



State Medical Board of Ohio

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

September 12, 2001

Regine Neptune, D.O.
P. O. Box 61505
Sunnyvale, CA 94088

Dear Doctor Neptune:

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 September 12, 2001, 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 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

A handwritten signature in black ink, appearing to read "Anant R. Bhati M.D.", is written over the printed name.

Anant R. Bhati, M.D.
Acting Secretary

AGG:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. 7000 0600 0024 5147 2835
RETURN RECEIPT REQUESTED

Mailed 9.13.01

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 September 12, 2001, 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 Regine Neptune, 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.



Anant R. Bhati, M.D.
Acting Secretary

(SEAL)

September 12, 2001
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

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REGINE NEPTUNE, D.O.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on September 12, 2001.

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 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. **LIMITATION AND RESTRICTION OF CERTIFICATE:** The certificate of Regine Neptune, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be LIMITED and RESTRICTED as follows:

1. **Refrain from Commencing Practice in Ohio:** Dr. Neptune shall not commence practice in Ohio without prior Board approval.
2. **Conditions for Approval of Commencement of Practice in Ohio:** The Board shall not consider granting approval for Dr. Neptune to commence practice in Ohio unless all of the following minimum requirements have been met:
 - a. **Hold Current Certificate to Practice in Ohio:** Dr. Neptune shall hold a current certificate to practice osteopathic medicine and surgery in the State of Ohio.
 - b. **Notify Board in Writing:** Dr. Neptune shall notify the Board in writing that she intends to commence practice in Ohio.
 - c. **Psychiatric Assessment/Treatment:** Prior to notifying the Board that she intends to commence practice in Ohio, Dr. Neptune shall have

submitted to an evaluation of her current psychiatric needs. Moreover, Dr. Neptune shall have initiated appropriate psychiatric treatment, as determined by the informed assessment of her current needs. Such assessment and treatment shall be by a psychiatrist approved by the Board. Dr. Neptune shall furnish the approved provider copies of the Board's Order, including the Summary of the Evidence, Findings of Fact, Conclusions, Order, and any other documentation from the hearing record that the Board may deem appropriate or helpful to that provider. Moreover, within a reasonable time after the completion of the initial assessment, Dr. Neptune shall cause a written report to be submitted to the Board from the approved provider. That report shall include:

- i.* A detailed plan of recommended treatment based upon the approved psychiatrist's informed assessment of Dr. Neptune's current needs; and
 - ii.* Any reports upon which the treatment recommendation is based, including reports of physical examination and psychological or other testing.
- d.* **Certification of Compliance with Treatment Plan:** Upon submission of her notice that she intends to commence practice in Ohio, Dr. Neptune shall provide the Board with certification from a psychiatrist approved by the Board that Dr. Neptune has been in continuing full compliance with the plan of recommended treatment, if one is recommended, for a period of at least six months immediately preceding the submission of Dr. Neptune's notice that she intends to commence practice in Ohio.
- e.* **Reports of Evaluation:** Upon submission of her notice that she intends to commence practice in Ohio, Dr. Neptune shall provide the Board with written reports of evaluation by two psychiatrists acceptable to the Board indicating that Dr. Neptune's ability to practice has been assessed and that she has been found capable of practicing in accordance with acceptable and prevailing standards of care. Such assessment shall have been performed within sixty days prior to her application for reinstatement. Each report shall describe with particularity the bases for this determination and shall set forth any recommended limitations upon Dr. Neptune's practice.
- f.* **Practice Plan; Monitoring Physician:** Upon submission of her notice that she intends to commence practice in Ohio, Dr. Neptune shall submit to the Board a plan of practice in Ohio which, until otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Neptune's activities will be directly supervised and overseen by a monitoring physician approved in advance by the Board. Dr. Neptune must receive the Board's approval for such a plan prior to her commencement of practice in Ohio.

- g. **Absence from Practice**: In the event that Dr. Neptune has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to the submission of her application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Neptune's fitness to resume practice.
- B. **PROBATIONARY CONDITIONS**: Upon commencing practice in Ohio, Dr. Neptune's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:
1. **Obey Laws in Ohio**: Dr. Neptune shall obey all federal, state, and local laws; and all rules governing the practice of medicine in Ohio.
 2. **Quarterly Declarations**: Dr. Neptune shall submit quarterly declarations under penalty of Board disciplinary action and/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 the first day of the third month following the month in which the 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. **Appearances**: Dr. Neptune shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Order. Dr. Neptune must also appear 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. **Continue Psychiatric Treatment**: Dr. Neptune shall continue to receive psychiatric treatment, if recommended prior to commencing practice in Ohio, with a psychiatrist approved by the Board, at such intervals as are deemed appropriate by the treating psychiatrist, but not less than once per month unless otherwise determined by the Board. The sessions shall be in person and may not be conducted by telephone or other electronic means.

Dr. Neptune shall continue in psychiatric treatment until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require quarterly reports from the approved treating psychiatrist. Dr. Neptune shall ensure that psychiatric reports are forwarded by her treating psychiatrist to the Board on a quarterly basis, or as otherwise directed by the Board. It is Dr. Neptune's responsibility to ensure that the quarterly reports are received in the Board's offices no later than the due date for Dr. Neptune's quarterly declaration.
 5. **Comply with Practice Plan**: Dr. Neptune shall practice in accordance with the plan of practice approved by the Board prior to commencement of practice in Ohio. The practice plan, unless otherwise determined by the Board, shall

be limited to a supervised structured environment in which Dr. Neptune's activities will be directly supervised and overseen by a monitoring physician approved by the Board. The monitoring physician shall monitor Dr. Neptune and provide the Board with reports on Dr. Neptune's progress and status on a quarterly basis. All monitoring physician reports required under this paragraph must be received in the Board's offices no later than the due date for Dr. Neptune's quarterly declaration. It is Dr. Neptune's responsibility to ensure that the reports are timely submitted.

