

# State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.  
Executive Director

(614) 466-3934  
med.ohio.gov

June 9, 2010

James Robert Mathews, M.D.  
4252 Philadelphia Drive  
Dayton, OH 45405

RE: 10-CRF-019

Dear Dr. Mathews:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on June 9, 2010.

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

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of an original Notice of Appeal with the State Medical Board of Ohio and a copy with the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

Very truly yours,



Lance A. Talmage, M.D.  
Secretary

LAT:jam  
Enclosures

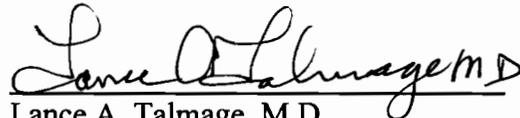
CERTIFIED MAIL RECEIPT NO. 91 7108 2133 3936 3114 1079  
RETURN RECEIPT REQUESTED

*mailed 6-10-10*

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry approved by the State Medical Board, meeting in regular session on June 9, 2010, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of James Robert Mathews, M.D., Case Number 10-CRF-019, as it appears in the Journal of the State Medical Board of Ohio.

This Certification is made by the authority of the State Medical Board of Ohio in its behalf.

  
Lance A. Talmage, M.D.  
Secretary

(SEAL)

June 9, 2010  
Date

**BEFORE THE STATE MEDICAL BOARD OF OHIO**

IN THE MATTER OF :  
 :  
 : Case No. 10-CRF-019  
JAMES ROBERT MATHEWS, M.D. :

**FINDINGS, ORDER AND JOURNAL ENTRY**

This matter came on for consideration before the State Medical Board of Ohio on June 9, 2010, pursuant to a Notice of Opportunity for Hearing issued to James Robert Mathews, M.D. on March 10, 2010. No request for hearing having been received within the statutorily mandated time period, Hearing Examiner Danielle R. Blue, Esq., on behalf of the Board, reviewed and summarized evidence supporting the Notice, and prepared Proposed Findings and a Proposed Order.

WHEREFORE, having reviewed Ms. Blue's Proposed Findings and Proposed Order, which is attached hereto and incorporated herein, the Board hereby adopts the Proposed Findings and Proposed Order.

Accordingly, it is hereby ORDERED that:

- A. **REPRIMAND:** James Mathews, M.D., is REPRIMANDED.
- B. **FINE:** Dr. Mathews shall pay a fine of \$5,000.00 to the State Medical Board of Ohio. This fine shall be paid no later than 30 days after the effective date of this Order.
- C. **SUSPENSION OF CERTIFICATE:** The certificate of James Mathews, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time.
- D. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Mathews' certificate to practice until all of the following minimum requirements are met:
  - 1. Dr. Mathews shall provide documentation acceptable to the Board of satisfactory completion of 100 hours of CME, at least 40 of which shall be in Category I, to be applied retroactively to the CME requirement for the period of April 2006 – April 2008. It will be Dr. Mathews' responsibility to work with appropriate Board staff to ascertain what will be considered satisfactory documentation and to obtain the same.

2. Dr. Mathews shall supply documentation acceptable to the Board of satisfactory of completion of 100 hours of approved CME, at least forty hours of which shall be in Category I, for each CME period, if any, during which Dr. Mathews' certificate remains suspended.
3. In the event that Dr. Mathews 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 or restoration, Dr. Mathews shall take and pass the SPEX examination or any similar written examination which the Board may deem appropriate to assess Dr. Mathews' clinical competency.

E. **DOCUMENTATION OF CME:** Subsequent to reinstatement or restoration, Dr. Mathews shall supply documentation acceptable to the Board of satisfactory completion of the requisite number of CME credits for the CME period in effect at the time of his reinstatement. These CME credits shall be in addition to the 100 hours which have been accredited to the April 2006 – April 2008 CME period. Moreover, Dr. Mathews shall supply documentation acceptable to the Board of satisfactory completion of the requisite number of CME credits for two additional CME periods thereafter. This documentation shall be due in the Board's offices within 30 days of the conclusion of each CME period, unless otherwise determined by the Board.

