



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

November 10, 2004

William W. Hunter, Jr., M.D.
5094 Sansom Court
Columbus, OH 43220

Dear Doctor Hunter:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Sharon W. Murphy, 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 10, 2004, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

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

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

THE STATE MEDICAL BOARD OF OHIO

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 7000 0600 0024 5149 9559
RETURN RECEIPT REQUESTED

Mailed 11-17-04

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on November 10, 2004, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the Matter of William W. Hunter, Jr., 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.



Lance A. Talmage, M.D.

Secretary

(SEAL)

November 10, 2004

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *

*

WILLIAM W. HUNTER, JR., M.D. *

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on November 10, 2004.

Upon the Report and Recommendation of Sharon W. Murphy, 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 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:

1. **REPRIMAND:** William W. Hunter, Jr., M.D., is REPRIMANDED.
2. **FINE:** Dr. Hunter shall pay a FINE of \$5,000.00 to the State Medical Board of Ohio, unless otherwise determined by the Board. This fine shall be paid no later than thirty days after the Board's mailing of notification of approval of this Order.
3. **SUSPENSION OF CERTIFICATE:** The certificate of Dr. Hunter to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite term.
4. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Hunter's certificate to practice until all of the following minimum requirements are met:
 - a. Dr. Hunter shall submit an application for reinstatement or restoration, accompanied by appropriate fees.

- b. Dr. Hunter shall provide documentation acceptable to the Board indicating that he has paid the fine set forth in Paragraph 2, above.
 - c. Dr. Hunter shall provide documentation acceptable to the Board of his satisfactory completion of 100 hours of Continuing Medical Education [CME] credits, at least forty hours of which shall be in Category I, for the July 2, 2000, through July 1, 2002, period. It shall be the responsibility of Dr. Hunter to work with appropriate Board staff to ascertain what will be considered as satisfactory documentation and to obtain the same.
 - d. Dr. Hunter shall supply documentation acceptable to the Board of satisfactory completion of 100 hours of approved CME, at least forty hours of which shall be in Category I, for each CME period, if any, during which his certificate remains suspended.
 - e. In the event that Dr. Hunter has not been engaged in the active practice of medicine for a period of more than two years prior to his application for reinstatement or restoration, Dr. Hunter shall take and pass the SPEX examination or any similar written examination which the Board may deem appropriate to assess his clinical competency.
5. **DOCUMENTATION OF CME:** Subsequent to reinstatement or restoration, Dr. Hunter shall supply documentation acceptable to the Board of satisfactory completion of the requisite number of CME credits for the CME period in effect at the time of his reinstatement, and for two additional CME acquisition periods thereafter. This documentation shall be due in the Board's offices within thirty days of the conclusion of each CME period, unless otherwise determined by the Board.
 6. **REQUIRED REPORTING BY LICENSEE TO EMPLOYERS AND HOSPITALS:** Within thirty days of the effective date of this Order, unless otherwise determined by the Board, Dr. Hunter shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Hunter shall provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.
 7. **REQUIRED REPORTING BY LICENSEE TO OTHER STATE LICENSING AUTHORITIES:** Within thirty days of the effective date of this Order, unless otherwise determined by the Board, Dr. Hunter shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any

state or jurisdiction in which he currently holds any professional license.

Dr. Hunter shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for any professional license or for reinstatement or restoration of any professional license. Further, Dr. Hunter shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt, unless otherwise determined by the Board.

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

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

(SEAL)



Lance A. Talmage, M.D.
Secretary

November 10, 2004

Date

2004 AUG 25 P 12: 48

**REPORT AND RECOMMENDATION
IN THE MATTER OF WILLIAM W. HUNTER, JR., M.D.**

The Matter of William W. Hunter, Jr., M.D., was heard by Sharon W. Murphy, Esq., Hearing Examiner for the State Medical Board of Ohio, on March 22, 2004.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated December 10, 2003, the State Medical Board of Ohio [Board] notified William W. Hunter, Jr., M.D., that it had proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board's action was based on allegations that: (1) Dr. Hunter had falsely certified that he had taken the required Continuing Medical Education [CME] credits during a previous period of CME acquisition; and (2) Dr. Hunter had failed to respond to a random audit of his CME for that period.