In the event that the approved monitoring physician becomes unable or unwilling to serve, Dr. Neptune shall immediately notify the Board in writing and shall make arrangements for another monitoring physician as soon as practicable. Dr. Neptune shall refrain from practicing until such supervision is in place, unless otherwise determined by the Board. Dr. Neptune shall ensure that the previously designated monitoring physician also notifies the Board directly of her or her inability to continue to serve and the reasons therefor.

Dr. Neptune shall obtain the Board's prior approval for any alteration to the practice plan which was approved by the Board prior to the reinstatement or restoration of her certificate.

6. **Absence from Ohio:** In the event that Dr. Neptune should leave Ohio for three continuous months, or reside or practice outside the State, Dr. Neptune must notify the Board in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under the Order, unless otherwise determined by the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.
 7. **Violation of Probation; Discretionary Sanction Imposed:** If Dr. Neptune violates probation in any respect, the Board, after giving her notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of her certificate.
 8. **Tolling of Probationary Period while Out of Compliance:** In the event Dr. Neptune 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.
- C. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Neptune's certificate will be fully restored.
- D. **RELEASES:** Dr. Neptune shall provide continuing authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Neptune's psychiatric and/or related conditions, to the Board, to

treating and monitoring physicians, and to others involved in the monitoring process. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute.

- E. **REQUIRED REPORTING BY LICENSEE TO EMPLOYERS AND HOSPITALS:** Within thirty days of the effective date of this Order, Dr. Neptune shall provide a copy of this Order to all employers or entities with which she is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where she has privileges or appointments. Further, Dr. Neptune shall provide a copy of this Order to all employers or entities with which she contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where she applies for or obtains privileges or appointments. Further, Dr. Neptune shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
- F. **REQUIRED REPORTING BY LICENSEE TO OTHER STATE LICENSING AUTHORITIES:** Within thirty days of the effective date of this Order, Dr. Neptune 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 she currently holds any professional license. Dr. Neptune shall also provide a copy of this Order by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which she applies for any professional license or reinstatement or restoration of any professional license. Further, Dr. Neptune shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

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

(SEAL)



Anant R. Bhati, M.D.
Acting Secretary

September 12, 2001

Date

CONFIDENTIAL

AUG 16 2001

STATE MEDICAL BOARD

**REPORT AND RECOMMENDATION
IN THE MATTER OF REGINE NEPTUNE, D.O.**

The Matter of Regine Neptune, D.O., was heard by Sharon W. Murphy, Attorney Hearing Examiner for the State Medical Board of Ohio, on July 2, 2001.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated February 14, 2001, the State Medical Board of Ohio [Board] notified Regine Neptune, D.O., [aka Regine Neptune-Ceran, D.O.] that it had proposed to take disciplinary action against her certificate to practice medicine and surgery in this state. The Board based its proposed action on allegations pertaining to a Decision and Order issued by the Osteopathic Medical Board of California that denied Dr. Neptune's application for a physician's and surgeon's certificate in the State of California. The Board further alleged that the Decision and Order of the Osteopathic Medical Board of California constitutes the following statutory violation:

'[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, 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.

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

- B. On May 29, 2001, Dr. Neptune submitted a letter to the Board. (State's Exhibit 1B). By letter dated June 1, 2001, the Board advised Dr. Neptune that the Board would construe Dr. Neptune's May 29, 2001, letter as a request for formal hearing. (State's Exhibit 1C).

II. Appearances

- A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by Hanz R. Wasserburger, Assistant Attorney General.
- B. On behalf of the Respondent: Dr. Neptune, having been apprised of her right to attend the hearing or to be represented by counsel, did not appear in person or by representative. Instead, Dr. Neptune presented her defense in writing.

EVIDENCE EXAMINED

I. Testimony Heard

Robert W. Moore, D.O.

II. Exhibits Examined

A. Presented by the State

- 1. State's Exhibits 1A-1F: Procedural exhibits.
- 2. State's Exhibit 2: Certified copies of documents regarding Dr. Neptune maintained by the Osteopathic Medical Board of California.

B. Presented by the Respondent

- 1. Respondent's Exhibits A-H: Letters to the Board from Dr. Neptune, with attachments.
- 2. Respondent's Exhibit I: July 27, 2001, letter to the Board from Jerome L. Axelrod, D.O., on behalf of Dr. Neptune, with attachments.

SUMMARY OF THE EVIDENCE

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

- 1. Regine Neptune, D.O., submitted a curriculum vitae for consideration at hearing. The curriculum vitae provides that Dr. Neptune received a degree in osteopathy from the Ohio University College of Osteopathic Medicine in 1988. She completed an internship at the

Warren General Hospital in Youngstown, Ohio, in 1989, and a residency at the Youngstown Osteopathic Hospital in Youngstown in 1993. Dr. Neptune was licensed to practice osteopathic medicine and surgery in Ohio in 1988. She reports that her certificate is inactive at this time. (Respondent's Exhibit Resp. Ex.] I).

Dr. Neptune was certified by the American Osteopathic Association and American College of Osteopathic Surgeons in 1994. In addition, Dr. Neptune served in the United States Army Reserve from 1984 through 2000. She received an honorable discharge in December 2000 with the rank of Major. (Resp. Ex. I).

Furthermore, Dr. Neptune served as an assistant professor of general surgery at the Ohio University College of Osteopathic Medicine from 1993 through 1999. During her time at Ohio University, Dr. Neptune published three articles in medical journals. She also received the Phi Sigma recognition for International Scholarly contributions in 1998, and the American Medical Women's Association's Gender Equity Award in 1997. (Resp. Ex. I).

From 1999 through 2001, Dr. Neptune resided in Santa Monica, California. She performed "various administrative, project management, sales promotions, survey coordination, data programming and processing, staff training and liaison duties benefiting government-sponsored organizations." (Resp. Ex. I).