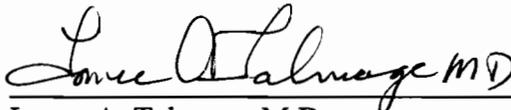
F. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER:**

1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Mathews shall provide a copy of this Order to all employers or entities with which he is under contract to provide healthcare services (including but not limited to third-party payors) or is receiving training; and the Chief of Staff at each hospital or healthcare center he has privileges or appointments. Further, Dr. Mathews shall provide a copy of this Order to all employers or entities with which he contracts in the future to provide healthcare services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or healthcare center where he applies for or obtains privileges or appointments. This requirement shall continue until Dr. Mathews received from the Board written notification of the successful completion of his probation.

In the event Dr. Mathews provides any healthcare services or healthcare direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, within 30 days of the effective date of this Order, he shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Services. This requirement shall continue until Dr. Mathews receives from the Board written notification of the successful completion of his probation.

2. **Required Reporting to Other Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Mathews shall provide a copy of this Order to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Also, Dr. Mathews shall provide a copy of this Order at the time of application to the proper licensing authority of any state in which he applies for any professional license of reinstatement/restoration of any professional license. This requirement shall continue until Dr. Mathews receives from the Board written notification of the successful completion of his probation.
  
  3. **Required Documentation of the Reporting Required by Paragraph F:** Dr. Mathews shall provide this Board with **one** of the following documents as proof of each required notification within 30 days of the date of each notification: (1) the return receipt of certified mail within 30 days of receiving that return receipt; (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered; (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of an electronic mail communication documenting the email transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.
- G. **VIOLATION OF ORDER:** If Dr. Mathews violates the terms of this Order in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.

**EFFECTIVE DATE OF ORDER:** This Order shall become effective 30 days after the mailing of the notification of approval by the Board.

  
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Lance A. Talmage, M.D.  
Secretary

(SEAL)

June 9, 2010  
\_\_\_\_\_  
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO MAY -5 PM 1:47

<b>In the Matter of</b>	*	
<b>James Robert Mathews, M.D.</b>	*	<b>Case No. 10-CRF-019</b>
<b>Respondent.</b>	*	<b>Hearing Examiner Blue</b>

**PROPOSED FINDINGS AND PROPOSED ORDER**

Basis for the Review:

*Notice of Opportunity for Hearing:* In a notice for opportunity for hearing [Notice] dated March 10, 2010, the State Medical Board of Ohio [Board] notified James Robert Mathews, M.D., that it intends to determine whether to take disciplinary action against his certificate to practice medicine and surgery. The Board stated that its proposed action was based on allegations that Dr. Mathews was not able to document that he earned the requisite 100 hours of Category I and Category II continuing medical education [CME] credits during the April 2, 2006 through April 1, 2008 CME cycle. The Board further alleged that Dr. Mathews had certified in his 2008 licensure renewal application that he had completed the required CME credits for the 2006-2008 period, including at least 100 hours of Category I and Category II CME credits. (Exhibit [Ex.] 1)

The Board alleged that Dr. Mathews' conduct in certifying to the Board that he had completed the required CME when, in fact, he had not, constitutes "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certification of registration issued by the board," as set forth in Section 4731.22(B)(5), Ohio Revised Code [R.C.]. (Ex. 1)

The Board also alleged that Dr. Mathews' failure to obtain the requisite CME and/or to submit documentation of the requisite CME 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 this board" as set forth in R.C. 4731.22(B)(20), namely, Ohio Administrative Code Rules 4731-10-02. (Ex. 1)

*No Request for Hearing:* The Board sent the Notice to Dr. Mathews on March 11, 2010, by certified mail, return receipt requested, to his most recent address of record. (Exs. 1, 3) The U.S. Postal Service provided documentation, including a signed receipt that the Notice was delivered to Dr. Mathews' address on March 12, 2010 (Ex. 1) The Board's Public Services Administrator declared in a sworn affidavit signed April 16, 2010, that it had not received a hearing request from Dr. Mathews. (Ex. 3)

*Request for Proposed Findings and Proposed Order:* In an April 21, 2010 Memorandum, the Board's Public Services Administrator requested that a hearing examiner review the evidence as provided and prepare a Proposed Finding and Order ("PFPO"). (Ex. 4)

Evidence Examined:

Exhibit 1: April 15, 2010 certification, March 10, 2010 Notice of Opportunity for Hearing, and March 16, 2010 certified mail receipt from U.S. Postal Service.