Accordingly, the Board alleged that Dr. Hunter's failure to respond to the random audit notices rebuts the presumption under Rule 4731-10-08(A), Ohio Administrative Code, that Dr. Hunter had completed the requisite hours of CME and/or demonstrates that Dr. Hunter failed to keep detailed records of the CME he had taken.

Moreover, the Board alleged that Dr. Hunter's falsely certifying that he had completed the statutorily required CME constitutes "'fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board,' as that clause is used in Section 4731.22(A), Ohio Revised Code, [and] '[m]aking a false, fraudulent, deceptive, or misleading statement,' as that clause is used in Section 4731.22(B)(5), Ohio Revised Code."

Finally, the Board alleged that Dr. Hunter's failure to respond to the audit notices, to obtain the requisite CME, and/or to submit documentation of the requisite CME, constitutes "'violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by 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, Ohio Administrative Code, as in effect prior to February 28, 2003."

Accordingly, the Board advised Dr. Hunter of his right to request a hearing in this matter. (State's Exhibit 1A).

- B. On January 8, 2004, the Board received a written hearing request from Dr. Hunter. (State's Exhibit 1B).

II. Appearances

- A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Gregory A. Perry, Assistant Attorney General.
- B. On behalf of the Respondent: Dr. Hunter, having been apprised of his right to be represented by counsel, appeared at the hearing on his own behalf.

EVIDENCE EXAMINED

I. Testimony Heard

- A. Presented by the State
 - 1. Debra Lynn Jones
 - 2. William W. Hunter, Jr., M.D., as if on cross-examination
- B. Presented by the Respondent
William W. Hunter, Jr., M.D.

II. Exhibits Examined

- A. Presented by the State:
 - 1. State's Exhibits 1A-1F: Procedural exhibits.
 - 2. State's Exhibit 2: Copy of Dr. Hunter's 2002 licensure renewal application. (Note: Social Security number redacted post-hearing).
 - 3. State's Exhibits 3 and 4: Certified copies of Continuing Medical Education [CME] audit notices sent by the Board to Dr. Hunter, with certified mail receipts.
 - 4. State's Exhibit 5: Copy of the State's Motion to Close Record with attached affidavit of Debra L. Jones.

5. State's Exhibit 6: Copy of the State's Amended Motion to Close Record with attached affidavit of Ms. Jones.
- B. Presented by the Respondent
1. Respondent's Exhibit A: Copy of a December 15, 2003, letter to the Board from Dr. Hunter.
 2. Respondent's Exhibit B: Copies of documents pertaining to CME attended by Dr. Hunter during the July 2000 through July 2002 period.
 3. Respondent's Exhibit C: Copy of a March 23, 2004, written statement by Dr. Hunter.

PROCEDURAL MATTERS

The record in this matter was held open to allow Dr. Hunter or Board staff to obtain and submit documentation of Dr. Hunter's Continuing Medical Education [CME] taken during the July 2000 through July 2002 period. On August 19, 2004, the State submitted the State's Amended Motion to Close Record, with an attached affidavit of Debra L. Jones, CME & Renewal Officer for the Board. The hearing record closed at that time. (See State's Exhibit 5.)

SUMMARY OF THE EVIDENCE

All exhibits and transcripts of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

1. William W. Hunter, Jr., M.D., testified at hearing that he had graduated from The Ohio State University [OSU] in 1960. Dr. Hunter received a degree in veterinary medicine in 1970. Thereafter, in 1973, he received his degree in medicine from the OSU College of Medicine. Dr. Hunter testified that, in 1975, he had completed a residency in nuclear medicine at the University of Washington in Seattle. In 1979, Dr. Hunter completed a residency in radiology at Vanderbilt. (Hearing Transcript [Tr.] at 18-20).

