



STATE MEDICAL BOARD OF OHIO
77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614)466-3934

November 12, 1997

Stephen J. Buday, M.D.
50 McNaughten Road
Columbus, OH 43213

Dear Doctor Buday:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of R. Gregory Porter, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on November 12, 1997, including motions approving and confirming the Findings of Fact and Conclusions 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, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO


Thomas E. Gretter, M.D.
Secretary

TEG:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. Z 395 591 375
RETURN RECEIPT REQUESTED

cc: Eric J. Plinke, Esq.
CERTIFIED MAIL RECEIPT NO. Z 395 591 376
RETURN RECEIPT REQUESTED

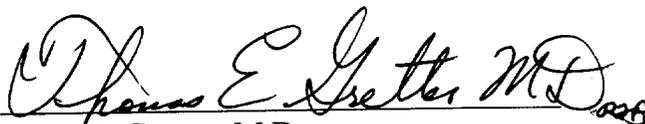
K. Michael Taylor, Esq.
CERTIFIED MAIL RECEIPT NO. Z 395 591 377
RETURN RECEIPT REQUESTED

Mailed 12/5/97

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of R. Gregory Porter, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on November 12, 1997, including motions approving and confirming the Findings of Fact and Conclusions 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 Stephen J. Buday, 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.



Thomas E. Gretter, M.D.
Secretary

(SEAL)

12/4/97
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

STEPHEN J. BUDAY, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on November 12, 1997.

Upon the Report and Recommendation of R. Gregory Porter, State Medical Board Attorney Hearing Examiner, designated in this Matter 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 the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

Stephen J. Buday, M.D., is hereby REPRIMANDED.

This Order shall become effective immediately upon the mailing of notification of approval by the State Medical Board of Ohio.

(SEAL)


Thomas E. Gretter, M.D. *rsb*
Secretary

12/4/97
Date

97 OCT 17 AM 10:35

**REPORT AND RECOMMENDATION
IN THE MATTER OF STEPHEN J. BUDAY, M.D.**

The Matter of Stephen J. Buday, M.D., was heard by R. Gregory Porter, Attorney Hearing Examiner for the State Medical Board of Ohio, on September 18, 1997.

INTRODUCTION

I. Basis for Hearing

A. By letter dated May 14, 1997 (State's Exhibit 1), the State Medical Board notified Stephen J. Buday, M.D., that it proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio based on the following allegations:

- (1) In applying for registration of his certificate to practice medicine or surgery for the current registration period, Dr. Buday certified that he had completed the requisite hours of Continuing Medical Education [CME], as required by Section 4731.281, Ohio Revised Code, for the registration period of July 1, 1994, through June 30, 1996.
- (2) On September 27, 1996, the Board advised Dr. Buday, in a certified mail letter for which Dr. Buday's agent signed on October 1, 1996, that Dr. Buday was required to complete an enclosed CME log detailing the CME he had completed for the registration period of July 1, 1994, through June 30, 1996. Additionally, the Board instructed Dr. Buday to provide documented evidence of his completion of a minimum of 40 hours of Category I CME for this time period.

The Board further advised Dr. Buday that he documented only 28.5 hours of Category I CME for the registration period of July 1, 1994, through June 30, 1996.

- (3) In its May 14, 1997, notice letter, the Board informed Dr. Buday that his "inability to document at least forty hours of Category I CME * * * rebuts the presumption under Rule 4731-10-08(A), Ohio Administrative Code, that [he] did complete the requisite hours of CME, and/or demonstrates that [he] failed to keep detailed records of CME taken.

The Board alleged that Dr. Buday's acts, conduct, and/or omissions as alleged in paragraph (1), above, individually and/or collectively, constituted "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" and/or "publishing a false, fraudulent, deceptive, or misleading statement,' as that clause is used in Section 4731.22(B)(5), Ohio Revised Code."

The Board further alleged that Dr. Buday's acts, conduct, and/or omissions as alleged in paragraphs (2) and (3), above, individually and/or collectively, constituted "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, to wit: Section 4731.281, Ohio Revised Code, and Rules 4731-10-03 and 4731-10-08 (as in effect prior to October 31, 1996), Ohio Administrative Code."

Finally, Dr. Buday was advised of his right to request a hearing in this Matter.

- B. By letter received by the State Medical Board on June 4, 1997 (State's Exhibit 2), Dr. Buday requested a hearing.

II. Appearances

- A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by Rebecca J. Albers, Assistant Attorney General.
- B. On behalf of the Respondent: Eric J. Plinke and K. Michael Taylor, Esqs.

EVIDENCE PRESENTED

I. Testimony Heard

Presented by the State

1. Stephen J. Buday, M.D., as on cross-examination
2. Debra Jones

97 OCT 17 AM 10: 35

Presented by the Respondent

Stephen J. Buday, M.D.

II. Exhibits Examined

In addition to State's Exhibits 1 and 2, noted above, the following exhibits were identified and admitted into evidence:

A. Presented by the State

1. State's Exhibit 3 through 14: Procedural exhibits.
2. State's Exhibit 15: Copy of a blank renewal form with instructions, as sent to licensees for the October 1, 1996, through September 30, 1998, biennium. (2 pp.)
3. State's Exhibit 16: Copy of Dr. Buday's 1996-1998 licensure renewal application.
4. State's Exhibit 17: Copy of a September 27, 1996, letter to Dr. Buday from the Board, advising Dr. Buday that he was required to complete a CME log and to provide documented evidence of having completed 40 hours of Category I CME during the July 1, 1994, through June 30, 1996, registration period. (3 pp.)
5. State's Exhibit 18: Blank CME certification log for the July 1, 1994, through June 30, 1996, registration period. (2 pp.)
6. State's Exhibit 19: Copy of Dr. Buday's October 7, 1996, CME certification log, with attached documentation. (7 pp.)
7. State's Exhibit 20: Copy of a summary of Dr. Buday's Category I and Category II CME hours provided by Mount Carmel Medical Education Services. (9 pp.)
8. State's Exhibit 21: Copy of a November 21, 1996, letter to Dr. Buday from the Board, notifying Dr. Buday that the Board had received evidence of 16 hours of Category I CME, but would require evidence of an additional 24 hours of Category I CME. (4 pp.)

