



State Medical Board of Ohio

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

July 14, 2004

Jeremy John Burdge, M.D.
3789 Cemetery Road
Hilliard, OH 43026

Dear Doctor Burdge:

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 July 14, 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

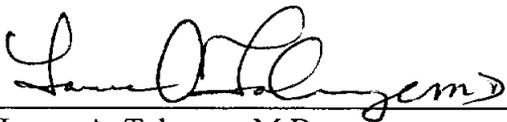
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CERTIFICATION

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 July 14, 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 Jeremy John Burdge, 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)

July 14, 2004
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

JEREMY JOHN BURDGE, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on July 14, 2004.

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 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:** Jeremy John Burdge, M.D., is REPRIMANDED.
2. **FINE:** Dr. Burdge shall pay a FINE of \$1,000.00 to the State Medical Board of Ohio. This fine shall be paid no later than thirty days after the effective date of this Order.
3. **DOCUMENTATION OF CME:** Dr. Burdge shall supply documentation acceptable to the Board of satisfactory completion of the requisite number of CME credits for the 2003–2005 CME acquisition period. These CME credits shall be in addition to 14.5 of the Category I CME credits that Dr. Burdge has already completed during the 2003–2005 period and which have been accredited to the 2001–2003 CME acquisition period. Moreover, Dr. Burdge shall supply documentation acceptable to the Board of satisfactory completion of the requisite number of CME credits 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 acquisition period, unless otherwise determined by the Board.

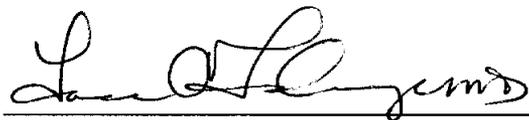
4. **REQUIRED REPORTING BY LICENSEE TO EMPLOYERS AND HOSPITALS:** Within thirty days of the effective date of this Order, unless otherwise determined by the Board, Dr. Burdge shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Burdge 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.

5. **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. Burdge 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. Burdge shall also provide a copy of this Order by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration of any professional license. Further, Dr. Burdge 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.

6. **VIOLATION OF ORDER:** If Dr. Burdge 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

July 14, 2004

Date

2004 MAY 27 A 10: 05

**REPORT AND RECOMMENDATION
IN THE MATTER OF JEREMY JOHN BURDGE, M.D.**

The Matter of Jeremy John Burdge, M.D., was heard by R. Gregory Porter, Esq., Hearing Examiner for the State Medical Board of Ohio, on May 4, 2004.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated February 11, 2004, the State Medical Board of Ohio [Board] notified Jeremy John Burdge, M.D., that it had proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board based its proposed action upon allegations that Dr. Burdge had failed to obtain forty hours of Category I continuing medical education [CME] credits during the April 2, 2001, to April 1, 2003, CME acquisition period. Moreover, the Board alleged that Dr. Burdge's conduct constituted "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 Rule 4731-10-03, Ohio Administrative Code, as in effect prior to February 28, 2003." Finally, the Board advised Dr. Burdge of his right to request a hearing in this matter. (State's Exhibit 1A)
- B. By document received by the Board on February 26, 2004, Dr. Burdge requested a hearing. (State's Exhibit 1B)

II. Appearances

- A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Kyle C. Wilcox, Assistant Attorney General.
- B. On behalf of the Respondent: Dr. Burdge, having previously been advised of his right to be represented by counsel, appeared on his own behalf.

EVIDENCE EXAMINED

I. Testimony Heard

- 1. Elizabeth Ann Gerris
- 2. Jeremy John Burdge, M.D.

II. Exhibits Examined

A. Presented by the State

1. State's Exhibits 1A through 1G: Procedural exhibits.
2. State's Exhibit 2: November 13, 2003, letter to the Board from Dr. Burdge concerning his CME.
3. State's Exhibit 3: Copy of an October 16, 2003, CME audit notice sent by the Board to Dr. Burdge, with certified mail receipt.
4. State's Exhibit 4: Copy of Dr. Burdge's 2003 license renewal application. [Note: The Hearing Examiner redacted a Social Security number from this exhibit post hearing.]
5. State's Exhibit 5: Copy of Dr. Burdge's November 12, 2003, log of CME activity.
6. State's Exhibit 6: Copy of a blank renewal application for the period July 2, 2003, through July 1, 2005.

B. Presented by the Respondent

Respondent's Exhibits A and B: Copies of Dr. Burdge's CME attendance confirmation from the American Society of Plastic Surgeons.

