

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

(614)466-3934

July 13, 1990

James R. Loeb, M.D.  
2841 Boudinot Avenue, Suite 206  
Cincinnati, Ohio 45238

Dear Doctor Loeb:

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 July 11, 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.*  
Henry G. Cramblett, M.D.  
Secretary

HGC:em

Enclosures

CERTIFIED MAIL RECEIPT NO. P 746 514 621  
RETURN RECEIPT REQUESTED

*Mailed 7/13/90*

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 July 11, 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 James R. Loeb, 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.*  
Henry G. Cramblett, M.D.  
Secretary

*July 13, 1990*  
Date \_\_\_\_\_

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

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JAMES R. LOEB, M.D.

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ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 11th day of June, 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:

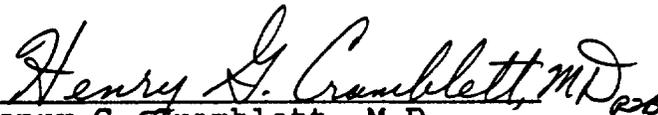
1. That the certificate of James R. Loeb, M.D., to practice medicine and surgery in the State of Ohio shall be **SUSPENDED** for an indefinite period of time, but not less than thirty (30) days.
2. The Board shall not consider reinstatement of Dr. Loeb's certificate to practice unless and until all of the following minimum requirements are met:
  - a. Dr. Loeb 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. Loeb shall provide documentation acceptable to the Board of his satisfactory completion of 52 hours of Category I C.M.E., in addition to the 28 hours for which he has already provided satisfactory documentation, during the period from January 1, 1987, to December 31, 1990. In addition, Dr. Loeb 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.

James R. Loeb, M.D.

- c. Dr. Loeb 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. Loeb has not been engaged in the active practice of medicine or surgery for a period of more than two (2) 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. Loeb's certificate shall remain on probationary status for three (3) additional full biennial registration periods. During this probationary period, Dr. Loeb 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. Loeb's certificate will be fully restored.

This Order shall become effective thirty (30) days from the date of mailing of notification of approval by the State Medical Board of Ohio.

(SEAL)

  
Henry G. Cramblett, M.D.  
Secretary

Date July 13, 1990

**REPORT AND RECOMMENDATION  
IN THE MATTER OF JAMES R. LOEB, M.D.**

The Matter of James R. Loeb, 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 James R. Loeb, M.D., that it proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board alleged that Dr. Loeb had certified on his renewal application that he had completed the requisite hours of Continuing Medical Education (C.M.E.) for the 1987-1988 biennium, but that he had been able to document only 28 hours of Category I C.M.E. 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. Loeb was advised of his right to request a hearing in this Matter,

- B. Dr. Loeb's letter of response (State's Exhibit #3), received by the State Medical Board on March 14, 1990, was construed as a hearing request.

**II. Appearances**

- A. On behalf of the State of Ohio, Anthony J. Celebrezze, Jr., Attorney General, by Rachel L. Belenker, Assistant Attorney General
- B. Having been duly advised of the time and place of hearing, Dr. Loeb failed to appear either in person or by a representative.

**III. Testimony Heard**

None

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**IV. Exhibits Examined**

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

- A. State's Exhibit #1: March 23, 1990, letter to Dr. Loeb from the State Medical Board scheduling the hearing for May 3, 1990.
- B. State's Exhibit #2: March 19, 1990, letter to Dr. Loeb from the State Medical Board advising that a hearing initially set for March 28, 1990, was postponed pursuant to Section 119.09, Ohio Revised Code.
- C. State's Exhibit #5: June 29, 1989, letter to Dr. Loeb from the State Medical Board requesting C.M.E. documentation for the 1987-1988 biennium as part of a random audit.
- D. State's Exhibit #6: C.M.E. log and documentation submitted by Dr. Loeb in response to the Board's notice.
- E. State's Exhibit #7: September 11, 1989, notice to Dr. Loeb from the State Medical Board, acknowledging receipt of evidence of 13 hours of Category I C.M.E. and 56 hours of Category II C.M.E., and requesting verification of 27 more Category I and 4 more Category II C.M.E. credits.
- F. State's Exhibit #8: Corrected C.M.E. log and documentation received from Dr. Loeb on October 2, 1989.
- G. State's Exhibit #9: Copy of Dr. Loeb's renewal application for the 1989-1990 biennial registration period.

**FINDINGS OF FACT**

1. In applying for renewal of his Ohio license for the 1989-1990 biennial registration period, James R. Loeb, 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 #9.

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2. By letter dated June 29, 1989, the State Medical Board notified Dr. Loeb that, as a result of a random audit, he was 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.

These facts are established by State's Exhibit #5.

3. In response to that notice, Dr. Loeb submitted a C.M.E. log listing 55 hours of Category I and 56 hours of Category II C.M.E. credits for the 1987-1988 biennium. However, he provided acceptable documentation for only 13 of the 55 Category I C.M.E. credits he claimed to have completed.

These facts are established by State's Exhibit #6.

