



# STATE MEDICAL BOARD OF OHIO

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

January 13, 1995

George A. Gaspar, M.D.  
74 N. Breiel Blvd.  
Middletown, OH 45042

Dear Doctor Gaspar:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Melinda R. Early, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of the Minutes of the State Medical Board, meeting in regular session on January 11, 1995, including a Motion 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 may be taken to the Franklin County Court of Common Pleas only.

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

THE STATE MEDICAL BOARD OF OHIO

Thomas E. Gretter, M.D.  
Secretary

TEG:cm

Enclosures

CERTIFIED MAIL RECEIPT NO. P 348 888 130  
RETURN RECEIPT REQUESTED

cc: Kevin P. Byers, Esq.

CERTIFIED MAIL RECEIPT NO. P 348 888 131  
RETURN RECEIPT REQUESTED

*Mailed 1-18-95*



# STATE MEDICAL BOARD OF OHIO

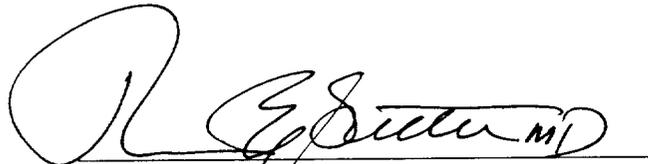
77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

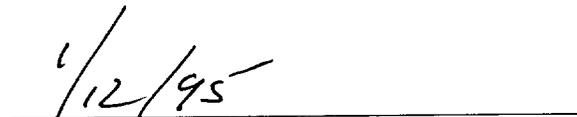
## CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of Melinda R. Early, Attorney Hearing Examiner, State Medical Board; and an excerpt of Minutes of the State Medical Board, meeting in regular session on January 11, 1995, including a Motion approving and confirming the Report and Recommendation 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 George A. Gaspar, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

(SEAL)

  
Thomas E. Gretter, M.D.  
Secretary

  
Date



# STATE MEDICAL BOARD OF OHIO

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

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

\*

\*

GEORGE A. GASPAR, M.D.

\*

## ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on the 11th day of January, 1995.

Upon the Report and Recommendation of Melinda R. Early, Hearing Examiner, Medical Board, in this matter designated pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

1. George A. Gaspar, M.D., shall be and is hereby REPRIMANDED for the failure to timely complete all continuing medical education requirements for the period, January 1, 1991 through September 30, 1992, and the failure to timely submit C.M.E. documentation in response to the Board's request for documentation.
2. Dr. Gaspar's certificate to practice medicine and surgery shall be placed on probationary status for the next three (3) biennial periods, October 1, 1994 through September 30, 1996, October 1, 1996 through September 30, 1998, and October 1, 1998 through September 30, 2000, during which time Dr. Gaspar shall submit documentation, acceptable to the Board, of satisfactory completion of the requisite hours of continuing medical education. This documentation shall be due in the Board's offices within thirty (30) days of each registration deadline.
3. Upon satisfactory completion of the conditions of probation, Dr. Gaspar's certificate shall be fully restored.



# STATE MEDICAL BOARD OF OHIO

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

Page 2

George A. Gaspar, M.D.

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

A handwritten signature in cursive script, appearing to read "T. E. Gretter M.D.", written over a horizontal line.

Thomas E. Gretter, M.D.  
Secretary

(SEAL)

1/12/95  
Date

REPORT AND RECOMMENDATION  
IN THE MATTER OF GEORGE A. GASPAR, M.D.