2. On November 14, 2000, the Osteopathic Medical Board of California [California Board] issued a Decision and Order that denied Dr. Neptune's application for a physician's and surgeon's certificate in the State of California. (State's Exhibit [St. Ex.] 2). In the Decision and Order, the California Board made factual findings, which included the following:
 - a. "On January 16, 1998, [Dr. Neptune] struck on the face and pushed her ex-husband * * * in Athens, Ohio, with several children present. [Dr. Neptune] was subsequently arrested and charged with violating Ohio Revised Code [ORC] section 2919.25(A)(domestic violence – misdemeanor in first degree.) She had gone to pick up her two children after a school dance and found they had been picked up by their father. An argument ensued. [Dr. Neptune] claims she has no memory of the incident."
 - b. "On April 17, 1998, in Athens County Municipal Case number 98-CRB-00142, in the case entitled *State of Ohio v. Regine Neptune-Ceran*, following a bench trial, [Dr. Neptune] was found to have knowingly caused or attempted to cause physical harm to a family or household member and was found guilty of violating ORC section 2919.25(A). This crime is substantially related to the duties, qualifications and functions of a licensee. [Dr. Neptune] was sentenced to a sixty day Athens County jail term and a fine of \$100."

- c. “The jail sentence was suspended on the conditions that [Dr. Neptune] be a law abiding citizen for two years, attend court approved counseling, have no contact with the victim, and pay all fines. [Dr. Neptune] may not be in compliance with all the terms and conditions of her probation. There is some questions [sic] about whether or not she completed the court ordered counseling.”
- d. “On November 25, 1998, in Athens, Ohio [Dr. Neptune] made several telephone calls to the Athens County Sheriff’s Office, threatening to kill herself. [Dr. Neptune] was upset because [she] believed that her ex-husband was refusing to allow her to have custody of her two children over the Thanksgiving holiday weekend, as planned.”
- e. “When the Sheriff’s deputies arrived at the scene, [Dr. Neptune] was holding a knife and refused to put it down after being ordered to do so. [Dr. Neptune] also resisted arrest on that same day by becoming violent and kicking and thrashing around when the deputies tried to take her into custody. [Dr. Neptune] was arrested and convicted on May 20, 1999, of violating ORC section 2921.31 (obstructing official business-misdemeanor in second degree) and ORC section 2321.33 (resisting arrest). These crimes are substantially related to the duties, qualifications and functions of a licensee.”
- f. “[Dr. Neptune] knowingly made a false statement of fact required to be revealed in her application. In the application, in response to question 21, [Dr. Neptune] failed to reveal her second conviction. At that time, [Dr. Neptune’s] second conviction was on appeal. She did not believe that it constituted a conviction because the appeal was still pending.”
- g. “[Dr. Neptune] also answered question 18a “No” which asked if she was ‘aware of any pending investigation or inquiry by any hospital, public entity, licensing agency or official relating to or connected with any license or privileges you hold or ever held regarding professional conduct?’ However, [Dr. Neptune] knew or should have known that the State Medical Board of Ohio (Ohio Board) was investigating an allegation that [Dr. Neptune] is suffering from mental illness.”
- h. “[Dr. Neptune] was born in Haiti in 1959. She is 41 years old. She came to the United States when she was 8 years old. [Dr. Neptune] became a naturalized citizen in 1977. She attended medical school in Ohio and became a board-certified surgeon in 1993. She was a medical professor for 6 years at the medical school she attended in Ohio. She was a member of the army reserve for 16 years.”
- i. “[Dr. Neptune] was married in 1983. In 1997, [Dr. Neptune] began an acrimonious divorce. She had two children who became the focus of a custody battle. Both of [Dr. Neptune’s] convictions arise out of her divorce and are related to the custody

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In the Matter of Regine Neptune, D.O.
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battle. This matter seems to be resolved for now. [Dr. Neptune] has one child living with her and the other one is with her husband in Ohio.”

- j. [Dr. Neptune’s] claim that her convictions were not substantially related to the duties, qualifications and functions of a licensee is not valid. [Dr. Neptune] resorted to violence when faced with frustrating situations. Without a clear understanding of the mental conditions that resulted in this behavior, the behavior could recur. [Dr. Neptune] has been evaluated by several mental health professionals. In Ohio the incident that led to the second conviction occurred immediately after an evaluation by a mental health professional who found nothing wrong. [Dr. Neptune’s] expert who testified in this hearing did not do any testing. He also accepted [Dr. Neptune’s] recitation of the facts as true without further investigation even though he detected inconsistencies. It may be that [Dr. Neptune] is no longer suffering from mental illness, but it also may be that [Dr. Neptune] is excellent at deceiving the evaluator.”
- k. “There are no practice issues involved in this matter. [Dr. Neptune] has had excellent evaluations.”
- l. “For the protection of the public, [[Dr. Neptune] must undergo an independent psychological evaluation in order to determine that [Dr. Neptune] is safe to practice and whether or not [Dr. Neptune] should continue in some kind of counseling or therapy.”

(St. Ex. 2 at 3-4).

- 3. The California Board cited the following three legal conclusions for the denial of Dr. Neptune’s application:
 - a. Dr. Neptune was convicted of crimes substantially related to the qualifications, functions, and duties of a licensee, a cause for denial of an application for licensure pursuant to Section 480(a)(1), California Business and Professions Code, and Title 16, Section 1654, California Code of Regulations;
 - b. Dr. Neptune knowingly made false statements of fact required to be revealed in her California application which constituted causes for denial of an application for licensure pursuant to Sections 2261, 480(c), and 478, California Business and Professions Code; and
 - c. Dr. Neptune did not demonstrate sufficient rehabilitation, extenuating circumstances, and/or mitigation to warrant a probationary license without further psychological evaluation and/or treatment.

(St. Ex. 2 at 5).

