundering		One
31 U.S.C. §5324(a)(3)	Structuring Monetary Transactions		Two

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

January 19, 2007
Date of Imposition of Judgment

Signature of Judge

Sandra S. Beckwith, Chief Judge
Name and Title of Judge

January 19, 2007
Date

I certify that this is a true and correct copy of the original filed in my Office on 1-19-07.
JAMES BONINI, CLERK
BY: Mercedes Payne
Deputy Clerk
DATE: 1-26-07

DEFENDANT: GREGORY L. EBNER
CASE NUMBER: 1:06-CR-064

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

Twenty-four (24) months on each count, terms to run concurrently.

X The court makes the following recommendations to the Bureau of Prisons:
Recommend placement at the FCC Camp in Ashland, Kentucky

☐ The defendant is remanded to the custody of the United States Marshal.

X The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on **on or after March 19, 2007**.

X as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

_____
UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: GREGORY L. EBNER
CASE NUMBER: 1:06-CR-064

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

Three (3) years on each count, terms to run concurrently.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. ~~The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.~~

X The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)

X The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)

X The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)

☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)

☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4) the defendant shall support his or her dependents and meet other family responsibilities;
5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: GREGORY L. EBNER
CASE NUMBER: 1:06-CR-064

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	Assessment	Fine	Restitution
TOTALS	$ 200.00	$ 10,000	$ 0.00

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage

TOTALS $ 0 $ 0

☐ Restitution amount ordered pursuant to plea agreement $ _____

☐ The defendant must pay interest on restitution and a fine of more than $2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

X The court determined that the defendant does not have the ability to pay interest and it is ordered that:

X the interest requirement is waived for the X fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: GREGORY L. EBNER
CASE NUMBER: 1:06-CR-064

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

A X Lump sum payment of $ 10,200.00 due immediately, balance due

☐ not later than _____, or
X in accordance ☐ C, ☐ D, ☐ E, or X F below; or

B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or

C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of $ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or

D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of $ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F X Special instructions regarding the payment of criminal monetary penalties:

While incarcerated, if Defendant is working in a non-UNICOR or Grade 5 UNICOR job, the defendant shall pay $25 per quarter toward his fine obligation. If working in a Grade 1 through 4 UNICOR job, the defendant shall pay 50% of his monthly pay toward the fine obligation. After the defendant's release and within 30 days of the commencement of the term of supervised release, Defendant shall pay $10 per month toward any unpaid monetary obligations. The probation officer shall recommend a revised payment schedule, and the Court will enter an order establishing an appropriate schedule of payments.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

X The defendant shall forfeit the defendant's interest in the following property to the United States:

SEE ATTACHED PAGE

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

DEFENDANT: GREGORY L. EBNER
CASE NUMBER: 1:06-CR-064

ADDITIONAL FORFEITED PROPERTY

With the Government's consent, the Defendant may substitute a cash payment for the forfeiture of his residence.

State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

December 8, 2004

Gregory Lee Ebner, D.O.
7240 Tree Ridge Drive
Cincinnati, OH 45244-3522

Dear Doctor Ebner:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Sharon W. Murphy, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on December 8, 2004, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order.

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 a Notice of Appeal with the State Medical Board of Ohio and 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

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 7000 0600 0024 5149 8866
RETURN RECEIPT REQUESTED

Cc: Eric J. Plinke, Esq.
CERTIFIED MAIL NO. 7000 0600 0024 5149 8842
RETURN RECEIPT REQUESTED

MAILED 12-22-04

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on December 8, 2004, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the Matter of Gregory Lee Ebner, D.O., 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)

December 8, 2004
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF	*
	*
GREGORY LEE EBNER, D.O.	*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on December 8, 2004.

Upon the Report and Recommendation of Sharon W. Murphy, 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 modification, 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 Gregory Lee Ebner, D.O., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time but not less than 180 days.

B. **CONDITIONS FOR REINSTATEMENT OR RESTORATION**: The Board shall not consider reinstatement or restoration of Dr. Ebner's certificate to practice medicine and surgery until all of the following conditions have been met:

1. **Application for Reinstatement or Restoration**: Dr. Ebner shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.

2. **Personal and Professional Ethics Course**: At the time he submits his application for reinstatement or restoration, Dr. Ebner shall provide acceptable documentation of successful completion of a course or courses dealing with personal and professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision

shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Ebner submits the documentation of successful completion of the course or courses dealing with personal and professional ethics, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

3. **Additional Evidence of Fitness To Resume Practice**: In the event that Dr. Ebner has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222 of the Revised Code to require additional evidence of his fitness to resume practice.

C. **PROBATION**: Upon reinstatement or restoration, Dr. Ebner's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least two years:

1. **Obey the Law**: Dr. Ebner shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.

2. **Declarations of Compliance**: Dr. Ebner shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which this Order becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

3. **Personal Appearances**: Dr. Ebner shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective, or as otherwise directed by the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

4. **Practice Plan**: Prior to Dr. Ebner's commencement of practice in Ohio, or as otherwise determined by the Board, Dr. Ebner shall submit to the Board and receive its approval for a plan of practice in Ohio. The practice plan, unless otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Ebner's activities will be directly supervised and

overseen by a monitoring physician approved by the Board. Dr. Ebner shall obtain the Board's prior approval for any alteration to the practice plan approved pursuant to this Order.