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. Jeremy J. Burdge, M.D., testified that he had obtained his medical degree from The Ohio State University in 1975. Dr. Burdge completed a general surgery internship in 1976, and served as a general medical officer in the United States Navy at Camp Lejeune, North Carolina, from 1976 through 1978. In 1978, Dr. Burdge returned to The Ohio State University and entered a residency in general surgery that he completed in 1982, followed by training in plastic and reconstructive surgery from 1982 through 1984 at that same institution. Dr. Burdge testified that he has been board certified in general surgery since 1984, and in plastic surgery since 1986. (Hearing Transcript [Tr.] at 17-18)

Dr. Burdge testified that he has been a member of the American Society of Plastic Surgeons¹ since about 1990, and that he has met all requirements, including continuing medical education [CME] requirements, “for that society every year since that time.” (Tr. at 18-19)

Dr. Burdge testified that he has been licensed in Ohio continuously since 1978. Dr. Burdge further testified that he is not currently licensed in any other state, although he had held a license in North Carolina from 1976 through 1978. (Tr. at 15-16)

2. Dr. Burdge testified that, from 1984 through 1994, he had been co-director of the burn unit at The Ohio State University Medical Center. Since 1994, Dr. Burdge has been in private practice as well as serving as the director of the Grant Wound Care Center in Columbus, Ohio. Dr. Burdge testified that he currently does the majority of his hospital work at Grant Hospital, and also does some work at Riverside Hospital and at Children’s Hospital. (Tr. at 19)

Dr. Burdge described his practice as follows,

I have a very broad true plastic and reconstructive practice. Ten percent of my practice or less is cosmetic. Fifty to 60 percent—50 percent of my practice is in a broad category of reconstructive surgery, everything from head, breast, chest, wounds, legs, [and] hand surgery. The remaining 40 to 50 percent is as director of the wound care center. I take care of tertiary referrals from other physicians who have complicated wound problems that can’t be resolved in their office or in surgery, and they’re sent to me for what’s called tertiary care. It’s a referral practice, primarily.

(Tr. at 20)

3. On or about February 5, 2003, Dr. Burdge signed and submitted to the Board an application for renewal of his certificate to practice medicine and surgery in Ohio. In signing that form, Dr. Burdge acknowledged that he had “completed or will have completed during the 2001–2003 registration period the requisite hours of continuing medical education certified by the Ohio State Medical Association and approved by the State Medical Board of Ohio.” (State’s Exhibit [St. Ex.] 4)
4. By letter dated October 16, 2003, the Board informed Dr. Burdge that he had been randomly selected for an audit of CME obtained during the period of April 2, 2001, through April 1, 2003. The Board further informed Dr. Burdge that he was required to complete and submit a log demonstrating that he had completed at least one hundred hours of CME credit during the 2001–2003 period, and to provide documentation that he had completed at least forty hours of Category I CME credit. (St. Ex. 3)

¹ Dr. Burdge testified that this organization had until two years ago been called the American Society of Plastic and Reconstructive Surgeons. (Tr. at 30-31)

5. Dr. Burdge's completed log reflects that he had obtained 37.5 hours of Category I CME credit during the 2001–2003 acquisition period. However, by letter dated November 13, 2003, Dr. Burdge acknowledged that, of the hours claimed, a twelve-hour course that he had taken on April 12 and 13, 2003, had occurred after his 2001–2003 CME acquisition period had ended. (St. Exs. 2 and 5)
6. Elizabeth Gerris testified that she is a CME and Renewal Assistant for the Board. Ms. Gerris' duties include auditing physicians to ensure compliance with the Board's CME requirements. Ms. Gerris testified that physicians are required to obtain one hundred hours of CME credit during each biennium, of which at least forty must be in Category I. (Tr. at 10)

Ms. Gerris testified that she is familiar with Dr. Burdge's case. Ms. Gerris stated that, following an audit of his CME in 2003, Dr. Burdge had a total of 25.5 hours of Category I credit. (Tr. at 13-14)

7. Dr. Burdge testified that several converging factors had caused him to fall short of the hours of CME credit required by the Board during the 2001–2003 CME acquisition period:
 - First, Dr. Burdge indicated in a letter to the Board that he had erroneously thought that his CME acquisition periods run from July to July, rather than from April to April. Accordingly, Dr. Burdge had believed that a twelve-hour course in maxillofacial reconstructive surgery that he took on April 12 and 13, 2003, would be applicable to the 2001–2003 period. (St. Ex. 2; Tr. at 21-22)
 - In addition, Dr. Burdge acknowledged that he had not paid close enough attention to the actual number of CME credit hours that he had been accumulating. "In my practice, * * * [I] have always tried to exceed the minimum and I thought, well, okay, I have got lots, it doesn't matter." (Tr. at 21)
 - Further, Dr. Burdge testified that he is a member of the Wound Healing Society. Dr. Burdge further testified that he had attended a meeting of that organization from May 28 through June 1, 2002. In addition to attending, Dr. Burdge had been a lecturer at that meeting. Accordingly, Dr. Burdge testified that, since this is the sort of activity that physicians normally get Category I credit for, he had assumed that he had gotten Category I credit for this event. Unfortunately, as Dr. Burdge learned after receiving the Board's audit notice, this was not the case. (Tr. at 24)

