

STATE OF OHIO
THE STATE MEDICAL BOARD
77 South High Street
17th Floor
Columbus, Ohio 43266-0315

(614)466-3934

November 16, 1990

Lincoln L. Moore, M.D.
3348 Westbury Drive
Columbus, Ohio 43221

Dear Doctor Moore:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of the Minutes of the State Medical Board, meeting in regular session on November 14, 1990, including Motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board.

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

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 within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO


Henry G. Cramblett, M.D.
Secretary

HGC:em

Enclosures

CERTIFIED MAIL RECEIPT NO. P 746 514 624
RETURN RECEIPT REQUESTED

Mailed 11/16/90

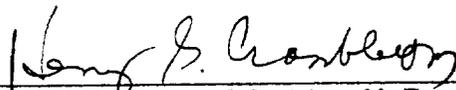
STATE OF OHIO
STATE MEDICAL BOARD

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, State Medical Board; and attached excerpt of Minutes of the State Medical Board, meeting in regular session on November 14, 1990, including Motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board, constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Lincoln L. Moore, M.D., 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.

(SEAL)



Henry G. Cramblett, M.D.
Secretary

November 16, 1990

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

LINCOLN L. MOORE, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 14th day of November, 1990.

Upon the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, Medical Board, in this matter designated 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 for the above date.

It is hereby ORDERED:

1. That the certificate of Lincoln L. Moore, M.D., to practice medicine and surgery in Ohio shall be SUSPENDED for an indefinite period of time, but not less than thirty (30) days.
2. The Board shall not consider reinstatement of Dr. Moore's certificate to practice unless and until all of the following minimum requirements are met:
 - a. Dr. Moore shall submit an application for reinstatement, accompanied by all appropriate fees.
 - b. On or before December 31, 1990, or as otherwise directed by the Board, Dr. Moore shall provide documentation acceptable to the Board of his satisfactory completion of 68 hours of Category I C.M.E., in addition to the 12 hours for which he has already provided satisfactory documentation, during the period from January 1, 1987, to December 31, 1990. In addition, Dr. Moore shall submit a log of at least 60 hours of Category II C.M.E. completed by him during the period from January 1, 1989, to December 31, 1990. It shall be Dr. Moore's responsibility to work with appropriate Board staff to ascertain what is satisfactory documentation and to obtain the same.

Lincoln L. Moore, M.D.

- c. Dr. Moore shall supply documentation acceptable to the Board of satisfactory completion of 100 hours of approved C.M.E., of which at least 40 hours shall be in Category I, for each complete biennium, if any, during which his certificate remains suspended after the 1989-1990 biennium.
 - d. In the event that Dr. Moore has not been engaged in the active practice of medicine or surgery for a period of more than two years prior to his application for reinstatement, he shall be required to take and pass the SPEX, or any similar written examination which the Board in its discretion may deem appropriate to assess his clinical competency.
3. Subsequent to the reinstatement of his certificate, Dr. Moore's certificate shall remain on probationary status for three additional full biennial registration periods. During this probationary period, Dr. Moore shall submit documentation acceptable to the Board of satisfactory completion of the requisite hours of Continuing Medical Education. Said documentation and logs must be provided to the Board within thirty (30) days following the end of the biennial registration period.
 4. Upon successful completion of probation, Dr. Moore's certificate shall be fully restored.

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



Henry G. Cramblett, M.D.
Secretary

(SEAL)

November 16, 1990

Date

REPORT AND RECOMMENDATION
IN THE MATTER OF LINCOLN L. MOORE, M.D.

The Matter of Lincoln L. Moore, M.D., came on for hearing before me, Wanita J. Sage, Esq., Hearing Examiner for the State Medical Board of Ohio, on May 3, 1990.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Basis for Hearing

- A. By letter of February 14, 1990 (State's Exhibit #4), the State Medical Board notified Lincoln L. Moore, M.D., that it proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board alleged that Dr. Moore had certified on his licensure renewal application that he had completed the requisite C.M.E. for the 1987-1988 biennium, but that he had failed to fully document that completion in response to the Board's audit notices. Such acts, conduct, and/or omissions were alleged to constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the Board", as that clause is used in Section 4731.22(A), Ohio Revised Code; "publishing a false, fraudulent, deceptive, or misleading statement", as that clause is used in Section 4731.22(B)(5), Ohio Revised Code; and/or "violating or attempting to violate, directly or indirectly, ...any provisions of this chapter or any rule promulgated by the Board", as that clause is used in Section 4731.22(B)(20), Ohio Revised Code (Section 4731.22(B)(16) prior to March 17, 1987), to wit: Section 4731.281, Ohio Revised Code, and Rules 4731-10-03 and 4731-10-08, Ohio Administrative Code.