At the time Dr. Ebner submits his practice plan, he shall also submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary or Supervising Member will give preference to a physician who practices in the same locale as Dr. Ebner and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Ebner and his medical practice, and shall review Dr. Ebner's patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Ebner and his medical practice, and on the review of Dr. Ebner's patient charts. Dr. Ebner shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Ebner's quarterly declaration.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Ebner must immediately so notify the Board in writing. In addition, Dr. Ebner shall make arrangements acceptable to the Board for another monitoring physician within thirty days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Ebner shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

6. **Tolling of Probationary Period While Out of State**: Dr. Ebner shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed.

7. **Noncompliance Will Not Reduce Probationary Period**: In the event Dr. Ebner is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.

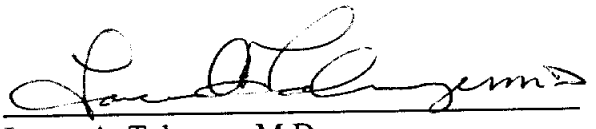
8. **Violation of Terms of Probation**: If Dr. Ebner violates probation in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.

D. **TERMINATION OF PROBATION**: Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Ebner's certificate will be fully restored.

E. **REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS**: Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Ebner shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Ebner shall provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.

F. **REQUIRED REPORTING TO OTHER STATE LICENSING AUTHORITIES**: Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Ebner shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Ebner shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration or restoration of any professional license. Further, Dr. Ebner shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt, unless otherwise determined by the Board.

EFFECTIVE DATE OF ORDER: This Order shall become effective immediately upon the mailing of notification of approval by the Board.



Lance A. Talmage, M.D.
Secretary

(SEAL)

December 8, 2004
Date

STATE MEDICAL BOARD
OF OHIO

2004 OCT 26 A 9:36

REPORT AND RECOMMENDATION
IN THE MATTER OF GREGORY LEE EBNER, D.O.

The Matter of Gregory Lee Ebner, D.O., was heard by Sharon W. Murphy, Esq., Hearing Examiner for the State Medical Board of Ohio, on September 15, 2004.

INTRODUCTION

I. Basis for Hearing

A. By letter dated June 9, 2004, the State Medical Board of Ohio [Board] notified Gregory Lee Ebner, D.O., that it had proposed to take disciplinary action against his certificate to practice osteopathic medicine and surgery in Ohio. The Board based its proposed action on a prior action against Dr. Ebner by the Arizona Board of Osteopathic Examiners in Medicine and Surgery [Arizona Board].

Moreover, the Board alleged that the action of the Arizona Board constitutes "'[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,' as that clause is used in R.C. 4731.22(B)(22)." Finally, the Board advised Dr. Ebner of his right to a hearing. (State's Exhibit 1A).

B. On July 1, 2004, the Board received a written hearing request from Eric J. Plinke, Esq., on behalf of Dr. Ebner. (State's Exhibit 1B).

II. Appearances

A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Kyle C. Wilcox, Assistant Attorney General.

B. On behalf of the Respondent: Eric J. Plinke, Esq.

EVIDENCE EXAMINED

I. Testimony Heard

Gregory Lee Ebner, D.O.

II. Exhibits Examined

A. Presented by the State

1. State's Exhibits 1A through 1L: Procedural exhibits. [Note: A paragraph in an attachment to State's Exhibit 1A was redacted at the Respondent's request and without objection from the State. See Hearing Transcript at 37-40.]

2. State's Exhibit 2: Certified copies of documents pertaining to Dr. Ebner maintained by the Arizona Board of Osteopathic Examiners in Medicine and Surgery [Arizona Board]. [Note: Portions of this exhibit were redacted at the Respondent's request and without objection from the State. See Hearing Transcript at 37-40.]

B. Presented by the Respondent

Respondent's Exhibits A through D: Copies of correspondence between Dr. Ebner's counsel and the Arizona Board.

PROCEDURAL MATTERS

1. The hearing record in this matter was held open until September 29, 2004, to give the Respondent an opportunity to submit additional evidence. The additional evidence was timely submitted and entered into the record as Respondent's Exhibit D, without objection from the State. (See Hearing Transcript at 61).

2. Portions of pages 33 through 36 of the hearing transcript were stricken by the Hearing Examiner at the request of the Respondent and without objection from the State. (See Hearing Transcript at 37-40).

SUMMARY OF THE EVIDENCE

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

1. Gregory Lee Ebner, D.O., received his undergraduate degree from the University of Cincinnati in 1975. Dr. Ebner then attended the Des Moines University Medical Center in Des Moines, Iowa. He graduated in 1979. In 1980, Dr. Ebner completed a rotating internship at U.S. Public Health Service Hospital in Staten Island, New York. (Hearing Transcript [Tr.] at 12-14).

Dr. Ebner testified that, following his internship, he had accepted employment at the Wynton Hills Medical Center in Cincinnati, Ohio. He remained there for one year. Thereafter, he worked for two years in emergency medicine in several emergency departments in Ohio. In 1983, Dr. Ebner entered into a private practice in Mount Carmel, Ohio, a suburb of Cincinnati, and practiced family medicine for twelve years. Dr. Ebner testified that, in 1995, Deaconess Hospital purchased the practice, and Dr. Ebner remained as an employee of Deaconess Hospital for an additional five years. Dr. Ebner testified that he has been "working off and on with [Locum Tenens Medical Group in Cleveland, Ohio] for the past four years." He explained that Locum Tenens Medical Group supplies physicians to clinics around the State of Ohio. (Tr. at 12, 14-16).

