

STATE OF OHIO  
THE STATE MEDICAL BOARD

PERMANENT SURRENDER OF CERTIFICATE  
TO PRACTICE MEDICINE AND SURGERY

I, Robert W. Brannon, M.D., 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, after being fully advised by legal counsel.

I, Robert W. Brannon, M.D., do hereby voluntarily, knowingly, intelligently, and permanently surrender my certificate to practice medicine and surgery, No. 35-019491, to the State Medical Board of Ohio, thereby permanently relinquishing all rights to practice medicine and surgery in Ohio. This surrender shall be effective upon the date of signed acceptance by the Secretary and Supervising Member of 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. 35-019491, or issuance of any other certificate pursuant to Chapters 4730. or 4731., Ohio Revised Code, on or after the date of signing of this Surrender of Certificate to Practice Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

I, Robert W. Brannon, M.D., 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.

I stipulate and agree that I am taking the action described herein in lieu of further formal disciplinary proceedings in accordance with R.C. Chapter 119 and R.C. 4731.22 for the matters described in the Notice of Immediate Suspension and Opportunity for Hearing mailed to me on October 15, 1998, and the Notice of Opportunity for Hearing mailed to me on December 10, 1998. I further stipulate and admit the allegations in said Notices, which are attached hereto as Exhibits A and B, respectively, and incorporated herein by this reference.

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

Surrender of Certificate  
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STATE OF OHIO  
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Further, this information may be reported to appropriate organizations, data banks and governmental bodies.

Signed this 19 day of January, 1999.

Robert W. Brannon M.D.  
ROBERT W. BRANNON, M.D.

[Signature]  
WITNESS

Melinda Anderson  
WITNESS

Sworn to and subscribed in my presence, this 22<sup>nd</sup> day of January, 1999.



MELINDA ANDERSON  
NOTARY PUBLIC, STATE OF OHIO  
My Commission Expires Dec. 3, 1999

Melinda Anderson  
NOTARY PUBLIC

(This form must be either witnessed OR notarized.)

Accepted by the State Medical Board of Ohio:

Anand G. Garg M.D.  
ANAND G. GARG, M.D.  
SECRETARY

[Signature]  
RAYMOND J. ALBERT  
SUPERVISING MEMBER

2/9/99  
DATE

2/10/99  
DATE



# State Medical Board of Ohio

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

December 9, 1998

Robert W. Brannon, M.D.  
4756 Shire Ridge Road East  
Hilliard, OH 43026

Dear Doctor Brannon:

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) On or about August 13, 1997, you entered into a Consent Agreement with the State Medical Board of Ohio in lieu of formal proceedings based upon your violation of Section 4731.22(B)(26), Ohio Revised Code. A copy of this Consent Agreement is attached hereto and incorporated herein.

In this Consent Agreement, you made certain admissions, including that, since in or about 1992, you had regularly written prescriptions for Lortab, a schedule III controlled substance, in the names of others and presented such prescriptions at various pharmacies in the Columbus, Ohio, area to be filled. You further admitted that the Lortab tablets that you obtained by these means were for your own use and that you regularly used approximately nine Lortab tablets each day. In this Consent Agreement, you also agreed to certain specified terms, conditions, and limitations, including that your certificate to practice medicine and surgery in Ohio would be suspended for an indefinite period of time.

Your certificate to practice medicine and surgery in Ohio remains suspended to date.

- (2) Paragraph 3 of this Consent Agreement states that you "shall abstain completely from the use of alcohol."

Despite this provision, you tested positive for alcohol on or about August 28, 1998.

Your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute a "[v]iolation of the conditions of limitation placed by the board upon a certificate to practice or violation of the conditions of limitation upon which a limited or temporary registration or certificate to practice is issued," as that clause is used in Section 4731.22(B)(15), Ohio Revised Code.

*Mailed 12/10/98*

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute “[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice,” as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.

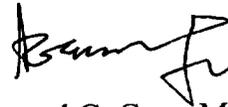
Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing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



Anand G. Garg, M.D.  
Secretary

AGG/bjs  
Enclosures

CERTIFIED MAIL #Z 395 591 045  
RETURN RECEIPT REQUESTED

cc: Douglas E. Graff, Esq.

CERTIFIED MAIL #Z 395 591 064  
RETURN RECEIPT REQUESTED



# State Medical Board of Ohio

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

## NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING

October 14, 1998

Robert W. Brannon, M.D.  
750 Mount Carmel Mall, #100  
Columbus, Ohio 43222

Dear Doctor Brannon:

In accordance with Sections 2929.24 and/or 3719.12, Ohio Revised Code, the Prosecuting Attorney of Franklin County, Ohio reported that on or about September 16, 1998, the Franklin County Court of Common Pleas found you Eligible for Treatment in Lieu of Conviction, pursuant to Section 2951.041, Ohio Revised Code, for violations of Section 2925.22, Ohio Revised Code, Deception to Obtain a Dangerous Drug.