Currently, Dr. Hunter is an Associate Professor at the OSU College of Medicine. Dr. Hunter testified that he had been involved in a clinical practice in radiology at OSU until 1988, when he had become ill. Currently, Dr. Hunter does not see patients, and limits his practice to teaching and research. He is tenured, and works full-time. (Tr. at 17-18, 31-32).

2. On July 6, 2002, Dr. Hunter signed an application to renew his certificate to practice medicine and surgery in Ohio. Above his signature line, the application provides as follows:

I certify, under penalty of loss of my right to practice in the State of Ohio, that I have completed or will have completed during the 2000-2002 registration period the requisite hours of continuing medical education certified by the Ohio State Medical Association and approved by the State Medical Board, and that information provided on this application for renewal is true and correct in every respect.

(State's Exhibit [St. Ex.] 2).

3. By a certified mail letter dated March 12, 2003, the Board informed Dr. Hunter that he had been selected for a random audit of the CME he had taken during the period of July 2, 2000, through July 1, 2002. The letter also advised that Dr. Hunter must submit a log demonstrating that he had completed at least one hundred hours of CME during the 2000 to 2002 period and to provide documentation that he had completed at least forty hours of Category I CME credits. Finally, the letter advised that Dr. Hunter may list up to sixty hours of Category II CME credits. Dr. Hunter signed the certified mail receipt for the Board's March 12, 2003, audit notice. (St. Ex. 3).

Moreover, by a certified mail letter dated April 29, 2003, the Board again requested that Dr. Hunter submit the completed log with documentation of his CME credits for the period of July 2, 2000, through July 1, 2002. Dr. Hunter signed the certified mail receipt for the Board's April 29, 2003, audit notice. (St. Ex. 4).

4. Debra Lynn Jones testified at hearing on behalf of the State. Ms. Jones testified that she is the CME and Renewal Officer for the Board. (Tr. at 9).

Ms. Jones testified that Dr. Hunter had been required to complete one hundred hours of CME for the two-year period of July 2000 to July 2002. Ms. Jones further testified that Dr. Hunter had been selected for an audit of the CME he had taken during that period, and had been advised of that fact in a letter dated March 12, 2003. Ms. Jones testified that Dr. Hunter had not responded to the audit notice. Therefore, the Board had sent him a second letter, dated April 29, 2003. Dr. Hunter did not respond to the second letter. (Tr. at 10-12).

5. On December 10, 2003, the Board issued its notice of opportunity for hearing to Dr. Hunter based on his failure to respond to the CME audit notices. (St. Ex. 1A).
6. By letter dated December 15, 2003, Dr. Hunter apologized to the Board for his failure to respond to the CME audit notices. In the letter, Dr. Hunter stated that, "Along with

financial issues, professional work and otherwise routine chores of life, responsibility to address this matter has been compromised by severe exacerbations of a chronic health problem during the past year.” In addition, Dr. Hunter stated that,

I do hereby certify that statutory requirements have been fulfilled and exceeded during this period. To facilitate orderly record-keeping, I maintained a computerized file on my computer in Means Hall at OSU. A construction project related to the connection of the new Davis Center with Means Hall created a dust storm in my office which compromised my computer and most records stored on it. In the interim, I have moved to a new office and a new computer making it even more difficult to locate any residual. From the boxed files and possibly from attendance records of Grand Rounds in the Department of Medicine, I might be able to reconstitute part of these records. When I received your initial request, it was my intent to attempt to reconstitute. It has not been a lack of desire or any intent. Chronic illness has added insult to the construction damage. I shall be pleased to provide a sworn affidavit in these regards. It is not a matter of even marginal CME, just the records under difficult circumstances.

As an academic physician I support all CME requirements and remain steadfastly committed to such. I request the administrative assistance of the Board in resolving all relevant issues. I remain committed to overcoming severe health issues and continuing as a contributing and dedicated physician.

(Respondent’s Exhibit [Resp. Ex.] A).

