

STATE OF OHIO
THE STATE MEDICAL BOARD OF OHIO
65 SOUTH FRONT STREET
SUITE 510
COLUMBUS, OHIO 43266-0315

April 15, 1988

Albert M. Broennle, M.D.
1641 Hunters Circle
West Chester, Pennsylvania 19380

Dear Doctor Broennle:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, State Medical Board, and an excerpt of the Minutes of the State Medical Board; meeting in regular session on April 13, 1988, 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.
Secretary

HGC:em
Enclosures

CERTIFIED MAIL NO. P 158 073 974
RETURN RECEIPT REQUESTED

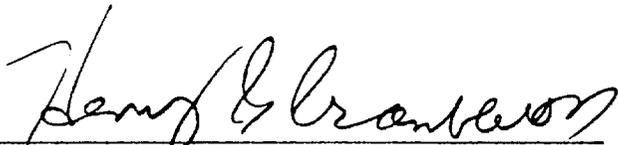
STATE OF OHIO
THE STATE MEDICAL BOARD OF OHIO
65 SOUTH FRONT STREET
SUITE 510
COLUMBUS, OHIO 43266-0315

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 April 13, 1988, including Motions approving and confirming said 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 Albert M. Broennle, 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.
Secretary

April 15, 1988

Date

THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

ALBERT M. BROENNLE, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 13th day of April, 1988.

Upon the Report and Recommendation of Wanita J. Sage, Attorney Hearing Examiner, State Medical Board, in this matter designated pursuant to R.C. 4321.23, a true copy of which 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 13th day of April, 1988.

It is hereby ORDERED:

That the license of Albert M. Broennle, M.D., to practice medicine and surgery in Ohio be SUSPENDED for a period of fifteen (15) days, commencing the effective date of this Order. Upon reinstatement, Dr. Broennle's license shall be subject to a probationary term of four (4) years, upon the following terms, conditions, and limitations:

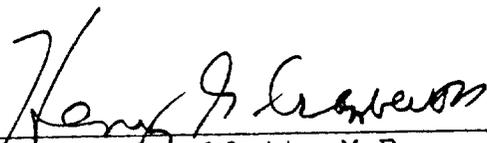
1. Dr. Broennle shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
2. Dr. Broennle shall submit documentation acceptable to the Board of satisfactory completion of the requisite hours of continuing medical education for the next two (2) biennial registration periods (1987-1988 and 1989-1990).
3. If Dr. Broennle violates probation in any respect, the Board, after giving Dr. Broennle notice and the opportunity to be heard, may impose whatever sanction it deems appropriate, up to and including the revocation of his certificate.

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Albert M. Broennle, M.D.

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

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

(SEAL)



Henry G. Gramblett, M.D.
Secretary

April 15, 1988

Date

REPORT AND RECOMMENDATION
IN THE MATTER OF ALBERT M. BROENNLE, M.D.

The Matter of Albert M. Broennle, M.D., came on for hearing before me, Wanita J. Sage, Esq., Hearing Examiner for the State Medical Board of Ohio, on February 9, 1988.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Basis for Hearing

A. By letter of November 11, 1987 (State's Exhibit #1), the State Medical Board notified Albert M. Broennle, M.D., that it proposed to take disciplinary action against his certificate to practice medicine and surgery in the State of Ohio. Although Dr. Broennle had certified on his renewal card for the current registration period that he had completed the requisite hours of Continuing Medical Education (C.M.E.) for the 1985-1986 biennium, as required by Section 4731.281, Ohio Revised Code, he had failed to respond to both July 23 and September 18, 1987, notices requiring him to complete a log listing his C.M.E. and to provide documentation that he had actually attended 40 hours of Category I credits. The Board alleged that Dr. Broennle's failure to respond to these notices 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. hours taken. Consequently, Dr. Broennle's acts and omissions were alleged to violate the following provisions of the Medical Practice Act:

1. Section 4731.22(A), Ohio Revised Code: Committing "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the Board;"
2. Section 4731.22(B)(5), Ohio Revised Code: "Publishing a false, fraudulent, deceptive, or misleading statement;"
3. Section 4731.22(B)(20), Ohio Revised Code: "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", to-wit: Section 4731.281, Ohio Revised Code, and Rules 4731-10-03 and 4731-10-08, Ohio Administrative Code.

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- B. By letter received by the State Medical Board on November 30, 1987 (State's Exhibit #2), Dr. Broennle requested a hearing in this matter. Dr. Broennle enclosed documentation of his C.M.E. to be reviewed at hearing.

II. Appearance of Counsel

- A. On behalf of the State of Ohio: Anthony J. Celebrezze, Attorney General, by Rachel F. Belenker, Assistant Attorney General.
- B. Pursuant to the request of Dr. Broennle, documentary evidence was admitted on his behalf in lieu of his personal appearance.