4. Dr. Neptune submitted a number of documents to the Board or to the Attorney General's Office in relation to this matter. These documents included the following:
 - a. Dr. Neptune submitted seven copies of a document purporting, among other things, to revoke or rescind all signatures made by Dr. Neptune on documents submitted to the Board or to the California Board on the grounds of "fraud, medical malpractice and discrimination." Dr. Neptune stated, in part as follows:

I was induced by fraud and discrimination to sign forms, give consent, provide testimony, and I was deprived of my substance by being denied full disclosure of the voluntary nature of such forms and disclosures. I was misled [sic] by those who knew, or should have known, into believing that such disclosures were mandatory and that I would be deprived of my employment and/or property and could face criminal charges for non-compliance. Further, such requests express and/or implied were unconscionable and grossly unfair to me as I was unduly influenced by the stronger bargaining power of my employer, the licensing agencies, the law enforcement officers, the court, the Office of Administrative Hearings and acted on an implied threat and fear of losing my job, my children, my property and my freedom. When I exercised my rights, I was subjected to cruel and unusual punishment. * * *

(Resp. Exs. A, B, C, D, E, and I).

- b. Dr. Neptune submitted four copies of a typewritten notice entitled, "Workplace Violence." The notice provides as follows:

Workplace Violence may be physical, verbal, or psychological attacks against an individual in their workplace. It may be teasing, name calling, bullying, threats, intimidation, damaging the property or vehicle of another, inappropriate sexual behavior, sexual harassment, or physical assault. Workplace violence includes the misuse of one's position, status or authority over another to intimidate, ignore, embarrass, or humiliate.

(Resp. Exs. A, D, F, and G) (emphasis in original).

- c. In a July 17, 2001, letter addressed to the Board's hearing examiner, Dr. Neptune advised that she had been denied due process protection by a number of state officials. She further stated:

It appears that the Medical Board of Ohio, my former employer, has taken extreme measures to ensure the repeated and continued use of

omissions of fact, manipulation and deception in legal publication of documents against me, my children, and my family. These also constitute infractions of ethics and moral codes by government employees. This is only a continuation of the workplace violence I experienced by the attorney generals office, the local judicial system of Athens County and of the Medical Board of Ohio who are appointed to uphold these principles.

(Resp. Ex. D at 3).

Dr. Neptune repeatedly challenged the actions of the Board and the actions of the California Board. She concluded with a request to the Hearing Examiner, as follows:

I am requesting that she convey her opposition to the continued acts of violence directed against me, my children and my family. We continue to receive threats against our lives from my former husband.
* * * If you wish to proceed with your lynching mob please feel free to do so. I reserve my right to respond to any decisions made against me.

(Resp. Ex. D at 3-4).

- d. The July 17, 2001, letter addressed to the Board's hearing examiner included a contract between Dr. Neptune and the Board dated October 6, 1997. The contract identified Dr. Neptune as an "Expert" for the purposes of reviewing patient records and providing an expert report in relation to one complaint filed with the Board. (Resp. Ex. D at 8-11).
- e. The July 17, 2001, letter addressed to the Board's hearing examiner also included a few pages from what appeared to be an Order entered by the court in Dr. Neptune's divorce proceedings. (Resp. Ex. D at 12-14).
- f. Dr. Neptune submitted a June 25, 2001, letter to the Case Control Officer of the Board. The letter advised as follows:

I would like your assistance in getting some peace of mind for my daughter and myself. The hearing request has created some undue distress for me, my daughter, and my family. I would like to be left alone and to live one day without having to be reminded of what I went through in Athens, Ohio. It is a horrible experience and one that I do not wish on any other human being. Please respect me and my wishes to be treated as a human being. I do not waive my rights

by asking to be treated with dignity. * * * I look forward to having these matters resolved so that my family and I can live in peace.

(Resp. Ex. H).

5. On a number of the envelopes in which Dr. Neptune submitted her documents to the Board or to the Attorney General's Office, Dr. Neptune provided hand-written notes and drawings. The following are examples of Dr. Neptune's writings:

- a. "Construed?
Settlement?
Silence?
Hitler? Alabama?"

(Resp. Ex. A).

- b. "(Institutional) RACISM = WORKPLACE VIOLENCE
'Racism Hurst our Health and Kills our Children'"

(Resp. Ex. C).

- c. "Institutional Racism = Workplace Violence ⇒
Disrespect ⇒ Demoralization (Depression) ⇒ Death
Be Responsible for your atrocities!
'Racism Kills our Children'
'Racism Hurts our Children and Health'
www.minority.unc.edu 'Minority Health Video Conference.'"

(Resp. Ex. E).

- d. "How Many Whites Does it take to kill one Female Nigger? Why do you continue to rape her? Natzi's [sic] + the Alabama racist got caught by Justice eventually!

Was it a crime to treat Neglected Athens Ohio Appalachians?

Take responsibility for you own actions. Leave me + my family alone!

STOP your Atrocities!"

(Resp. Ex. F).

- e. “M.D. $\hat{=}$ Medical Degree
 ↗M.D. → Allopathic
 ↘D.O. → Osteopathic

She didn't kill herself when we allowed her husband to abuse + harass her + her children

She didn't kill herself when we maced her + dragged her to the hospital, when we locked her up in jail, when we took her tax return, when we took her pension + SSI.

She didn't kill herself when we took away her children, her home, her income, when we declared her mentally ill, when we publicized all in the newspaper, when we jailed her 14 year old son for having white girl friends. So we have to execute her because she won't go away.”

[Dr. Neptune also include a drawing of a woman hanging from a tree. At the base of the tree, she wrote, “State Medical Board, Attorney General.”]

(Resp. Ex. G).

6. Robert W. Moore, D.O., testified by telephone on behalf of Dr. Neptune. Dr. Moore testified that he is an orthopedic surgeon and an Associate Professor in orthopedic surgery at the Ohio University College of Osteopathic Medicine. Dr. Moore stated that he has a professional relationship with Dr. Neptune through their association at the College of Osteopathic Medicine. (Hearing Transcript [Tr.] at 11-12).

Dr. Moore testified regarding the events that let to Dr. Neptune's difficulties in Athens, Ohio. Dr. Moore stated that, when he first heard that a black female physician was coming to practice in Southeastern Ohio, he was concerned that she would have difficulty “fitting” into the community. He further stated that, after Dr. Neptune started practicing in Athens, she fit very well in the medical community and in the area. Dr. Moore testified that Dr. Neptune had had a good practice and was well respected. Moreover, she was a very dedicated, sincere, and compassionate individual and surgeon. (Tr. at 12).