Dr. Moore was advised of his right to request a hearing in this Matter.

- B. By letter received by the State Medical Board on February 26, 1990 (State's Exhibit #3), Dr. Moore requested a hearing.

II. Appearances

- A. On behalf of the State of Ohio: Anthony J. Celebrezze, Jr., Attorney General, by Rachel L. Belenker, Assistant Attorney General
- B. Dr. Moore, having been advised of his right to legal representation, appeared on his own behalf without counsel.

III. Testimony Heard

Dr. Moore testified on his own behalf, and was cross-examined by the State.

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IV. Exhibits Examined

In addition to State's Exhibits #3 and #4, the following exhibits were identified and admitted as evidence in this Matter:

A. Presented by the State

1. State's Exhibit #1: March 29, 1990, letter to Dr. Moore from the State Medical Board scheduling the hearing for May 3, 1990.
2. State's Exhibit #2: March 1, 1990, letter to Dr. Moore from the State Medical Board advising that a hearing initially set for March 12, 1990, was postponed pursuant to Section 119.09, Ohio Revised Code.
3. State's Exhibit #5: June 28, 1989, letter to Dr. Moore from the State Medical Board requesting C.M.E. documentation for the 1987-1988 biennium as part of a random audit.
4. State's Exhibit #6: July 28, 1989, letter to Dr. Moore from the State Medical Board again requesting C.M.E. documentation and urging him to contact the Board within 10 days to avoid possible disciplinary proceedings regarding his license to practice.
5. State's Exhibit #7: C.M.E. log and documentation received by the State Medical Board on August 1, 1989, from Dr. Moore.
6. State's Exhibit #8: September 11, 1989, letter to Dr. Moore from the State Medical Board, acknowledging receipt of evidence of 11 Category I C.M.E. credits, and advising him that verification of 29 more Category I credits was required.
7. State's Exhibit #9: November 6, 1989, letter to Dr. Moore from the State Medical Board again requesting the additional documentation, and urging him to contact the Board within 10 days to avoid possible disciplinary proceedings regarding his license to practice.
8. State's Exhibit #10: Dr. Moore's renewal application for the 1989-1990 biennial registration period.

B. Presented by the Respondent

Respondent's Exhibit's A: Card from Riverside Methodist Hospital showing Dr. Moore's receipt of one Category I C.M.E. credit for attendance at an April 15, 1987, seminar.

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FINDINGS OF FACT

1. In applying for renewal of his Ohio license for the 1989-1990 biennial registration period, Lincoln L. Moore, M.D., certified, under penalty of the loss of his right to practice medicine and surgery in the State of Ohio, that he had completed the requisite hours of C.M.E. during the last biennium.

This fact is established by State's Exhibit #10 and by the testimony of Dr. Moore (Tr. at 14).

2. By letter dated June 28, 1989, the State Medical Board notified Dr. Moore that, as a result of a random audit, he would be required to provide documentation showing his completion of at least 40 hours of Category I C.M.E. credits for the 1987-1988 biennium. He was also requested to submit a log of at least 60 hours of Category II credits for that biennium.

Having received no response to that notice, the State Medical Board sent Dr. Moore a second notice dated July 28, 1989, again requesting Dr. Moore to complete a C.M.E. log and to provide documentation of his completion of the requisite number of C.M.E. credits. This notice urged Dr. Moore to contact the Board within 10 days to avoid possible disciplinary proceedings regarding his license to practice.

These facts are established by State's Exhibits #5 and #6.

3. On August 1, 1989, the State Medical Board received a C.M.E. log and documentation from Dr. Moore. However, Dr. Moore provided acceptable documentation for only 11 hours of the 40.5 Category I C.M.E. credits he listed.

By notice dated September 11, 1989, the State Medical Board acknowledged receipt of evidence of 11 Category I credits, and advised Dr. Moore that it would be necessary for him to send verification of 29 more Category I C.M.E. credits. On November 6, 1989, a follow up notice was sent to Dr. Moore, warning him of possible disciplinary action if he failed to comply with the Board's audit request. Nevertheless, Dr. Moore failed to submit any further documentation of Category I C.M.E. prior to hearing in this Matter.

These facts are established by State's Exhibits #7 through #9 and by the testimony of Dr. Moore (Tr. at 11).

4. At hearing, Dr. Moore provided documentation of one additional hour of Category I C.M.E. completed at Riverside Methodist Hospital on April 15, 1987.

This fact is established by Respondent's Exhibit A.

