

STATE OF OHIO
THE STATE MEDICAL BOARD

VOLUNTARY RETIREMENT FROM THE
PRACTICE OF MEDICINE AND SURGERY

3000 100 11 1981 25
1000 100 11 1981 25

I, Robert A. Gwinner, am aware of my rights to representation by counsel, the right of being formally charged and having a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein.

I, Robert A. Gwinner, do hereby voluntarily, knowingly, and intelligently retire from the practice of medicine and surgery, effective immediately.

I, Robert A. Gwinner, do hereby voluntarily, knowingly and intelligently surrender my renewal card in connection with my certificate to practice medicine and surgery, No. 35-018797, to the State Medical Board of Ohio.

I understand that as a result of the surrender herein that I am no longer permitted to practice medicine and surgery in any form or manner in the State of Ohio.

I agree that I shall be ineligible for, and shall not apply for, reinstatement of certificate to practice medicine and surgery No. 35-018797 or issuance of any other certificate pursuant to Chapters 4730. or 4731., Ohio Revised Code, on or after the date of signing this Voluntary Retirement from the Practice of Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

I, Robert A. Gwinner, hereby release the State Medical Board of Ohio, its members, employees, agents and officers, jointly and severally, from any and all liability arising from the within matter.

This document shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code.

Further, this information may be reported to appropriate organizations, data banks and governmental bodies.

Retirement from Practice
Page 2

52 MAY 11 AM 9:08

I stipulate and agree that I am taking the action described herein in lieu of formal disciplinary proceedings pursuant to Sections 4731.22(A),(B)(5),(8) and (20), as alleged in the Notice of Opportunity for Hearing issued March 11, 1992 by the State Medical Board of Ohio.

Signed this 5th day of May, 1992.

Robert D. Swinner
Signature of Physician

James Fisher M.D.
Witness

[Signature]
Witness

Sworn to and subscribed before me this _____ day of _____, 1992.

Notary Public

SEAL

(This form must be either witnessed OR notarized)

Accepted by the State Medical Board of Ohio:

Carla S. O'Day
Carla S. O'Day, M.D.
Secretary

5/13/92
Date

Ronald J. Kaplansky
Ronald J. Kaplansky, D.R.M.
Supervising Member

5/13/92
Date



STATE MEDICAL BOARD OF OHIO

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

March 11, 1992

Robert Gwinner, M.D.
Box 73
Sun Valley, ID 83353

Dear Doctor Gwinner:

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, 1989 through December 31, 1990) the requisite hours of Continuing Medical Education (CME), as required by Section 4731.281, Ohio Revised Code.
- (2) By letter dated June 21, 1991 and sent certified mail, you were notified by the State Medical Board that you were required to complete a log listing your CME for the 1989-1990 registration period, and to provide documentation that you had actually completed at least forty (40) hours of Category I CME credits. By letter dated October 18, 1991 and sent certified mail, you were again requested to submit documentation of CME credits for the 1989-1990 biennium. In response thereto, you indicated that you had retired and submitted no documentation of CME completed during the 1989-1990 registration period.
- (3) By letter dated November 29, 1991 and sent certified mail, you were notified by the State Medical Board that all licensees must complete their CME obligation regardless of age or the extent of current professional activities. Additionally, you were given an opportunity to sign a voluntary retirement form in lieu of formal disciplinary proceedings. Once again, in response thereto, you indicated that you had previously informed the State Medical Board that you were retired and no longer practicing medicine. However, you submitted no documentation of CME completed during the 1989-1990 registration period and did not execute the proposed voluntary retirement form.

Mailed 3/12/92

March 11, 1992

Robert Gwinner, M.D.
Page 2

- (4) Your failure to submit the required documentation as outlined in paragraphs (2) and (3) above rebuts the presumption that you did complete the requisite hours of Continuing Medical Education, and/or demonstrates that you failed to keep detailed records of CME taken.

Your acts in certifying to the State Medical Board that you had completed the statutorily required Continued Medical Education, as set forth in the above paragraph (1), when you had not, in fact, done so, 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, your acts, conduct, and/or omissions as alleged in paragraph (1) above, 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, your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "the obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice," as that clause is used in Section 4731.22(B)(8), Ohio Revised Code.

Further, such failure to obtain the requisite Continuing Medical Education and submit documentation of same constitutes "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Section 4731.281, Ohio Revised Code, and Rules 4731-10-03 and 4731-10-08, Ohio Administrative Code.

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

March 11, 1992

Robert Gwinner, M.D.
Page 3

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 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 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.

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 569 363 469
RETURN RECEIPT REQUESTED