Dr. Ebner testified that he is not licensed in any state other than Ohio. (Tr. at 16).

2. On October 25, 2002, Dr. Ebner submitted an application for privileges at the Phoenix Indian Medical Center in Phoenix, Arizona. The Phoenix Indian Medical Center is associated with the United States Public Health Service, Department of Health and Human Services. The Phoenix Indian Medical Center credentialed Dr. Ebner on December 20, 2002. Dr. Ebner entered into a contract to provide services at the Phoenix Indian Medical Center and at a clinic run by the Phoenix Indian Medical Center, the Yavapai Apache Health Center. (State's Exhibit [St. Ex.] 2 at 7).

3. On January 31, 2003, the United States Attorney's Office filed a civil forfeiture lawsuit against Dr. Ebner in the United States District Court, Southern District of Ohio. The Arizona Board reviewed the lawsuit and determined that the suit was related to Dr. Ebner's practice of medicine. (St. Ex. 2 at 2).

4. In April 2003, Dr. Ebner was discharged from his position at the Yavapai Apache Health Center "because of patient complaints and poor documentation." (St. Ex. 2 at 7).

5. On May 21, 2003, Dr. Ebner signed an application for a license to practice osteopathic medicine and surgery in Arizona. (Tr. at 18; St. Ex. 2 at 5a).

   On March 27, 2004, the Arizona Board of Osteopathic Examiners in Medicine and Surgery [Arizona Board] voted to deny Dr. Ebner's application for licensure. The action of the Arizona Board was based on a determination that Dr. Ebner's conduct was "in violation of A.R.S. § 32-1854(9), 'Procuring or attempting to procure a license to practice osteopathic medicine by fraud or misrepresentation.'" (St. Ex. 2 at 2). More specifically, the Arizona Board based its decision on the following reasons:

   1. In response to Section V of the [Arizona Board] application, which asks for a list of all hospitals with which an applicant has been affiliated or had privileges since graduation from medical school, on or about June 9, 2003, [Dr. Ebner] responded that [he] had not been affiliated with any hospitals since 2000.

> In so doing, [Dr. Ebner] failed to disclose that [he] had been employed by and affiliated with the Phoenix Indian Health Services and hospital from February 2003 until [he was] terminated for cause in June 2003.
>
> 2. In response to Section VI of the application, which asks questions about an applicant's prior history regarding professional conduct, on or about June 9, 2003, [Dr. Ebner] answered 'Yes' to the question 'have you ever had any lawsuits filed against you in connection with your practice of medicine?' [Dr. Ebner] disclosed two malpractice cases brought against [him]; one in 1988, the second in 1992.
>
> In so doing, [Dr. Ebner] failed to disclose that on January 31, 2003, the U.S. Attorneys [sic] Office filed a civil forfeiture lawsuit (Case No. C-1-03-084) against [him] in the United States District Court, Southern District of Ohio, Western Division. The allegations in that document show that the suit was related to [Dr. Ebner's] practice.
>
> [Dr. Ebner] also failed to disclose that on March 17, 2003, the U.S. Attorney's Office filed an amendment to the civil forfeiture lawsuit (Case No. C-1-03-084) against [Dr. Ebner] in the United States District Court, Southern District of Ohio, Western Division.

(St. Ex. 2 at 2-3).

6. After reviewing the Arizona Board documents, Dr. Ebner acknowledged that he had been "an independent contractor" for the Yavapai Apache Health Center. Dr. Ebner further testified that had been "released from employment" at Yavapai Apache Health Center because the clinic did not see enough patients to support him. (Tr. at 20-22).

   Dr. Ebner testified that he had lived in Arizona for a year and a half, from early 2002 through June 2003. Dr. Ebner explained that he had failed to mention the Yavapai Apache Health Center when he provided his employment history earlier in his testimony not because he had been trying to hide his termination, but because it had "just escaped [him]." (Tr. at 30-31).

   Dr. Ebner also acknowledged that he had failed to include one Ohio employer when he had discussed his employment history earlier in the hearing. Dr. Ebner testified that, during the period of 2000 to the present, he had worked for an employer who serves four clinics in southern Ohio. Finally, Dr. Ebner testified that he is currently practicing at the Longaberger Employee Health Center, a placement he obtained through the Locum Tenens Medical Group. (Tr. at 37-48).

7. Dr. Ebner explained that the Phoenix Indian Medical Center is a hospital that serves as a "hub" which serves the inpatient needs of three states' Native American population. He

added that Yavapai Apache Health Center is an outlying medical clinic that serves the local Native American population one hundred miles from Phoenix. (Tr. at 52-53).

He testified that he had not mentioned either the Phoenix Indian Medical Center or the Yavapai Apache Health Center in his application for licensure in Arizona because he had not been aware that he had held hospital privileges at the Phoenix Indian Medical Center. Moreover, Dr. Ebner testified that he had not been affiliated with Phoenix Indian Medical Center. Dr. Ebner testified that he had been an independent contractor for the Yavapai Apache Health Center, and had received a 1099 form rather than a W-2 at the end of the year of his employment there. Furthermore, he testified that he had never taken care of any patients at the Phoenix Indian Medical Center and had never been considered a member of the medical staff there. (Tr. at 20, 22, 32, 53, 56).