Dr. Moore stated that things started deteriorating for Dr. Neptune when she took part in a “very acrimonious divorce.” He said it affected her significantly. Moreover, Dr. Moore stated that the circumstances of Dr. Neptune's arrest and incarceration were shocking. Dr. Moore further testified that his previous concerns about Dr. Neptune being a black female physician in southeast Ohio became a reality in the treatment she received during the subsequent legal proceedings. He stated that the series of events has had a “profound effect” on Dr. Neptune. (Tr. at 12-13).

Dr. Moore concluded by stating,

I do believe that [Dr. Neptune] has been and can be again an extremely valuable asset to any community that she chooses as a general surgeon. Her talents and her skills have never been in question, and * * * the outcomes of the proceedings that have followed her first arrest have been - - it's been a very said affair. And I think that every consideration should be given Dr. Neptune as far as allowing her to continue in her medical practice.

(Tr. at 13-14).

7. Jerome L. Axelrod, D.O., of Ormond Beach, Florida, submitted a letter in support of Dr. Neptune. Dr. Axelrod enclosed an April 19, 1998, letter he had written on behalf of Dr. Neptune to the Membership Committee of the American College of Osteopathic Surgeons. In that letter, Dr. Axelrod stated that he had worked closely with Dr. Neptune at the Ohio University College of Osteopathic Medicine. He further provided details of Dr. Neptune's qualifications for fellowship in the American College of Osteopathic Surgeons. These details included the following:
 - Dr. Neptune participated extensively in the education of osteopathic students both in classroom and in clinical settings.
 - Dr. Neptune was an attending surgeon at hospitals affiliated with the college of medicine. She conducted a very active surgical practice while participating in the education of students at the college.
 - Dr. Neptune participated in the development of the Problem Based Curriculum and has served as a facilitator, a position which requires skill and devotion of time.
 - Dr. Neptune was certified by the Osteopathic Board of Surgery in General Surgery in 1994.
 - Dr. Neptune served for several years on the National Board of Osteopathic Medical Examiners.
 - Dr. Neptune was a member of the American College of Osteopathic Surgeons, the American Academy of Osteopathy, the American Medical Woman's Association, and the Association of Military Osteopathic Physicians and Surgeons.
 - Dr. Neptune served on the Athens Chapter of the American Cancer Society as a member of the Board and as the Chairman of the Cancer and Underserved Advisory Group of the state society.

- Dr. Neptune was a major in the United States Army Reserves, and has received certificates of recognition for her service.

(Resp. Ex. I).

FINDINGS OF FACT

On November 14, 2000, the Osteopathic Medical Board of California [California Board] issued a Decision and Order that denied Dr. Neptune's application for a physician's and surgeon's certificate in the State of California. The California Board cited the following legal conclusions for the denial of Dr. Neptune's application:

1. Dr. Neptune was convicted of crimes substantially related to the qualifications, functions, and duties of a licensee, to wit: Section 2919.25(A) [Domestic violence]; Section 2921.31 [Obstructing official business]; and Section 2921.33, Ohio Revised Code [Resisting arrest]. The California Board found that these offenses were a cause for denial of an application for licensure pursuant to Section 480(a)(1), California Business and Professions Code, and Title 16, Section 1654, California Code of Regulations.
2. Dr. Neptune knowingly made false statements of fact required to be revealed in her application, to wit: Dr. Neptune failed to reveal one of her convictions in Ohio. Moreover, Dr. Neptune answered "no" to the question which asked whether she was aware of any pending investigation or inquiry by any hospital, public entity, licensing agency, or official relating to or connected with any license or privilege she held or ever held regarding her professional conduct. The California Board found this latter statement of fact was false because Dr. Neptune knew or should have known that the State Medical Board of Ohio was investigating an allegation that she was suffering from a mental illness. The California Board concluded that such false statements constituted causes for denial of an application of licensure pursuant to Sections 2261, 480(c), and 478, California Business and Professions Code.
3. At the time of her application, Dr. Neptune did not demonstrate sufficient rehabilitation, extenuating circumstances, and/or mitigation to warrant a probationary license without further psychological evaluation and/or treatment.

CONCLUSIONS OF LAW

The Decision and Order of the Osteopathic Medical Board of California in the matter of Regine Neptune, D.O., as described 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, podiatry, 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.

PROPOSED ORDER

It is hereby ORDERED that:

- A. **LIMITATION AND RESTRICTION OF CERTIFICATE:** The certificate of Regine Neptune, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be LIMITED and RESTRICTED as follows:
1. **Refrain from Commencing Practice in Ohio:** Dr. Neptune shall not commence practice in Ohio without prior Board approval.
 2. **Conditions for Approval of Commencement of Practice in Ohio:** The Board shall not consider granting approval for Dr. Neptune to commence practice in Ohio unless all of the following minimum requirements have been met:
 - a. **Hold Current Certificate to Practice in Ohio:** Dr. Neptune shall hold a current certificate to practice osteopathic medicine and surgery in the State of Ohio.
 - b. **Notify Board in Writing:** Dr. Neptune shall notify the Board in writing that she intends to commence practice in Ohio.
 - c. **Psychiatric Assessment/Treatment:** Prior to notifying the Board that she intends to commence practice in Ohio, Dr. Neptune shall have submitted to an evaluation of her current psychiatric needs. Moreover, Dr. Neptune shall have initiated appropriate psychiatric treatment, as determined by the informed assessment of her current needs. Such assessment and treatment shall be by a psychiatrist approved by the Board. Dr. Neptune shall furnish the approved provider copies of the Board's Order, including the Summary of the Evidence, Findings of Fact, Conclusions, Order, and any other documentation from the hearing record that the Board may deem appropriate or helpful to that provider. Moreover, within a reasonable time after the completion of the initial assessment, Dr. Neptune shall cause a written report to be submitted to the Board from the approved provider. That report shall include:
 - i. A detailed plan of recommended treatment based upon the approved psychiatrist's informed assessment of Dr. Neptune's current needs; and

