STATE OF OHIO
THE STATE MEDICAL BOARD

VOLUNTARY RETIREMENT FROM THE PRACTICE OF MEDICINE AND SURGERY

I, (*), 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, (*), do hereby voluntarily, knowingly, and intelligently retire from the practice of medicine and surgery, effective (10/16/96).

I, (*), do hereby voluntarily, knowingly and intelligently surrender my renewal card in connection with my certificate to practice medicine and surgery, No. 030046 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. (030046) 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, (*), 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.

*Samuel Meyers

Completed by JES 10/16/96

Revised 03/08/95

I stipulate and agree that I am taking the action described herein in lieu of formal disciplinary proceedings pursuant to Sections 4731.22(B)( ).

Signed this 8th day of October, 1996.

Signature of Physician

P. Richards
Witness

Witness

Sworn to and subscribed before me this _____ day of _____, 199____.

Notary Public

SEAL

(This form must be either witnessed OR notarized)

Accepted by the State Medical Board of Ohio:

Thomas E. Gretter, M.D.
Secretary

11/14/96
Date

Raymond J. Albert,
Supervising Member

11/25/96
Date

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

January 12, 1990

Samuel Meyers, M.D.
2216 Eastern Avenue, Lot 34
Gallipolis, Ohio 45631

Dear Doctor Meyers:

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 January 10, 1990, including Motions approving and confirming the Findings of Fact and Conclusions of Law of the Hearing Examiner, and adopting an amended Order.

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 026 074 582
RETURN RECEIPT REQUESTED

Mailed January 25, 1990

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 January 10, 1990, including Motions approving and confirming the Findings of Fact and Conclusions of Law of the Hearing Examiner, and adopting an amended Order, constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Samuel Meyers, 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

Henry G. Cramblett, M.D.
Secretary

January 12, 1990
Date

BEFO. THE STATE MEDICAL BOARD C. OHIO

IN THE MATTER OF *

*

SAMUEL MEYERS, M.D. *

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 10th day of January, 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 modification, approval and confirmation by vote of the Board on January 10, 1990, the following Order is hereby entered on the Journal of the State Medical Board for the 10th day of January, 1990.

It is hereby ORDERED that:

1. The State Medical Board of Ohio hereby accepts the Voluntary Surrender of license tendered by Dr. Meyers on or about October 17, 1989.

2. The Board shall not consider reinstatement of Dr. Meyers' certificate to practice unless and until all of the following minimum requirements are met:

   a. Dr. Meyers 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. Meyers shall provide documentation acceptable to the Board of his satisfactory completion of 72 hours of Category I C.M.E., in addition to the 8 hours for which he has already provided satisfactory documentation, during the period from January 1, 1987, to December 31, 1990. In addition, Dr. Meyers shall submit a log of at least 116 hours of Category II C.M.E., in addition to the 4 hours for which he has already provided satisfactory documentation, completed by him during the period from January 1, 1987, to December 31, 1990. It shall be Dr. Meyers' responsibility to work with appropriate Board staff to ascertain what is satisfactory documentation and to obtain the same.

c. Dr. Meyers shall supply documentation acceptable to the Board of satisfactory completion of 100 hours of approved Continuing Medical Education, at least 40 hours of which shall be in Category I, for each biennium, if any, during which his certificate remains suspended after the 1989-1990 biennium.

d. In the event that Dr. Meyers 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, Dr. Meyers shall take and pass the SPEX examination or any similar written examination which the Board may deem appropriate to assess his clinical competency.

3. Subsequent to the reinstatement of his certificate, Dr. Meyers shall remain on probation for three (3) additional full biennial registration periods. During this probationary period, Dr. Meyers shall submit documentation acceptable to the Board of satisfactory completion of the requisite hours of Continuing Medical Education.

4. Upon successful completion of probation, Dr. Meyers' 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.

(SEAL)

Henry G. Cramblett

Henry G. Cramblett, M.D.
Secretary

January 12, 1990

Date

REPORT AND RECOMMENDATION
IN THE MATTER OF SAMUEL MEYERS, M.D.