The Matter of George A. Gaspar, M.D., was heard on October 11, 1994 by Melinda R. Early, Esq., Hearing Examiner for the State Medical Board of Ohio.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Basis for Hearing

A. The State Medical Board of Ohio notified George A. Gaspar, M.D., by letter which was originally dated May 11, 1994 and re-sent on May 24, 1994 (State's Exhibits #1 and #1A, respectively) that it proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio because Dr. Gaspar had failed to respond to two letters the State Medical Board had sent him notifying him that he was required to submit documentation verifying the completion of 75 credit hours of continuing medical education ("C.M.E.") for the period January 1, 1991 through September 30, 1992. The Board alleged that Dr. Gaspar's failure to respond to the notices rebutted the presumption that he had completed the requisite hours of C.M.E., and he demonstrated that he had failed to keep detailed C.M.E. records. Consequently, the Board alleged that Dr. Gaspar's acts in certifying that he had completed the statutorily required C.M.E. 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. Additionally, the Board alleged that Dr. Gaspar's failure to complete the requisite C.M.E., and his failure to submit the required C.M.E. documentation, constituted "[v]iolating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Section 4731.281, Ohio Revised Code and Rules 4731-10-03 and 4731-10-08, Ohio Administrative Code. Dr. Gaspar was advised of his right to request a hearing in this Matter.

B. Dr. Gaspar requested a hearing by letter which was received by the Board on June 10, 1994 (State's Exhibit #2).

II. Appearances

A. In behalf of the State of Ohio: Lee I. Fisher, Attorney General, by Ava W. Serrano, Assistant Attorney General

FILED 1994 JUN 21 14:05

B. In behalf of the Respondent: Kevin P. Byers, Esq.

III. Testimony Heard

A. Presented by the State

None

B. Presented by the Respondent

George A. Gaspar, M.D.

IV. Exhibits Examined

A. In addition to State's Exhibits #1, #1A and #2, noted above, the following exhibits were identified by the State and admitted into evidence in this Matter:

1. State's Exhibit #3: June 13, 1994 letter to Dr. Gaspar from the State Medical Board, advising him that a hearing initially set for June 24, 1994 was postponed pursuant to Section 119.09, Ohio Revised Code.
2. State's Exhibit #4: June 21, 1994 letter to Dr. Gaspar from the State Medical Board, scheduling the hearing for September 22, 1994. (2 pp.)
3. State's Exhibit #5: Respondent's June 27, 1994 motion for continuance of hearing. (2 pp.)
4. State's Exhibit #6: June 30, 1994 Entry continuing the hearing to October 11, 1994. (2 pp.)
5. State's Exhibit #7: Respondent's September 21, 1994 motion to change the time of hearing. (2 pp.).
6. State's Exhibit #8: September 26, 1994 Entry rescheduling the hearing time.

7. State's Exhibit #9: Collection of State Medical Board documents regarding Dr. Gaspar's licensure renewal and C.M.E. verification, including: cover memo; copy of December 2, 1993 certified mail letter to Dr. Gaspar from the State Medical Board requesting, for the second time, the completion and submittal of the C.M.E. log and documentation of 30 credit hours of Category I C.M.E. for the January 1, 1991 to September 30, 1992 renewal period. This letter requested the submission of the information within 10 days of receipt of the letter; copy of certified mail letter to Dr. Gaspar from the State Medical Board, advising him that his licensure renewal application was randomly selected for an audit of the continuing medical education requirements, and, therefore, he was required to submit to the Board, within three weeks, a completed C.M.E. log, as well as documentation of 30 credit hours of Category I C.M.E.; and copy of Dr. Gaspar's licensure renewal application materials.
8. State's Exhibit #10: July 12, 1994 letter to the Assistant Attorney General from Mr. Byers, proposing a settlement of Dr. Gaspar's case based upon information which Mr. Byers then believed demonstrated Dr. Gaspar had completed the required C.M.E., and setting forth the rationale for Dr. Gaspar's failure to respond to the Board's audit notifications. (8 pp.)
9. State's Exhibit #11: October 5, 1994 letter to the Assistant Attorney General from Mr. Byers, clarifying the status of Dr. Gaspar's C.M.E. credit hours and proposing a settlement counter offer. (2 pp.)