- ii.* Any reports upon which the treatment recommendation is based, including reports of physical examination and psychological or other testing.
- d. **Certification of Compliance with Treatment Plan**: Upon submission of her notice that she intends to commence practice in Ohio, Dr. Neptune shall provide the Board with certification from a psychiatrist approved by the Board that Dr. Neptune has been in continuing full compliance with the plan of recommended treatment, if one is recommended, for a period of at least six months immediately preceding the submission of Dr. Neptune's notice that she intends to commence practice in Ohio.
- e. **Reports of Evaluation**: Upon submission of her notice that she intends to commence practice in Ohio, Dr. Neptune shall provide the Board with written reports of evaluation by two psychiatrists acceptable to the Board indicating that Dr. Neptune's ability to practice has been assessed and that she has been found capable of practicing in accordance with acceptable and prevailing standards of care. Such assessment shall have been performed within sixty days prior to her application for reinstatement. Each report shall describe with particularity the bases for this determination and shall set forth any recommended limitations upon Dr. Neptune's practice.
- f. **Practice Plan; Monitoring Physician**: Upon submission of her notice that she intends to commence practice in Ohio, Dr. Neptune shall submit to the Board a plan of practice in Ohio which, until otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Neptune's activities will be directly supervised and overseen by a monitoring physician approved in advance by the Board. Dr. Neptune must receive the Board's approval for such a plan prior to her commencement of practice in Ohio.
- g. **Absence from Practice**: In the event that Dr. Neptune has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to the submission of her application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Neptune's fitness to resume practice.
- B. **PROBATIONARY CONDITIONS**: Upon commencing practice in Ohio, Dr. Neptune's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:
1. **Obey Laws in Ohio**: Dr. Neptune shall obey all federal, state, and local laws; and all rules governing the practice of medicine in Ohio.

2. **Quarterly Declarations**: Dr. Neptune shall submit quarterly declarations under penalty of Board disciplinary action and/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 the first day of the third month following the month in which the 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. **Appearances**: Dr. Neptune shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Order. Dr. Neptune must also appear 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. **Continue Psychiatric Treatment**: Dr. Neptune shall continue to receive psychiatric treatment, if recommended prior to commencing practice in Ohio, with a psychiatrist approved by the Board, at such intervals as are deemed appropriate by the treating psychiatrist, but not less than once per month unless otherwise determined by the Board. The sessions shall be in person and may not be conducted by telephone or other electronic means.

Dr. Neptune shall continue in psychiatric treatment until such time as the Board determines that no further treatment is necessary. To make this determination, the Board shall require quarterly reports from the approved treating psychiatrist. Dr. Neptune shall ensure that psychiatric reports are forwarded by her treating psychiatrist to the Board on a quarterly basis, or as otherwise directed by the Board. It is Dr. Neptune's responsibility to ensure that the quarterly reports are received in the Board's offices no later than the due date for Dr. Neptune's quarterly declaration.

5. **Comply with Practice Plan**: Dr. Neptune shall practice in accordance with the plan of practice approved by the Board prior to commencement of practice in Ohio. The practice plan, unless otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Neptune's activities will be directly supervised and overseen by a monitoring physician approved by the Board. The monitoring physician shall monitor Dr. Neptune and provide the Board with reports on Dr. Neptune's progress and status on a quarterly basis. All monitoring physician reports required under this paragraph must be received in the Board's offices no later than the due date for Dr. Neptune's quarterly declaration. It is Dr. Neptune's responsibility to ensure that the reports are timely submitted.

In the event that the approved monitoring physician becomes unable or unwilling to serve, Dr. Neptune shall immediately notify the Board in writing and shall make

arrangements for another monitoring physician as soon as practicable. Dr. Neptune shall refrain from practicing until such supervision is in place, unless otherwise determined by the Board. Dr. Neptune shall ensure that the previously designated monitoring physician also notifies the Board directly of her or her inability to continue to serve and the reasons therefor.

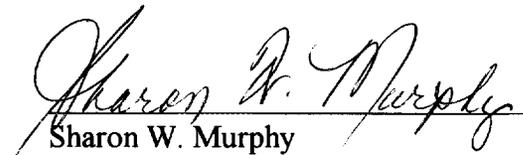
Dr. Neptune shall obtain the Board's prior approval for any alteration to the practice plan which was approved by the Board prior to the reinstatement or restoration of her certificate.

6. **Absence from Ohio**: In the event that Dr. Neptune should leave Ohio for three continuous months, or reside or practice outside the State, Dr. Neptune must notify the Board in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under the Order, unless otherwise determined by the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.
 7. **Violation of Probation; Discretionary Sanction Imposed**: If Dr. Neptune violates probation in any respect, the Board, after giving her notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of her certificate.
 8. **Tolling of Probationary Period while Out of Compliance**: In the event Dr. Neptune 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.
- C. **TERMINATION OF PROBATION**: Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Neptune's certificate will be fully restored.
- D. **RELEASES**: Dr. Neptune shall provide continuing authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Neptune's psychiatric and/or related conditions, to the Board, to treating and monitoring physicians, and to others involved in the monitoring process. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute.
- E. **REQUIRED REPORTING BY LICENSEE TO EMPLOYERS AND HOSPITALS**: Within thirty days of the effective date of this Order, Dr. Neptune shall provide a copy of this Order to all employers or entities with which she is under contract to provide health

care services or is receiving training; and the Chief of Staff at each hospital where she has privileges or appointments. Further, Dr. Neptune shall provide a copy of this Order to all employers or entities with which she contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where she applies for or obtains privileges or appointments. Further, Dr. Neptune shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

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

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


Sharon W. Murphy
Attorney Hearing Examiner



State Medical Board of Ohio

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

EXCERPT FROM THE DRAFT MINUTES OF SEPTEMBER 12, 2001

REPORTS AND RECOMMENDATIONS

Dr. Bhati announced that the Board would now consider the findings and orders appearing on the Board's agenda.