The Matter of Samuel Meyers, M.D., came on for hearing before me, Wanita J. Sage, Esq., Hearing Examiner for the State Medical Board of Ohio, on November 16, 1989.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Basis for Hearing

A. By letter of September 13, 1989 (State's Exhibit #4), the State Medical Board notified Samuel Meyers, M.D., that it proposed to take disciplinary action against his certificate to practice medicine and surgery in the State of Ohio. Dr. Meyers certified on his registration renewal card that he had completed the requisite hours of Continuing Medical Education (C.M.E.) for the 1987-1988 biennium, as required by Section 4731.281, Ohio Revised Code. In June, 1989, the State Medical Board notified Dr. Meyers that he was required to submit a log of C.M.E. for the 1987-1988 biennium, and to provide documentation that he had actually completed 40 hours of Category I C.M.E. credits. In July, 1981, the Board received Dr. Meyers' C.M.E. log listing 8 hours of Category I C.M.E. and 4 hours of Category II C.M.E. for 1987-1988 biennium, with an indication that illness had prevented his completing his C.M.E. hours. No prior request for waiver of Dr. Meyers' C.M.E. hours due to illness had been received by the Board. Dr. Meyers failed to respond to the Board's subsequent letter offering him the opportunity to surrender his certificate to practice medicine or surgery until he could complete the requisite hours of C.M.E. The Board alleged that Dr. Meyers' response, or lack thereof, to the notices he had received established that he had not completed the requisite hours of C.M.E. and/or that he had failed to keep detailed records of C.M.E. taken. Consequently, Dr. Meyers' acts and omissions were alleged to 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/or

3. "Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision 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. Meyers was advised of his right to request a hearing in this Matter.

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B. On October 2, 1989, the State Medical Board received a letter from Dr. Meyers (State's Exhibit #6) which was interpreted as a hearing request and/or his written contentions (see State's Exhibit #7). On October 12, 1989, the Board received a second letter from Dr. Meyers (State's Exhibit #8) advising that he did not desire a personal appearance before the State Medical Board, but would await a verdict.

II. Appearances

A. On behalf of the State of Ohio: Anthony J. Celebrezze, Jr., Attorney General, by John C. Dowling, Assistant Attorney General

B. Dr. Meyers, having been duly advised of the time and place of hearing, failed to appear in person or by counsel. However, his letters to the Board (State's Exhibit #6 and #8) were submitted as his written contentions.

III. Testimony Heard

No witnesses were presented at hearing.

IV. Exhibits Examined

The following exhibits were identified by the State and admitted into evidence in this Matter:

A. State's Exhibit #1: January 29, 1989, letter to Dr. Meyers from the State Medical Board notifying him that it would be necessary for him to complete a log of his Continuing Medical Education and to provide the Board with documentation that he had actually completed at least 40 hours of Category I C.M.E.

B. State's Exhibit #2: July 6, 1989, letter to the State Medical Board from Dr. Meyers explaining that illness had prevented him from complying with C.M.E. requirements and enclosing documentation showing his completion of 8 Category I hours and 4 Category II hours in 1987.

C. State's Exhibit #3: July 31, 1989, letter to Dr. Meyers from the State Medical Board advising Dr. Meyers that he could avoid formal disciplinary proceedings by execution of the enclosed voluntary license surrender form, and that if he surrendered his license it would not be returned until he completed the necessary C.M.E. hours, submitted acceptable documentation of such completion, and made written application for reinstatement.

D. State's Exhibit #4: September 13, 1989, letter to Dr. Meyers from the State Medical Board setting forth allegations against him and advising him of his right to request a hearing.

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E. State's Exhibit #5: Certified mail receipt and return card showing service of State's Exhibit #4 to Dr. Meyers on September 15, 1989.

F. State's Exhibit #6: September 29, 1989, letter to the State Medical Board from Dr. Meyers expressing remorse for his actions.

G. State's Exhibit #7: October 6, 1989, letter to Dr. Meyers from the State Medical Board advising that a hearing initially set for October 16, 1989, was postponed pursuant to Section 119.09, Ohio Revised Code.

H. State's Exhibit #8: October 10, 1989, letter to the State Medical Board from Dr. Meyers admitting to the Board's allegations and advising that he did not desire to personally appear before the Medical Board.

I. State's Exhibit #9: Voluntary Surrender of License to Practice Medicine and Surgery form, signed by Dr. Meyers on October 17, 1989.

J. State's Exhibit #10: Copy of the wallet card of Samuel Meyers, M.D., identification no. 030046, expiration date 12/31/90.