Dr. Ebner was shown a letter from an Associate Director of the Phoenix Indian Medical Center to the Arizona Board, which stated that,

> Dr. Ebner was credentialed on December 20, 2002. He was contracted for services at the Phoenix Indian Medical Center and our clinic at the Yavapai Apache Health Center.

(St. Ex. 2 at 7). When asked what he believes that meant, Dr. Ebner stated, "I think what they were saying was that I approved all of the rigors of the application process of getting employment at the health center where I was to be an independent contractor." He added that he had not had "any affiliation per se with the Phoenix Indian Medical Center other than to do the application process." He later acknowledged that he had also completed a two-week orientation and attended a grand rounds presentation at the Phoenix Indian Medical Center. (Tr. at 23-25, 54).

8. Dr. Ebner initially testified that, in completing his Arizona application, he had not disclosed the lawsuits filed against him because he had not believed that they were actually lawsuits. Dr. Ebner explained that the actions were based on a dispute between Dr. Ebner and the Internal Revenue Service over the amount of taxes he owes for money he made in the practice of medicine. At first, Dr. Ebner acknowledged that the lawsuits involved the practice of medicine. Nevertheless, a few minutes later, Dr. Ebner testified that he had not felt that the lawsuits were related to his practice of medicine. (Tr. at 26-29, 52).

9. Dr. Ebner testified at hearing that he had failed to request a hearing before the Arizona Board. Dr. Ebner testified that his lawyer had advised him not to pursue the matter unless the really needed an Arizona license. Since Dr. Ebner had returned to Ohio at that time, Dr. Ebner chose not to request a hearing. Nevertheless, he later requested that the Arizona Board reconsider their decision but the Arizona Board denied the request. (Tr. at 30; Respondent's Exhibits [Resp. Exs.] A through D).

FINDINGS OF FACT

On March 27, 2004, the Arizona Board of Osteopathic Examiners in Medicine and Surgery [Arizona Board] voted to deny an application for licensure submitted by Gregory Lee Ebner, D.O. The action of the Arizona Board was based on a determination that Dr. Ebner's conduct was "in violation of A.R.S. § 32-1854(9), 'Procuring or attempting to procure a license to practice osteopathic medicine by fraud or misrepresentation.'"

CONCLUSIONS OF LAW

The action of the Arizona Board of Osteopathic Examiners in Medicine and Surgery in the Matter of Gregory Lee Ebner, D.O., as set forth in the Findings of Fact, constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

* * * * *

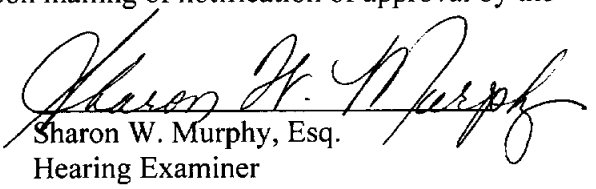
The evidence supports a conclusion that Dr. Ebner intended to deceive the Arizona Board of Osteopathic Examiners in Medicine and Surgery in an attempt to hide both his dismissal from the Yavapai Apache Health Center and the federal lawsuits filed against him. Moreover, the evidence suggests that Dr. Ebner continued to provide untruthful answers, even at hearing. In light of his readiness to deceive medical licensing authorities, Dr. Ebner cannot be trusted to hold a certificate to practice in this state. Accordingly, permanent revocation of his certificate is appropriate.

PROPOSED ORDER

It is hereby ORDERED that:

> The certificate of Gregory Lee Ebner, D.O., to practice osteopathic medicine and surgery in the State of Ohio is PERMANENTLY REVOKED.

This Order shall become effective immediately upon mailing of notification of approval by the Board.



Sharon W. Murphy, Esq.
Hearing Examiner

State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

EXCERPT FROM THE DRAFT MINUTES OF DECEMBER 8, 2004

REPORTS AND RECOMMENDATIONS

Ms. Sloan announced that the Board would now consider the findings and orders appearing on the Board's agenda. She asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Manju Bajpai, M.D.; Gregory Lee Ebner, D.O.; Jeffrey David Neidhart, M.D.; and Kwabena Oteng, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Ms. Sloan	- aye

Ms. Sloan 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. Egner	- aye
	Dr. Talmage	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Ms. Sloan	- aye

Ms. Sloan 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.

Ms. Sloan stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and orders in the above matters. No objections were voiced by Board members present.

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

.....

Dr. Talmage left the meeting during the previous discussion.

.....

GREGORY LEE EBNER, D.O.

Ms. Sloan directed the Board's attention to the matter of Gregory Lee Ebner, D.O. She advised that objections were filed to Hearing Examiner Murphy's Report and Recommendation and were previously distributed to Board members.

Ms. Sloan continued that a request to address the Board has been timely filed on behalf of Dr. Ebner. Five minutes would be allowed for that address.

Dr. Ebner was accompanied by his attorney, Eric Plinke.

Mr. Plinke stated that they are here today relative to the Proposed Order of permanent revocation. He stated that this case is "similar to Dr. Bajpai's in the respect that in this case you're Michigan." And in this case the Board does not have a record from the state upon which the Board is basing its decision, because Dr. Ebner failed to request a hearing when Arizona proposed to deny his license. That proposed denial was based on the manner in which he answered two particular questions in that application. In the record the Board has the application from Arizona and Arizona's allegations that Dr. Ebner answered questions falsely. Those allegations became fact because Dr. Ebner didn't request a hearing, and he testified to the reasons for that. This began a chain of dominoes that led to this hearing and brings Dr. Ebner before the Board today.