Dr. Burdge testified that, after the Board notified him that his CME would be audited, he obtained documentation that listed the Wound Healing Society meeting as Category II credit. After inquiring why, Dr. Burdge learned that, because of a change in administrative personnel at the society, the paperwork necessary to have the meeting qualified as Category I credit had not been completed. Because that meeting could not

be counted as Category I CME, Dr. Burdge had six fewer hours of Category I credit than he had anticipated. (Respondent's Exhibit [Resp. Ex.] B; Tr. at 24-28)

- Finally, Dr. Burdge testified,

The [last] issue is perhaps why the—my [CME] record keeping has been so abysmal. And that is that during that time period that the board is requesting, from June of 2001 through August of 2003, I had a grandson who was in a critical care unit, intensive care unit at Children's Hospital, and literally was being told on a weekly basis that he was going to die. And based on that, I had at least two meetings that I paid my registration for, had flight arrangements for, and cancelled at the last minute because he was too sick. So for those reasons I didn't get my usual excess number of hours.

(Tr. at 28)

8. Dr. Burdge testified that, except for the period relevant to this matter, he has always exceeded the required hours of CME. Dr. Burdge further testified that he looks for CME that will benefit his practice and his professional expertise, rather than CME for the sake of getting credit hours. Moreover, Dr. Burdge testified that, in order to maintain membership in the ASPS, he is required to obtain 60 CME credits during each three-year cycle. Furthermore, Dr. Burdge testified that the ASPS is "very picky" about the substance of the CME that it finds acceptable, and that the courses it approves "have to be specifically plastic and reconstructive surgery Category I credits that will go towards your profession. You can't just take a cruise and get some credit for the history of medicine, which are out there, as you know." Finally, Dr. Burdge testified that he has never violated any ethics or CME requirement of the ASPS. (Tr. at 22, 29-30, 33)
9. Dr. Burdge provided a CME Statement from the ASPS concerning his attendance at CME for the previous three years. Dr. Burdge testified that, according to that statement, he had obtained 124.5 hours of Category I credit during that period. Dr. Burdge noted that he believes that they had erroneously credited him with fifty-two hours of Category I credit for self-directed learning. Nevertheless, Dr. Burdge stated that, even subtracting those hours, his total is "well in excess of their minimum." (Resp. Ex. B; Tr. at 32-33)

Dr. Burdge also provided written confirmation from the ASPS of his CME attendance for the last ten years. Dr. Burdge testified that that document shows that he has obtained 301 hours of Category I CME credit during that period. Dr. Burdge testified that, on average, this exceeds by fifty percent the requirements of both the Board and the ASPS. Accordingly, Dr. Burdge testified that this demonstrates "a pattern here of not just meeting but exceeding" the CME requirements of the Board. (Resp. Ex. A; Tr. at 31) [Note that this document contains the same error whereby Dr. Burdge was credited with fifty-two Category I credit hours for self-directed learning, which probably belong in Category II.

Nevertheless, subtracting those hours still leaves Dr. Burdge with an average of 24.9 hours of Category I credit per year. (Resp. Ex. A)]

10. Dr. Burdge's CME Statement from the ASPS indicates that he has obtained fifty-one hours of Category I CME credit since April 2003. Dr. Burdge agreed that the Board may take from those the 14.5 hours necessary to make up for his 2001–2003 CME shortfall. (Resp. Ex. B; Tr. at 33-35)
11. Dr. Burdge testified that, in the future, he will keep much closer track of the CME credits that he is required by the Board to obtain. (Tr. at 34)