By notice dated September 11, 1989, the State Medical Board acknowledged receipt of evidence of the 13 Category I credits, and advised Dr. Loeb that it would be necessary for him to send verification of 27 more Category I C.M.E. credits and to list 4 more Category II C.M.E. credits. The notice also advised Dr. Loeb that a printout from Audio Digest was required to verify the 24 Category I credits he had claimed for that activity.

These facts are established by State's Exhibit #7.

5. On October 2, 1989, the State Medical Board received a letter of explanation, accompanied by additional documentation, from Dr. Loeb. The documentation included: a revised version of Dr. Loeb's previous C.M.E. log, correcting the number of Category I credits claimed for a course at Tucson Medical Center from 18 to 15, and listing an additional 38 hours of Category II credits; documentation from Tucson Medical Center verifying the 15 Category I C.M.E. credits; and copies of an invoice and receipt for a purchase from Audio Digest. Dr. Loeb's letter indicated that Audio Digest was unable to verify his completion of the pre- and post-tests done in association with listening to the tapes.

These facts are established by State's Exhibit #8.

6. By letter of February 14, 1990, the State Medical Board cited Dr. Loeb with regard to his failure to fully document his Category I C.M.E. credits. In his letter of response, dated March 13, 1990, Dr. Loeb admitted that he was unable to confirm the remaining 12 Category I hours because he had failed to send post-test responses back to Audio Digest. However, he denied any intent to deceive the Board or to gain his medical license under "false pretenses."

These facts are established by State's Exhibits #3 and #4.

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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. Loeb failed to complete and document his C.M.E. as required by these provisions. In fact, contrary to his certification on his renewal card, Dr. Loeb admittedly has a deficiency of 12 hours of Category I C.M.E. for the 1987-1988 biennial registration period. Dr. Loeb claimed that he had no intent to deceive the Board when he falsely certified his C.M.E. completion. However, it must be assumed that he knew at the time of such certification that he had not completed and returned the tests to Audio Digest as necessary to receive Category I credit for that activity. Regardless of Dr. Loeb's intent, his certification of completion was a misrepresentation of fact, for which he must bear responsibility.

Dr. Loeb'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.

STATE MEDICAL BOARD

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PROPOSED ORDER

It is hereby ORDERED that:

1. The certificate of James R. Loeb, 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. Loeb's certificate to practice unless and until all of the following minimum requirements are met:
  - a. Dr. Loeb 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. Loeb shall provide documentation acceptable to the Board of his satisfactory completion of 52 hours of Category I C.M.E., in addition to the 28 hours for which he has already provided satisfactory documentation, during the period from January 1, 1987, to December 31, 1990. In addition, Dr. Loeb 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.
  - c. Dr. Loeb 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. Loeb has not been engaged in the active practice of medicine or surgery for a period of more than two (2) 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. Loeb's certificate shall remain on probationary status for three (3) additional full biennial registration periods. During this probationary period, Dr. Loeb 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.

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4. Upon successful completion of probation, Dr. Loeb's certificate will be fully restored.

This Order shall become effective thirty (30) days from the date of 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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EXCERPT FROM THE MINUTES OF JULY 11, 1990

REPORTS AND RECOMMENDATIONS

Ms. Belenker and all Enforcement Coordinators left the meeting at this time.

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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 James R. Loeb, M.D.; Charles A. Petersen, M.D.; Sukumar Roy, M.D.; and Leonid Krivitskiy, M.D. A roll call was taken:

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

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REPORT AND RECOMMENDATION IN THE MATTER OF JAMES R. LOEB, M.D.

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MR. ALBERT MOVED TO APPROVE AND CONFIRM MS. SAGE'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF JAMES R. LOEB, M.D. MS. ROLFES SECONDED THE MOTION.

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A roll call vote was taken:

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

The motion carried.



# STATE MEDICAL BOARD OF OHIO

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

## EXCERPT FROM THE MINUTES OF SEPTEMBER 13, 1990

JAMES R. LOEB, M.D.

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MR. JOST MOVED TO APPROVE DR. LOEB'S REQUEST FOR REINSTATEMENT OF HIS LICENSE TO PRACTICE MEDICINE AND SURGERY, EFFECTIVE OCTOBER 1, 1990. DR. GRETTER SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Gretter	- aye
	Dr. Stephens	- aye
	Mr. Jost	- aye
	Dr. Ross	- aye
	Dr. Rauch	- aye
	Mr. Albert	- aye
	Dr. Daniels	- 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

James R. Loeb, M.D.  
2841 Boudinot Avenue  
Suite 206  
Cincinnati, OH 45238

Dear Doctor Loeb:

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 July 20, 1989, you submitted a response, documenting 13 Category I credits and indicating 56 Category II credits. By letter dated September 11, 1989, sent to you by certified mail, you were notified that you needed to verify 27 more Category I credits and list four more Category II credits. On or about October 2, 1989, you submitted documentation of an additional 15 Category I CME credit hours and indicated an additional 38 Category II CME credit hours.
- (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.

February 14, 1990

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.

James R. Loeb, M.D.  
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February 14, 1990

Copies of the applicable sections are enclosed for your information.

Very truly yours,

  
Henry G. Cramblett, M.D. *RGB*  
Secretary

HGC:jmb  
Encls.

CERTIFIED MAIL #P 746 510 204  
RETURN RECEIPT REQUESTED