9. State's Exhibit 22: Copy of a December 5, 1996, letter to the Board from Dr. Buday, responding to the Board's November 21, 1996, letter.
10. State's Exhibit 23: Copies of documentation of Category I CME credit earned by Dr. Buday, of which 12.5 hours would apply to the July 1, 1994, through June 30, 1996, registration period; said hours were in addition to the 16 hours previously documented. (6 pp.)

B. Presented by the Respondent

1. Respondent's Exhibit 1: Dr. Buday's curriculum vitae. (2 pp.)
2. Respondent's Exhibits 2 through 6: Letters of support for Dr. Buday. (Note: Two sentences of the first page of Respondent's Exhibit 5 were redacted. The complete, unredacted letter will be held as a proffer for Dr. Buday.)
3. Respondent's Exhibit 7: Summary of Category I CME earned by Dr. Buday since July 1, 1996, and supporting documentation. (12 pp.)
4. Respondent's Exhibit 8: July 17, 1997, certification concerning Dr. Buday's Ohio licensure status.
5. Respondent's Exhibit 9: Excerpt from the State Medical Board of Ohio Disciplinary Guidelines, consisting of Appendix B, entitled "Aggravating and Mitigating Factors."

III. Post-Hearing Admissions to the Record

On the Hearing Examiner's own motion, the following exhibit is admitted to the record:

Board Exhibit A: September 18, 1997, letter to the Attorney Hearing Examiner from the State's representative, correcting a statement made during the State's closing argument.

IV. Proffered Exhibits

The following item will be held for Dr. Buday as proffered material:

Respondent's Exhibit 5: Unredacted original letter of support for Dr. Buday.

97 OCT 17 AM 10:36

SUMMARY OF THE EVIDENCE

All transcripts of testimony and exhibits, whether or not specifically referred to hereinafter, were thoroughly reviewed and considered by the Attorney Hearing Examiner prior to preparing this Report and Recommendation.

1. Dr. Buday applied for the 1996-1998 biennial renewal of his certificate to practice medicine and surgery in the State of Ohio. On the application card, Dr. Buday certified, under penalty of loss of his certificate to practice medicine in the State of Ohio, that he had completed, or would complete, the requisite continuing medical education [CME] credit hours during the 1994-1996 registration period. (State's Exhibit [St. Ex.] 16; Transcript at pages [Tr.] 12-13, 18-19)
2. On or about September 27, 1996, the Board notified Dr. Buday that he would be required to submit to the Board: 1) a CME log; and 2) documentation verifying 40 hours of Category I CME completion. The Board advised Dr. Buday that he should submit this information to Debra L. Jones within three weeks of receipt of the audit notification letter. (St. Exs. 17 and 18; Tr. 19-20)
3. Dr. Buday responded to the Board's audit notification letter by filing, on October 9, 1996, a completed CME log with attached documentation, and a CME profile report from Mt. Carmel Medical Education Services. Dr. Buday certified that the CME log was true and correct. However, rather than reflecting at least 40 hours of Category I CME, Dr. Buday indicated that he had completed only 16 hours of Category I CME. Dr. Buday further indicated that he had completed 2,291 hours of Category II CME. (St. Exs. 19 and 20; Tr. 20-22, 27-28)
4. In response to Dr. Buday's CME log, the Board sent an "incomplete letter" to Dr. Buday on November 21, 1996, informing Dr. Buday that the Board had received evidence of 16 hours of Category I CME, but that it needed verification of an additional 24 hours. (St. Ex. 21; Tr. 22-23)

Dr. Buday responded by letter received by the Board on December 13, 1996, wherein Dr. Buday apologized and indicated that he had no additional verification of Category I CME credits. Nevertheless, he noted that he had enclosed verification of 47.75 hours of Category I CME that he stated had been accrued after the relevant time period. (St. Exs. 22 and 23; Tr. 23-25)

Ms. Jones testified that she had reviewed Dr. Buday's letter and accompanying documentation and had discovered that an additional 12.5 hours of Category I CME were applicable to the relevant time period. Ms. Jones further testified that this brought Dr. Buday's total to 28.5 hours of Category I CME. (St. Ex. 23; Tr. 24-26)

5. Ms. Jones testified that physicians are required to take 100 hours of CME per renewal period, with at least 40 of those hours being Category I. Ms. Jones further testified that physicians are notified of the Board's CME requirements via instructions that accompany the renewal application form. Ms. Jones identified St. Ex. 15, as an example of the renewal application and instructions that are sent by the Board to its licensees. (St. Ex. 15; Tr. 16-17)
6. Dr. Buday testified that he is a general surgeon, and practices in Columbus, Ohio. He has been licensed to practice medicine in Ohio since 1969. He obtained his Doctor of Medicine degree from the Ohio State University College of Medicine in 1969. He then completed a five-year surgical residency program at Mount Carmel Medical Center. He became board certified in general surgery in 1975. In 1974, after completing his training, Dr. Buday entered the private practice of general surgery with another physician. Dr. Buday testified that there are currently six physicians practicing in his group. Dr. Buday's curriculum vitae was admitted to the record as Respondent's Exhibit [Resp. Ex.] A. (Resp. Ex. A; Tr. 11, 37-39)
7. Dr. Buday testified that he holds privileges at Mount Carmel Medical Center and Mount Carmel East Hospital. He further testified that he is an active member of the Department of Surgery at those hospitals, and is the Chairman of the Department of Surgery at Mount Carmel Medical Center. Moreover, Dr. Buday testified that the position of Chairman is an elected position, and that he has occupied that position since 1992. The term of office is three years, and he was reelected in 1995. There are approximately 45 members of his department. (Tr. 40-42)