B. Presented by the Respondent

1. Respondent's Exhibit A: Collection of documents relating to Dr. Gaspar's C.M.E., including: computerized C.M.E. records generated by the American Academy of Family Physicians (AAFP); Butler County Medical Society record of C.M.E. completed in 1991; September 24, 1992 and June 9, 1992 letters from the Kettering College of Medical Arts; and computerized C.M.E. record compiled by the University of Kentucky College of Medicine (5 pp.) (NOTE: These documents are the same documents which are part of State's Exhibit #10).
2. Respondent's Exhibit B: Copy of April 14, 1994 Consent Agreement between Paul Perzia, M.D., and the State Medical Board. (2 pp.)

3. Respondent's Exhibit C: Copy of January 14, 1994 Consent Agreement between Orlando E. Rodriguez, M.D., and the State Medical Board. (2 pp.)
4. Respondent's Exhibit D: December 9, 1993 Consent Agreement between Irving A. Knickerson, M.D., and the State Medical Board. (2 pp.)
5. Respondent's Exhibit E: February 12, 1990 Consent Agreement between George R. Petrie, Jr., M.D., and the State Medical Board. (3 pp.)

V. Post-Hearing Admissions

1. The record in this Matter was held open pending receipt of an affidavit from the Chief, Continuing Medical Education, Records and Renewal of the State Medical Board, concerning the categorical classification of Dr. Gaspar's C.M.E. credit hours. Thus, the October 18, 1994 affidavit of Debra L. Jones is hereby admitted to the record as Board Exhibit A.
2. In addition to the affidavit referenced above, the record was held open to allow the filing of the parties' written closing arguments. The State's representative, however, was unable to timely file her closing arguments and filed a motion on October 27, 1994 requesting the late filing of her closing arguments. Therefore, the following documents are hereby admitted to the record as follows: a) Board Exhibit B, the State's motion requesting the late filing of written closing arguments; b) Board Exhibit C, the State's written closing arguments; and c) Board Exhibit D, Respondent's written closing arguments.
3. Upon receipt of the Debra L. Jones affidavit, Respondent's counsel filed a motion to admit certain evidence which was referenced in Ms. Jones' affidavit. Thus, the Continuing Medical Education Information booklet referenced in Ms. Jones' affidavit, together with Respondent's motion, are hereby admitted to the record as Respondent's Exhibits F and F-1, respectively. (6 pp.)

FINDINGS OF FACT

1. George A. Gaspar, M.D., renewed his Ohio license to practice medicine and surgery in June 1992 and in doing so, he certified, under penalty of loss of his license to practice medicine and surgery in Ohio, that he had completed the requisite C.M.E. during the last registration period, January 1, 1991 through September 30, 1992.

These facts are established by State's Exhibit #9 and the testimony of Dr. Gaspar (Tr. 24).

2. On or about April 29, 1993, Dr. Gaspar received the Board's letter notifying him that his licensure renewal application materials had been randomly selected for the C.M.E. audit. Thus, the Board's letter directed Dr. Gaspar to submit, within three weeks, a C.M.E. log which reflected his completion of 75 credit hours of C.M.E. The letter further advised Dr. Gaspar that at least 30 of the 75 credit hours were required to be documented Category I C.M.E. and that a maximum of 45 credit hours could be undocumented Category II credit hours. The letter additionally advised Dr. Gaspar that as an Ohio licensed physician it was his responsibility to document completion of the required C.M.E. Moreover, the letter warned that the failure to timely comply with the audit notification could result in the revocation or suspension of his license to practice medicine and surgery.

These facts are established by State's Exhibit #9 and the testimony of Dr. Gaspar (Tr. 29).

3. Dr. Gaspar failed to timely respond to the Board's initial audit notification letter. Subsequently, the Board issued a second letter which Dr. Gaspar received on or about December 7, 1993. This notification advised Dr. Gaspar that he was required to submit the requisite C.M.E. log and Category I C.M.E. documentation within 10 days of receipt of the letter. Once again, Dr. Gaspar failed to timely respond to the Board's audit notification. Consequently, on May 24, 1994, the Board notified Dr. Gaspar of its intention to determine if disciplinary action against his Ohio certificate to practice medicine and surgery was warranted. The Board's proposed disciplinary action was based on Dr. Gaspar's alleged violation of Section 4731.22(A) and Section 4731.22(B)(20), Ohio Revised Code.