7. On March 16, 2004, Nick Huston, D.D.S., submitted a log purporting to represent the CME acquired by Dr. Hunter during the July 2000 to July 2002 period. In the log, Dr. Hunter listed sixty hours of Category I CME obtained by attending Medical Grand Rounds and four hours of Category I CME obtained by attending Surgical Grand Rounds at the OSU Hospital. He also listed 475 hours of Category II CME. (Resp. Ex B at 3).
8. At hearing, Dr. Hunter acknowledged that he had received the Board’s CME audit notices and that he had not responded to them in a timely manner. Dr. Hunter testified, nonetheless, the he had obtained more than the necessary CME than necessary during the 2000-2002 period. (Tr. at 21).

Dr. Hunter testified that he had submitted a log of his CME to the Board. Dr. Hunter testified that the log had not been compiled by the CME Office at OSU. Instead, he stated that he had created the log himself. Dr. Hunter testified that he believed the CME Office at

OSU would be able to verify his CME attendance. He denied, however, that he had attempted to check with the CME Office to verify the information he had entered in his log. (Tr. at 23-24, 27).

As Dr. Hunter had mentioned previously in his letter to the Board, he testified that he had kept a database of CME activity on his OSU office computer. He stated that, approximately one and one half years ago, construction in the building where he works resulted in damage to his computer. He stated that he had lost all of the information in his CME database. To make matters worse, Dr. Hunter testified that he had procrastinated and, rather than try to reconstitute the database at that time, he waited too long to rebuild the database. (Tr. at 27-28).

Dr. Hunter testified that he attends more than fifty grand rounds each year. He added, however, that he has been somewhat negligent in completing the attendance forms at the grand rounds. (Tr. at 25-26).

9. In a letter submitted at hearing, Dr. Hunter provided additional information regarding his current status. Dr. Hunter stated that,

I genuinely apologize for taking of your time in this situation. The Medical Board has many important and complex issues before it, issues essential to delivery of quality health care to our society. A chronic and unusual sequela of a common disease has circumvented timely research necessary per your request for documentation of my CME requirements. I have presented an account certifying fulfillment and shall be pleased to clarify in an effort to facilitate your task.

Health limitations relevant to my tardy response: In 1988, the diagnosis of Chronic Fatigue Syndrome, otherwise known as the more descriptive Myalgic Encephalomyelitis, was designated for a severe illness starting in December 1987. At a zenith in a long academic career focused on teaching, nuclear medicine, radiology, and development of MRI, I was suddenly sleeping all but about an hour per day. From a 'voodoo' disease status, the symptoms are now best described as a chronic form of mononucleosis, one of the many diseases caused by the Epstein Barr Virus. The functional status of patients waxes and wanes with no recognized effective treatment. Recent reviews of the pathophysiology including Fibromyalgia are available including:
<http://www.endotext.com/adrenal/adrenal33/adrenalframe33b.htm>.* * *

My inability to maintain a scheduled work routine necessitated withdrawal from the clinical staff roster at the OSU Hospitals in 1988. Since, efforts have been directed to teaching and research activities as an Associate Professor. I

chose not to renew my D.V.M. license which would have required a dilution of focus and physical resources under the circumstances. While active participation in direct patient care remains at the heart of my academic goals, responsible clinical work requires scheduled availability. A return to the status of professional staff accreditation must be my full-time commitment.

My proposition is that I have generously exceeded all CME requirements amidst the teaching and research environment of my position in the OSU College of Medicine. Through the teaching conferences and grand rounds I have attended, the development of research protocols and extensive literature research, I am hopeful that I have fulfilled the intent of the law as it relates to the Ohio State Medical Board's CME requirements. * * *

My goals are simple. To control progression of the disease, retirement appears to be the most prudent course. Contributing via medicine is my lifelong commitment. With emeritus status and an active medical license I shall be able to effectively contribute as my overall health permits. My request is guidance as to how best to certify an ongoing compliance with your rules and regulations as it relates to the issues before us. * * *

(Resp. Ex C).