Exhibit 2: April 21, 2010, Affidavit of Kay Rieve, Administrator Officer of the Board, describing the following exhibits:

Exhibit 2A: Dr. Mathews' renewal application filed May 29, 2008.

Exhibit 2B: The Board's February 12, 2009, audit notice to Dr. Mathews and March 31, 2009, certified mail receipt from U.S. Postal Service.

Exhibit 2C: March 11, 2009, handwritten letter from Dr. Mathews to the Board advising he was unable to document completion of the requisite CME.

Exhibit 3: April 16, 2010 Affidavit of Barbara Jacobs, Senior Executive Staff Attorney of the Board, regarding the mailing of the notice of opportunity for hearing and lack of hearing request from Dr. Mathews.

Exhibit 4: April 21, 2010 Memorandum from Barbara Jacobs requesting preparation of a PFPO report.

**PROPOSED FINDINGS**

1. James Robert Mathews, M.D., was born in 1937 in Tallahassee, Florida. He was initially licensed to practice medicine and surgery in Ohio in 1965. He currently holds an active certificate to practice in Ohio, number 35.028581, and he has stated that his practice specialty is general practice.

*Proposed Finding 1 is supported by the following evidence:* Ohio eLicense Center at <<https://license.ohio.gov/lookup/default.asp>> query on April 23, 2010.

2. The Board sends notices to physicians informing them of the requirements for renewing their certificates to practice. The notices advise that, to be eligible for renewal, a physician must have completed, during the identified CME period, a total of 100 hours of CME, including a minimum of 40 hours of Category I CME and a minimum of 60 hours of Category II CME.

In addition, the CME requirements for physicians are set forth in R.C. 4731.281 and Ohio Administrative Code Chapter 4731-10.

*Proposed Finding 2 is supported by the following evidence: Ex 2.*

3. In order for Dr. Mathews to be eligible for renewal in 2008, he was required to have completed 100 hours of CME during the 2006 - 2008 CME period, including at least 40 hours of Category I and 60 hours of Category II CME. That CME period began April 2, 2006 and ended April 1, 2008.

*Proposed Finding 3 is supported by the following evidence: Ex. 2.*

4. On May 27, 2008, Dr. Mathews signed an application for renewal that certified **“under penalty of law or loss of my right to practice medicine in the State of Ohio, that I have completed during the 2006-2008 CME period the requisite hours of continuing medical education in compliance with O.R.C. 4731.281 and O.A.C. 4731-10, and that the information provided on this application for renewal is true and correct in every respect.”** (Emphasis in original)

*Proposed Finding 4 is supported by the following evidence: Exs. 2, 2A.*

5. In 2009, Dr. Mathews was randomly selected by the Board for a CME audit. On February 12, 2009, the Board sent him a certified letter, return receipt requested, requiring him to provide documentation of the CME hours he had completed. The letter stated in relevant part:

Upon renewal of your Ohio license, you certified that during the period of April 2, 2006-April 1, 2008, you had completed the requisite hours of Continuing Medical Education (CME).

At this time, as a result of your being randomly selected for audit, it will be necessary for you to complete the enclosed log of CME, demonstrating that you have, in fact, completed at least one hundred hours of CME during the period of April 2, 2006-April 1, 2008. It will also be necessary for you to provide the Board with documentation that you have actually completed at least 40 hours of Category I CME as certified on your license renewal application. Certificates of attendance, hospital printouts, and accredited organization printouts are acceptable documentation, copies of which must be enclosed with your log. \* \* \*

Up to 60 hours of Category II credits may be listed on the reverse side of the log, but no documentation need be provided. You must demonstrate at least 100 hours of combined Category I and Category II CME.