Dr. Buday testified that Mount Carmel Medical Center is a teaching institution, and that he has been actively involved in the teaching of residents. He has taught residents since 1974. He has won the annual Teacher of the Year Award on more than one occasion; the latest was in 1995. This award is given by the residents. (Tr. 42-44, 46-47)

8. Dr. Buday indicated that he is on a number of committees and attends a number of professional meetings on a regular basis, including the Weekly

97 OCT 17 AM 10:36

Journal Club, the Weekly Morbidity and Mortality Conference, and the Tumor Board. He further indicated that he is Chairman of the Trauma Committee, a position that is appointed by the Clinical Department Council. Moreover, Dr. Buday stated that he is the Cancer Liaison for Mount Carmel Medical Center and the American Cancer Society. (Resp. Ex. A; Tr. 44-46, 52-54)

9. Dr. Buday acknowledged that he had been aware of the requirement that he take 40 hours of Category I CME per renewal period. Dr. Buday further testified that he had not been aware of his shortage of hours at the time that he had signed his 1996-1998 renewal card. He denied that he had intended to misrepresent his CME hours or deceive the Board. (Tr. 12, 64-65, 75-76)

Dr. Buday testified that, after he had received the Board's audit notice and had reviewed his records, "[i]t became painfully obvious" that he had fallen short of the required hours. Dr. Buday testified that he is very remorseful for this situation. (Tr. 65-67)

10. Concerning reasons for falling short of Category I CME, Dr. Buday testified that he failed to keep an accurate tabulation of his CME hours. He further testified that he had incorrectly assumed, because he had participated in so many professional committees and functions, that he was getting the appropriate number of credits. (Tr. 58-59)

Dr. Buday testified that some activities that now qualify merely as Category II CME, such as Tumor Board and the Department of Surgery's Grand Rounds, used to qualify as Category I CME. Dr. Buday testified that that changed about three or four years ago, however. Rules for Category I CME designation were made more stringent, and these programs no longer qualified for Category I CME credit. Dr. Buday added that, before the change, he had attained approximately 120 hours of Category I CME during a biennium just by attending Tumor Board meetings. Dr. Buday acknowledged that, after the change was made, he had not done enough to supplement his Category I CME. (Tr. 59-63)

11. Dr. Buday noted that he the 2,291 hours of Category II CME that he obtained had largely consisted of various conferences, grand rounds, and time spent teaching residents. (St. Ex. 20; Tr. 68-69)

Dr. Buday testified that he has already obtained 87.5 hours of Category I CME for the current biennium. (Resp. Ex. 7; Tr. 70-71)

12. Dr. Buday testified that he has made changes in his practice to avoid having this problem again. He further stated that the hospital had provided excellent information concerning hospital activities, but not concerning activities outside of the hospital. Therefore, Dr. Buday testified, his practice group will generate quarterly updates of its members' CME hours.
13. Dr. Buday presented several letters of support from his colleagues. These letters uniformly characterize Dr. Buday as a dedicated and outstanding physician, and an honest person. (Please note, however, that the State did not have an opportunity to cross-examine the authors of these letters.) (Resp. Exs. 2 through 6)
14. Dr. Buday has had no previous disciplinary action from the Board prior to this action. (Resp. Ex. 8)

FINDINGS OF FACT

1. Dr. Buday renewed his certificate to practice medicine and surgery in Ohio for the 1996-1998 biennial registration period. In applying to renew his certificate, Dr. Buday certified that he had completed, or would complete, the requisite hours of CME for the 1994-1996 biennial registration period.
2. The instructions that accompanied Dr. Buday's 1996-1998 renewal application specified that a minimum of 40 hours of Category I CME were required to be completed during the previous biennium.
3. On or about September 27, 1996, the Board advised Dr. Buday that he would be required to complete a CME log detailing the CME he had completed for the registration period of July 1, 1994, through June 30, 1996. Additionally, the Board advised Dr. Buday that he would be required to submit documentation verifying completion of at least 40 hours of Category I CME. Further, the Board requested that Dr. Buday submit this information to the Board within three weeks of receipt of the CME audit notification letter.
4. On October 9, 1996, Dr. Buday filed a completed CME log with attached documentation, and a CME profile report. However, rather than reflecting at least 40 hours of Category I CME, Dr. Buday indicated that he had completed only 16 hours of Category I CME. Dr. Buday further indicated that he had completed 2,291 hours of Category II CME.

97 OCT 17 AM 10:36

5. In response to Dr. Buday's CME log, the Board informed Dr. Buday, by letter dated November 21, 1996, that it had received evidence of 16 hours of Category I CME, but that it needed verification of an additional 24 hours of Category I CME. On December 13, 1996, Dr. Buday submitted verification of additional Category I CME credit, but indicated that these hours were accrued after the relevant time period. Upon review of Dr. Buday's letter and accompanying documentation, the Board determined that an additional 12.5 hours of Category I CME would be applicable to the relevant time period. This brought Dr. Buday's total to 28.5 hours of Category I CME for the 1994-1996 registration period.