10. At hearing, Ms. Jones testified that, had Dr. Hunter's log of CME contained verification from the Medical Education Department at OSU, the log would be sufficient documentation of Dr. Hunter's attendance at the listed CME activities. Nevertheless, in light of Dr. Hunter's testimony that he had typed the log himself, Ms. Jones testified that the Board would require verification from the OSU Medical Education Department. Ms. Jones testified that she would be willing to contact that department on behalf of Dr. Hunter. (Tr. at 35-36).
11. On August 17, 2004, Ms. Jones signed an affidavit. In the affidavit, Ms. Jones stated, in part, as follows:
 6. On March 22, 2004, I testified as a witness for the Board at an administrative hearing regarding Dr. Hunter's CME case. During my testimony, I reviewed documents submitted by Dr. Hunter that appeared to be authentic CME records from the Ohio State University Hospital CME Office. However, when I learned that these documents were not generated by the OSU Hospital CME Office, but rather were documents Dr. Hunter himself had prepared for the hearing, I testified that, under the Board's standards for evidence of CME credits, the documents created and submitted by Dr. Hunter were unacceptable. At the conclusion of the hearing, the Hearing Examiner asked me to contact the OSU Hospital

CME Office in an effort to verify Dr. Hunter's CME credits for the 2000-2002 CME period, and to report what I found.

7. Subsequent to the hearing, I did contact the OSU Hospital CME Office, and received a letter from Laura Wolfe, Ohio State University, Dept. of Internal Medicine, Education Program Manager. Ms. Wolfe stated that, according to OSU's records, Dr. Hunter had obtained four (4) Category I CME credits between August and November 2000, but had not obtained any since that time. She also explained that some records had inadvertently been purged and/or stored, and therefore could not be located. I also received an e-mail from Ms. Wolfe indicating that Dr. Hunter believed that he had many CME credits.
8. I also spoke with Darrell Peters, Ohio State University, Dept. of Surgery, and asked him to check the Surgical Grand Rounds records, as Dr. Hunter had previously listed 4 hours of Category I CME credits from Surgical Grand Rounds at OSU Hospital. On March 23, 2004, I received a fax from Mr. Peters indicating that he found no evaluation forms filled out by Dr. Hunter, which is how OSU Hospital documents attendance at Surgical Grand Rounds. Therefore, according to Mr. Peters, he could not verify whether Dr. Hunter had attended any Surgical Grand Rounds during the 2000-2002 CME period.

(St. Ex. 5 at 2-3).

12. Dr. Hunter testified that he is behind in his CME for the 2002-2004 CME period. He stated that his health has been deteriorating over the past year and he has been unable to attend sufficient CME programs. (Tr. at 26).

FINDINGS OF FACT

1. In applying for registration of his certificate to practice medicine and surgery, William W. Hunter, Jr., M.D., certified that he had completed or would complete during the 2000 to 2002 period (July 2, 2000-July 1, 2002) the requisite hours of Continuing Medical Education [CME] as required by Section 4731.281, Ohio Revised Code.
2. By a certified mail letter dated March 12, 2003, the Board informed Dr. Hunter that he was required to complete and submit a log demonstrating that he had completed at least one hundred hours of CME during the 2000 to 2002 period and to provide documentation that he had actually completed at least forty hours of Category I CME credits. Dr. Hunter did not respond. Accordingly, by certified mail letter dated April 29, 2003, the Board again requested that Dr. Hunter submit documentation of his CME credits for the 2000 to

2002 period. Again, Dr. Hunter did not respond. Dr. Hunter did not respond to the Board's audit notices until after the issuance of the Board's December 10, 2003, notice of opportunity for hearing.

3. Dr. Hunter is unable to submit documentation verifying his completion of the requisite CME during the 2000 to 2002 period.

CONCLUSIONS OF LAW

1. The conduct of William W. Hunter, Jr., M.D., in falsely certifying to the Board that he had completed the statutorily required Continuing Medical Education [CME], as set forth in Findings of Fact 1 and 3, constitutes "[m]aking a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.
2. Dr. Hunter's failure to respond to the audit notices, to obtain the requisite CME, and/or to submit documentation of same, as alleged in Findings of Fact 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, Ohio Administrative Code, as in effect prior to February 28, 2003.
3. Dr. Hunter's conduct, in falsely certifying to the Board that he had completed the statutorily required CME, as set forth in Findings of Fact 1 and 3, constitutes "fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code. Section 4731.22(A), Ohio Revised Code, provides that,

The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a certificate to a person found by the board to have * * * committed fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the Board.