Mr. Plinke stated that his objections are before the Board. Principally, the objection is that the Proposed Order is excessive. The discipline is not proportionate to what Dr. Ebner did wrong. Dr. Ebner testified at the hearing as to how he interpreted those questions. They're not this Board's questions. Mr. Plinke commented that he thinks the questions are a little ambiguous, and he thinks that the way that Arizona had interpreted Dr. Ebner's answer was ambiguous. Unfortunately, Dr. Ebner didn't go to Arizona to contest that, and he should have. Had he, he might not be before this Board today. Mr. Plinke stated that the

Permanent Revocation is disproportionate to similar cases the Board has seen where it's dealing with a default finding from another state. Dr. Ebner has practiced in Ohio for over 20 years. He was only briefly in the State of Arizona. He answered all his Ohio renewal questions correctly. He answered the questions on his initial application correctly. There's never been another incident brought by this Board or any other Board relative to Dr. Ebner's veracity.

Dr. Ebner stated that he appreciates the opportunity to address the Board today concerning this serious proposal. He stated that he understands that the Board members have reviewed the record and the objections that his attorney filed regarding this Proposed Order. He added that he appreciates the Board's review of those materials.

Dr. Ebner stated that he's a Board-certified fellow in family practice and has practiced good medicine in Ohio for over 20 years. Dr. Ebner stated that he has a number of regrets over the past year concerning his efforts to obtain an Arizona license. He did request licensure in the State of Arizona, and he completed their application. In doing so, there are two questions that Arizona believed he did not answer accurately. These questions related to a listing of hospitals where he has privileges and a listing of any lawsuits that were related to his practice of medicine.

Dr. Ebner stated that he answered the questions the way he did because he did not believe that he was on the medical staff at the Phoenix Indian Medical Center. He had been hired only as an independent contractor physician for the Yavapai Apache Health Center, which is 100 miles north of Phoenix, in Camp Verde, Arizona. When he completed his application, he was not on the medical staff of the Phoenix Indian Medical Center. He was not a member of the family practice department. He's never attended any medical staff meetings, and he did not serve on any committees. Because of this, he did not consider himself on the medical staff there and does not believe that he ever was. That is why he answered the questions the way he did.

Dr. Ebner continued that, regarding the lawsuits related to his practice of medicine, he did list the two previous malpractice suits that he had had, believing that those were related to the practice of medicine. He did not disclose the suit that has been brought against him relating to his payment of taxes because he did not think that that was related to his practice of medicine. He can see that, with a little more thought, someone might think that, but at the time he completed the application, it did not occur to him that the tax suit could, in some way, be related to his practice. His intentions certainly were not to mislead anybody, and he was shocked when the Arizona Board proposed to deny his license. Unfortunately, he did not request a hearing, and the Arizona Board denied his license, based upon their belief that he answered those questions falsely. He got advice from an attorney as to whether he should request a hearing, and because he did not really need the Arizona license anymore, he followed that advice and decided not to request a hearing. He regrets that because it led to the Arizona denial, and also to this hearing. He wishes, in retrospect, that he had taken the opportunity to go to Arizona and at least tell them why he answered the questions in the way he did.

Dr. Ebner stated that once this proceeding started and he retained an attorney to represent him here, they

tried to get Arizona to go back and give him a hearing. Unfortunately, Arizona advised that they could not do so. He had missed his one chance for a hearing, and he is stuck with this denial. Unfortunately, that brings him here today. When he reviewed Hearing Examiner Murphy's report, he disagreed wholeheartedly that he ever tried to mislead anybody, whether it be the Arizona Board or this Hearing Examiner. The proposed permanent revocation represents the end of his career, and he requested that the Board reconsider Ms. Murphy's proposal. He stated that he's not saying that he does not deserve to be disciplined in some way, but an end of a more than 20-year history of practicing medicine because of that, just seems that it doesn't fit with what he did wrong.

Dr. Ebner apologized to the Board for having to come before it today, and stated that he sincerely regrets his decision making and his apparent misunderstanding of the questions. He is very sorry. Dr. Ebner asked that the Board reconsider this proposal and not end his career because of this.

Ms. Sloan asked whether the Assistant Attorney General wished to respond.

Mr. Wilcox stated that he fully supports Ms. Murphy's Report and Recommendation. It is apparent, if you look at the record, that Dr. Ebner wanted to hide some information from the Arizona Board. He didn't want the Arizona Board to know that he had been discharged from the Yavapai Apache Health Center. He also didn't want that Board to know that he had had lawsuits filed against him by the Federal Government, regarding issues that concern his medical practice.

Mr. Wilcox stated that, in his objections to the Board, Dr. Ebner attempts to defend his actions in Arizona. This is something he neglected to do when he was given every opportunity by the Arizona Board to make a record. He has told the Board today that he was not a staff member or credentialed by the Phoenix Indian Medical Center, but at hearing there was documentation that shows that Dr. Ebner was credentialed on December 20, 2002. Mr. Wilcox stated that he has to agree with the Hearing Examiner in this matter. He doesn't think that Dr. Ebner was honest with the Arizona Board or with this Board, and he doesn't think that Dr. Ebner can be regulated in any meaningful way. Therefore, his license should be revoked.