CONCLUSIONS OF LAW

1. As set forth in Rule 4731-10-08(A), Ohio Administrative Code, an Ohio licensed physician is required to meet CME requirements established by Section 4731.281, Ohio Revised Code, in order to re-register the license. Section 4731.281, Ohio Revised Code, requires that a physician renewing a license "[o]n or before the first day of July of every even-numbered year * * * shall certify to the board that in the preceding two years the person has completed one hundred hours of continuing medical education." Section 4731.281, Ohio Revised Code, also states that the Board "may require a random sample of persons holding a certificate to practice * * * to submit materials documenting completion of the continuing medical education requirement during the preceding registration period."

Findings of Fact 1 through 4, above, support a conclusion that the acts, conduct, and/or omissions of Stephen J. Buday, M.D., 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, to wit: Section 4731.281, Ohio Revised Code, and Rules 4731-10-03 and 4731-10-08 (as in effect prior to October 31, 1996), Ohio Administrative Code."

Dr. Buday argued, through counsel, that the letter of the law does not distinguish between Category I and Category II CME. He further argued that Dr. Buday could not be prosecuted for completing fewer than 40 hours of Category I CME, because he had completed well in excess of 100 combined hours of Category I and Category II CME. This argument is without merit. Section 4731.281, Ohio Revised Code, states that continuing medical education programs shall be certified by OSMA (for Doctors of Medicine) and approved by the Board. Moreover, Dr. Buday received instructions from the Board

concerning its CME requirements, including the requirement that at least 40 hours must qualify as Category I. Moreover, Dr. Buday testified that he understood the Board's requirements at the time that he signed his renewal application.

2. The evidence indicated that Dr. Buday incorrectly certified on his renewal application that he had completed the requisite hours of continuing medical education. However, such evidence is not sufficient to support a conclusion that this conduct would 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" and/or "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code." Under Ohio law, it is necessary for the State to prove that such a misstatement had been made with an intent to deceive.¹ There is no evidence in this record to support such a finding.

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The evidence established that Dr. Buday failed to complete the required hours of CME during the 1994-1996 registration period. Nevertheless, there was considerable mitigating evidence presented as well. Dr. Buday has no prior disciplinary record with the Board. Further, Dr. Buday's failure to obtain the requisite hours of CME appears to have been unintentional. In addition, Dr. Buday presented evidence that his office has instituted a tracking system that will apprise Dr. Buday and his practice partners of their CME hours on an ongoing, quarterly basis, which should prevent a recurrence of the problem. He further expressed remorse for his error. Moreover, Dr. Buday fully disclosed his shortage when audited by the Board. Finally, the evidence indicated that Dr. Buday is a very active participant in numerous committees and professional activities. This does not excuse him from the Board's CME requirements, but may be considered mitigating evidence of an effort to stay current in his field.

This Board has in the past held that violations of its CME requirements merit a minimum of 30 days suspension from practice followed by a probationary monitoring period; the Proposed Order reflects such disciplinary action. Nevertheless, in light of the mitigating evidence presented, the Board may wish to show leniency toward Dr. Buday.

¹ *Rajan v. State Medical Board* (February 13, 1997), 1997 Ohio App. LEXIS 535, Franklin App, No. 96APE07-914, unreported.

PROPOSED ORDER

It is hereby ORDERED that:

1. The certificate of Stephen J. Buday, 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 State Medical Board shall not consider reinstatement of Dr. Buday's certificate to practice unless all of the following minimum requirements have been met:
 - a. Dr. Buday shall submit an application for reinstatement, accompanied by appropriate fees.
 - b. Dr. Buday shall supply documentation, acceptable to the Board, of satisfactory completion of 100 hours of approved CME, at least forty (40) hours of which shall be Category I, for each biennium, if any, during which Dr. Buday's certificate remains suspended after the effective date of this Order.
3. Subsequent to reinstatement of Dr. Buday's certificate, Dr. Buday shall remain on probation for three (3) additional biennial registration periods. During this probation period, Dr. Buday shall submit, within thirty (30) days of the expiration of each registration period, documentation acceptable to the Board of satisfactory completion of the requisite hours of CME.
4. Upon successful completion of probation, Dr. Buday'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.


R. Gregory Porter
Attorney Hearing Examiner



EXCERPT FROM THE DRAFT MINUTES OF NOVEMBER 12, 1997

REPORTS AND RECOMMENDATIONS

Ms. Noble announced that the Board would now consider the findings and orders appearing on the Board's agenda.

Ms. Noble asked whether 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: William B. Beuchat, D.O.; Stephen J. Buday, M.D.; Ronald A. Landefeld, M.D.; Hillard M. Lazarus, M.D., et al., University Physicians, Inc.; Myron B. Renner, D.O.; Samson P. Reyes, Jr., M.D.; Howard E. Rissover, M.D.; and Semur P. Rajan, M.D.; and the report and recommendation upon remand in the matter of Brent E. Woodfield, M.D.

A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Bhati	- aye
	Dr. Gretter	- aye
	Dr. Egner	- aye
	Mr. Sinnott	- aye
	Dr. Buchan	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Ms. Noble	- aye

Mr. Sinnott indicated that he did not read the materials in the matter of Ronald A. Landefeld, M.D.

Ms. Noble asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Bhati	- aye
	Dr. Gretter	- aye
	Dr. Egner	- aye
	Mr. Sinnott	- aye
	Dr. Buchan	- aye

Dr. Agresta	- aye
Dr. Garg	- aye
Dr. Steinbergh	- aye
Ms. Noble	- aye

In accordance with the provision in Section 4731.22(C)(1), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters.