R.C. 4731.22(A). In a recent decision¹ by the Franklin County Court of Common Pleas interpreting this statute, the court held that, when the Board finds a violation of this provision, the Board may only "revoke or * * * refuse to grant a certificate of registration." The range of penalties available to the Board does not include a fine, probation, suspension, or stayed revocation. Accordingly, unless the Board decides to

¹ *Faye F. Istanbuly, M.D., v. State Medical Board of Ohio* (Dec. 4, 2003), Franklin C.P. No. 03CVF-02-2334, unreported.

revoke Dr. Hunter's certificate to practice medicine and surgery, the Board shall take no further action based on the violation of Section 4731.22(A), Ohio Revised Code.

* * * * *

Dr. Hunter signed an application to renew his certificate to practice medicine and surgery in Ohio and, by signing the renewal application, certified that he would complete all of the required CME for the 2000 through 2002 period. Dr. Hunter is unable to provide documentation of such completion. Moreover, the OSU Hospital CME Office is able to verify that Dr. Hunter attended only four hours of Category I CME. Moreover, Dr. Hunter's testimony that he attended more than the necessary CME activities, but failed to complete the attendance forms is questionable. Therefore, the evidence supports a conclusion that Dr. Hunter failed to complete the requisite CME hours, and failed to comply with the Board's audit of his CME attendance.

Nevertheless, there are mitigating factors present in this matter. The OSU Hospital CME Office acknowledges that some of its records have been inadvertently purged and/or stored, and therefore can not be located. Furthermore, Dr. Hunter's health is deteriorating, and this is limiting his ability to function effectively. It appears that, as a result of his declining health, Dr. Hunter is exploring alternatives to his current practice.

PROPOSED ORDER

It is hereby ORDERED that:

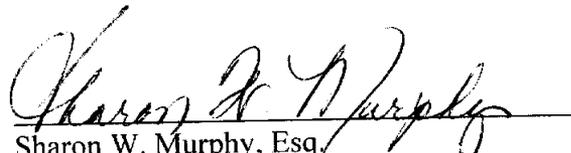
1. **REPRIMAND:** William W. Hunter, Jr., M.D., is REPRIMANDED.
2. **FINE:** Dr. Hunter shall pay a FINE of \$5,000.00 to the State Medical Board of Ohio, unless otherwise determined by the Board. This fine shall be paid no later than thirty days after the Board's mailing of notification of approval of this Order.
3. **SUSPENSION OF CERTIFICATE:** The certificate of Dr. Hunter to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite term.
4. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Hunter's certificate to practice until all of the following minimum requirements are met:
 - a. Dr. Hunter shall submit an application for reinstatement or restoration, accompanied by appropriate fees.
 - b. Dr. Hunter shall provide documentation acceptable to the Board indicating that he has paid the fine set forth in Paragraph 2, above.

- c. Dr. Hunter shall provide documentation acceptable to the Board of his satisfactory completion of 100 hours of Continuing Medical Education [CME] credits, at least forty hours of which shall be in Category I, for the July 2, 2000, through July 1, 2002, period. It shall be the responsibility of Dr. Hunter to work with appropriate Board staff to ascertain what will be considered as satisfactory documentation and to obtain the same.
 - d. Dr. Hunter shall supply documentation acceptable to the Board of satisfactory completion of 100 hours of approved CME, at least forty hours of which shall be in Category I, for each CME period, if any, during which his certificate remains suspended.
 - e. In the event that Dr. Hunter has not been engaged in the active practice of medicine for a period of more than two years prior to his application for reinstatement or restoration, Dr. Hunter shall take and pass the SPEX examination or any similar written examination which the Board may deem appropriate to assess his clinical competency.
5. **DOCUMENTATION OF CME:** Subsequent to reinstatement or restoration, Dr. Hunter shall supply documentation acceptable to the Board of satisfactory completion of the requisite number of CME credits for the CME period in effect at the time of his reinstatement, and for two additional CME acquisition periods thereafter. This documentation shall be due in the Board's offices within thirty days of the conclusion of each CME period, unless otherwise determined by the Board.
6. **REQUIRED REPORTING BY LICENSEE TO EMPLOYERS AND HOSPITALS:** Within thirty days of the effective date of this Order, unless otherwise determined by the Board, Dr. Hunter shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Hunter shall provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.
7. **REQUIRED REPORTING BY LICENSEE TO OTHER STATE LICENSING AUTHORITIES:** Within thirty days of the effective date of this Order, unless otherwise determined by the Board, Dr. Hunter shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Hunter shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for any professional license or for reinstatement or restoration of any professional license. Further, Dr. Hunter shall provide