K. State's Exhibit #11: October 24, 1989, letter to Dr. Meyers from the State Medical Board scheduling the hearing for November 16, 1989.

L. State's Exhibit #12: Copy of Dr. Meyers' Ohio renewal application for 1989-1990 biennial registration period, showing his certification of completion of C.M.E. requirements for the last biennium.

FINDINGS OF FACT

1. In applying for renewal of his Ohio medical license for the 1989-1990 biennial registration period, Samuel Meyers, 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 Continuing Medical Education (C.M.E.) during the last biennium.

   This fact is established by State's Exhibit #12.

2. By letter of June 29, 1989, the State Medical Board of Ohio notified Dr. Meyers that, as a routine and random audit procedure, it would be necessary for him to complete a log of his C.M.E. for 1987-1988 biennium, and to provide the Board with documentation that he had actually completed at least 40 hours of Category I C.M.E. as certified on his license renewal application. This letter was served to Dr. Meyers by certified mail on June 30, 1989.

   These facts are established by State's Exhibit #1.

3. On July 11, 1989, the State Medical Board received from Dr. Meyers documentation showing his completion of 8 Category I and 4 Category II hours of C.M.E. during 1987. Accompanying this documentation was a letter from Dr. Meyers explaining that serious illness from May, 1987, throughout 1988, had prevented him from completing his C.M.E. requirements.

   These facts are established by State's Exhibit #2.

4. By letter of July 31, 1989, the State Medical Board notified Dr. Meyers that it had received his letter of explanation, but that it had no record of his having submitted any prior waiver request as required by Rule 4731-10-09, Ohio Administrative Code, and as outlined in his C.M.E. booklet. The Board's letter noted that Dr. Meyers had signed a certification at the time of his license renewal stating that he had completed the requisite hours. The Board stated that, in view of the circumstances and in order to avoid formal disciplinary proceedings, Dr. Meyers might wish to consider execution of the enclosed voluntary license surrender form. Dr. Meyers was given two weeks to execute the surrender form. He was advised that, if he did choose to surrender his license, its return would not be considered until he completed the necessary C.M.E. hours, obtained acceptable documentation of their completion, and made written application for return of his license.

   Apparently, Dr. Meyers failed to respond to this letter. By letter of September 13, 1989 (State's Exhibit #4), the State Medical Board cited Dr. Meyers and advised him of his right to request a hearing.

   These facts are established by State's Exhibits #3 through #8.

5. By letters dated September 29 and October 10, 1989, Dr. Meyers admitted to the Board's allegations against him and expressed his sincere remorse for his actions.

   These facts are established by State's Exhibits #6 and #8.

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6. On or about October 19, 1989, Dr. Meyers returned his wallet card to the State Medical Board and submitted an executed "Voluntary Surrender of License to Practice Medicine and Surgery" form. To date, Dr. Meyers' voluntary surrender of license has not been accepted by the State Medical Board, as required for it to become effective pursuant to Section 4731.22(H), Ohio Revised Code. It is noted that the surrender form incorrectly recites a C.M.E. deficiency during the 1985-1986, rather than the 1987-1988, biennium.

These facts are established by State's Exhibits #9 and #10 and by the public records of the State Medical Board of Ohio.

CONCLUSIONS

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Section 4731.281, Ohio Revised Code, and Rule 4731-10-03, Ohio Administrative Code, require a practitioner to meet and to certify his completion of the requsite hours of C.M.E. 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. Licensees whose applications are selected for audit are required 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. Paragraph (B) of that same Rule, states that failure to maintain such records rebuts the presumption created by the applicant's certification on his renewal card that he has completed the requisite C.M.E.

Dr. Meyers admittedly failed to complete the requisite C.M.E. for the 1987-1988 biennial registration period. He has a deficiency of 32 hours of Category I and 56 hours of Category II C.M.E. for that biennium. While his failure to complete C.M.E. requirements is understandable in view of his serious illnesses, his certification of completion of C.M.E. on his renewal card, is not. Although Dr. Meyers' post-citation letters to the Board indicate that he is extremely remorseful, he knew or should have known that his certification of completion of C.M.E. was false.

Accordingly, Dr. Meyers' 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 cluase is used Section 4731.22(B)(5), Ohio Revised Code; and

3. "Violating..., 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.