Therefore, pursuant to Section 3719.121(C), Ohio Revised Code, you are hereby notified that your license to practice medicine and surgery in the State of Ohio is immediately suspended. Continued practice after this suspension shall be considered practicing medicine without a certificate in violation of Section 4731.41, Ohio Revised Code.

Furthermore, 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) On or about September 16, 1998, in the Franklin County Court of Common Pleas, you pleaded guilty to four (4) felony counts of Deception to Obtain a Dangerous Drug, in violation of Section 2925.22, Ohio Revised Code, and were granted Treatment in Lieu of Conviction pursuant to Section 2951.041, Ohio Revised Code.

The acts underlying your guilty pleas and the judicial finding of Eligibility for Treatment in Lieu of Conviction include that on two occasions in May 1997 and two occasions in July 1997, you wrote prescriptions for Lortab, a schedule III controlled substance, in the names of others and presented such prescriptions at area pharmacies in the Columbus, Ohio, area to be filled, although the Lortab tablets obtained by these means were intended for your own use.

*Mailed 10/15/98*

The acts, conduct, and/or omissions underlying this judicial finding of Eligibility for Treatment in Lieu of Conviction for violations of Section 2925.22, Ohio Revised Code, Deception to Obtain a Dangerous Drug, as alleged in paragraph (1) above, individually and/or collectively, constitute “[c]ommission of an act that constitutes a felony in this state regardless of the jurisdiction in which the act was committed,” as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Section 2925.22, Ohio Revised Code, Deception to Obtain a Dangerous Drug.

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 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,



Anand G. Garg, M.D.  
Secretary

AGG/bjs  
Enclosures

CERTIFIED MAIL #P 152 982 856  
RETURN RECEIPT REQUESTED

DUPLICATE MAILING:  
4756 Shire Ridge Road, E  
Hilliard, OH 43026  
CERTIFIED MAIL #P 152 982 857  
RETURN RECEIPT REQUESTED

cc: Douglas E. Graff, Esq.  
CERTIFIED MAIL #P 152 982 858  
RETURN RECEIPT REQUESTED

**CONSENT AGREEMENT  
BETWEEN  
ROBERT W. BRANNON, M.D.  
AND  
THE STATE MEDICAL BOARD OF OHIO**

This CONSENT AGREEMENT is entered into by and between ROBERT W. BRANNON, M.D. and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

ROBERT W. BRANNON, M.D., enters into this Agreement being fully informed of his rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

This CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions and understandings:

- A. THE STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22(B)(26), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice."
- B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon the violation of Section 4731.22(B)(26), Ohio Revised Code, as detailed in paragraph (D) below, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Agreement.
- C. ROBERT W. BRANNON, M.D., is licensed to practice medicine and surgery in the State of Ohio.
- D. ROBERT W. BRANNON, M.D., ADMITS that, since in or about 1992, he has regularly written prescriptions for Lortab, a schedule III controlled substance, in the names of others and presented such prescriptions at various pharmacies in the Columbus, Ohio, area to be filled. DOCTOR BRANNON further ADMITS that the Lortab tablets that he obtained by these means were for his own use, and that he regularly used approximately nine Lortab tablets each day. DOCTOR BRANNON STATES that he was self-medicating with Lortab in an attempt to cope with the death of a patient that occurred in 1992.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, ROBERT W. BRANNON, M.D., knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following terms, conditions and limitations:

1. The certificate of DOCTOR BRANNON, to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time;
2. DOCTOR BRANNON, shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of DOCTOR BRANNON's history of chemical dependency;
3. DOCTOR BRANNON shall abstain completely from the use of alcohol;
4. DOCTOR BRANNON shall provide 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 DOCTOR BRANNON's chemical dependency or related conditions, or for purposes of complying with the CONSENT AGREEMENT, whether such treatment or evaluation occurred before or after the effective date of this CONSENT AGREEMENT. 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. DOCTOR BRANNON further agrees to provide the BOARD written consent permitting any treatment provider from whom he obtains treatment to notify the BOARD in the event he fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this CONSENT AGREEMENT.
5. DOCTOR BRANNON shall appear in person for quarterly interviews before the BOARD or its designated representative, or as otherwise directed 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. (Example: The first quarterly appearance is scheduled for February, but based upon the doctor's serious personal illness he is permitted to delay appearance until April. The next appearance will still be scheduled for May, three months after the appearance as originally scheduled.) Although the BOARD will normally give DOCTOR BRANNON written notification of scheduled appearances, it is DOCTOR

BRANNON's responsibility to know when personal appearances will occur. If he does not receive written notification from the BOARD by the end of the month in which the appearance should have occurred, DOCTOR BRANNON shall immediately submit to the BOARD a written request to be notified of his next scheduled appearance;

6. DOCTOR BRANNON shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the BOARD. DOCTOR BRANNON shall ensure that all screening reports are forwarded directly to the BOARD on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board;

Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR BRANNON shall submit to the BOARD for its prior approval the name of a supervising physician to whom DOCTOR BRANNON shall submit the required urine specimens. The supervising physician shall ensure that the urine specimens are obtained on a random basis, that the giving of the specimen is witnessed by a reliable person, and that appropriate control over the specimen is maintained. In addition, the supervising physician shall immediately inform the BOARD of any positive screening results;

DOCTOR BRANNON shall ensure that the supervising physician provides quarterly reports to the BOARD, on forms approved or provided by the BOARD, verifying whether all urine screens have been conducted in compliance with this CONSENT AGREEMENT, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his responsibilities;

In the event that the designated supervising physician becomes unable to unwilling to so serve, DOCTOR BRANNON must immediately notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable. DOCTOR BRANNON shall further ensure that the previously designated supervising physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefore;

All screening reports and supervising physician reports required under this paragraph must be received in the BOARD's offices no later than the due date for DOCTOR BRANNON's quarterly declaration. It is DOCTOR BRANNON's responsibility to ensure that reports are timely submitted;

7. The BOARD shall not consider reinstatement of DOCTOR BRANNON's certificate to practice medicine and surgery unless and until all of the following conditions are met:
  - a. DOCTOR BRANNON shall submit an application for reinstatement, accompanied by appropriate fees, if any;
  - b. DOCTOR BRANNON shall demonstrate to the satisfaction of the BOARD that he can resume practice in compliance with acceptable and prevailing standards of care under the provisions of his certificate. Such demonstration shall include but shall not be limited to the following:
    - i. Certification from a treatment provider approved under Section 4731.25 of the Revised Code that DOCTOR BRANNON has successfully completed any required inpatient treatment;
    - ii. Evidence of continuing full compliance with an aftercare contract or consent agreement;
    - iii. Two written reports indicating that DOCTOR BRANNON's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the BOARD for making such assessments and shall describe the basis for this determination.
  - c. DOCTOR BRANNON shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the BOARD or, if the BOARD and DOCTOR BRANNON are unable to agree on the terms of a written CONSENT AGREEMENT, then DOCTOR BRANNON further agrees to abide by any terms, conditions and limitations imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Ohio Revised Code.

Further, upon reinstatement of DOCTOR BRANNON's certificate to practice medicine and surgery in this state, the BOARD shall require continued monitoring which shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the

Revised Code and, upon termination of the consent agreement or Board Order, submission to the BOARD for at least two years of annual progress reports made under penalty of BOARD disciplinary action or criminal prosecution stating whether DOCTOR BRANNON has maintained sobriety.

8. In the event that DOCTOR BRANNON has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement, the BOARD may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of DOCTOR BRANNON's fitness to resume practice.
9. Within thirty (30) days of the effective date of this Agreement, DOCTOR BRANNON shall provide a copy of this CONSENT AGREEMENT by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds a license to practice. DOCTOR BRANNON further agrees to provide a copy of this CONSENT AGREEMENT by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he/she applies for licensure or reinstatement of licensure. Further, DOCTOR BRANNON shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.
10. Within thirty (30) days of the effective date of this Agreement, DOCTOR BRANNON shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he/she is under contract to provide physician services or is receiving training; and the Chief of Staff at each hospital where he/she has privileges or appointments.

The above described terms, conditions and limitations may be amended or terminated in writing at any time upon the agreement of both parties.

If, in the discretion of the Secretary and Supervising Member of THE STATE MEDICAL BOARD OF OHIO, DOCTOR BRANNON appears to have violated or breached any term or condition of this Agreement, THE STATE MEDICAL BOARD OF OHIO reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Agreement.

DOCTOR BRANNON acknowledges that he has had an opportunity to ask questions concerning the terms of this Agreement and that all questions asked have been answered in a satisfactory manner.

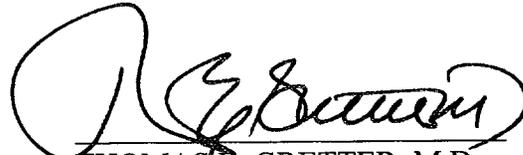
Any action initiated by the BOARD based on alleged violations of this CONSENT AGREEMENT shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

DOCTOR BRANNON hereby releases THE STATE MEDICAL BOARD OF OHIO, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. It is expressly understood that this CONSENT AGREEMENT is subject to ratification by the BOARD prior to signature by the Secretary and Supervising Member and that it shall become effective upon the last date of signature below.

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

  
ROBERT W. BRANNON, M.D.

  
THOMAS E. GREYTER, M.D.  
Secretary

16 Aug 97  
DATE

8/13/97  
DATE

  
RAYMOND J. ALBERT  
Supervising Member

8/13/97  
DATE

  
ANNE C. STRAIT, ESQ.  
Assistant Attorney General

8/13/97  
DATE