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5. Dr. Moore admitted that he was unable to document any further Category I credits for the 1987-1988 biennium. However, he contended that his certification of completion on his renewal application had been justified because he had fulfilled the spirit, if not the letter, of the law. He stated that he had "plenty of C.M.E. credits." Among other things, he had listened to tapes from Audio Digest and to cable TV programs; he simply hadn't bothered with the "rigamarole" for getting credit for those activities. Dr. Moore's opening remarks (Tr. at 6) indicated that he is now retired from practice.

These facts are established by the testimony of Dr. Moore (Tr. at 12-21).

CONCLUSIONS

Section 4731.281, Ohio Revised Code, and Rule 4731-10-03, Ohio Administrative Code, require a practitioner to complete the requisite hours of C.M.E., and to certify that completion as a condition for license renewal. Section 4731.281, Ohio Revised Code, and Rule 4731-10-08(A)(1), Ohio Administrative Code, authorize the Board to conduct random audits to verify practitioners' completion of C.M.E. requirements, and require licensees whose applications are selected for audit to submit "additional documentation of compliance with C.M.E. requirements as the Board may require." Rule 4731-10-08(A)(2), Ohio Administrative Code, requires applicants for licensure renewal to keep detailed records of C.M.E. hours taken.

Dr. Moore failed to complete and document his C.M.E. as required by these provisions. Contrary to his certification on his renewal card, Dr. Moore has a deficiency of 28 hours of Category I C.M.E. for the 1987-1988 biennial registration period. Dr. Moore's position with regard to his false certification is untenable; he suggested that it was proper because he was personally satisfied with the amount and type of C.M.E. activities he had completed. Obviously, the determination of an adequate C.M.E. program cannot be left to the whim of the individual practitioner. Dr. Moore knew, or should have known, that his certification of completion applied to the program established, pursuant to law, by the State Medical Board and the Ohio State Medical Association. In fact, he expressly certified that he had completed "the requisite hours of Continuing Medical Education certified by the Ohio State Medical Association and approved by the State Medical Board...."

Dr. Moore's acts, conduct, and/or omissions, as set forth in the above Findings of Fact, constitute:

1. "Fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the Board", as that clause is used in Section 4731.22(A), Ohio Revised Code;

2. "Publishing a false, fraudulent, deceptive or misleading statement", as that clause is used in Section 4731.22(B)(5), Ohio Revised Code; and
3. "Violating or attempting to violate, directly or indirectly,...any provisions of this chapter or any rule promulgated by the Board", as that clause is used in Section 4731.22(B)(20), Ohio Revised Code (Section 4731.22(B)(16) prior to March 17, 1987), to wit: Section 4731.281, Ohio Revised Code, and Rules 4731-10-03 and 4731-10-08, Ohio Administrative Code.

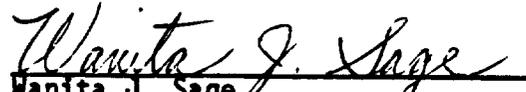
PROPOSED ORDER

It is hereby ORDERED that:

1. The certificate of Lincoln L. Moore, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than thirty (30) days.
2. The Board shall not consider reinstatement of Dr. Moore's certificate to practice unless and until all of the following minimum requirements are met:
 - a. Dr. Moore shall submit an application for reinstatement, accompanied by appropriate fees.
 - b. On or before December 31, 1990, or as otherwise directed by the Board, Dr. Moore shall provide documentation acceptable to the Board of his satisfactory completion of 68 hours of Category I C.M.E., in addition to the 12 hours for which he has already provided satisfactory documentation, during the period from January 1, 1987, to December 31, 1990. In addition, Dr. Moore shall submit a log of at least 60 hours of Category II C.M.E. completed by him during the period from January 1, 1989, to December 31, 1990. It shall be Dr. Moore's responsibility to work with appropriate Board staff to ascertain what is satisfactory documentation and to obtain the same.
 - c. Dr. Moore shall supply documentation acceptable to the Board of satisfactory completion of 100 hours of approved C.M.E., of which at least 40 hours shall be in Category I, for each complete biennium, if any, during which his certificate remains suspended after the 1989-1990 biennium.

- d. In the event that Dr. Moore has not been engaged in the active practice of medicine or surgery for a period of more than two years prior to his application for reinstatement, he shall be required to take and pass the SPEX, or any similar written examination which the Board in its discretion may deem appropriate to assess his clinical competency.
3. Subsequent to the reinstatement of his certificate, Dr. Moore's certificate shall remain on probationary status for three additional full biennial registration periods. During this probationary period, Dr. Moore shall submit documentation acceptable to the Board of satisfactory completion of the requisite hours of Continuing Medical Education. Said documentation and logs must be provided to the Board within thirty (30) days following the end of the biennial registration period.
4. Upon successful completion of probation, Dr. Moore's certificate will be fully restored.