Ms. Noble stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and orders in the above matters. No objections were voiced by Board members present.

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

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REPORT AND RECOMMENDATION IN THE MATTER OF STEPHEN J. BUDAY, M.D.

Ms. Noble directed the Board's attention to the matter of Stephen J. Buday, M.D. She advised that objections to Hearing Examiner Porter's Report and Recommendation were filed and previously distributed to Board members. A request to address the Board has been timely filed on behalf of Dr. Buday. Five minutes would be allotted for that address.

Mr. Plinke stated that he believes the legal objections are clearly set forth in written form and he will spare the Board his reiterating them. He submitted that the record supports that Dr. Buday did comply with the 100-hour C.M.E. requirement as set forth. Mr. Plinke stated that Category I requirements are unenforceable under the mandates of Chapter 119. Should the Board find that Dr. Buday did violate the requirement, the record supports ample mitigation by his record of service and dedication. Mr. Plinke asked that the Board consider the Hearing Examiner's recommendation for leniency. Mr. Plinke at this time introduced Dr. Buday to the Board.

Dr. Buday stated that a fairly stupid mistake brings him before the Board. What was done was not done with the intent to defraud. He didn't check his C.M.E. hours before signing the appropriate document. He did try to make those hours up, and he also instituted safeguards to prevent this from happening again. Fortunately, this issue does not really impact on patient care. Dr. Buday begged the Board's indulgence and asked for leniency.

Ms. Noble asked whether the Assistant Attorney General wished to respond.

Ms. Albers stated that, in response to the argument that there is no statutory authorization for the 40-hour Category I and 60-hour Category II split, she would beg to differ. Section 4731.281 clearly allows the Board to approve C.M.E. certified to the Board by the Ohio State Medical Association. The record of this matter clearly shows that Dr. Buday was aware of the 40-hour requirement. He testified to that fact. In fact, he did not have the 40 hour of Category I C.M.E. Ms. Albers asked that the Board impose the 30-day suspension.

DR. BHATI MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF STEPHEN J. BUDAY, M.D. DR. AGRESTA SECONDED THE MOTION.

Ms. Noble stated that she would now entertain discussion concerning the Proposed Findings of Fact, Conclusions and Order in the matter of Dr. Buday.

DR. STEINBERGH MOVED THAT THE ORDER IN THE MATTER OF STEPHEN J. BUDAY, M.D., BE AMENDED BY SUBSTITUTING THE FOLLOWING:

It is ORDERED that:

1. 11.5 of the Category I Continuing Medical Education hours earned by Stephen J. Buday, M.D., during the 1996-1998 biennial Continuing Medical Education acquisition period shall be applied retroactively to satisfy the deficiency in Dr. Buday's Category I C.M.E. hours for the 1994-1996 acquisition period. These hours may not be applied toward the requirements of any other biennial registration period.
2. The certificate of Stephen J. Buday, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for a period of thirty (30) days.
3. Subsequent to reinstatement of his certificate, Stephen J. Buday, M.D., shall remain on PROBATION for three (3) additional biennial registration periods and shall submit documentation acceptable to the Board of satisfactory completion of the requisite hours of Continuing Medical Education for each biennium. Such documentation shall be due in the Board's offices within thirty (30) days following the completion of each biennial Continuing Medical Education acquisition period.
4. Upon successful completion of probation, the certificate of Stephen J. Buday, M.D., 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.

DR. GARG SECONDED THE MOTION.

Dr. Steinbergh stated that, although it isn't included in the amendment, she would also be willing to stay the suspension should the Board members wish.

Dr. Garg asked Dr. Buday who he teaches.

Dr. Buday stated that he teaches surgical residents and medical students.

Dr. Garg stated that it is unusual for a teacher not to have 40 hours of Category I. He stated that all physicians end up going to certain meetings, especially as a chairman and a teacher. He finds himself at a loss at that.

Dr. Buday agreed, adding that there was a recent change in their format. Some of the Category I meetings were downgraded. He didn't take that into account.

Dr. Garg stated that he agrees with the amendment. The Board has discussed the issue of punitive versus non-punitive in the past, and he doesn't think there's anything to be achieved by a thirty-day suspension of Dr. Buday's license. Dr. Garg spoke in support of staying the suspension.

Dr. Egner stated that she has two issues to address. She is not sure why paragraph 1 of the amendment is necessary. She also agrees with Dr. Garg. She leans more toward a reprimand because, to her, Dr. Buday's problem is not so much that he did not keep up with his C.M.E., but that his hospital should make sure that mortality/morbidity (M & M) conferences and tumor conferences receive Category I credits. When she attends M & M and tumor conferences, she gets Category I credit. Dr. Buday's problem lies in how the hospital has done this. He has kept up with the essence of what the Board wanted him to do. The Board wants physicians to keep up with continuing medical education. That's the purpose behind the rule, and she thinks that he has done that in essence, but not in specific number. She would be in favor of issuing a reprimand and charging him with going back to the hospital and looking at those guidelines again.

Dr. Steinbergh stated that paragraph 1 of her proposal merely applies the credits that had not been applied in the Proposed Order.

Dr. Garg stated that he doesn't think it is the hospital's responsibility. Credit hours and categories differ from hospital to hospital. He does agree that the purpose of the C.M.E. requirements is to ensure continuing education. Dr. Buday has done that, and he is also teaching residents. Dr. Garg stated that he finds it difficult to believe that a man in Dr. Buday's position does not have 40 hours of Category I credits. He added that he would go along with either a reprimand or a stayed suspension.