DR. KUMAR MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF GREGORY LEE EBNER, D.O. MR. BROWNING SECONDED THE MOTION.

Ms. Sloan stated that she would now entertain discussion in the above matter.

Dr. Kumar stated that he is quite troubled about several things in this case. He is somewhat confused and has conflict in his mind. On one hand it does appear that Dr. Ebner was trying to hide some information from the Arizona Board when he didn't list his association with the Yavapai Apache Health Center. On the other hand, when he goes back and looks at the Indian Health Services information or their stationery, he doesn't see anything listing it as a hospital. He's not certain that this is really a hospital or just a health service. He can't make that determination looking at the record. Dr. Kumar stated that he's not certain if a hospital really exists there. It doesn't say, and he can't tell one way or another.

Dr. Kumar advised that, concerning the lawsuits issue, Dr. Ebner did notify the Arizona Board about the liability cases. He did not list the lawsuit from the Federal Government. Dr. Kumar asked how many physicians, when asked to list lawsuits relating to health care, would include tax cases. Dr. Kumar stated that he wouldn't think that that is related to health care, so he's unsure that Dr. Ebner was trying to hide it. Dr. Kumar is confused about what the Board should do, and added that he's not comfortable with permanent revocation in this case.

Dr. Egner agreed, stating that the biggest concern that she has is that the Board is basing this on an action where Dr. Ebner never requested a hearing, so there are findings of fact without knowing if they really are factual. She stated that she can see where some of the questions are not as clear, and she can see where Dr. Ebner would answer them the way he did. Dr. Egner stated that permanent revocation is not something the Board does lightly, and she's not sure that what Dr. Ebner has done warrants permanent revocation. She added that she's not sure what the appropriate remedy is because she just is not sure of the facts of the case. If she believes everything that Dr. Ebner says, then he should be reprimanded. It's very difficult for her to go from a permanent revocation to a reprimand.

Dr. Steinbergh stated that her interpretation of this is that when he applied for privileges in Arizona, he didn't answer questions correctly on his application. She stated that she thinks that the Board can be clear about that. Concerning Dr. Ebner's explanation of the difference between the Phoenix Indian Medical Center versus the Yavapai Apache Health Center, Dr. Steinbergh noted that they did in fact credential Dr. Ebner. She believes that that is clear. The Phoenix Indian Medical Center is clearly a hospital. Dr. Steinbergh noted that Dr. Ebner lost privileges at the Health Center. His explanation is that he did not see enough patients to support him. He was released from employment. The explanation of the Yavapai Apache Health Center was that Dr. Ebner was released because of patient complaints and poor documentation. Dr. Steinbergh stated that she doesn't know how that could be forgotten; she'd think one would know that. However, the Board doesn't have a clear record of that and cannot base an order on that. She commented that that is the Board's problem.

Dr. Steinbergh stated that Dr. Ebner did not appropriately apply in Arizona. When he tried to correct that issue, he was told not to bother. Then he realized the domino effect of this on his Ohio license, he attempted to change that but could not. So the Board is faced with an issue of lost privileges for some reason. However, this is a bootstrap action. Were Dr. Ebner applying for licensure in Ohio, she would probably vote to deny his application. However, Dr. Ebner is licensed, and she does not believe that permanent revocation is appropriate. She would probably propose an order including a period of suspension and probation, where he would be monitored, and take courses on personal and professional ethics.

Dr. Steinbergh stated that she is also concerned about the civil lawsuit. The Board doesn't know what type of decision making may or may not come before the Board in the future with regard to the civil lawsuit and with regard to taxes. The Board doesn't know what the charges are, but it does give her cause to pause and think that something else could be coming along on that. Dr. Steinbergh stated that she'll wait for further

discussion and then work on an alternative order.

Dr. Robbins stated that he would support an alternative order in line with what Dr. Steinbergh has talked about. He added that he wishes that there was more documentation for the Board to review. He added that his sense is that Dr. Ebner clearly answered questions in a false fashion on his Arizona application. Dr. Robbins stated that his sense is that, with everything that happened there, Dr. Ebner was just attempting to put the Arizona experience totally behind him, as if it never occurred, not realizing that there was a bootstrap action here in Ohio where he already had a license. Dr. Robbins stated that he thinks that that would fit with why Dr. Ebner didn't contest. Dr. Robbins stated that his sense from what was said here today is that if Dr. Ebner knew that an action in Arizona could affect his Ohio license, he would have certainly been there to contest the denial in Arizona. Dr. Robbins stated that he also feels that permanent revocation is excessive here.

Dr. Steinbergh stated that she would make a motion to table, unless the Board wants to proceed with the motion on floor.

Ms. Lubow reminded the Board that the motion on the floor is a motion to approve and confirm the Findings of Fact, Conclusions and Proposed Order. She suggested that if the Board is considering amending the Proposed Order, it would be appropriate for the Board to also look at the Proposed Findings of Fact and Conclusions of Law to make certain that they are also what the Board wants to approve. If not, the Board will want to craft a motion amending those sections as well. She stated that, from the Board's discussion, she believes that the Board members should look at the language that appears on page 6 of the Report and Recommendation, below the five asterisks, to make certain that it says what the Board wants it to say.