III. Exhibits Examined

A. Presented by the State

In addition to those identified above, the following exhibits were identified and admitted into evidence in this matter:

1. State's Exhibit #3: December 10, 1987, letter to Dr. Broennle from the State Medical Board advising that a hearing initially set for December 14, 1987, was postponed pursuant to Section 119.09, Ohio Revised Code.
2. State's Exhibit #4: December 29, 1987, letter to Dr. Broennle from the State Medical Board scheduling the hearing for February 9, 1988.
3. State's Exhibit #5: Dr. Broennle's renewal application for the current registration period, showing his certification of completion of C.M.E. requirements for the last biennium.
4. State's Exhibit #6: July 23, 1987, letter to Dr. Broennle 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 acceptable documentation that he had actually attended 40 hours of Category I credits.
5. State's Exhibit #7: September 18, 1987, letter to Dr. Broennle from the State Medical Board notifying him that his response to the previous audit request had not been received and that failure to provide the requested log and documentation could result in disciplinary proceedings regarding his license to practice.

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B. Presented on Behalf of the Respondent

1. Respondent's Exhibit A: Various documents with regard to Dr. Broennle's C.M.E. requirements for the 1985-1986 biennium, including:
 - a. December 14, 1987, memo from Debra L. Jones, Chief, C.M.E., Records and Renewal, State Medical Board, stating that she had reviewed Dr. Broennle's C.M.E. documentation for the 1985-1986 biennium and had found him to have complied with the 100 hour requirement.
 - b. Dr. Broennle's log and documentation of C.M.E. credits completed for the 1985-1986 biennium.

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MEDICAL BOARD

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FINDINGS OF FACT

1. The State Medical Board of Ohio sent two separate requests, dated July 23, 1987, and September 18, 1987, to Albert M. Broennle, M.D., for documentation of C.M.E. credits earned during the 1985-1986 biennium. As of November 11, 1987, Dr. Broennle had failed to either respond to these requests or to contact the Board concerning them, despite the warning in the second request of possible disciplinary proceedings against his license if he did not contact the Board within 10 days.

This fact is established by State's Exhibits #6 and #7 and by Respondent's Exhibit A.

2. After the Board's November 11, 1987, citation letter (State's Exhibit #1), but prior to hearing, Dr. Broennle submitted complete documentation of his C.M.E. credits for the 1985-1986 biennium. This documentation shows that he had earned the requisite hours of Continuing Medical Education, as required by Section 4731.281, Ohio Revised Code, for that biennium. Further, at the time Dr. Broennle had certified on his renewal application that he had completed the required hours of C.M.E. for that biennium, he had, in fact, done so.

These facts are established by Respondent's Exhibit A.

CONCLUSIONS

1. Section 4731.281, Ohio Revised Code, states in pertinent part: "The Board may require a random sample of practitioners to submit materials documenting completion of the continuing medical education requirement during the preceding registration period...." Rule 4731-10-08(A)(1), Ohio Administrative Code, states: "The Board may randomly select applications for verification that all C.M.E. requirements have been met. Licensees whose applications are selected shall submit additional documentation of compliance with C.M.E. requirements as the Board may require." As set forth in Finding of Fact #1, above, Dr. Broennle failed to comply with the Board's requests for his C.M.E. log and documentation, even though the second request warned of possible disciplinary proceedings regarding his license to practice. Neither Dr. Broennle's compliance after receiving the Board's citation letter nor his plea of neglect due to anticipated assembly time substantially mitigate his failure to comply as requested and as required by law.

Accordingly, I find that the acts, conduct, and/or omissions of Albert M. Broennle, M.D., with regard to Finding of Fact #1, above, constitute "violating..., directly or indirectly,...any provisions of this chapter (Chapter 4731.) or any rule promulgated by the Board", as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to-wit: Section 4731.281, Ohio Revised Code, and Rule 4731-10-08, Ohio Administrative Code.

2. Based upon Finding of Fact #2, above, I find no violation of Sections 4731.22(A) or 4731.22(B)(5), Ohio Revised Code, or Rule 4731-10-03, Ohio Administrative Code.

The State of Ohio has vested in the Medical Board both the duty and the authority to regulate the medical profession to ensure that Ohio citizens receive appropriate health care, reflecting current knowledge and skills. Implementing and ascertaining compliance with C.M.E. requirements is vital to the Board's accomplishment of its public duties. Any action or inaction on the part of an individual practitioner which would tend to thwart or disregard the Board's efforts and authority in this area cannot be taken lightly. Therefore, the following Order is proposed for the Board's consideration in this matter.

OFFICE OF
MEDICAL BOARD

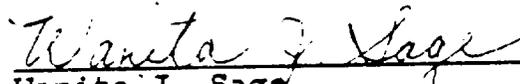
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PROPOSED ORDER

It is hereby ORDERED that the license of Albert M. Broennle, M.D., to practice medicine and surgery in Ohio be suspended for a period of fifteen (15) days, commencing the effective date of this Order. Upon reinstatement, Dr. Broennle's license shall be subject to a probationary term of four (4) years, upon the following terms, conditions, and limitations:

1. Dr. Broennle shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
2. Dr. Broennle shall submit documentation acceptable to the Board of satisfactory completion of the requisite hours of continuing medical education for the next two (2) biennial registration periods (1987-1988 and 1989-1990).
3. If Dr. Broennle violates probation in any respect, the Board, after giving Dr. Broennle notice and the opportunity to be heard, may impose whatever sanction it deems appropriate, up to and including the revocation of his certificate.
4. Upon successful completion of probation, Dr. Broennle's certificate will be fully restored.