FINDINGS OF FACT

1. In applying for registration of his certificate to practice medicine and surgery for the July 2, 2003, through July 1, 2005, period, Jeremy John Burdge, M.D., certified that he had completed or would complete during the 2001–2003 period (April 2, 2001, through April 1, 2003) the requisite hours of Continuing Medical Education [CME] as required by Section 4731.281, Ohio Revised Code.
2. By a certified mail letter dated October 16, 2003, the Board informed Dr. Burdge that he was required to complete and submit a log demonstrating that he had completed at least one hundred hours of CME credit during the 2001–2003 period, and to provide documentation that he had completed at least forty hours of Category I CME credit. Dr. Burdge responded by returning a CME log in which he claimed that he had obtained 37.5 hours of Category I CME during the 2001–2003 period. However, in an accompanying letter dated November 13, 2003, Dr. Burdge acknowledged that, of the hours claimed, twelve hours had been obtained after the CME cycle had ended. Accordingly, Dr. Burdge provided documentation of only 25.5 hours of Category I CME credit during the 2001–2003 period.
3. Dr. Burdge admitted in his November 13, 2003, letter that he had failed to obtain forty hours of Category I CME during the applicable time period.

CONCLUSIONS OF LAW

The failure of Jeremy John Burdge, M.D., to obtain the requisite CME credit, and/or to submit documentation of same, as set forth 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 Rule 4731-10-03, Ohio Administrative Code, as in effect prior to February 28, 2003.

PROPOSED ORDER

It is hereby ORDERED that:

1. **REPRIMAND:** Jeremy John Burdge, M.D., is REPRIMANDED.
2. **FINE:** Dr. Burdge shall pay a FINE of \$1,000.00 to the State Medical Board of Ohio. This fine shall be paid no later than thirty days after the effective date of this Order.
3. **DOCUMENTATION OF CME:** Dr. Burdge shall supply documentation acceptable to the Board of satisfactory completion of the requisite number of CME credits for the 2003–2005 CME acquisition period. These CME credits shall be in addition to 14.5 of the Category I CME credits that Dr. Burdge has already completed during the 2003–2005 period and which have been accredited to the 2001–2003 CME acquisition period. Moreover, Dr. Burdge shall supply documentation acceptable to the Board of satisfactory completion of the requisite number of CME credits 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 acquisition period, unless otherwise determined by the Board.
4. **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. Burdge 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. Burdge 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.
5. **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. Burdge 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. Burdge shall also provide a copy of this Order by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration of any professional license. Further, Dr. Burdge 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.
6. **VIOLATION OF ORDER:** If Dr. Burdge 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.

A handwritten signature in black ink, appearing to read 'R. Gregory Porter', written over a horizontal line.

R. Gregory Porter, Esq.
Hearing Examiner



State Medical Board of Ohio

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EXCERPT FROM THE DRAFT MINUTES OF JULY 14, 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: Jeremy Amps, M.D.; Robert A. Berkman, M.D.; Jeremy John Burdge, M.D.; David A. Hoxie, M.D.; Jeffrey Thomas Jones, P.A.; Tom Reutti Starr, M.D.; and Karen Ann Vossler, M.T. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- 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:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- 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.

.....
DR. KUMAR MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF JEREMY JOHN BURDGE, M.D. DR. STEINBERGH SECONDED THE MOTION.
.....

A vote was taken on Dr. Kumar's motion to approve and confirm:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Bhati	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye
	Dr. Garg	- nay
	Dr. Steinbergh	- 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/

February 11, 2004

Jeremy John Burdge, M.D.
3789 Cemetery Road
Hilliard, OH 43026

Dear Doctor Burdge:

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 July 2, 2003 – July 1, 2005 period, you certified that you had completed or would complete during the 2001 – 2003 period (April 2, 2001 – April 1, 2003) 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 October 16, 2003, the Board informed you that you were required to complete and submit a log demonstrating that you had completed at least 100 hours of CME during the 2001 - 2003 period and to provide documentation that you had actually completed at least 40 hours of Category I CME credits. You responded to the Board by letter dated November 13, 2003, in which you claimed that you had obtained 37.5 hours of Category I CME during the 2001 – 2003 period. However, you acknowledged that of the hours claimed, 12 hours were obtained after the CME cycle ended. You provided documentation of only 25.5 hours of Category I CME during the 2001 – 2003 period.
- (3) You admitted in your letter of November 13, 2003, that you failed to obtain 40 hours of Category I CME during the applicable time period.

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,

Mailed 2-12-04

Ohio Revised Code, and Rule 4731-10-03, Ohio Administrative Code, as in effect prior to February 28, 2003.

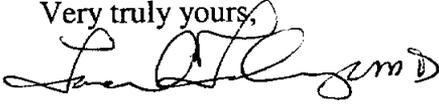
Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this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

Copies of the applicable sections are enclosed for your information.

Very truly yours,

Lance A. Talmage, M.D.
Secretary

Enclosures

CERTIFIED MAIL #7000 0600 0024 5149 5100
RETURN RECEIPT REQUESTED