MR. BROWNING MOVED TO TABLE THIS MATTER TO CRAFT AN ALTERNATIVE MOTION. DR. STEINBERGH SECONDED THE MOTION. Mr. Albert abstained. All other members voted aye. The motion carried.

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Dr. Talmage returned to the meeting during the previous discussion.

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DR. STEINBERGH MOVED TO REMOVE THE MATTER OF GREGORY LEE EBNER, D.O., FROM THE TABLE. DR. KUMAR SECONDED THE MOTION. All members voted aye. The motion carried.

DR. STEINBERGH MOVED THAT THE CONCLUSIONS IN THE MATTER OF GREGORY LEE EBNER, D.O., BE AMENDED BY DELETING THE LAST TWO SENTENCES OF THE PARAGRAPH THAT APPEARS BELOW THE FIVE ASTERISKS.

DR. STEINBERGH FURTHER MOVED THAT THE PROPOSED ORDER IN THE MATTER OF GREGORY LEE EBNER, D.O., BE AMENDED BY SUBSTITUTING THE FOLLOWING:

It is hereby ORDERED that:

A. **SUSPENSION OF CERTIFICATE**: The certificate of Gregory Lee Ebner, D.O., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time but not less than 180 days.

B. **CONDITIONS FOR REINSTATEMENT OR RESTORATION**: The Board shall not consider reinstatement or restoration of Dr. Ebner's certificate to practice medicine and surgery until all of the following conditions have been met:

1. **Application for Reinstatement or Restoration**: Dr. Ebner shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.

2. **Personal and Professional Ethics Course**: At the time he submits his application for reinstatement or restoration, Dr. Ebner shall provide acceptable documentation of successful completion of a course or courses dealing with personal and professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

   In addition, at the time Dr. Ebner submits the documentation of successful completion of the course or courses dealing with personal and professional ethics, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

3. **Additional Evidence of Fitness To Resume Practice**: In the event that Dr. Ebner has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222 of the Revised Code to require additional evidence of his fitness to resume practice.

C. **PROBATION**: Upon reinstatement or restoration, Dr. Ebner's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least two years:

1. **Obey the Law**: Dr. Ebner shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.

2. **Declarations of Compliance**: Dr. Ebner shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which this Order becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

3. **Personal Appearances**: Dr. Ebner shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective, or as otherwise directed by the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

4. **Practice Plan**: Prior to Dr. Ebner's commencement of practice in Ohio, or as otherwise determined by the Board, Dr. Ebner shall submit to the Board and receive its approval for a plan of practice in Ohio. The practice plan, unless otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Ebner's activities will be directly supervised and overseen by a monitoring physician approved by the Board. Dr. Ebner shall obtain the Board's prior approval for any alteration to the practice plan approved pursuant to this Order.

   At the time Dr. Ebner submits his practice plan, he shall also submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary or Supervising Member will give preference to a physician who practices in the same locale as Dr. Ebner and who is engaged in the same or similar practice specialty.

   The monitoring physician shall monitor Dr. Ebner and his medical practice, and shall review Dr. Ebner's patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

   Further, the monitoring physician shall provide the Board with reports on the

monitoring of Dr. Ebner and his medical practice, and on the review of Dr. Ebner's patient charts. Dr. Ebner shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Ebner's quarterly declaration.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Ebner must immediately so notify the Board in writing. In addition, Dr. Ebner shall make arrangements acceptable to the Board for another monitoring physician within thirty days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Ebner shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

6. **Tolling of Probationary Period While Out of State**: Dr. Ebner shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed.

7. **Noncompliance Will Not Reduce Probationary Period**: In the event Dr. Ebner is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.

8. **Violation of Terms of Probation**: If Dr. Ebner violates probation 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.

D. **TERMINATION OF PROBATION**: Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Ebner's certificate will be fully restored.

E. **REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS**: Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Ebner shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Ebner

shall provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.

F. **REQUIRED REPORTING TO OTHER STATE LICENSING AUTHORITIES**: Within thirty days of the effective date of this Order, or as otherwise determined by the Board, Dr. Ebner shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Ebner shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration or restoration of any professional license. Further, Dr. Ebner shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt, unless otherwise determined by the Board.

EFFECTIVE DATE OF ORDER: This Order shall become effective immediately upon the mailing of notification of approval by the Board.

DR. BUCHAN SECONDED THE MOTION.

Ms. Sloan stated that she would now entertain further discussion in the above matter.

Mr. Browning commented that the proposed amendment is consistent with the Board's earlier discussion and is a more sensible and balanced approach to this case. He added that a six-month suspension was what he had in mind, and he thinks the rest of it is appropriate, including the ethics course requirement.

Dr. Buchan stated that he does believe that there was some element of misrepresentation and deceit in regard to this particular case, and he would speak to being more harsh in its review and in its intentions. Dr. Buchan stated that he's grateful for the language left in beneath the asterisks, adding that he does think that there was intent to deceive. Dr. Buchan stated that, in his view, the employment history is just that, and to suggest that he forgot, or that something just escaped him, is just not credible. Dr. Buchan stated that he thinks permanent revocation is a bit harsh, but he would speak for a significant suspension. Six months is the minimum level that he would accept.