It is important you understand that under Ohio law it is your responsibility to document your CME participation, and, further that a failure to comply with the audit requirements can result in the imposition of a fine, revocation, or suspension of your license to practice in Ohio. \* \* \*

*Proposed Finding 5 is supported by the following evidence: Ex. 2B.*

6. On March 11, 2009, Dr. Mathews responded by letter to the Board's February 12, 2009 audit letter. Dr. Mathews indicated:

I was remiss in not acquiring the necessary credits. I readily admit my negligence in this matter.

When I returned to Dayton from military service, I located in my childhood neighborhood. At that time there were only 12-14 solo practitioners in inner West Dayton, now I am the only one.

I did not go into the field of medicine to become wealthy, but to serve. I still see patients for 25.00, and barter with others.

If my license is suspended, it would be a tremendous strain on my patients, for I would have no choice except to surrender my license voluntarily and retire.

I could no longer support the overhead expenses without a steady source of income.

I profoundly ask for your mercy in this matter. I am truthfully and profoundly remorseful.

*Proposed Finding 6 is supported by the following evidence: Ex. 2C.*

7. In the April 21, 2010 Affidavit, Kay Rieve, Administrative Officer of the Board, swore she had not received any documentation of any Category I and/or Category II CME from Dr. Mathews earned during the April 2, 2006 - April 1, 2008 acquisition period.

*Proposed Finding 7 is supported by the following evidence: Ex. 2.*

8. The acts, conduct, and/or omissions of Dr. Mathews as set forth above in proposed findings 4, 6, and 7 individually and/or collectively, constitute "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate

to practice or certificate of registration issued by the board,” as set forth in R.C. 4731.22(B)(5).

9. Dr. Mathews acts, conduct, and/or omissions as set forth above in proposed findings 4, 6, and 7 individually and/or collectively, establish “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 set forth in R.C. 4731.122(B)(20) and Rule 4731-10-02 of the Ohio Administrative Code.

### Comments on the Proposed Order

Pursuant to R.C. 4731.281, Dr. Mathews was required to earn 100 hours of Category I and Category II CME during the 2006 – 2008 CME period. However, contrary to Dr. Mathews’ May 27, 2008 renewal application in which he certified he earned the requisite hours, he earned 0 hours according to his March 11, 2009 letter and lack of documentation to support it. As a result, Dr. Mathews is in violation of R.C. 4731.22(B)(5), R.C. 4731.22(B)(20), and O.A.C. Rule 4731-10-02.

In Dr. Mathews’ March 11, 2009 letter, he admitted that he did not “acquire the necessary credits.” At no time does Dr. Mathews mention in his letter that he acquired *any* hours during the 2006 – 2008 CME period. Dr. Mathews has failed to provide the Board with any documentation of completion of any Category I and Category II CME during that time period.

While Dr. Mathews has significant concerns regarding the suspension of his license (i.e., his patients’ future well-being and the financial hardship upon his practice), his concerns are heavily outweighed by the fact that he has not shown any documentation to prove he completed any of the 100 CME credits during the 2006 – 2008 CME cycle and in addition, made a false statement on his renewal application indicating that he had completed the requisite CME hours.

### PROPOSED ORDER

It is hereby ORDERED that:

- A. **REPRIMAND:** James Mathews, M.D., is REPRIMANDED.
- B. **FINE:** Dr. Mathews shall pay a fine of \$5,000.00 to the State Medical Board of Ohio. This fine shall be paid no later than 30 days after the effective date of this Order.