These facts are established by State's Exhibits #1 and #9 and the testimony of Dr. Gaspar (Tr. 29-32).

4. During the period January 1, 1991 through September 30, 1992, Dr. Gaspar completed five Category I C.M.E. credit hours and more than 60 credit hours of Category II C.M.E. Then, in October 1992, Dr. Gaspar completed 50 Category I C.M.E. credit hours.

These facts are established by Board Exhibit A, State's Exhibit # 10, Respondent's Exhibit A and the testimony of Dr. Gaspar (Tr. 25-26).

5. Dr. Gaspar testified that he believed when he signed his renewal application card that he had completed the requisite C.M.E. credit hours. It was only later that he learned that he had not completed all the requisite credit hours within the Board's designated time frame. Dr. Gaspar explained that he managed his C.M.E. within the framework of the AAFP rules: 150 credit hours every three years comprised of 75 prescribed credit hours and 75 elected credit hours. Dr. Gaspar explained that he believed that if he completed 150 credit hours in three years, essentially 50 credit hours each year, then he would automatically satisfy the Board's requirement of 100 credit hours each biennium. Historically, Dr. Gaspar accomplished C.M.E. requirements by attending a family medicine review seminar every two years for which he received 50 Category I credit hours; teaching physician assistant students and medical students; and attending hospital grand rounds, tumor board and hospital-sponsored lectures.

These facts are established by State's Exhibit #10, Respondent's Exhibit A and the testimony of Dr. Gaspar (Tr. 25-28).

6. Dr. Gaspar acknowledged that he failed to respond to the audit notification letters. He explained that he was in the process of moving his office in March 1993 when he received the first audit letter. He indicated that apparently the letter was misplaced during the office relocation. Dr. Gaspar noted that he was puzzled by the Board's terminology of a biennial registration period of January 1, 1991 through September 30, 1992, a period of time less than two years. He did not recall receiving any notification from the Board regarding the change of date of the biennial registration periods.

Although it was difficult for him to explain his behavior when questioned, Dr. Gaspar indicated that he believed that he had acquired the requisite C.M.E. credit hours and, therefore, thought that if he did not respond to the Board's letters, then the Board would contact the AAFP to verify his C.M.E. Dr. Gaspar noted that he did not remember receiving the Board's second audit notification

letter. He acknowledged, however, that the person who signed for delivery of the letter on December 7, 1993 was a conscientious employee of the family practice for which he worked. He indicated that this second audit notification letter also must have been misplaced.

These facts are established by the testimony of Dr. Gaspar (Tr. 28, 33, 38 and 39).

7. Dr. Gaspar completed one hundred (100) Category I C.M.E. credit hours in the July 1, 1992 to June 30, 1994 biennium.

This fact is established by Board Exhibit A and the testimony of Dr. Gaspar (Tr. 28).

#### CONCLUSIONS

Section 4731.281, Ohio Revised Code, requires Ohio licensed practitioners to certify completion of C.M.E. as a condition of licensure renewal. Additionally, pursuant to Rule 4731-10-03, Ohio Administrative Code, when registering a physician license, an Ohio licensed physician is required to meet the C.M.E. requirements established by Section 4731.281, Ohio Revised Code. Section 4731.281, Ohio Revised Code, states that the Board "may require a random sample of persons holding a certificate to practice ... to submit material documenting completion of the continuing medical education requirement during the preceding registration period ...." Rule 4731-10-08(A)(1), Ohio Administrative Code, further provides that "[l]icensees whose applications are selected shall submit additional documentation of compliance with C.M.E. requirements as the Board may require." As set forth in Rule 4731-10-08(B), if a licensee fails to retain the records necessary to verify C.M.E. completion, then such failure rebuts the presumption of C.M.E. compliance which is created when a licensee so certifies on the licensure renewal card.