Dr. Bhati asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matter of Marguerite D. Bruce, M.D.; Jon A. Molisky, D.O.; Regine Neptune, D.O.; William A. Romer, M.D.; and Michael Alan Twaddle, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Somani	- aye
	Dr. Buchan	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Dr. Bhati	- aye

Mr. Dilling advised that, due to restrictions in air travel, Dr. Israelstam was unable to travel from Wisconsin for this meeting. The Report and Recommendation in his matter will be considered by the Board in October.

Dr. Bhati 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. Somani	- aye
	Dr. Buchan	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye

Dr. Steinbergh - aye
Dr. Bhati - aye

Dr. Bhati 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.

Dr. Bhati 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.

.....

REGINE NEPTUNE, D.O.

.....

DR. TALMAGE MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF REGINE NEPTUNE, D.O. DR. STIENECKER SECONDED THE MOTION.

.....

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Buchan	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye
	Dr. Bhati	- abstain
	Dr. Somani	- aye

The motion carried.



State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/ 466-3934 • Website: www.state.oh.us/med/

May 9, 2001

Regine Neptune, D.O.
aka Regine Neptune-Ceran, D.O.
P.O. Box 61505
Sunnyvale, CA 94089

Dear Doctor Neptune:

In accordance with Chapter 119., Ohio Revised Code, 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 or place you on probation for one or more of the following reasons:

- (1) On or about November 14, 2000, the Osteopathic Medical Board of California (hereinafter "California Board") issued a Decision and Order, a copy which is attached and fully incorporated herein, that denied your application for a physician's and surgeon's certificate (hereinafter "California application") in the State of California. The California Board cited three legal conclusions for the denial of your application:
 - (a) You were convicted of crimes substantially related to the qualifications, functions, and duties of a licensee, to wit: Sections 2919.25(A) [Domestic violence], 2921.31 [Obstructing official business], and 2921.33, Ohio Revised Code [Resisting arrest], a cause for denial of an application for licensure pursuant to Section 480(a)(1), California Business and Professions Code, and Title 16, Section 1654, California Code of Regulations;
 - (b) You knowingly made false statements of fact required to be revealed in your California application, to wit: you failed to reveal one of your convictions from Ohio, and you answered "no" to the question which asked whether you were aware of any pending investigation or inquiry by any hospital, public entity, licensing agency, or official relating to or connected with any license or privilege you held or ever held regarding your professional conduct. The California Board found this latter statement of fact was false because you knew or should have known that the State Medical Board of Ohio was investigating an allegation that you

Mailed 5-9-01

were suffering from a mental illness. Such false statements constituted causes for denial of an application of licensure pursuant to Sections 2261, 480(c), and 478, California Business and Professions Code; and

- (c) You did not demonstrate sufficient rehabilitation, extenuating circumstances, and/or mitigation to the California Board to warrant a probationary license at the time of your application without further psychological evaluation and/or treatment.

The California Board's Decision and Order as alleged in paragraph (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, podiatry, 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.

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 of Ohio within thirty (30) 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 (30) days of the time of mailing of this notice, the State Medical Board of Ohio 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 or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, effective March 9, 1999, 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."

REGINE NEPTUNE, D.O.

Page 3

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Anant R. Bhati, M.D.

Acting Secretary

ARB/krt

Enclosures

CERTIFIED MAIL # 7000 0600 0024 5140 5574

RETURN RECEIPT REQUESTED

OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA

2720 GATEWAY OAKS DRIVE, SUITE 350
SACRAMENTO, CA 95833-4304
TELEPHONE: (916) 263-3100
FAX (916) 263-3117



STATE MEDICAL BOARD

DEC 26 2000

December 18, 2000

John Izzo, Attorney at Law
Ohio Medical Board
77 South High Street, 17th Floor
Columbus, OH 43266-0315

Re: Regine Neptune, D.O.
Case No. 99-16 – Statement of Issues: Decision and Order

I, LINDA J. BERGMANN, EXECUTIVE DIRECTOR, and Official Custodian of Records of the Osteopathic Medical Board of California, certify that the attached is a true copy of the original documents kept in the office of the Osteopathic Medical Board of California at 2720 Gateway Oaks Drive, Suite 350, Sacramento, CA 95833.


LINDA J. BERGMANN
EXECUTIVE DIRECTOR

attachments

DEC 26 2000

BEFORE THE
OSTEOPATHIC MEDICAL BOARD
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

REGINE NEPTUNE aka
REGINE NEPTUNE-CERAN
1180 Prescott Avenue
Sunnyvale, CA 94089

Osteopathic Physician and
Surgeon License No. None

Applicant/Respondent.

Case No. 99-16

OAH No. N-1999110093

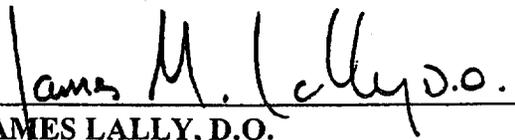
DECISION AND ORDER

The attached Decision After Non-Adoption issued by the Osteopathic Board of California is hereby accepted as its Decision in the above-entitled matter.

This Decision shall become effective on December 14, 2000.

IT IS SO ORDERED this 14th day of November, 2000.

DATED: November 14, 2000


JAMES LALLY, D.O.

President
Osteopathic Medical Board
State of California

DEC 26 2000

BEFORE THE
OSTEOPATHIC MEDICAL BOARD
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

REGINE NEPTUNE aka
REGINE NEPTUNE-CERAN
1180 Prescott Avenue
Sunnyvale, CA 94089

Osteopathic Physician and
Surgeon License No. None

Applicant/Respondent.

Case No. 99-16

OAH No. N-1999110093

DECISION AFTER NON-ADOPTION

This matter was heard before Ruth S. Astle, Administrative Law Judge of the Office of Administrative Hearings, State of California on May 15, 2000, in Oakland, California.

Adam Miller, Deputy Attorney General, represented the complainant.

Kenneth L. Freeman, Freeman & Galie, 711 Van Ness Avenue, Suite 205, San Francisco, California 94102, represented respondent who was present.