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



Wanita J. Sage
Attorney Hearing Examiner

Office
MEDICAL

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EXCERPT FROM THE MINUTES OF APRIL 13, 1988

REPORTS AND RECOMMENDATIONS

Ms. Nester left the meeting at this time.

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Dr. Stephens 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 Doyle E. Campbell, M.D., Jack E. Markel, D.N., Philip Emmert, D.P.M., Michael D. Cerny, D.O., Stanley D. Wissman, M.D., Thomas J. Markoski, D.O., A. Michael Broennle, M.D., Judith A. Wolfe, M.D., Henry E. Montoya, M.D., Minoo Pedom, M.D., David H. Procter, M.D., Maruthi Vadapalli, M.D., Gregory A. George, M.D., Mark P. Namey, D.O., Edwin N. Cook, D.O., and Alfred L. Stanford, M.D. A roll call was taken:

| | | |
|------------|---------------|-----------|
| ROLL CALL: | Dr. Kaplansky | - aye |
| | Dr. Rothman | - aye |
| | Dr. Rauch | - abstain |
| | Mr. Albert | - aye |
| | Dr. O'Day | - aye |
| | Ms. Rolfes | - aye |
| | Mr. Jost | - aye |
| | Dr. Stephens | - aye |

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REPORT AND RECOMMENDATION IN THE MATTER OF A. MICHAEL BROENNLE, M.D.

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MR. JOST MOVED TO APPROVE AND CONFIRM MS. SAGE'S FINDINGS OF FACT AND CONCLUSIONS IN THE MATTER OF A. MICHAEL BROENNLE, M.D. DR. ROTHMAN SECONDED THE MOTION. A roll call vote was taken:

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|-----------------|---------------|-----------|
| ROLL CALL VOTE: | Dr. Cramblett | - abstain |
| | Dr. Kaplansky | - aye |
| | Dr. Rothman | - aye |
| | Dr. Rauch | - abstain |
| | Mr. Albert | - aye |
| | Dr. O'Day | - aye |
| | Ms. Rolfes | - aye |
| | Mr. Jost | - aye |

The motion carried.

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EXCERPT FROM THE MINUTES OF APRIL 13, 1988
REPORT AND RECOMMENDATION IN THE MATTER OF A. MICHAEL BROENNLE, M.D.
Page 2

DR. KAPLANSKY MOVED TO APPROVE AND CONFIRM MS. SAGE'S PROPOSED ORDER IN THE MATTER OF A. MICHAEL BROENNLE, M.D. DR. ROTHMAN SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:

| | |
|---------------|-----------|
| Dr. Cramblett | - abstain |
| Dr. Kaplansky | - aye |
| Dr. Rothman | - aye |
| Dr. Rauch | - abstain |
| Mr. Albert | - aye |
| Dr. O'Day | - aye |
| Ms. Rolfes | - aye |
| Mr. Jost | - aye |

The motion carried.

STATE OF OHIO
THE STATE MEDICAL BOARD
65 South Front Street
Suite 510
Columbus, Ohio 43266-0315

November 11, 1987

Albert M. Broennle, M.D.
1641 Hunters Circle
West Chester, Pennsylvania 19380

Dear Doctor Broennle:

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, 1985 through December 31, 1986) the requisite hours of Continuing Medical Education, as required by Section 4731.281, Ohio Revised Code.
2. By letter dated July 23, 1987, you were notified by the State Medical Board that you were required to complete a log listing your Continuing Medical Education, and to provide documentation that you had actually attended 40 hours of Category I credits. You were again notified of this requirement by letter dated September 18, 1987. You failed to respond to either notice, and have submitted no documentation of C.M.E. completed during the 1985-1986 registration period.
3. The failure to respond to the notices as detailed in the above Paragraph 2 established that you did not complete the requisite hours of Continuing Medical Education, and/or that you failed to keep detailed records of C.M.E. hours taken.

STATE OF OHIO
THE STATE MEDICAL BOARD

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Albert M. Broennle, M.D.

November 11, 1987

The acts and omissions as alleged in the above Paragraphs (1) and (3), 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 as alleged in the above paragraphs (1) and (3), 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) and (3), 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, (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, Ohio Administrative Code.

Further, such acts as alleged in the above Paragraph (2), 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 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), Ohio Revised Code, prior to March 17, 1987) to wit: Section 4731.281, Ohio Revised Code, 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 made 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 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.

STATE OF OHIO
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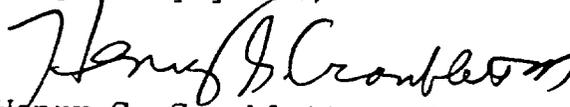
Page Three
Albert M. Broennle, M.D.

November 11, 1987

In the event that there is no request for such hearing made 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

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enclosures

CERTIFIED MAIL RECEIPT NO. P 026 073 386
RETURN RECEIPT REQUESTED