Dr. Buchan spoke in favor of exercising leniency in this case. He noted that Dr. Buday has almost 3,000 hours of Category II C.M.E. It would be very reasonable for the Board to adopt the Proposed Order and stay the suspension. He added that he is not sure what is to be gained by adopting paragraph 1 of Dr. Steinbergh's proposal. That would give Dr. Buday all of the C.M.E. credits he needs retroactively, in which case, the Board need not even consider this matter.

Dr. Steinbergh stated that Dr. Buday supplied documentation of completion of this C.M.E. after the period in which it was due. The Hearing Examiner's proposal would suspend Dr. Buday until he could show documentation of having completed the requisite hours. Dr. Buday has already done this. That's what this language is about. At some point Dr. Buday has to prove that he has completed the required hours, and he already has.

Dr. Buchan stated that the Board Order is prospective. It suggests that for the next biennium he submit the appropriate number of hours. Either way, he would exercise leniency. He believes that Dr. Buday is an outstanding physician who has now met the requirements. The Board could stay the suspension, or issue a reprimand in this case.

Dr. Bhati stated that, as chairman of the department, and as a teacher, he would hold Dr. Buday to a higher standard. He expects that Dr. Buday would be teaching them how to keep their licenses current. He added that, as chairman of the department, Dr. Buday shares the responsibility of keeping these conferences at the level of Category I C.M.E. He added that he would agree with the Board that suspending Dr. Buday's license for 30 days will not gain anything. Dr. Bhati was concerned, however, that the Board might set a precedent by not suspending this license for 30 days.

Dr. Garg disagreed, stating that this is not a run-of-the-mill case. By not suspending Dr. Buday's license, the Board is not precluded from suspending other physicians' licenses in the future.

Dr. Agresta spoke in support of a reprimand in this case. He doesn't know what the Board will accomplish by anything else. He believes that Dr. Buday now understands the process.

A vote was taken on Dr. Steinbergh's motion to amend:

VOTE:	Mr. Albert	- abstain
	Dr. Bhati	- nay
	Dr. Gretter	- abstain
	Dr. Egner	- nay
	Mr. Sinnott	- nay
	Dr. Buchan	- nay
	Dr. Agresta	- nay

Dr. Garg - nay
Dr. Steinbergh - nay

The motion failed.

DR. EGNER MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF STEPHEN J. BUDAY, M.D., BY ISSUING AN ORDER OF REPRIMAND.

Mr. Bumgarner asked for clarification. Does the motion call for a reprimand with no further audits?

Dr. Agresta stated that the audits should be kept.

Dr. Steinbergh suggested using paragraphs 1 and 3 of her proposed amendment.

Dr. Egner stated that she doesn't want to do that.

Dr. Steinbergh stated that what that would be doing is accepting the C.M.E. credits retroactively and reprimanding him, and saying that he shall remain on probation.

Dr. Egner stated that all she wants to do is reprimand him. She doesn't see the need to make any reference to these 11 1/2 hours, and that he submit for the next three biennial periods his C.M.E. She would like it very simple.

DR. GARG SECONDED THE MOTION.

Mr. Sinnott stated that, working from the Hearing Examiner's Proposed Order, the Order would now read:

It is hereby ORDERED that:

1. Stephen J. Buday, M.D., is hereby reprimanded.
2. Dr. Buday shall be placed on probation for three (3) additional biennial registration periods. During this probation period, Dr. Buday shall submit, within thirty (30) days of the expiration of each registration period, documentation acceptable to the Board of satisfactory completion of the requisite house of C.M.E.

Dr. Egner stated that if there is only a reprimand, then he's really not on probation. She feels that there's a difference in "probation" and "audit."

Dr. Bhati stated that the only things proposed are reprimand and audit.

Dr. Egner stated that there is a difference. When the Board reprimands a physician, there is generally nothing else with it. That is really the intent she has. When the question is asked about whether or not Dr. Buday's license is on probation, she wants him to be able to say "no." She still wants him to submit his C.M.E. She did not intend to place him on probation. Her intent was to reprimand him and submit his C.M.E.

Dr. Buchan suggested that the language read:

2. Dr. Buday shall submit, within thirty (30) days of the expiration of each registration period, documentation acceptable to the Board of satisfactory completion of the requisite hours of C.M.E.

Dr. Egner stated that would be fine.

Dr. Steinbergh asked what would happen if he doesn't do it.

Dr. Garg stated that the Board could then take action.

Mr. Sinnott recommended against wording the second paragraph in that manner. He stated that he thinks that Dr. Buday gets it or the Board wouldn't be willing to just reprimand him. He suggested using paragraph 1 alone.

DR. EGNER AGREED TO MR. SINNOTT'S PROPOSAL. DR. GARG, AS SECOND, AGREED. SECONDED THE MOTION. A vote was taken:

VOTE:	Mr. Albert	- abstain
	Dr. Bhati	- aye
	Dr. Gretter	- abstain
	Dr. Egner	- aye
	Mr. Sinnott	- aye
	Dr. Buchan	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.

DR. GARG MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF STEPHEN J. BUDAY, M.D. DR. BHATI SECONDED THE MOTION. A vote was taken:

VOTE:	Mr. Albert	- abstain
	Dr. Bhati	- aye
	Dr. Gretter	- abstain
	Dr. Egner	- aye
	Mr. Sinnott	- aye
	Dr. Buchan	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

The motion carried.