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


Wanita J. Sage
Attorney Hearing Examiner

STATE MEDICAL BOARD

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STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

EXCERPT FROM THE MINUTES OF NOVEMBER 14, 1990

REPORTS AND RECOMMENDATIONS

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Dr. Kaplansky asked if 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 matters of Younis Asad, M.D.; David Ferrero, D.P.M.; Thomas J. DeIlquadri; James D. Hites, M.D.; Hillard M. Lazarus, M.D.; Shane T. Maa, M.D.; Lincoln L. Moore, M.D.; and Franklin E. Neff, M.D. A roll call was taken:

ROLL CALL:	Dr. O'Day	- aye
	Dr. Gretter	- aye
	Dr. Stephens	- aye
	Mr. Jost	- aye
	Mr. Albert	- aye
	Dr. Ross	- aye
	Dr. Hom	- aye
	Ms. Rolfes	- aye
	Dr. Agresta	- aye
	Dr. Kaplansky	- aye

Mr. Jost stated that he did not read the record in the matter of Franklin E. Neff, M.D., since he was the Supervising Member in this case.

Dr. Hom stated that she did not read the records in the matters of David Ferrero, D.P.M. and Hillard M. Lazarus, M.D.

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All Enforcement Coordinators left the meeting at this time.

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REPORT AND RECOMMENDATION IN THE MATTER OF LINCOLN L. MOORE, M.D.

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DR. GRETTOR MOVED TO APPROVE AND CONFIRM MS. SAGE'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF LINCOLN L. MOORE, M.D. MR. ALBERT SECONDED THE MOTION.

.....



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

EXCERPT FROM THE MINUTES OF NOVEMBER 15, 1990
IN THE MATTER OF LINCOLN L. MOORE, M.D.

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A roll call vote was taken on Dr. Gretter's motion:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. O'Day	- aye
	Dr. Gretter	- aye
	Dr. Stephens	- aye
	Mr. Jost	- aye
	Mr. Albert	- aye
	Dr. Ross	- aye
	Dr. Hom	- aye
	Ms. Rolfes	- aye
	Dr. Agresta	- aye

The motion carried.

STATE OF OHIO
THE STATE MEDICAL BOARD
77 SOUTH HIGH STREET
17TH FLOOR
COLUMBUS OH 43215

February 14, 1990

Lincoln L. Moore, M.D.
3348 Westbury Drive
Columbus, OH 43221

Dear Doctor Moore:

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

- (1) In applying for registration of your certificate to practice medicine or surgery for the current registration period, you certified that you had completed during the last registration period (January 1, 1987 through December 31, 1988) the requisite hours of Continuing Medical Education (CME), as required by Section 4731.281, Ohio Revised Code.
- (2) By letter dated June 28, 1989, and sent by certified mail you were notified by the State Medical Board that you are required to complete a log listing your CME for the 1987-1988 registration period, and to provide documentation that you had actually completed at least 40 hours of Category I CME credits. On August 1, 1989, the Board received your response, in which you documented 11 Category I credits. By letter dated September 11, 1989, and sent to you by certified mail you were notified by the State Medical Board that you were required to document an additional 29 hours of Category I credit. By letter dated November 6, 1989 and sent to you by certified mail, you were again notified that you were required to document that you have completed the requisite number of CME credits. You have not responded to the September, 1989 or the November, 1989 notices.

February 14, 1990

- (3) Your response, or lack thereof, to the notices as detailed in the above Paragraph (2) establish that you did not complete the requisite hours of Continuing Medical Education, and/or that you failed to keep detailed records of CME taken.

The acts and/or omissions as alleged in the above paragraph (1), individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board", as that clause is used in Section 4731.22(A), Ohio Revised Code.

Further, such acts and/or omissions as alleged in the above paragraph (1), individually and/or collectively, constitute "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, such acts as alleged in the above paragraphs (1) through (3), individually and/or collectively, constitute "(v)iolating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, (Section 4731.22(B)(16), Ohio Revised Code, prior to March 17, 1987) to wit: Section 4731.281, Ohio Revised Code, and Rule 4731-10-03 and Rule 4731-10-08, Ohio Administrative Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that 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 the 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 may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Lincoln L. Moore, M.D.
Page 3

February 14, 1990

Copies of the applicable sections are enclosed for your information.

Very truly yours,


Henry G. Cramblett, M.D.
Secretary

HGC:jmb

Enclosures:

CERTIFIED MAIL #P 746 510 205
RETURN RECEIPT REQUESTED