It is noted that Rule 4731-10-03(D), Ohio Administrative Code, states that an individual who has not completed the requisite hours of C.M.E. is not eligible for license registration or reinstatement until such time as they have been completed. Further, C.M.E. undertaken after the end of a registration period to make up deficiencies may not be utilized to meet the C.M.E. requirements for a current registration period.

PROPOSED ORDER

It is hereby ORDERED that:

1. The certificate of Samuel Meyers, M.D., to practice medicine and surgery in Ohio shall be SUSPENDED for indefinite period of time, but not less than thirty (30) days.

2. The Board shall not consider reinstatement of Dr. Meyers' certificate to practice unless and until all of the following minimum requirements are met:

   a. Dr. Meyers 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. Meyers shall provide documentation acceptable to the Board of his satisfactory completion of 72 hours of Category I C.M.E., in addition to the 8 hours for which he has already provided satisfactory documentation, during the period from January 1, 1987, to December 31, 1990. In addition, Dr. Meyers shall submit a log of at least 116 hours of Category II C.M.E., in addition to the 4 hours for which he has already provided satisfactory documentation, completed by him during the period from January 1, 1987, to December 31, 1990. It shall be Dr. Meyers' responsibility to work with appropriate Board staff to ascertain what is satisfactory documentation and to obtain the same.

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c. Dr. Meyers shall supply documentation acceptable to the Board of satisfactory completion of 100 hours of approved Continuing Medical Education, at least 40 hours of which shall be in Category I, for each biennium, if any, during which his certificate remains suspended after the 1989-1990 biennium.

d. In the event that Dr. Meyers 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, Dr. Meyers shall take and pass the SPEX examination or any similar written examination which the Board may deem appropriate to assess his clinical competency.

3. Subsequent to the reinstatement of his certificate, Dr. Meyers shall remain on probation for three (3) additional full biennial registration periods. During this probationary period, Dr. Meyers shall submit documentation acceptable to the Board of satisfactory completion of the requisite hours of Continuing Medical Education.

4. Upon successful completion of probation, Dr. Meyers' 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

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EXCERPT FROM THE MINUTES OF JANUARY 10, 1990

REPORTS AND RECOMMENDATIONS

Dr. Kaplansky advised that the findings and orders appearing on the Board's agenda are those in the matters of Gabriel Mayer, M.D.; Samuel Meyers, M.D.; Brad L. Hayman, D.P.M.; Bartis T. Mazeika, D.O.; R. Dion Fernando, M.D. He further advised that since distribution of the agenda materials, objections have been submitted on behalf of Dr. Mazeika. At this time the Board took time to read Dr. Mazeika's objections.

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 Gabriel Mayer, M.D.; Samuel Meyers, M.D.; Brad L. Hayman, D.P.M.; Bartis T. Mazeika, D.O.; R. Dion Fernando, M.D. A roll call was taken:

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

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

.....

Mr. Dowling, Mr. Jeffries, Ms. Thompson, Mr. Dilling, Mr. Compton, Mr. Huston, Ms. Herman and Ms. Dangel left the meeting at this time.

REPORT AND RECOMMENDATION IN THE MATTER OF SAMUEL MEYERS, M.D.

Dr. Kaplansky stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and order in the above matter. No objections were voiced by Board Members present.

DR. GRETTER MOVED TO APPROVE AND CONFIRM MS. SAGE'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF SAMUEL MEYERS, M.D. MR. JOST SECONDED THE MOTION.

Dr. Kaplansky asked if there were any questions concerning the proposed findings of

fact, conclusions, and order in the above matter.

MS. ROLFES MOVED THAT THE PROPOSED ORDER IN THE MATTER OF SAMUEL MEYERS, M.D., BE AMENDED TO SUBSTITUTE THE FOLLOWING FOR PARAGRAPH #1:

1. The State Medical Board of Ohio hereby accepts the Voluntary Surrender of License tendered by Dr. Meyers on or about October 17, 1989.

ALL OTHER TERMS OF THE PROPOSED ORDER SHALL REMAIN THE SAME. DR. STEPHENS SECONDED THE MOTION.

Ms. Rolfes noted that Dr. Meyers is 86 years old. Therefore, it seems more appropriate to her that the Board accept his voluntary surrender. Dr. Meyers intends to retire and would rather do so without a disciplinary action on his record. The voluntary surrender is not permanent; therefore, all other terms of the hearing examiner's Proposed Order should remain the same. Ms. Rolfes advised that the only thing her motion does is eliminate the proposed indefinite suspension and allow Dr. Meyers to surrender. If in the future he wishes to return to practice, he would have to fulfill the Order's requirements for reinstatement.