STATE MEDICAL BOARD OF OHIO

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

May 14, 1997

Stephen J. Buday, M.D.
50 McNaughten Road
Columbus, OH 43213

Dear Dr. Buday:

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 biennial period of acquisition of Continuing Medical Education (CME) (July 1, 1994 - June 30, 1996) the requisite hours of CME as required by Section 4731.281, Ohio Revised Code.
- (2) By a certified mail letter dated September 27, 1996, for which your agent signed on October 1, 1996, the State Medical Board of Ohio informed you that you were required to complete a log listing your CME for the July 1, 1994 - June 30, 1996, period and to provide documentation that you had actually completed at least forty (40) hours of Category I CME credits. To date, you have been able to document only 28.5 hours of Category I CME completed during the last biennial period of acquisition of CME.
- (3) Your inability to document at least forty hours of Category I CME as detailed in the above paragraph (2) rebuts the presumption under Rule 4731-10-08(A), Ohio Administrative Code, that you did complete the requisite hours of CME, and/or demonstrates that you failed to keep detailed records of CME taken.

Your acts, conduct and/or omissions in certifying to the State Medical Board that you had completed the statutorily required CME, as set forth in the above paragraph (1), when you had not, in fact, done so, 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, your acts, conduct and/or omissions in certifying to the State Medical Board that you had completed the statutorily required CME, as set forth in the above paragraph (1), when you had not, in fact, done so, constitute "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Mailed 5/15/97

Further, your failure to obtain the requisite CME, and/or to submit documentation of same, as alleged in the above paragraphs (2) and (3), 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 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 Rules 4731-10-03 and 4731-10-08 (as in effect prior to October 31, 1996), Ohio Administrative Code.

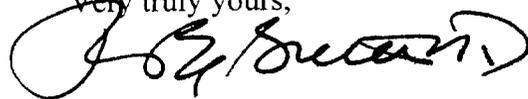
Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing 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 this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Thomas E. Gretter, M.D.
Secretary

TEG/bjs
Enclosures

CERTIFIED MAIL # P 152 984 689
RETURN RECEIPT REQUESTED

rev. 2/15/95

4731.281 Continuing medical education: application for registration with board.

(A) On or before July 1, 1992, each person holding a certificate under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatry shall certify to the state medical board that in the preceding eighteen months the person has completed seventy-five hours of continuing medical education. On or before the first day of July of every even-numbered year thereafter, each such person shall certify to the board that in the preceding two years the person has completed one hundred hours of continuing medical education. The certification shall be made upon the application for registration furnished by the board pursuant to this section. For purposes of meeting this requirement, all continuing medical education taken by persons holding a certificate to practice medicine and surgery shall be certified by the Ohio state medical association and approved by the board; all continuing medical education taken by persons holding a certificate to practice osteopathic medicine and surgery shall be certified by the Ohio osteopathic association and approved by the board; and all continuing medical education taken by persons holding a certificate to practice podiatry shall be certified by the Ohio podiatric medical association and approved by the board. The board shall adopt rules providing for pro rata reductions by month of the hours of continuing education required by this section for persons who are in their first registration period, who have been disabled due to illness or accident, or who have been absent from the country. Each person holding a certificate to practice under this chapter shall be given sufficient choice of continuing education programs to ensure that the person has had a reasonable opportunity to participate in continuing education programs that are relevant to the person's medical practice in terms of subject matter and level. The board may require a random sample of persons holding a certificate to practice under this chapter to submit materials documenting completion of the continuing medical education requirement during the preceding registration period, but this provision shall not limit the board's authority to investigate pursuant to section 4731.22 of the Revised Code.

(B) Every person holding a certificate under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatry shall, on or before July 1, 1992, and on or before the first day of July of every even-numbered year thereafter, apply to the state medical board for a certificate of registration with the board upon an application, which shall be furnished by the board, and shall pay at such time a fee of two hundred fifty dollars to the board. The board shall deposit the fee into the state treasury to the credit of the occupational licensing and regulatory fund created by section 4743.05 of the Revised Code, except that, until January 14, 1998, the board shall deposit twenty dollars of the fee into the state treasury to the credit of the physician loan repayment fund created by section 3702.78 of the Revised Code.

Except for the registration occurring in 1992, the board shall assess a penalty of twenty-five dollars for late applications. The board shall deposit penalties into the occupational licensing and regulatory fund.

The board, on or before the first day of March of each year of registration, shall mail or cause to be mailed to every person registered to practice medicine and surgery, osteopathic medicine and surgery, or podiatry, an application for registration addressed to the last known post-office address of such person or may cause such application to be sent to such person through the secretary of any recognized medical, osteopathic, or podiatric society. Failure of such person to receive an application from the board shall not excuse the person from the requirements contained in this section. The application shall contain proper spaces for the applicant's signature and the insertion of the required information, including a statement that the person has fulfilled the continuing education requirements imposed by this section.

The applicant shall write or cause to be written upon the application so furnished the applicant's full name, principal practice address and residence address, the number of the applicant's certificate to practice, and any other facts for the identification of the applicant as a person holding a certificate to practice under this chapter as the board considers necessary. The applicant shall include with the application a list of the names and addresses of any clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners with whom the applicant is currently collaborating, as defined in section 4723.02 of the Revised Code. The applicant shall execute and deliver the application to the board by mail or in person. Every person registered under this section shall give written notice to the board of any change of principal practice address or residence address or in the list within thirty days of the change.

The applicant shall report any criminal offense that constitutes grounds for refusal of registration under section 4731.22 of the Revised Code of which the applicant has been found guilty or to which the applicant has entered a plea of guilty or no contest since the signing of the applicant's latest preceding application for a certificate to practice medicine or surgery.

(C) The board shall issue to any person holding a certificate under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatry, upon application and qualification therefor in accordance with this section, a certificate of registration under the seal of the board. Such certificate shall be valid for a two-year period, commencing on the first day of October and expiring on the thirtieth day of September of the second year following.