this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt, unless otherwise determined by the Board.

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

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


Sharon W. Murphy, Esq.
Hearing Examiner



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.state.oh.us/med/

EXCERPT FROM THE DRAFT MINUTES OF NOVEMBER 10, 2004

REPORTS AND RECOMMENDATIONS

Ms. Sloan announced that the Board would now consider the findings and orders appearing on the Board's agenda. She asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Fred Andrew Brindle, M.D.; William W. Hunter, Jr., M.D.; Alberto Leon, M.D.; Jack E. Slingluff, D.O.; Peter Steven Stanos, D.O.; and Hsiang Lee Tseng, M.D. A roll call was taken:

ROLL CALL:	Dr. Egner	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Ms. Sloan	- aye

Ms. Sloan 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:	Dr. Egner	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Ms. Sloan	- aye

Ms. Sloan noted that, in accordance with the provision in Section 4731.22(F)(2), 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. Sloan 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.

.....
WILLIAM W. HUNTER, JR., M.D.
.....

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. MURPHY’S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF WILLIAM W. HUNTER, JR., M.D. DR. STEINBERGH FURTHER MOVED TO CLARIFY PARAGRAPH 4 C OF THE PROPOSED ORDER TO MEAN THAT DR. HUNTER SHALL EARN C.M.E. CREDIT HOURS TO BE APPLIED, RETROACTIVELY, TO THE JULY 2, 2000 THROUGH JULY 1, 2002 PERIOD. MR. BROWNING SECONDED THE MOTION. A vote was taken:

Vote:	Dr. Egner	- aye
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye
	Ms. Sloan	- aye

The motion carried.



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.state.oh.us/med/

December 10, 2003

William W. Hunter, Jr., M.D.
5094 Sansom Court
Columbus, OH 43220

Dear Doctor Hunter:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to fine, 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 and surgery for the October 2, 2002 – October 1, 2004 period, you certified that you had completed or would complete during the 2000 to 2002 period (July 2, 2000 – July 1, 2002) the requisite hours of Continuing Medical Education [CME] as required by Section 4731.281, Ohio Revised Code.
- (2) By a certified mail letter dated on March 12, 2003, the Board informed you that you were required to complete and submit a log demonstrating that you had completed at least one hundred hours of CME during the 2000 to 2002 period and to provide documentation that you had actually completed at least forty hours of Category I CME credits. By certified mail letter dated April 29, 2003, the Board again requested that you submit documentation of your CME credits for the 2000 to 2002 period. You have failed to respond to these audit notices.
- (3) Your lack of response to the notices 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 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

Mailed 12-11-03

securing any certificate to practice or certificate of registration 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 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 "[m]aking a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, your failure to respond to the audit notices, 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, Ohio Administrative Code, as in effect prior to February 28, 2003.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

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

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

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

William W. Hunter, Jr., M.D.
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Copies of the applicable sections are enclosed for your information.

Very truly yours,

Lance A. Talmage, MD
Lance A. Talmage, M.D. *LAD*
Secretary

Enclosures

CERTIFIED MAIL #7000 0600 0024 5149 5247
RETURN RECEIPT REQUESTED