Dr. Kumar stated that he feels that a six-month suspension is probably sufficient in this case. He suggested that if Board members wish a harsher penalty, it might lengthen the period of probation. A two-year period of probation is too short. Dr. Kumar noted that there is a civil suit going on, and the Board doesn't know how long that will take to resolve. It might create another issue. Dr. Kumar suggested a probation period in the range of three to five years.

A vote was taken on Dr. Steinbergh's motion to amend:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

The motion carried.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF GREGORY LEE EBNER, D.O. DR. BUCHAN SECONDED THE MOTION. A vote was taken:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye

The motion carried.

State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

June 9, 2004

Gregory Lee Ebner, D.O.
7240 Tree Ridge Drive
Cincinnati, Ohio 45244-3552

Dear Doctor Ebner:

In accordance with R.C. Chapter 119., you are hereby notified that the State Medical Board of Ohio 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) On or about March 27, 2004, the Arizona Board of Osteopathic Examiners in Medicine and Surgery (Arizona Board) voted to deny your application for licensure. The Arizona Board determined that your conduct was in violation of A.R.S. §32-1854(9): "Procuring or attempting to procure a license to practice osteopathic medicine by fraud or misrepresentation."

Your underlying conduct is provided in greater detail in the Arizona Board letter of notification of denial of licensure dated April 5, 2004, a copy of which is attached hereto and incorporated herein.

The Arizona Board denial of a license, as alleged in paragraph one (1) above, constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in R.C. 4731.22(B)(22).

Pursuant to R.C. Chapter 119., 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.

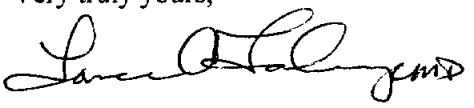
Mailed 6/10/04

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, R.C. 4731.22(L), 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,



Lance A. Talmage, M.D.
Secretary

LAT/cw
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5142 3073
RETURN RECEIPT REQUESTED

Duplicate Mailings:

OccuHealth Services
2150 West Central
Toledo, Ohio 43606

CERTIFIED MAIL # 7000 0600 0024 5142 3080
RETURN RECEIPT REQUESTED

7222 East Gainey Ranch Road, #129
Scottsdale, Arizona 85258

CERTIFIED MAIL # 7000 0600 0024 5142 3097
RETURN RECEIPT REQUESTED

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

9535 EAST DOUBLETREE RANCH ROAD
SCOTTSDALE, ARIZONA 85258-5539
(480)657-7703 * FAX (480)657-7715
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Janet Napolitano
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Charlie G. Hendrix
F.P. Wedel, D.O.

Executive Director
Elaine LeTarte

April 5, 2004

Gregory Ebner, D.O.
7222 E. Gainey Ranch Rd. #129
Scottsdale AZ 85258

Re: Application for AZ license

Dear Dr. Ebner:

Under the authority granted by A.R.S.§ 32-1822 (C), the AZ Board of Osteopathic Examiners voted to deny your application for license at their meeting on March 27, 2004. The Board determined that your conduct in applying was in violation of A.R.S. § 32-1854 (9): "Procuring or attempting to procure a license to practice osteopathic medicine by fraud or misrepresentation."

The Board based their decision on the following reasons:

1. In response to Section V of the application, which asks for a list of all hospitals with which an applicant has been affiliated or had privileges since graduation from medical school, on or about June 9, 2003 you responded that you had not been affiliated with any hospitals since 2000.

   In so doing, you failed to disclose that you had been employed by and affiliated with the Phoenix Indian Health Services and hospital from February 2003 until you were terminated for cause in June 2003.

2. In response to Section VI of the application, which asks questions about an applicant's prior history regarding professional conduct, on or about June 9, 2003 you answered "Yes" to the question "have you ever had any lawsuits filed against you in connection with your practice of medicine?" You disclosed two malpractice cases brought against you; one in 1988, the second in 1992.

   In so doing, you failed to disclose that on January 31, 2003, the U.S. Attorneys Office filed a civil forfeiture lawsuit (Case No. C-1-03-084) against you in United States District Court, Southern District of Ohio, Western Division. The allegations in that document show that the suit was related to your practice.

   You also failed to disclosed that on March 17, 2003, the U.S. Attorney's Office filed an amendment to the civil forfeiture lawsuit (Case No. C-1-03-084) in United States District Court, Southern District of Ohio, Western Division.

From affidavits attached to the above complaints, it appears that you knew as early as September 2, 2002 that you were being investigated for trafficking in controlled substances and laundering money.

A denial of licensure is a public record that will be disseminated as a formal action of the Board as required by A.R.S. §§ 32-1855 (J) and (K), including being reported to the National Practitioner Data Bank and the Federation of State Medical Boards.

This letter also serves as notice that you have the right to appeal the Board's denial of your application for licensure. Pursuant to A.R.S. § 41-1092.93, you have 30 days in which to file a notice of appeal with the Board. Your notice of appeal must contain a concise statement of the reasons for the appeal. If you file the notice, a hearing will then be scheduled for you to present your case.

If you have questions, please contact me at 480 657-7703, or Asst. Attorney General Blair Driggs at 602 542-1610.

Sincerely yours,

Elaine LeTarte
Executive Director

Copies: Blair C. Driggs, Asst Attorney General

Gregory Ebner, D.O.
Occuhealth Services
2150 W. Central Ste E
Toledo, Ohio 43606-3863

Gregory Ebner, D.O.
7240 Treeridge Dr.
Cincinnati, Ohio 45244-3552