4731.281 (continued)

On the first day of November in the year of registration, or as soon as practicable thereafter, the board shall publish and cause to be mailed to each person registered under this section, upon request, a printed list of the persons so registered.

(D) Failure of any certificate holder to register and comply with this section shall operate automatically to suspend the holder's certificate to practice on the first day of October in the year registration is required, and the continued practice after the suspension of the certificate to practice shall be considered as practicing without a license. A certificate to practice suspended for less than two years for failure to register shall be reinstated by the board upon submission of the current and delinquent registration fees, the twenty-five-dollar penalty for late applications, and certification by signature of the applicant that the applicant has completed the requisite continuing medical education.

(E) The state medical board may obtain information not protected by statutory or common law privilege from courts and other sources concerning malpractice claims against any person holding a certificate to practice under this chapter or practicing as provided in section 4731.36 of the Revised Code.

Eff 9-10-96

**4731-10-03 CONTINUING MEDICAL EDUCATION REQUIREMENTS FOR
REGISTRATION OR REINSTATEMENT OF A LICENSE**

(A) "License registration" is defined in paragraph (A)(3) of rule 4731-10-01 of the Administrative Code.

(B) "License reinstatement" is defined in paragraph (A)(4) of rule 4731-10-01 of the Administrative Code.

(C) All applicants who file for license registration or license reinstatement must meet the one-hundred-hour continuing medical education (hereinafter "CME") requirement less any reduction in hours allowed by the board under the provisions of rules

4731-10-09 and 4731-10-10 of the Administrative Code.

(D) If an individual has not completed the requisite hours of CME, he is not eligible for license registration or license reinstatement until such time as they have been completed. Any CME undertaken after the end of a registration period and utilized for purposes of registering or reinstating a suspended license cannot also be utilized to meet the CME requirement for the current registration period.

Eff. 5/16/83

CROSS REFERENCES

RC 4731.222, Reinstatement of suspended or inactive certificate
RC 4731.281, Continuing education requirements; biennial registration

4731-10-04 Continuing medical education requirements for restoration of a license

(A) "License restoration" is defined in paragraph (A)(5) of rule 4731-10-01 of the Administrative Code.

(B) Any application for license restoration will invoke the provisions of section 4731.222 of the Revised Code. The authority of the board to impose terms and conditions includes the following:

- (1) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training;
- (2) Restricting or limiting the extent, scope, or type of practice of the applicant.

HISTORY: 1982-83 OMR 1285 (E), eff. 5-16-83

CROSS REFERENCES

RC 4731.222, Reinstatement of suspended or inactive certificate
RC 4731.281, Continuing education requirements; biennial registration

4731-10-05 Out-of-state licensees

Those individuals residing or practicing out of the state who wish to register or reinstate their licenses to practice medicine or surgery, osteopathic medicine and surgery, or podiatry in Ohio must complete the required continuing medical education within the registration period even though not currently residing or practicing in Ohio.

HISTORY: 1982-83 OMR 1285 (E), eff. 5-16-83

CROSS REFERENCES

RC 4731.281, Continuing education requirements; biennial registration

4731-10-06 Retired or non-working licensees

Licensees who are not working in the medical profession or who are retired from practice are not exempt from the continuing medical education requirements of section 4731.281 of the Revised Code and this chapter of the Administrative Code.

HISTORY: 1982-83 OMR 1286 (E), eff. 5-16-83

CROSS REFERENCES

RC 4731.281, Continuing education requirements; biennial registration

4731-10-07 Internships, residencies, and fellowships

(A) Continuing medical education requirements may contain provisions authorizing continuing medical education credit for licensees in internships, residencies, or fellowships in an accredited program approved by the state medical board. The training must have been taken during the registration period. Any training received prior to initial licensure or

license restoration may not be utilized for continuing medical education credit.

(B) Interns, residents, and fellows holding full licenses to practice must make application for renewal and comply with continuing medical education requirements under section 4731.281 of the Revised Code and Chapter 4731-10 of the Administrative Code.

HISTORY: 1983-84 OMR 25 (E), eff. 7-22-83

CROSS REFERENCES

RC 4731.281, Continuing education requirements; biennial registration
RC 4731.291, Temporary certificate for internship, residency or fellowship program

4731-10-08 Evidence of continuing medical education

(A) Each applicant for license registration or license reinstatement shall certify that he has completed the requisite hours of continuing medical education (hereinafter "CME") since the start of the registration period. This certification shall be evidence of completion of the CME requirement as set forth in section 4731.281 of the Revised Code, provided that:

(1) The board may randomly select applications for verification that all CME requirements have been met. Licensees whose applications are selected shall submit additional documentation of compliance with CME requirements as the board may require.

(2) Applicants shall keep detailed records of CME hours taken. Records of all CME undertaken shall be retained by the applicant for one year after the end of the registration period. At a minimum, the following information must be retained:

- (a) Description of the CME activity;
- (b) The category of CME, if applicable;
- (c) The location of the CME activity;
- (d) The dates of attendance;
- (e) The hours of each CME activity; and

(f) Any available documentation of the completion of the CME activity.

All records of CME activity shall be kept available for agents of the board for review.

(B) Failure to maintain records rebuts the presumption established in paragraph (A) of this rule that the CME requirements have been completed.

(C) Nothing in this rule shall limit the board's authority to investigate and take action under section 4731.22 of the Revised Code.

HISTORY: 1982-83 OMR 1286 (E), eff. 5-16-83

CROSS REFERENCES

RC 4731.281, Continuing education requirements; biennial registration

4731-10-09 Reduction of continuing medical education hours

Reduction of hours can be granted on an individual basis only to those who have been ill for more than six consecutive months or out of the United States for more than six consecutive months during the registration period upon application to