Findings of Facts #1 through #6 support a conclusion that the acts of George A. Gaspar, M.D., in certifying completion of the statutorily required C.M.E., when he had not 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. Additionally, Dr. Gaspar's acts in failing to timely complete all the required C.M.E., as well as his failure to timely submit acceptable C.M.E. documentation to the Board, constitute violations of Section 4731.281, Ohio Revised Code, and Rules 4731-10-03

570 700 1 1008

and 4731-10-08, Ohio Administrative Code. Thus, the conclusion that Dr. Gaspar was "[v]iolating or attempting to violate, directly or indirectly, or assisting in or abetting the violations 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, is supported.

Although the findings of fact support a conclusion that Dr. Gaspar violated Sections 4731.22(A) and 4731.22(B)(20), Ohio Revised Code, as set forth above, the heart of Dr. Gaspar's failure was not a flippant disregard for the Board and the C.M.E. requirements, but, rather was his lack of attention to details. The evidence demonstrates that Dr. Gaspar dutifully obtains C.M.E. credit hours in the required categories, and typically, does so timely. In 1992, however, he completed the majority of the credit hours necessary to comply with Board regulations four months after he certified C.M.E. compliance when he registered his license. Dr. Gaspar explained that this oversight occurred because he managed his C.M.E. compliance in accordance with AAFP membership requirements. Generally, completing C.M.E. within the AAFP time frame allows him to comport with the Board's C.M.E. requirements. The abbreviated biennial registration which ended September 30, 1992, however, short circuited Dr. Gaspar's C.M.E. procedure. Dr. Gaspar needs to become familiar with the distinctions between the Board's C.M.E. requirements and the AAFP's requirements. There are critical differences.

Dr. Gaspar's inattention to details is further highlighted by his having failed to respond to the Board's audit notification letters. Admittedly, moving a medical practice is disruptive, and despite the best laid plans, things sometimes are misplaced. Yet, it is difficult to understand why a physician would not respond to the Board's audit notification letters. Dr. Gaspar indicated that he could not account for his behavior in failing to respond to the Board's letters. He appeared honestly befuddled by his failure to appreciate the import of the one audit notification letter he remembered receiving.

It did not appear that Dr. Gaspar's behavior was a cavalier or callous disregard for the Board's authority. It did appear that a busy family physician, in the midst of moving his office and establishing a new working relationship with two family physicians, placed too low a priority on an important Board notification. Although the Board is not required to find that a licensee acted intentionally in order to find a violation of Chapter 4731, Dr. Gaspar's humble demeanor should serve to mitigate his violations.

PROPOSED ORDER

It is hereby ORDERED that:

1. George A. Gaspar, M.D., shall be and is hereby REPRIMANDED for the failure to timely complete all continuing medical education requirements for the period, January 1, 1991 through September 30, 1992, and the failure to timely submit C.M.E. documentation in response to the Board's request for documentation.
2. Dr. Gaspar's certificate to practice medicine and surgery shall be placed on probationary status for the next three (3) biennial periods, October 1, 1994 through September 30, 1996, October 1, 1996 through September 30, 1998, and October 1, 1998 through September 30, 2000, during which time Dr. Gaspar shall submit documentation, acceptable to the Board, of satisfactory completion of the requisite hours of continuing medical education. This documentation shall be due in the Board's offices within thirty (30) days of each registration deadline.
3. Upon satisfactory completion of the conditions of probation, Dr. Gaspar's certificate shall be fully restored.

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

  
\_\_\_\_\_  
Melinda R. Early  
Attorney Hearing Examiner



# STATE MEDICAL BOARD OF OHIO

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

## EXCERPT FROM THE MINUTES OF JANUARY 11, 1995

### REPORTS AND RECOMMENDATIONS

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

Dr. Garg 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: Tariq Ahmed, M.D.; Vernon van Bolden, M.D.; Cleothus Duncan, M.D.; George A. Gaspar, M.D.; Shanti Jain, M.D.; Larry Kramer and the Ohio College of Limited Medical Practice: School of Massotherapy; Esphiran Reddy, M.D.; Donald E. Shumrick, M.D.; and Deborah E. Williams, M.D. A roll call was taken:

ROLL CALL:	Dr. O'Day	- aye
	Mr. Albert	- aye
	Dr. Stienecker	- aye
	Dr. Gretter	- aye
	Dr. Egner	- aye
	Dr. Agresta	- aye
	Ms. Noble	- aye
	Dr. Buchan	- aye
	Mr. Sinnott	- aye
	Dr. Heidt	- aye
	Dr. Steinbergh	- aye
	Dr. Garg	- aye

Dr. Garg 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. O'Day	- aye
	Mr. Albert	- aye
	Dr. Stienecker	- aye
	Dr. Gretter	- aye
	Dr. Egner	- aye
	Dr. Agresta	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Mr. Sinnott	- aye

Dr. Heidt - aye  
Dr. Steinbergh - aye  
Dr. Garg - 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 this matter. Dr. Garg noted that Dr. Gretter, the current Board Secretary, has not supervised investigation of, or otherwise participated as secretary in, any of the aforementioned cases, and would therefore be eligible to vote.

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

.....  
All Assistant Attorneys General and all Enforcement Coordinators returned to the meeting at this time.

REPORT AND RECOMMENDATION IN THE MATTER OF GEORGE A. GASPAR, M.D.

.....  
**DR. HEIDT MOVED TO APPROVE AND CONFIRM MS. EARLY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF GEORGE A. GASPAR, M.D. DR. GRETTER SECONDED THE MOTION.**

.....  
A roll call vote was taken on Dr. Heidt's motion:

ROLL CALL VOTE:

Dr. O'Day	- abstain
Mr. Albert	- abstain
Dr. Stienecker	- aye
Dr. Gretter	- aye
Dr. Egner	- aye
Dr. Agresta	- aye
Dr. Buchan	- aye
Ms. Noble	- aye
Mr. Sinnott	- aye
Dr. Heidt	- aye
Dr. Steinbergh	- aye

The motion carried.



# **STATE MEDICAL BOARD OF OHIO**

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

May 11, 1994

George A. Gaspar, M.D.  
2403 Central Avenue  
Middletown, OH 45042

Dear Doctor Gaspar:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- (1) In applying for registration of your certificate to practice medicine or surgery for the current registration period, you certified that you had completed during the last registration period (January 1, 1991 - September 30, 1992) the requisite hours of Continuing Medical Education (CME) as required by Section 4731.281, Ohio Revised Code.
- (2) On April 29, 1993, your agent signed for the certified mail letter from the State Medical Board which informed you that you were required to complete a log listing your CME for the January 1, 1991 to September 30, 1992, registration period and to provide documentation that you had actually completed at least thirty (30) hours of Category 1 CME credits. By certified mail letter dated December 2, 1993, for which your agent signed on December 7, 1993, the State Medical Board again requested that you submit documentation of your CME credits for the registration period January 1, 1991, to September 30, 1992. You have not responded to either of the above notices. You have failed to submit any documentation of CME completed for the above registration period.
- (3) Your lack of response to the notices as detailed in the above paragraph (2) rebuts the presumption that you did complete the requisite hours of Continuing Medical Education, and/or demonstrates that you failed to keep detailed records of CME taken.

Your acts in certifying to the State Medical Board that you had completed the statutorily required Continuing Medical Education, 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.

Mailed 5/12/94

May 11, 1994

Further, such failure to obtain the requisite Continuing Medical Education and submit documentation of same constitutes "(v)iolating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Section 4731.281, Ohio Revised Code, and Rules 4731-10-03 and 4731-10-08, Ohio Administrative Code.

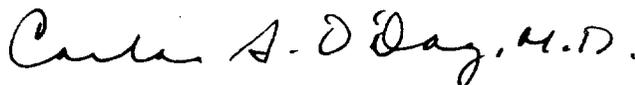
Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before 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,



Carla S. O'Day, M.D.  
Secretary

CSO:jmb

Enclosures:

CERTIFIED MAIL #P 348 888 315  
RETURN RECEIPT REQUESTED