FACTUAL FINDINGS

1. Linda J. Bergmann made the statement of issues in her official capacity as the Executive Director of the Osteopathic Medical Board of California (Board) and not otherwise.
2. On July 29, 1999, Regine Neptune aka Regine Neptune-Ceran (respondent) submitted an application for a physician's and surgeon's certificate to the Board. Respondent certified the application as to its truth and accuracy under penalty of perjury. On September 20, 1999, in response to a request by the Board for additional information, respondent sent a letter to the Board with additional documentation. On September 28, 1999, respondent sent another letter to the Board with additional documentation.

to the Board with additional documentation.

3. On January 16, 1998, respondent struck on the face and pushed her ex-husband, Robert Ceran in Athens, Ohio, with several children present. Respondent was subsequently arrested and charged with violating Ohio Revised Code (ORC) section 2919.25(A) (domestic violence - misdemeanor in first degree). She had gone to pick up her two children after a school dance and found they had been picked up by their father. An argument ensued. Respondent claims she has no memory of the incident.

4. On April 17, 1998, in Athens County Municipal Case number 98-CRB-00142, in the case entitled *State of Ohio v. Regine Neptune-Ceran*, following a bench trial, respondent was found to have knowingly caused or attempted to cause physical harm to a family or household member and was found guilty of violating ORC section 2919.25(A). This crime is substantially related to the duties, qualifications and functions of a licensee. Respondent was sentenced to a sixty-day Athens County Jail term and a fine of \$100.

5. The jail sentence was suspended on the conditions that respondent be a law-abiding citizen for two years, attend court approved counseling, have no contact with the victim, and pay all fines. The respondent may not be in compliance with all the terms and conditions of her probation. There is some questions about whether or not she completed the court ordered counseling.

6. On November 25, 1998, in Athens, Ohio, respondent made several telephone calls to the Athens County Sheriff's Office, threatening to kill herself. Respondent was upset because respondent believed that her ex-husband was refusing to allow her to have custody of her two children over the Thanksgiving holiday weekend, as planned.

7. When Sheriff's deputies arrived at the scene, respondent was holding a knife and refused to put it down after being ordered to do so. Respondent also resisted arrest on that same day by becoming violent and kicking and thrashing around when the deputies tried to take her into custody. Respondent was arrested and convicted on May 20, 1999, of violating ORC section 2921.31 (obstructing official business-misdemeanor in second degree) and ORC section 2321.33 (resisting arrest). These crimes are substantially related to the duties, qualifications and functions of a licensee.

8. Respondent knowingly made a false statement of fact required to be revealed in her application. In the application, in response to question 21, respondent failed to reveal her second conviction. At the time, respondent's second conviction was on appeal. She did not believe that it constituted a conviction because the appeal was still pending.

9. Respondent also answered questions 18a "No" which asked if she was "aware of any pending investigation or inquiry by any hospital, public entity, licensing agency or official relating to or connected with any license or privileges you hold or ever held regarding your

professional conduct?" However, respondent knew or should have known that the State Medical of Ohio (Ohio Board) was investigating an allegation that respondent is suffering from mental illness.

10. Respondent was born in Haiti in 1959. She is 41 years old. She came to the United States when she was 8 years old. Respondent became a naturalized citizen in 1977. She attended medical school in Ohio and became a board-certified surgeon in 1993. She was a medical professor for 6 years at the medical school she attended in Ohio. She was a member of the army reserve for 16 years.

11. Respondent was married in 1983. In 1997 respondent began an acrimonious divorce. She had two children who became the focus of a custody battle. Both of respondent's convictions arise out of her divorce and are related to the custody battle. This matter seems to be resolved for now. Respondent has one child living with her and the other one is with her husband in Ohio.

12. Respondent's claim that her convictions were not substantially related to the duties, qualifications and functions of a licensee is not valid. Respondent resorted to violence when faced with frustrating situations. Without a clear understanding of the mental conditions that resulted in this behavior, the behavior could recur. Respondent has been evaluated by several mental health professionals. In Ohio the incident that led to the second conviction occurred immediately after an evaluation by a mental health professional who found nothing wrong. Respondent's expert who testified in this hearing did not do any testing. He also accepted respondent's recitation of the facts as true without further investigation even though he detected inconsistencies. It may be that the respondent is no longer suffering from mental illness, but it also may be that respondent is excellent at deceiving the evaluator.

13. Respondent has not accepted responsibility for her role in creating her problems. She blames her ex-husband. She has been involved in some psychiatric evaluations. However they seem inconclusive and inconsistent with respondent's behavior.

14. There are no practice issues involved in this matter. Respondent has had excellent evaluations.

15. For the protection of the public, respondent must undergo an independent psychological evaluation in order to determine that respondent is safe to practice and whether or not respondent should continue in some kind of counseling or therapy.

16. No cost recovery was requested.

LEGAL CONCLUSIONS

1. By reason of the matters set forth in Findings 3 through 7, cause for denial exists pursuant to Business and Professions Code section 480(a)(1) and Title 16, California Code of Regulations section 1654 in that respondent was convicted of crimes that are substantially related to the qualifications, functions and duties of a licensee.

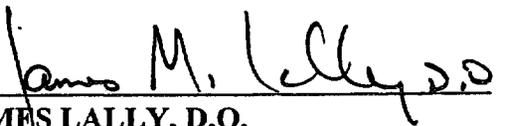
2. By reason of the matters set forth in Findings 8 and 9, cause for denial exists pursuant to Business and Professions Code sections 2261, 480(c) and 478 in that respondent knowingly made false statement of fact required to be revealed in the application.

3. The matters set forth in Findings 10 through 15 have been considered in making the following order. Respondent did not demonstrate sufficient rehabilitation, extenuating and/or mitigation to warrant a probationary license at this time without further psychological evaluation and/or treatment.

ORDER

The application of Regine Neptune, aka Regine Neptune-Ceran, is hereby denied.

DATED: November 14, 2000.



JAMES LALLY, D.O.
Resident
Osteopathic Medical Board
State of California