Dr. Gretter noted that the original Order suspended Dr. Meyers' license until he caught up with his C.M.E. Dr. Gretter stated that he doesn't see what the amendment does. Ms. Rolfes stated that it allows him to retire without having a disciplinary action on his record. Dr. Gretter disagreed, stating that the disciplinary action is already on his record. The amendment wouldn't change that.

Mr. Bumgarner stated that it is his perception that Dr. Gretter is correct; however, there is a distinction between having a license suspended and surrendering the license with conditions for reinstatement.

Dr. Cramblett commented that license surrenders are still reportable.

Mr. Jost stated that the amendment may make a difference to Dr. Meyers' friends and relatives.

Dr. Stephens agreed, and added that accepting the voluntary surrender will close the matter out quicker.

Dr. Ross asked if surrender was originally proposed for Dr. Meyers. Ms. Rolfes stated that it was, but Dr. Meyers was late in filing the surrender, and then it got lost at the Board level.

Mr. Bumgarner stated that the surrender was not lost, but the problem at that time had to do with the failure to return it and the timing of the formal action.

Dr. Ross asked if Dr. Meyers might have surrendered earlier. Mr. Bumgarner stated that he had an opportunity to do so early in the audit process.

Ms. Rolfes stated that the transcript was inaccurate then when it said that the surrender was lost.

Dr. Gretter stated that the transcript shows that Dr. Meyers did volunteer to surrender his license. Mr. Jost stated that that is correct.

Ms. Rolfes asked if the Board currently has Dr. Meyers' license. Mr. Bumgarner stated that the Board has not accepted Dr. Meyers' surrender.

Dr. Rauch asked if Dr. Meyers might be asked to permanently surrender.

Dr. Gretter stated that he recently had occasion to assist a physician in a similar situation to surrender his license, and he was amazed that the physician's name was published as a disciplinary action. He stated that he understands what Ms. Rolfes is trying to do, but noted that it will still be reported as a disciplinary action.

Dr. Kaplansky asked for verification that a voluntary surrender is reportable. Mr. Bumgarner stated that once a physician has been audited, he cannot just write a letter surrendering his license.

Dr. Gretter stated that if a physician wishes to retire, he should just not bother to renew his license.

Ms. Rolfes noted that Dr. Meyers has been ill for several years. She asked if there was an alternative that would not be reportable. Mr. Jost stated that there is not.

Mr. Bumgarner agreed, stating that the start of the citation process is the start of the reporting process.

A roll call vote was taken on Ms. Rolfes' motion:

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

The motion carried.

MR. ALBERT MOVED TO APPROVE AND CONFIRM MS. SAGE'S PROPOSED FINDINGS OF FACT,

CONCLUSIONS, AND ORDER AS AMENDED IN THE MATTER OF SAMUEL MEYERS, M.D. DR. GRETTER SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. O'Day	- aye
	Dr. Gretter	- aye
	Dr. Stephens	- aye
	Mr. Jost	- aye
	Dr. Ross	- aye
	Dr. Rauch	- abstain
	Mr. Albert	- aye
	Dr. Daniels	- 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

September 13, 1989

Samuel Meyers, MD
2216 Eastern Avenue
Lot 34
Gallipolis, OH 45631

Dear Doctor Meyers:

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 29, 1989, 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 11, 1989, the Board received your CME log listing 8 hours of Category I CME and no hours of Category II CME for the 1987-1988 biennium, with an indication that your intervening illness had prevented completion of your CME hours. No prior request for waiver of CME hours due to illness had been received by the Board. On July 31, 1989, you were given, by letter sent certified mail, an opportunity to surrender your certificate to practice medicine or surgery until such time as you could complete the requisite hours of CME. You did not respond. You have submitted no further documentation of CME completed during the 1987-1988 registration period.

(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.

September 13, 1989

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, that request 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.

Copies of the applicable sections are enclosed for your information.

Very truly yours,

Henry G. Cramblett, M.D.
Secretary

HGC:jmb
Encls.

CERTIFIED MAIL #P 746 510 076
RETURN RECEIPT REQUESTED