- C. **SUSPENSION OF CERTIFICATE:** The certificate of James Mathews, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time.
- D. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Mathews' certificate to practice until all of the following minimum requirements are met:
1. Dr. Mathews shall provide documentation acceptable to the Board of satisfactory completion of 100 hours of CME, at least 40 of which shall be in Category I, to be applied retroactively to the CME requirement for the period of April 2006 – April 2008. It will be Dr. Mathews' responsibility to work with appropriate Board staff to ascertain what will be considered satisfactory documentation and to obtain the same.
  2. Dr. Mathews shall supply documentation acceptable to the Board of satisfactory completion of 100 hours of approved CME, at least forty hours of which shall be in Category I, for each CME period, if any, during which Dr. Mathews' certificate remains suspended.
  3. In the event that Dr. Mathews 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 or restoration, Dr. Mathews shall take and pass the SPEX examination or any similar written examination which the Board may deem appropriate to assess Dr. Mathews' clinical competency.
- E. **DOCUMENTATION OF CME:** Subsequent to reinstatement or restoration, Dr. Mathews shall supply documentation acceptable to the Board of satisfactory completion of the requisite number of CME credits for the CME period in effect at the time of his reinstatement. These CME credits shall be in addition to the 100 hours which have been accredited to the April 2006 – April 2008 CME period. Moreover, Dr. Mathews shall supply documentation acceptable to the Board of satisfactory completion of the requisite number of CME credits for two additional CME periods thereafter. This documentation shall be due in the Board's offices within 30 days of the conclusion of each CME period, unless otherwise determined by the Board.
- F. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER:**
1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Mathews shall provide a copy of this Order to all employers or entities with which he is under contract to provide healthcare services (including but not limited to third-party payors) or is receiving training; and the Chief of Staff at each hospital or healthcare center he has privileges or appointments. Further, Dr. Mathews

shall provide a copy of this Order to all employers or entities with which he contracts in the future to provide healthcare services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or healthcare center where he applies for or obtains privileges or appointments. This requirement shall continue until Dr. Mathews received from the Board written notification of the successful completion of his probation.

In the event Dr. Mathews provides any healthcare services or healthcare direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, within 30 days of the effective date of this Order, he shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Services. This requirement shall continue until Dr. Mathews receives from the Board written notification of the successful completion of his probation.

2. **Required Reporting to Other Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Mathews shall provide a copy of this Order to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Also, Dr. Mathews shall provide a copy of this Order at the time of application to the proper licensing authority of any state in which he applies for any professional license of reinstatement/restoration of any professional license. This requirement shall continue until Dr. Mathews receives from the Board written notification of the successful completion of his probation.
3. **Required Documentation of the Reporting Required by Paragraph F:** Dr. Mathews shall provide this Board with **one** of the following documents as proof of each required notification within 30 days of the date of each notification: (1) the return receipt of certified mail within 30 days of receiving that return receipt; (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered; (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of an electronic mail communication documenting the email transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

- G. **VIOLATION OF ORDER:** If Dr. Mathews violates the terms of this Order in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.

**EFFECTIVE DATE OF ORDER:** This Order shall become effective 30 days after the mailing of the notification of approval by the Board.



Danielle R. Blue, Esq.  
Hearing Examiner

# State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.  
Executive Director

(614) 466-3934  
med.ohio.gov

March 10, 2010

Case number: 10-CRF- 019

James Robert Mathews, M.D.  
4252 Philadelphia Drive  
Dayton, Ohio 45405

Dear Doctor Mathews:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) In your renewal application due on or about July 1, 2008, for the biennial registration of your certificate to practice medicine and surgery for the July 2, 2008 - July 1, 2010 period, you certified that during the April 2, 2006 - April 1, 2008 Continuing Medical Education [CME] cycle, you had completed or would complete the requisite hours of CME as required by Section 4731.281, Ohio Revised Code.
- (2) By certified mail dated February 12, 2009, the Board informed you that you were required to complete and submit a log demonstrating that you had completed at least one hundred hours of CME during the April 2, 2006 - April 1, 2008 CME cycle, and to provide documentation that, in fact, you had completed at least forty hours of Category 1 CME credits. Despite certifying on the aforementioned renewal application that you had completed all CME requirements, you submitted a letter dated September 11, 2009, stating you did not maintain the requisite hours of CME credits.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute “[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board,” as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute “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

*Mailed 3-11-10*

James R. Mathews, M.D.

Page 2

in Section 4731.22(B)(20), Ohio Revised Code, to wit: Section 4731.281, Ohio Revised Code.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute "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: Rule 4731-10-02, 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 days of the time of mailing of this notice.

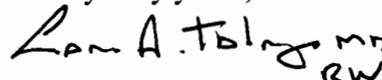
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,

Handwritten signature of Lance A. Talmage, M.D. in black ink, with the initials 'RW' written below the signature.

Lance A. Talmage, M.D.  
Secretary

LAT/LLS/flb

Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3069 5306 - RETURN RECEIPT REQUESTED